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Your Responsibility When Using the Information Provided Below:

When putting this material together, we did our best to give you useful and accurate information because we know that prisoners often have trouble getting legal information and we cannot give specific advice to all prisoners who ask for it. The laws change often and can be looked at in different ways. We do not always have the resources to make changes to this material every time the law changes. If you use this pamphlet, it is your responsibility to make sure that the law has not changed and still applies to your situation. Most of the materials you need should be available in your institution’s law library.

SEXUAL ASSAULT AND HARASSMENT IN CALIFORNIA PRISONS
Updated April 2017

Sexual assault and sexual harassment can occur inside prison walls, just as on the outside. This letter will use the term “sexual abuse” to refer to all forms of sexual assault and harassment. Sexual abuse can be directed at male or female prisoners and committed by male or female prison staff or by other prisoners, can be explicit sex acts or other types of touchings, or can consist of verbal harassment or lewd gestures. It can be hard to report sexual abuse in prison, but prison staff and administrators can only punish a person who commits sexual abuse or protect a prisoner from future harm if they know about the problem. **Prisoners should immediately take action to report incidents of sexual abuse or danger of sexual abuse to prison officials, as discussed in Section II of this letter.**

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I. Prisoners' Rights Not to Be Sexually Abused and to Protection from Sexual Abuse

This section of the letter summarizes the laws that forbid sexual abuse of prisoners and require prison officials to protect prisoners from sexual abuse, the laws that require prisons to adopt and follow policies to prevent and investigate sexual abuse, and the laws that punish prison staff or prisoners who commit sexual abuse.

A. The U.S. Constitution and California Tort Laws

Under the Eighth Amendment to the U.S. Constitution, prisoners have a right to be free from cruel and unusual punishment. This includes a right to not be sexually abused by prison staff; rape, other types of sexual touching, verbal harassment, or lewd gestures might all qualify as unconstitutional sexual abuse.¹ A court will presume that the prisoner did not consent to sexual contact with staff, unless the state can show the conduct was not coercive.² If there is no apparent legitimate penological purpose for the conduct, a court will presume that the staffperson acted with an unconstitutional malicious and sadistic intent; however, the constitution is not violated if the staffperson was carrying out a legitimate penological purpose such as a justifiable patdown or strip search.³ To violate the constitution, the conduct must be so offensive to human dignity as to cause "sufficiently serious" physical or psychological harm.⁴

The Eighth Amendment also imposes duties upon prison staff to protect prisoners from sexual abuse by other prisoners. To violate the constitution, the prison staff's failure to protect a prisoner from sexual abuse must amount to "deliberate indifference" to a substantial risk of harm to the prisoner's health and safety.⁵ It is not required that the prisoner have been harmed already, so long as there is an unreasonable risk of serious harm in the future.⁶

Prison search and monitoring policies that are not justified by legitimate prison needs may be sexually abusive in violation of the U.S. Constitution's Fourth Amendment right to privacy and/or the Eighth Amendment right to be free from cruel and unusual punishment. For example, prisoners have a constitutional privacy right to be free from unrestricted exposure to

¹ *Schwenk v. Hartford* (9th Cir. 2000) 204 F.3d 1187, 1197-1198 (sexual harassment, demands for sexual acts, and attempted sodomy by officer); *Wood v. Beauclair* (9th Cir. 2012) 692 F.3d 1041, 1046-1051 (touching of genitalia, and giving examples of unconstitutional harassment).

² *Wood v. Beauclair* (9th Cir. 2012) 692 F.3d 1041, 1046-1049.

³ *Wood v. Beauclair* (9th Cir. 2012) 692 F.3d 1041, 1049-1050.

⁴ *Wood v. Beauclair* (9th Cir. 2012) 692 F.3d 1041, 1050-1051 (sexual harassment, demands for sexual acts, and attempted sodomy by officer were sufficiently serious to support constitutional claim); *Watson v. Carter* (9th Cir. 2012) 668 F.3d 1108, 1114 (no Eighth Amendment violation where officer entered cell while male prisoner on toilet and rubbed briefly against prisoner's thigh); *Austin v. Terhune* (9th Cir. 2004) 367 F.3d 1167, 1172 (no Eighth Amendment violation where officer in control booth displayed genitalia to male prisoner and made sexual comment).

