



VIA EMAIL ONLY

PRISON LAW OFFICE
General Delivery, San Quentin, CA 94964
Telephone (510) 280-2621 • Fax (510) 280-2704
www.prisonlaw.com

Director:
Donald Specter

Managing Attorney:
Sara Norman

Staff Attorneys:
Rana Anabtawi
Steven Fama
Alison Hardy
Corene Kendrick
Margot Mendelson
Millard Murphy
Lynn Wu

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Ms. Russa Boyd, Attorney III
CDCR Office of Legal Affairs
Russa.Boyd@cdcr.ca.gov

Mr. Ed Swanson, Esq.
Armstrong Court Expert
eswanson@swansonmcnamara.com

RE: *Armstrong v. Brown*
Report on Central California Women's Facility

Dear Ms. Boyd and Mr. Swanson:

Enclosed is the Prison Law Office's summary report of our findings from the parties' joint interviews of prisoners at CCWF that were conducted on June 20-29, 2016. All names have been redacted from the report.

Thank you for your attention to this matter.

Sincerely yours,

/s/ Corene Kendrick

Corene Kendrick, Staff Attorney

cc: Plaintiffs' Counsel
Russa Boyd, Andrea Moon, Wendy Locke, OLA
Danielle O'Bannon, Bryan Kao, Sharon Garske, Janet Chen, Attorney General's Office
Vince Cullen, Cathy Etchebehere, Sadie Richmond, CAMU
Lori Zamora, Lois Welch, OACC
John Dovey, Evelyn Matteucci, Donald Meier, CCHCS

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Central California Women’s Facility (CCWF)
Report by the Prison Law Office
August 19, 2016

INTRODUCTION

From the very top of its former management, CCWF has incubated an institutional culture that permits, condones, and covers up abuse; that allows staff to retaliate against prisoners seeking assistance; and that prevents prisoners from seeking help from entities outside the institution. This corrosive atmosphere of fear and violence stems from a widespread failure of staff to perform the most basic requirements of their jobs. Staff do not treat prisoners with basic dignity as fellow human beings; staff verbally, sexually, and physically abuse or harass prisoners; staff do not protect prisoners from violence by other prisoners and fail to report and prevent violence from occurring again; staff do not properly or completely investigate all allegations of mistreatment. Staff’s failure to do their jobs has led to widespread and open use and distribution of drugs in the prison.

On June 20-29, 2016, teams from the Prison Law Office, with CDCR officials and attorneys, conducted interviews with more than 130 CCWF prisoners whose names were randomly selected by CDCR to obtain a statistically significant sample of interviewees.¹ These were structured interviews, using a questionnaire developed by CDCR and reviewed by the Prison Law Office. Their purpose was to investigate allegations of *Armstrong* violations and other abuse identified during Plaintiffs’ counsel’s May 2016 monitoring tour. Some of the randomly-selected CCWF prisoners were *Armstrong*, *Coleman*, or *Clark* class members, and a majority did not have previous contact with the Prison Law Office.² The *Armstrong* Court Expert, Ed Swanson, attended and observed one day of interviews. One team subsequently interviewed prisoners on the list who had transferred to Folsom Women’s Facility (FWF) [2 prisoners] and California Institution for Women (CIW) [3 prisoners].

Since at least June 2012, the Prison Law Office has reported CCWF is violating the rights of *Armstrong* class members. The court orders and remedial plan require prison staff to provide reasonable accommodations to people with disabilities. For the remedial plan to be effective, prisoners must be able to ask staff for assistance, and staff must respond appropriately. Prisoners at CCWF cannot effectively seek disability accommodations because of the longstanding and deeply rooted culture of apathy, abuse, and retaliation; the pervasive atmosphere of violence and misogyny; and a failure to hold staff accountable for serious and harmful misconduct.

¹ Approximately 150 names were selected, but some prisoners refused to be interviewed, were out to court or out to the hospital, had paroled, or had transferred to other CDCR institutions and camps for women.

² The Prison Law Office is counsel of record in *Armstrong*, *Coleman*, and *Clark*.