⁵ *Farmer v. Brennan* (1994) 511 U.S. 825, 828 [114 S.Ct. 1970; 128 L.Ed.2d 811]; *Berg v. Kincheloe* (9th Cir. 1986) 794 F.2d 457, 459; see also *Davidson v. Cannon* (1986) 474 U.S. 344, 347-348 [106 S.Ct. 668; 88 L.Ed.2d 677] (Eighth Amendment not violated by negligence in failing to protect prisoner from assault).

⁶ *Helling v. McKinney* (1993) 509 U.S. 25, 33-34 [113 S.Ct. 2475; 125 L.Ed.2d 22]; *Berg v. Kincheloe* (9th Cir. 1986) 794 F.2d 457, 459.

the view of guards of the opposite sex.⁷ Also, a prison policy requiring male guards to conduct random, non-emergency clothed body searches that included kneading and rubbing the genitals and breasts of female prisoners was found to be cruel and unusual punishment.⁸ However, routine pat-down searches by guards of the opposite sex and infrequent casual observation of nude prisoners by guards of the opposite sex do not violate privacy rights.⁹

Even if the actions of prison staff do not violate the constitution, prisoners may be able to sue prison staff under state tort law for intentional harmful acts like sexual assaults or infliction of emotional distress by sexual harassment, or for negligence in failing to protect the prisoner from foreseeable sexual abuse by other prisoners.¹⁰

B. The Prison Rape Elimination Act (PREA) the Sexual Abuse in Detention Elimination Act (SADEA), CDCR Regulations, and CDCR Prison Rape Elimination Policy

There are federal and state laws and policies to protect prisoners from sexual abuse and to help prisoners who have been the victims of sexual abuse.

The federal Prison Rape Elimination Act (PREA) of 2003¹¹ required the U.S. Department of Justice to issue national standards to eliminate sexual abuse in detention facilities. The standards state that it is the responsibility of corrections agencies to protect prisoners from sexual abuse and require those agencies to have certain policies and procedures.¹² State and local detention agencies like the CDCR must be audited regularly and risk losing some of their federal funding if they do not comply with the standards.¹³

A few years later, California enacted the Sexual Abuse in Detention Elimination Act (SADEA). The SADEA requires the California Department of Corrections and Rehabilitation (CDCR) to have procedures to protect prisoners and juvenile wards from sexual abuse and to respond to reports of sexual abuse.¹⁴

The CDCR has regulations prohibiting staff “sexual misconduct.” Sexual misconduct includes offering benefits in exchange for sexual favors, making threats for refusal to engage in sexual behavior, engaging in sexual acts or contact, invasion of privacy beyond what is reasonably necessary to maintain safety and security, or making disrespectful, overly familiar, or

⁷ *Bowling v. Enomoto* (N.D. Cal. 1981) 514 F.Supp. 201, 204; see also *Lay v. Porker* (C.D. Cal. 2004) 371 F.Supp.2d 1159, 1164.

⁸ *Jordan v. Gardner* (9th Cir. 1993) 986 F.2d 1521, 1527.

⁹ *Grummett v. Rushen* (9th Cir. 1985) 779 F.2d 491, 492; *Somers v. Thurman* (9th Cir. 1997) 109 F.3d 614, 624.

¹⁰ See, e.g., *Giraldo v. CDCR* (2008) 168 Cal.App.4th 231, 245-253[85 Cal.Rptr.3d 371].

¹¹ Federal Prison Rape Elimination Act (PREA) of 2003, 42 U.S.C § 15601 et seq.

¹² See National Standards To Prevent, Detect, and Respond to Prison Rape, 28 CFR 115.5 et seq., available at www.federalregister.gov/a/2012-12427.

¹³ 42 U.S.C. § 15607(c).

¹⁴ Penal Code §§ 2635 et seq.

sexually threatening comments. Staff cannot claim that the prisoner consented to the sexual behavior.¹⁵

Further, the CDCR regulations on searches prohibit unclothed body searches by officers of the opposite sex, except in emergency conditions.¹⁶ Routine clothed inspections of male prisoners may be performed by staff of either sex, but clothed inspections of female prisoners must be performed by female staff except in emergency situations.¹⁷ The Department Operations Manual (DOM) also states that prisoners shall be allowed to shower, perform bodily functions, and change their clothing without non-medical staff of the opposite sex viewing their breast, buttocks or genitalia, except when incidental to routine cell checks or in exigent (urgent) circumstances. In addition, staff of the opposite sex are supposed to announce their presence when entering a housing unit at the beginning of a shift or when the status quo in the unit changes.¹⁸

As directed by the PREA and SADEA, the CDCR has also adopted a Prison Rape Elimination Policy, which is in the DOM at §§ 54050.1-54050.22. The policy states that CDCR shall have a “zero tolerance” for sexual violence, staff sexual misconduct and sexual harassment in all of its institutions, community correctional facilities, conservation camps and for all prisoners, parolees and wards.¹⁹ The policy sets forth guidelines for preventing, responding to, and investigating sexual assault and misconduct. This includes training staff and educating prisoners about sexual abuse prevention, reporting, and treatment.²⁰ Other specific provisions are discussed in Section II, below.