This report, issued pursuant to the Prison Law Office's *Armstrong* reporting obligations, provides key accounts that illustrate the systemic problems identified in the joint June 2016 interviews. The accounts of the prisoners randomly interviewed in June by the CDCR/PLO teams echo what Plaintiffs' counsel heard during the May 2016 monitoring tour. Many of the same names of staff (and behaviors) detailed in our May 2016 report were repeated in the joint CDCR/PLO interviews. This is not a situation of "a few bad apples" causing a problem, but rather pervasive indifference toward prisoners, including prisoners with disabilities. The main systemic findings are as follow:

- The existing monitoring or accountability structures fail to identify or prevent abuse and retaliation. Several prisoners described the facility's Investigative Services Unit (ISU) investigations that were inadequate, or were closed after prisoners were pressured to recant allegations against staff.
- Prisoners face retaliation for using the appeals process to report a problem, to request assistance, or to ask for help or protection.
- Custody staff ignore pleas for protection and ignore or do not stop fights between prisoners. Elderly and disabled prisoners are often targets of violence due to their vulnerabilities.
- Officers are indifferent to needs of prisoners with disabilities, and they verbally taunt and at times, physically abuse them.
- Custody staff commonly facilitate and instigate violence among prisoners, especially between girlfriends or among roommates. Extensive overcrowding increases the tension among roommates. Many prisoners reported eight persons living in a rooms designed for four to six persons.³
- Officers use excessive and/or unnecessary force on prisoners.
- Staff physically and sexually abuse, harass, and threaten prisoners.
- Custody staff perpetuate a culture of bigotry, sexual harassment and casual misogyny addressing women not by their names, but as "bitches," "hos," or "whores," or with racial epithets.

Sadly, many women are resigned to and normalize the misogyny, retaliation, and abuse, due to personal histories of trauma and childhood or intimate abuse. Far too many officers exploit their positions of power over vulnerable prisoners. Many of the prisoners interviewed stated that they realized in the course of speaking with us that they did not consider the treatment to be abnormal or unusual because they were so used to being treated poorly. We explained to several women that no consensual sexual relationship can exist between a prisoner and prison staff, and that prisoners should not blame

³ The CDCR weekly population report for June 22, 2016 showed CCWF's design capacity of 2,004 actually housing 2,869 inmates, or 143.2% of capacity. See http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/WeeklyWed/TPOP1A/TPOP1Ad160622.pdf at 2.

themselves for not objecting to sexual comments or touching, or for not saying “no” or physically resisting sexual contact.

Many prisoners reported there are good staff and officers at the institution, but that these employees are outnumbered and overwhelmed by the toxic environment at the prison, with high rates of absenteeism, disability leave, and requests to transfer to different institutions or off certain yards.

Finally, instead of taking steps to remedy allegations of abuse or retaliation, high-level prison officials including the former warden allegedly prevented violations of prisoners’ rights from coming to light. Shockingly, while the joint interview teams were at the institution in late June, the then-warden herself visited the interview location and according to the prisoner waiting to speak with the CDCR/PLO team, made intimidating comments towards the prisoner. Another prisoner reported that a captain told her “I’m going to get you” immediately before her interview with the CDCR/PLO team. CCWF will never be able to comply with the *Armstrong* court orders until CDCR ends the culture of abuse by disciplining its perpetrators, and implementing structures that will ensure lasting change and accountability.

This report summarizes key findings from the joint interviews, and concludes with the Prison Law Office’s demands for how CDCR must address the identified problems and to transform the culture of the institution.

I. Lack of Accountability

Prisoners reported an environment where staff are not held accountable for their mistreatment of prisoners. It appeared that institution staff from the highest levels of management and the ISU intimidate prisoners so that they do not speak out about the problems they experience. The interviews revealed nine separate incidents where prisoners alleged they were threatened with retribution after they filed staff complaints.

For example, one prisoner filed a staff complaint regarding a sergeant and an officer who slammed her into a wall and called her “bitch.” She reported that she was pressured by the ISU lieutenant into recanting her story, and was told by the sergeant who assaulted her that “time here can be easy or hard and they’re going to believe me.”

A second prisoner who was the victim/witness of inappropriate physical contact at Folsom, and who subsequently was transferred to CCWF, reported that CCWF staff seemed to know about the ongoing Folsom ISU investigation into that officer. She alleged that CCWF staff treated her disrespectfully for cooperating with the Folsom investigation, and acted as if she were sexually promiscuous and made sexual comments to her.

A third prisoner who was forced into a sexual relationship by a male officer described the a Prison Rape Elimination Act (PREA) investigation in which percipient witnesses were not interviewed, the ISU officer instructed health care staff to not perform a rape kit on her, and the investigation found that the allegations was not true despite physical evidence that corroborated the relationship and showed that the officer was smuggling contraband, including liquor, into the institution.