C. CDCR Disciplinary Regulations and California Criminal Laws

Prisoners who commit sexual assaults on other prisoner can be charged with serious prison disciplinary rule violations.²¹ Harassment of another person is also a serious disciplinary offense.²²

Rape and other types of forced or coerced sexual assaults are crimes under California law.²³ The criminal laws apply regardless of whether the person who commits the assault is a prisoner or prison employee. Moreover, a prisoner cannot lawfully consent to sex with a prison employee, so a prison employee who engages in sexual activity with a prisoner can be convicted

¹⁵ Cal. Code Regs., tit. 15, § 3401.5(a).

¹⁶ Cal. Code Regs., tit. 15, § 3287(b)(1) and (4); see also DOM § 54040.5 (requiring documentation of cross-gender strip searches and cavity searches).

¹⁷ Cal. Code Regs., tit. 15, § 3287 (b)(2) and (3); see also DOM § 54040.5 (requiring documentation of cross-gender pat searches of female prisoners).

¹⁸ DOM § 54040.4.

¹⁹ DOM § 54040.1.

²⁰ DOM § 54040.4.

²¹ Cal. Code Regs., tit. 15, § 3323(b)(5). Prisoners can also be subject to disciplinary rule violation charges if they engage in consensual sexual activity with another prisoner. Cal. Code Regs., tit. 15, §§ 3007, 3323 (g)(3).

²² Cal. Code Regs., tit. 15, § 3323(h)(11).

²³ See, e.g., Penal Code §§ 261, 286, 288a, 289. It is also crime for prisoners to commit certain sexual acts, even if the acts are consensual. Penal Code §§ 286(e) (sodomy in state prison) and 288a(e) (oral copulation in state prison).

of a crime, even if the activity was consensual.²⁴ To start a criminal prosecution, the sexual assault must be reported to the local District Attorney. The District Attorney will then decide whether to go ahead with criminal charges.

II. Immediate Actions to Protect Health and Safety

Prisoners who have suffered or believe they are likely to suffer sexual abuse by prison staff or other prisoners should take immediate action to protect their health and safety.

A. Reporting the Sexual Abuse

Prisoners should immediately report incidents of sexual abuse to a prison staffperson. The prisoner should provide as many details as possible, such as specific times, dates, places, and descriptions of the events. A prisoner can also ask family, friends, or an advocate to contact the prison officials about the situation. Prison officials will only take action if they receive specific allegations of abuse or detailed information about why a prisoner is in danger.

Furthermore, prison staff are supposed to intervene when a prisoner appears to be the target of sexual harassment.²⁵ Any staff who have information about sexual abuse must report it immediately and confidentially and assist the victim by referring him or her to medical/mental health for evaluation.²⁶

A victim may choose to keep his or her identity confidential when reporting sexual abuse.²⁷

Prison officials must investigate any report that a prisoner has been sexually abused and document the findings in writing.²⁸ In cases of rape, unlawful intercourse with a minor, sodomy, or forcible acts of sexual penetration, the victim has a right to have victim support advocates at the investigatory interview, unless this would cause a problem such as posing a security risk.²⁹

When the investigation is completed, the victim of sexual abuse should be told whether the investigators found the abuse allegation to be substantiated and if some type of action has been taken against the abuser.³⁰ If an investigation confirms that a staffperson sexually abused a prisoner, the staffperson must be terminated. Criminal sexual abuse by staff must also be reported to law enforcement authorities for possible prosecution.³¹ If an investigation confirms that a prisoner has sexually abused another prisoner, the abuser can be charged with a prison disciplinary violation and/or referred to law enforcement for criminal prosecution.³²

²⁴ Penal Code § 289.6; Cal. Code Regs., tit. 15, § 3401.5(a).

²⁵ Penal Code § 2636.(b).

²⁶ Cal. Code Regs., tit. 15, § 3401.5(c); DOM § 54040.7.

²⁷ Penal Code § 293(a) Cal. Code Regs., tit. 15, § 3401.5(d); DOM § 54040.8.1.