II. Culture of Retaliation

Prisoners from all yards reported an intimidating culture of retaliation, where they are too scared to file requests for accommodation or 602 appeals because of the repercussions they will suffer. It is a pervasive practice at CCWF that a prisoner asking for assistance or filing a staff complaint will suffer retaliation. The most common form of retaliation is for staff to perform searches in which they search or “toss” an entire room, or hallway of rooms, destroying and damaging personal items, and then informing the other prisoners that it is the fault of the person who complained. One prisoner described the searches as looking “like a tornado hit” the room.

We heard more than 50 accounts of prisoners who are too scared to file appeals, or who experienced retaliation in response to requests for help. Representative examples include:

- Jane Doe 3, an *Armstrong* class member who uses a wheelchair, said staff retaliate against prisoners who file appeals, especially when they relate to ADA issues. She said that about a year and a half ago she heard Officer C direct a maintenance staff person to cut the lock off of the ADA appeals box in Building 505 and replace it with a lock that custody officers could access, which he did. Another wheelchair-user said that Officer C reads 602s that are put in the boxes and retaliates against prisoners who filed the 602s.
- Jane Doe 17 said that the ombudsman box is out in the open by canteen. Nobody will go there in the daytime for fear of being seen using it.
- Jane Doe 37 reported that when prisoners file 602s, their rooms are trashed in retaliation. Officers announce over the intercom, “Do you smell cheese? We have a rat in the building.”
- Jane Doe 5 reported that Officer B allowed someone into Unit 508 and into her room to beat her up a month-and-a-half ago. She told Officer B that she would submit a 602 about the incident. He retaliated by trashing her room and telling her cellmates that the search was Jane Doe 5’s fault.
- Jane Doe 9, a *Coleman* class member, said that she has never filed a 602 because she would experience retaliation. “We’re afraid to say something because we know what’s going to happen,” she said.
- Jane Doe 13 reported that officers in Unit 502 refuse to give women tampons or menstrual pads when requested, in retaliation for filing 602s.

- Jane Doe 36, a *Coleman* class member, told us, “I am not comfortable in my own skin because I’m afraid.” She said that she had been sexually harassed and hit on by other prisoners but that she is afraid to file appeals about it because “clerks see what gets filed,” the clerks tell staff, who then retaliate.

III. Failure to Protect Vulnerable Prisoners

The failure of custody staff to properly supervise prisoners incites and encourages violence, and results in widespread rampant use of drugs. Practically every prisoner interviewed reported that staff failed to patrol the yard and housing units, and respond to threats of violence by telling prisoners to “work it out.” Prisoners agreed that the vast majority of the violence is either drug related or related to intimate relationships. Many prisoners said that if staff bother to respond to fights, it is done slowly. They reported that officers will watch the fights and allow them to continue, or see if the fight would end on its own accord, before taking any action.

During our visit, multiple prisoners reported their units were on “modified program” for multiple days “because Sacramento is here” and that unnecessary lockdowns are common.

Multiple prisoners reported that inmates openly use drugs – including drinking, smoking, snorting, and shooting up – out on the yards and the day rooms, because staff do not patrol, or they look the other way. While walking to a housing unit on B yard on the last day we were at the prison, we observed a group of about five or six women who were visibly intoxicated on one of the yards. The only officer present on the yard was sitting under a tree at the far end of the yard, far from this group of prisoners.

One of the sergeants escorting us told us that he had learned a few months ago that an elderly *Armstrong* class member had been assaulted by other prisoners for turning on the television in the day room. When asked if the assault was investigated to identify the assailants, the sergeant was unable to answer the question.

We heard more than 200 incidents of staff apathy and violence, including more than 30 accounts about prisoners with disabilities. Some illustrative accounts include:

- Jane Doe 28 explained that when fights break out on the yard, custody officers take their “sweet time” in responding or just watch the fights. She said she had a roommate who got beat up with a lock in a glove.
- Jane Doe 30 said that when women fight with one another, officers won’t break it up; they’ll watch for a while before using pepper spray. She has seen officers rehouse women with their assailants, or move somebody briefly, only to later rehouse her with her assailant. She said, “I’ve never seen people with so many black eyes.”