²⁸ Penal Code § 2639; DOM §§ 54040.7.1-54040.8.1 and 54040.12-12.2..

²⁹ Penal Code §§ 264.2 and 679.04; DOM § 54040.8.2.

³⁰ DOM 54040.12.5.

³¹ Penal Code § 2639(e); Cal. Code Regs., tit. 15, § 3401.5(b).

³² DOM § 54040.15.

B. Seeking Medical and Mental Health Care

A prisoner who has been sexually assaulted should seek immediate medical attention for health reasons and for collection of evidence to prove the assault happened. The prisoner should not shower until after a medical examination is performed because showering could wash away evidence. If possible, the prisoner should try not to use the restroom or drink liquids until after the examination. The prisoner should also keep and give the investigators any clothes or items that might have come into contact with the body fluids, skin, or hair of the person who committed the assault.

Prison medical staff should provide any emergency medical care needed by a prisoner who has been sexually assaulted.³³

For some types of sexual abuse, CDCR policy requires that forensic medical exams (a “SART” exam or “rape kit”) be conducted on both the victim and the person suspected of committing the abuse. In some cases, forensic medical exams may be conducted if recommended by a sexual assault medical professional. Whether forensic medical exams are required or recommended will depend on when the abuse happened (usually whether it was less than or more than 72 hours ago), whether there was physical contact, and whether there were explicit sexual acts.³⁴ Any forensic medical examination will be conducted by a doctor or nurse, either at the prison or an outside hospital. The doctor will interview the prisoner, do a physical exam, and take samples of hair, semen, and other fluids that may have been left by the person who committed the assault.³⁵ The prisoner has the right to have a support person, such as a friend, family member, or advocate, present at the examination unless that would cause a problem such as delay or a security risk.³⁶

Rape and sexual assaults can result in pregnancy. A female prisoner who has been raped or sexually assaulted in a manner that might cause pregnancy should ask for a pregnancy test. If pregnant, she should seek medical advice and counseling concerning whether to terminate the pregnancy or have the baby, and about placement or adoption of the baby after birth.³⁷

Male and female prisoners who have been sexually assaulted should ask to get tested for HIV and other sexually transmitted diseases.³⁸ Even if an HIV test is negative, a prisoner may want to request re-testing after six months have passed, since it may take that long for a detectable level of HIV antibodies to show up in the test. If a prisoner tests positive for any sexually-transmitted diseases, the prison staff should provide appropriate medical treatment.

³³ DOM § 54040.8.3.

³⁴ DOM §§ 54040.12.1-54040.12.2; see also DOM § 54040.11 (forensic medical exam procedures for suspect).

³⁵ DOM § 54040.9; see also Penal Code § 2638 (HIV prevention measures).

³⁶ DOM §§ 54040.8.2.

³⁷ DOM § 54050.9 (testing for pregnancy will be offered if appropriate) Penal Code § 3405 provides women prisoners the right to have abortions in accord with state law.

³⁸ DOM §§ 54040.8.3 and 54050.9 (prisoner who has been sexually assaulted will receive HIV/AIDS prophylactic measures and testing for sexually transmitted diseases); see also Penal Code § 2638 (HIV prevention measures).

Sexual abuse can cause serious emotional trauma. A prisoner who has been sexually abused and who wants emotional support should seek counseling from mental health staff, a religious advisor, or a volunteer or peer counselor. Prison mental health staff are supposed to evaluate victims of sexual violence or staff sexual misconduct immediately for possible suicide risk. They are also supposed to be aware of warning signs of post-trauma mental health problems and provide on-going mental health treatment and counseling as appropriate.³⁹ A prisoner is entitled to speak confidentially with a mental health counselor about sexual abuse. Prison staff are also supposed to provide a victim of sexual abuse with contact information for outside rape crisis services and victim advocacy organizations.⁴⁰

C. Seeking Protective Housing Placement

When a prisoner is the target of sexual assault or pressuring, he or she may want to try to get a change in housing for the purpose of protection. Prison staff have a responsibility to ensure safety of prisoners who are in danger of sexual abuse or who have been sexually abused.⁴¹ This includes making sure the victim is housed safely.⁴² It should also include monitoring to ensure that the victim is not being subjected to retaliation.⁴³ Staff are not supposed to retaliate against a prisoner who reports staff sexual abuse.⁴⁴

A prisoner may get immediate protection by asking for placement in Administrative Segregation on Non-Disciplinary Segregation (NDS) status. Administrative segregation is more restrictive than general population housing, but it may be necessary if you are being or will be harmed if you remain in your current housing. NDS is a type of administrative segregation for a prisoner who has immediate safety concerns that are not due to any misconduct by the prisoner, such as being the victim of sexual abuse.⁴⁵ An NDS prisoner stays in the privilege group to which he or she was assigned prior to being segregated,⁴⁶ which means that NDS prisoners may have some telephone access and may get more canteen purchases, personal property, and packages than other segregation prisoners. NDS prisoners may also participate in more programs, services, and activities than other segregation prisoners.⁴⁷ However, NDS prisoners are limited to non-contact visits.⁴⁸

Placement in administrative segregation is generally only a short-term solution. A prisoner may also request a longer-term housing change in an attempt to prevent further sexual abuse. The possibilities include:

³⁹ Penal Code § 2638(d); DOM § 54040.10.

⁴⁰ DOM § 54040.18.

⁴¹ Penal Code §§ 2636(a)-(b) and 2637(a); DOM §§ 54040.6-54040.7.

⁴² DOM §§ 54040.14-54040.14.1.

⁴³ DOM § 54040.13.

⁴⁴ Cal. Code Regs., tit. 15, § 3401.5(f).

⁴⁵ Penal Code § 2637(b); Cal. Code Regs., tit. 15, § 3335(a); DOM § 54040.14-54040.14.1.

⁴⁶ Cal. Code Regs., tit. 15, § 3044(c)(6)(A).

⁴⁷ 15 CCR § 3044(c)(6)(A) and (d)-(e); 15 CCR § 3190(c).

⁴⁸ Cal. Code Regs., tit. 15, § 3044 (d)(2)(B) and (e)(2)(B).

- Single Cell Status -- sometimes placing a prisoner in a single cell may significantly reduce the risk of sexual abuse.⁴⁹
- Transfer to Another Facility – If a prisoner has a safety problem with a specific prisoner or staff member, then the prisoner might want to request transfer to another prison. Transfer to another prison may also help a prisoner who has had problems at one prison, but is able to start over and program successfully at a different prison.
- Sensitive Needs Yard (SNY) – The CDCR has “sensitive needs yards” (SNYs), sometimes also called “soft yards.” These are facilities that house prisoners with safety concerns in conditions similar to a general population facility, with some additional safety procedures. SNYs are generally considered to be less dangerous than general population yards.
- Protective Housing Unit (PHU) – The Protective Housing Unit (PHU) at CSP–Corcoran houses only a very small number of male prisoners with extreme security concerns. There are strict criteria on what sort of prisoners can be considered for PHU placement.⁵⁰ Although PHU involves strict security, PHU prisoners (unlike ASU prisoners) may get job assignments and greater privileges.

III. Further Actions to Get Protection or Address Past Misconduct

If the prison staff do not respond appropriately to complaints of past or threatened sexual abuse, there are three types of legal actions a prisoner can take. The following sub-sections summarize those types of actions.

A. Filing an Administrative Appeal

If prison officials do not properly respond to a prisoner’s complaints about a sexual assault or harassment, a prisoner should file an administrative appeal using a CDCR 602 form. If prison staff do not provide an appropriate forensic medical examination or satisfactory medical or mental health care after an assault, the prisoner should file a CDCR 602-HC health care administrative appeal. Also a claim about sexual misconduct by health care staff should be filed on a 602-HC.

If a safety or medical issue needs urgent attention, the prisoner should ask for emergency processing by writing “emergency appeal” at the top of the administrative appeal form.

A few special rules apply to certain administrative appeals concerning sexual abuse. Most importantly, there are *no* time limits for filing an administrative appeal alleging sexual violence or staff sexual misconduct.⁵¹ Also, a prisoner is not required to seek informal resolution or file a CDCR Form 22 Inmate/Parolee Request for Interview, Item or Service before filing a

⁴⁹ See DOM § 54040.6

⁵⁰ Cal. Code Regs., tit. 15, § 3341.5(a).

⁵¹ 15 CCR § 3084.8(b)(4).

602 about staff misconduct.⁵² However, any staff misconduct complaint involving a correctional officer, the prisoner must fill out and attach a CDCR Form 1858 Rights and Responsibilities Statement when submitting the 602.⁵³

The Prison Law Office has a free manual with more information on how to file and pursue administrative appeals. The manual can be requested by writing to the Prison Law Office. It is also available on the Resources page at www.prisonlaw.com.