- Jane Doe 14 reported that her roommate, Jane Doe 33, who is incontinent and uses a wheelchair, has been assaulted 3-4 times by their other roommates, yet officers remain indifferent. Because those roommates are “tweaked out” on meth, Jane Doe 14 said they are “extremely violent.” Once, she banged on the locked dorm door during an assault and custody staff failed to come and help. She said officers refuse to move the troublemakers in her room. They tell her that she and Jane Doe 33 must get permission from other prisoners in another cell if they want to move out. Officers mock disabled prisoners, joke and say things like, “You can handle it.” There is “no safe territory” for elderly prisoners who cannot protect themselves.
- Jane Doe 5 said that she heard Officer O tell prisoners that they had “five minutes” to fight.
- Jane Doe 7, a *Coleman* class member, reported that developmentally disabled prisoners do not receive the extra help or protection that they require from staff that are required under the *Clark* case. Staff refused to take a developmentally disabled prisoner to canteen, and officers did nothing to help another developmentally disabled prisoner who was threatened by roommates who were stealing her property. Jane Doe 7 said that the violence at CCWF “scares the life out of me.” She said that about a month prior, her roommate was choking her. She called for help. Officer U told her “This is a room issue, deal with it yourself.”
- Jane Doe 15 said that the Hoover Gang has taken over Unit 507 and engages in constant violence. She said there are about 15 gang members on the unit, who among other things, slash women with razors while they are in bed.

IV. Staff Incite Violence and Conflict Among Prisoners

The interview teams repeatedly heard prisoners describe staff as “messy” – which means that the staff instigate violence among the prisoners. They do this by setting up prisoners who complain. Officers facilitate violence by letting assailants into buildings or rooms to fight and commit violence. Staff also “stir the pot” by spreading gossip to create jealousy among domestic relationships. The interviews revealed at least 60 accounts of staff being “messy”.

- Jane Doe 19 reported that the day prior to the interview (6/22/16) she witnessed Officer Q let 8-10 prisoners into Unit 511 to fight in a room, and then let them out. The night prior to the interview a prisoner was moved into 511 and she overheard Officer W say, “I hope her ass gets whooped.”
- Jane Doe 20 said that Lt. F pays a prisoner to beat up other prisoners. She explained that custody officers blackmail prisoners into doing their dirty work (“They hold dirt over them”).
- Jane Doe 38 reported that when she was in reception at CCWF in Unit 501, there was a woman in her room who was mentally unstable and had major hygiene problems. She and her other roommates went to Officer L, Officer G, and the

second and third watch sergeants and lieutenants over a three week period to complain about this seriously mentally ill individual and to request she be moved out of their room. She said that Officers L and G told the prisoners “You know how to handle this” which they interpreted to mean that they would have to physically assault the prisoner in order to get her moved. A fight occurred in the room, but the officer did not respond until the fight was over. Only then was the mentally ill woman moved.

- Jane Doe 18 reported that staff will protect certain prisoners from discipline. “If you’re cool with the CO they’ll warn you before room searches and won’t touch your stuff while they’re conducting them.”
- Jane Doe 35 reported that in Unit 502 about six weeks prior to the interview, she heard an officer announce over the PA system that phones were cut off. He named a prisoner as “responsible.” This prisoner had a black eye the next morning.

V. Excessive Force and Physical Violence by Staff

The interview teams heard dozens of accounts of staff using excessive force on prisoners, physically assaulting women, or threatening them with violence. Prisoners we interviewed described witnessing officers slamming other women against the wall and on the ground for no reason, dragging them around by cuffs, beating them with batons or fists, and emptying cans of pepper spray on the prisoners.

- Jane Doe 8 reported witnessing five officers pepper spray two women so badly that liquid was dripping off of them like they were soaking wet. She also said that staff make women who have been sprayed “decontaminate” in their rooms, which exposes roommates to the chemicals.
- Jane Doe 17 reported that about two months ago she witnessed a prisoner in room 17 of Unit 514, yelling and screaming in her room as if she was having a mental health breakdown. An officer ignored the woman’s cries and said, “I’m eating. If I come down there they won’t like it.” When the screaming continued, the officer got up, went to the room, threw a flashbomb in there, and closed and locked the door. Smoke filtered through the door; people in the dayroom were coughing. The screaming woman, along with three innocent bystanders in her dorm room, were trapped in the room with the smoke.
- Jane Doe 32 reported that staff continue pepper spraying women after their fight is over. She has seen staff empty two cans in a woman’s face.
- Jane Doe 10 said the Saturday prior to the interview (6/18/16) she saw Officer M threaten to spray a woman and begin to shake up the spray can because the prisoner did not have her ID card.
- Jane Doe 23 reported Officer R is particularly abusive to prisoners. He once pepper-sprayed an open dayroom; he recently hit a woman with his tricycle because she was in his way.