It is very important for a prisoner to file administrative appeals and keep re-submitting it through the highest level necessary when prison officials do not respond appropriately to complaints about sexual abuse. An administrative appeal can be the fastest and most reliable way to get prison officials to act. Also, a prisoner will usually be required to complete an administrative appeal (or at least make best efforts to do so) before taking other types of actions to address the problem or get compensation for past injuries. Other agency investigators and the courts may refuse to address a prisoner's claims if the prisoner has not "exhausted administrative remedies" by completing the CDCR 602 or CDCR 602-HC process.

B. Asking for Other Types of Assistance or Investigations

If prison staff do not respond adequately to an administrative appeal, are some other administrative offices that can assist prisoners with sexual abuse problems, investigate sexual abuse, or review the mishandling of sexual abuse investigations. These include:

- The Office of the Inspector General (OIG): This is an independent state agency that investigates problems in the California correctional system. One part of the OIG is the Office of the Sexual Abuse in Detention Elimination Ombudsperson, which reviews how CDCR handles complaints about sexual abuse. Prisoners can write confidential letters about sexual abuse to the OIG Ombudsperson, who has the authority to inspect the prisons and interview prisoners. Upon request by the victim of sexual abuse, the OIG will investigate whether the CDCR is mishandling an incident of sexual abuse, maintaining the prisoner's confidentiality.⁵⁴ A prisoner may send confidential letters regarding sexual abuse to the following address: Office of the Inspector General, PREA Ombudsperson, 1011 Old Placerville Road, Suite 110, Sacramento, CA 95827. The OIG phone number is (800) 700-5952 and the fax number is (916) 928-5974. The OIG website also has information and forms for submitting complaints on-line: www.oig.ca.gov.
- The CDCR Office of the Ombudsman: This office cannot and does not conduct investigations of staff misconduct. However, it can work as an intermediary to provide prisoners with prisoners and their families, friends, and advocates with a confidential avenue to address complaints and resolve issues. Prisoners can send a Request for Interview Form addressed to the Ombudsman in a U Save 'Em envelope. The main

⁵² See DOM § 54100.8.

⁵³ 15 CCR §3084.9(i) and § 3391(c)-(d); DOM §§ 54100.25.1-54100.25.5; Penal Code § 148.6.

⁵⁴ Penal Code § 2641; See also DOM § 54040.16 (all CDCR sexual abuse investigation reports are sent to OIG).

Ombudsman's office is at 1515 S Street, Room 311 South, Sacramento, CA 95811, phone number (916) 445-1773; fax number (916) 324-8263. There are also Ombudsmen's offices at several of the prisons. Additional information is available on the CDCR website at www.cdcr.ca.gov/Ombuds/.

- The CDCR Office of Internal Affairs (OIA): This is CDCR's internal division for investigation of staff misconduct and other prison problems. Anyone can request an investigation about something that happened to a prisoner by writing to the OIA. The address is Office of Internal Affairs, P.O. Box 3009, Sacramento, CA 95812 and the phone number is (916) 464-3805.

C. Filing a Lawsuit in Court

Prisoners can file court actions to force prison officials to do something or stop doing something (called "injunctive relief"). For example, a prisoner could request that prison officials transfer the prisoner to different housing to prevent future sexual abuse, provide medical or mental health care for past sexual abuse, follow its procedures for investigating sexual abuse, or take action to punish a prisoner or staff member who committed sexual abuse. A prisoner can also ask a court to issue a preliminary injunction to make prison officials provide safe housing or take some other immediate action during the time while the case is pending in the court. Two types of actions that prisoners can use to seek injunctive relief are a state petition for writ of habeas corpus or a federal civil rights (§ 1983) lawsuit. Usually, a state petition for writ of habeas corpus is easier to file, can raise both federal and state law arguments, and will be heard more quickly. Also, a prisoner who has filed a state habeas corpus petition has a right to a free appointed attorney if (a) the prisoner does not have funds for an attorney, (b) the prisoner requests that the court appoint an attorney, and (c) the court finds that the prisoner's petition raises potentially meritorious claims. Before filing either a state habeas corpus petition or federal civil rights lawsuit, the prisoner should always try to complete the CDCR 602 or CDCR 602-HC administrative appeal process. The Prison Law Office can provide a free State Habeas Corpus Manual and forms on request; the manual is also available on the Resources page at www.prisonlaw.com.