- Jane Doe 22 said she saw Officer R assault Jane Doe 27 for no reason after she brought him a plate of food at his request. Jane Doe 27 sustained injuries to her face and was sent to Ad Seg for assaulting Officer R.

VI. Sexual Harassment and Assault; Inappropriate Behavior in Body Searches and UAs

We heard multiple accounts of staff either having sexual relations with prisoners, or engaging in sexual harassment and innuendos. Prisoners who engage in sexual activity with custody or free staff are rewarded with contraband including cigarettes, perfume, make up, jewelry, cell phones, alcohol, and drugs. These prisoners also get more out-of-cell time and phone calls. We also heard about inappropriately intrusive body searches and urinalysis examinations. Many of the officers who were identified in our May 2016 Armstrong tour report were again named by the random interviewees. We heard more than 80 examples of this conduct.

- Multiple prisoners confirmed the past existence of the sexual relationship between Officer S and a prisoner, the subject of the bungled investigation described above in Part I.
- Jane Doe 24 said that about 4-5 days prior to the interview, Officer H called her into the office over the intercom. When she came to the office, he asked her when she would be released, and said, “I wouldn’t mind fucking you for a week. I wouldn’t mind trying it out. You have a nice personality.”
- Multiple prisoners reported that Officer E demands that prisoners pull out their waist bands and lift up shirts so he can “inspect” the women’s clothes and look up their shirts and down their pants. Prisoners must pass this gauntlet in order to get to the programming areas; some prisoners skip going to their programs and meetings when he is working.
- Jane Doe 2 spoke of a female officer who conducts “demoralizing and humiliating” pat searches in front of male officers. During the pat searches the officer gropes the prisoners’ genitals and breasts.
- Jane Doe 24 reported that Officer O allows women to get drunk in his presence. In Unit 507, he was watching women strip, standing in front of the window to the room. There was a party in 507 a couple of weeks ago. Women were naked and dancing; Officer O stood and watched.
- Jane Doe 11 reported that Officer P walks up and down the halls flirting with the women, making comments such as, “oooh you look sexy, “step into my cop shop,” “can you turn around for me?,” “can you bend over?,” and “you’re beautiful, when are you going home?”
- Jane Doe 5 heard Officer B tell a woman in her unit, “I want to fuck you.”
- Jane Doe 37 reported that when officers conduct urinalysis tests, prisoners are made to strip out. Officer I does not let prisoners put their shirts back on when they squat to urinate. If the prisoner cannot urinate, they are made to sit and wait,

and then strip out again. Jane Doe 37 reported being humiliated when she was ordered to strip out repeatedly for a UA when she was sick and had diarrhea and couldn't urinate without contaminating the urine sample with feces. Officers N and I were laughing at her because every time she spread her legs and coughed as they ordered her to do, she involuntarily defecated. She reported that her experiences of childhood abuse make it hard for her to be naked. Jane Doe 37 was sexually abused as a child, and UAs are a triggering and traumatic experience.

- Jane Doe 4 reported that Officer J makes women strip completely naked for the duration of a UA.
- Jane Doe 32, who is gay, has multiple UA refusals on her record. When asked why she is refusing, she said she refuses when she sees they will be conducted by Officer J. Officer J tells the women to “open up” their vaginas when urinating for the test. No other officer does this.
- Jane Doe 18 reported that when UAs are conducted in the restroom or dayroom of Unit 510, sometimes male staff are able to observe the prisoners through an open door. “Sometimes I have to go somewhere else in my head or I’ll flip out.”

VII. Verbal Abuse and Bigotry

In our May 2016 tour report at page 5, we wrote that

All prisoners we interviewed reported a culture of casual misogyny, where staff call them not by their names but instead address them as “bitch,” “ho,” or “whore,” and almost all described a sexualized and juvenile atmosphere where male staff make sexually harassing comments to the female prisoners (and upon occasion to female officers). LGBT prisoners reported hateful and ignorant verbal abuse and physical abuse related to their sexual orientation and/or gender identity.

During the joint interviews, we heard the same refrain from the randomly selected prisoners. Prisoners reported almost universally that staff do not treat them with dignity or respect, that staff address prisoners collectively as “bitches,” make disparaging comments about prisoners’ appearance, that racist comments are addressed to prisoners of color, especially black inmates, and hateful comments are routinely made to lesbian and transgender prisoners.