Prisoner can also file lawsuits to try to get money damages for harm suffered due to past or on-going sexual abuse. The two main types of actions that prisoners can use to get money damages are a federal civil rights (§ 1983) action or a state tort lawsuit; sometimes the prisoner can raise a combination of federal and state claims in one lawsuit. Before filing either type of lawsuit, a prisoner will have to complete the CDCR 602 process (even though money damages are not available through a CDCR 602). Also before filing an action based on state tort law, a prisoner must file a Government Claim with the Department of General Services, Office of Risk and Insurance Management. There are important deadlines for these types of cases. On request, the Prison Law Office can provide a free manual on *Lawsuits for Money Damages Against Prison Officials*. The manual is also available on the Resources page at www.prisonlaw.com.

More information on prisoners legal rights and legal actions for enforcing those rights can be found in *The California State Prisoners Handbook*, Fourth Edition (2008, with 2014

Supplement). This book is in many prison law libraries. Information on ordering the book can be obtained by writing to the Prison Law Office or on the Resources page at www.prisonlaw.com.

D. Using Other Resources

Just Detention International (JDI) is a health and human rights organization that seeks to end sexual abuse in all forms of detention and provides advice, support and information for prisoners who are facing sexual abuse or who are survivors of sexual abuse. JDI's website at www.justdetention.org has resources such as state-by-state lists of counseling, government and legal resources for survivors of prison sexual abuse. A list of service providers and rape-crisis resource centers adapted from information on that website is attached to this letter. Prisoners may contact JDI at the following address: Just Detention International, 3325 Wilshire Blvd., Ste. 340, Los Angeles, CA 90010. JDI's telephone number is (213) 384-1400, fax number is (213) 384-1411, and email is info@justdetention.org.

Appendix to Sexual Assault Handout:
California Rape Crisis Programs and Other Support Services⁵⁵

**AVENAL STATE PRISON; CENTRAL CALIFORNIA WOMEN'S FACILITY;
CALIFORNIA STATE PRISON CORCORAN; PLEASANT VALLEY STATE PRISON;
SUBSTANCE ABUSE TREATMENT FACILITY; VALLEY STATE PRISON**

Resource Center for Survivors of Sexual Assault and Family Violence
259 N. Blackstone Avenue, Fresno, CA 93701
Office: (559) 497-2900
Office Hours: Monday-Friday, 8am-5pm PST
24-Hour Hotline: (559) 222-7273; Accept Collect Calls: Yes, on office line, business hours

CALIFORNIA CORRECTIONAL INSTITUTION

Women's Center-High Desert, Inc.
P.O .Box 309, Ridgecrest, CA. 93556
Office Hours: Monday-Friday, 8am-5pm PST
24-Hour Hotline: (760) 375-0745; Accept Collect Calls: Yes

**CALIFORNIA INSTITUTION FOR MEN; CALIFORNIA INSTITUTION FOR WOMEN;
CALIFORNIA REHABILITATION CENTER**

Riverside Area Rape Crisis Center
1845 Chicago Ave., Suite A, Riverside, CA 92507
Office/24-Hour Hotline: (951) 686-7273
24-Hour Southwest County Hotline: (866) 686-7273; Accept Collect Calls: Yes

CALIFORNIA MEDICAL FACILITY; CALIFORNIA STATE PRISON SOLANO

SafeQuest Solano, Inc.
P .O. Box 368; Fairfield, CA 94533
24-Hour Hotline: (866) 487-7233; Accept Collect Calls: Yes

CALIFORNIA MEN'S COLONY

RISE
51 Zaca Lane, Suite 140, San Luis Obispo, CA 93401
Office: (805) 545-8888
Office Hours: Monday-Friday, 8:30am-5pm PST
Toll-Free 24-Hour Hotline (800) 656-4673; Accept Collect Calls: Yes

⁵⁵ Adapted from Just Detention International's California Resource Guide of Survivors of Sexual Abuse Behind Bars at www.justdetention.org.

CHUCKAWALLA VALLEY STATE PRISON; IRONWOOD STATE PRISON

Coachella Valley Sexual Assault Services

74333 Hwy 111, Suite 204, Palm Desert, CA 92260
Office/Hotline: (760) 568-9071
Office/Hotline Hours: Monday-Friday, 8am-5pm PST
Accept Collect Calls: Yes

DEUEL VOCATIONAL INSTITUTE

Women's Center of San Joaquin County

620 North San Joaquin Street
Stockton, CA 95202
Office: (209) 941-2611
Office Hours: Monday-Friday, 8:30am-5pm PST
24-Hour Hotline: (209) 465-4997
Accept Collect Calls: Yes

MULE CREEK STATE PRISON

Operation Care

621 New York Ranch Road, Jackson, CA 95642
Office: (209) 223-2897
Toll-Free Hotline: (800) 675-3392; 24-Hour Hotline: (209) 223-2600