- Jane Doe 1 said that staff “forgets that we’re human” and “talks to us like we’re dogs.” She said that she hears officers calling Hispanic prisoners “wetbacks.”
- Jane Doe 5 said “staff treat us like animals even when we are respectful.” Third watch building staff in particular call them names like “bitches,” “scum of the earth,” “pieces of shit.” Officer X called her “piece of shit.”
- Jane Doe 19 said staff use terms like “dyke,” “fat,” and “bitch” when referring to the prisoners.

- Jane Doe 6 reported that Officer V calls black women “changas” (Spanish for monkey).
- Jane Doe 34 reported that the staff say things like, “All these bitches always want something and walk around with their hands out.”
- Jane Doe 20 reported that staff call prisoners “nigger” and “cracker.” She said she heard Officer T call a woman “nigger bitch.”
- Jane Doe 24 reported that she had filed a staff complaint against Officers H and K in Unit 505 due to their abusive behavior. They accused her of having a sexual relationship with another prisoner, a black woman who had brought her soup while she was working the building where they were stationed. Among , “You think your husband would be OK with that black thing in your bed?” “I seen you out there with her clit down your throat.” “That black thing is not allowed in our building.” “Your husband is a cop, you should be ashamed hanging out with these black people.” She left her job as an ADA worker in 505 because of this abuse. Jane Doe 25, a prisoner who uses a wheelchair who is housed in 505, separately confirmed Jane Doe 24’s account.
- Jane Doe 26 said officers on B yard use racist terms like “betes” or “pica” for Latinas and “nigger” or “myate” for African American inmates.
- Jane Doe 29 reported that Officer A makes racist comments in Spanish about black prisoners and tells the Latina prisoners not to date black women.
- Jane Doe 31 described abusive comments directed toward transgender prisoners, such as “You think you’re a man, how about I beat you like a man?” She also reported that a transgender male prisoner suffers frequent verbal and physical abuse from the staff.
- A different female-to-male transgender prisoner reported to us that Officer D said to him, “Big dick meet little dick.”

CONCLUSION

We appreciate CDCR leadership’s attention and focus on the problems at CCWF, and for inviting us to work collaboratively in these joint interviews. We also recognize that the recent changes in leadership at CCWF (and CIW) are a first step at beginning to address the numerous problems that have been uncovered. However, the systemic patterns of abuse and misogyny are too widespread and longstanding to be remedied by personnel changes only at the very top, a few classes for custody staff about working with women prisoners or tolerance, or memos about culture change. As stated above, CDCR will not be able to come into compliance with the *Armstrong* court orders at CCWF so long as this toxic environment of retaliation, violence, verbal and physical abuse, and unaccountability continues to exist.

The Prison Law Office hopes to continue to work with CDCR in a collaborative fashion to root out the problems and transform the culture of the institution. However, such a culture change will not occur without immediate and sustained reforms to the prison's operation, and we demand that CDCR immediately implement the following changes:

- Put into effect an institution-wide gender responsive culture change. As described in our May 2016 *Armstrong* report, some officers refer to the training that has been provided to date as “Hug a ho class” – such a culture change must be profound and sustainable, and not a one-off training. We have spoken to correctional experts who have implemented such overhauls in women's prisons in other states, and we recommend that CDCR immediately retain The Moss Group, which currently is working with the U.S. Department of Justice in reforming Alabama's women's prison.
- Hire more female line staff; take steps similar to what the Washington Department of Corrections did for troubled women's prisons and designate 70% or more of housing unit staff positions to be only for women officers, and seek permission from the Equal Employment and Opportunity Commission to make sex a bona fide occupational qualification (BFOQ) that is reasonably necessary to the normal operation of the women's prisons. *See Teamsters Local Union No. 117 v. Washington Department of Corrections*, 789 F3d 979 (9th Cir. 2015).
- Reduce the overcrowding at the institution.
- Conduct an independent investigation of all allegations set forth in this report and that came to light in the joint interviews, and re-investigate the compromised ISU investigations, described in Part I above; and ensure that internal investigations are complete and thorough.
- Increase programming opportunities for prisoners to reduce idleness, violence, and drug abuse.
- Conduct more frequent random searches of staff to prevent drugs and alcohol from coming in to the institution.
- Hire additional sergeants for the yards.