PELICAN BAY STATE PRISON

North Coast Rape Crisis Team

P.O. Box 1082, Crescent City, CA 95531
Office: (707) 465-6961
Office Hours: Monday-Friday, 8:30am-5pm PST
24-Hour Hotline: (707) 465-2851; Accept Collect Calls: Yes

RJ DONOVAN CORRECTIONAL FACILITY

Center for Community Solutions

4508 Mission Bay Drive, San Diego, CA 92109
Office: (858) 272-5777
Office Hours: Monday-Friday, 8am-5pm PST
24-Hour Bilingual Hotline/Línea de Ayuda de 24 Horas: (888) 385-4657; Accept Collect Calls:
No

SAN QUENTIN STATE PRISON

Bay Area Women Against Rape

470 27th Street, Oakland, CA 94612
Office: (510) 430-1298
Office Hours: Monday-Friday, 9am-5pm PST
24-Hour Hotline: (510) 845-7273; Accept Collect Calls: No

Community Violence Solutions and Rape Crisis Center of Marin and Contra Costa Counties

2101 Van Ness Street, San Pablo, CA 94806
Office: (510) 237-0113
Office Hours: Monday-Friday, 9am-5pm PST
Toll-Free 24-Hour Hotline: (800) 670-7273; Accept Collect Calls: Yes

ADDITIONAL RESOURCES BY SERVICE AREA

State-wide:

California Coalition Against Sexual Assault

1215 K Street, Suite 1100, Sacramento, CA 95814
Office: (916) 446-2520; TTY Office: (916) 446-8802
Office Hours: Monday-Friday, 8am-5pm PST
Accept Collect Calls: No

California Coalition for Women Prisoners

1540 Market Street, Suite 490, San Francisco, CA 94102
Office: (415) 255-7036 Extension 4

San Francisco Women Against Rape

Office: (415) 861-2024
Office Hours: Monday-Friday, 9am-5pm PST
24-Hour Hotline: (415) 647-7273; Accept Collect Calls: Yes

Service area: Los Angeles County & Surrounding Areas

Center for the Pacific-Asian Family

543 North Fairfax Ave., Room 108, Los Angeles, CA 90036
Office: (323) 653-4045
Office Hours: Monday-Friday, 9am-5pm PST
24-Hour Toll-Free Hotline: (800) 339-3940; Accept Collect Calls: No

East Los Angeles Women's Center

Office: (323) 526-5819
Office Hours: Monday-Friday, 9am-6pm PST
Toll-free 24-Hour Bilingual Hotline: (800) 585-6231
Bilingual AIDS Hotline: (800) 400-7432
Bilingual AIDS Hotline Hours: Monday-Friday, 9am-6pm PST; Accept Collect Calls: No

Peace Over Violence

1015 Wilshire Blvd, Suite 200, Los Angeles, CA 90017
Office: (213) 955-9090
24-Hour Hotline for Central Los Angeles: (213) 626-3393;
24-Hour Hotline for South Los Angeles: (310) 392-8381;
24-Hour Hotline for West San Gabriel Valley: (626) 793-3385
Toll-free 24-Hour Hotline: (877) 633-0044

Project Sister Family Services

P.O. Box 1369, Pomona, CA 91769
Office: (909) 623-1619 or (626) 915-2535
Office Hours: Monday-Friday, 8am-5pm, and evenings, by appointment
24-Hour Hotline: (909) 626-4375 or (626) 966-4155; Accept Collect Calls: No

Service area: Santa Barbara County and Surrounding Areas

North County Rape Crisis and Child Protection Center

P.O. Box 148, Lompoc, CA 93438
Office: (805) 736-8535
24-Hour Hotline: (805) 736-7273; Accept Collect Calls: No

Santa Barbara Rape Crisis Center/Centro Contra la Violación Sexual

433 East Cañón Perdido St., Santa Barbara, CA 93101
Office: (805) 963-6832
Office Hours: Monday-Friday, 9am-5pmPST
24-Hour Hotline: (805) 564-3696; Accept Collect Calls: Yes, from prisons and jails only

Service Area: Sacramento County

WEAVE, Inc.

1900 K. Street, Sacramento, CA 95811
Office: (916) 448-2321
Office Hours: Monday–Friday, 9am-5pm PST
24-Hour Hotline: (916) 920-2952; Toll Free 24-Hour Hotline: (866) 920-2952;
24-Hour TDD Hotline: (916) 443-3715; Accept Collect Calls: No