UC Berkeley Criminal Law & Justice Center

Conference Report

Accountability in Action: PREA Compliance, Institutional Response, and Reform in California's Male Prisons

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Introduction

Accountability in Action: PREA Compliance, Institutional Response, and Reform in California's Male Prisons brought together a diverse array of participants, including formerly incarcerated leaders and justice-impacted individuals; leadership from the California Department of Corrections and Rehabilitation (CDCR); staffers from legislative committees and the Legislative Analysts Office; the Inspector General of California and members of her office; international experts; advocates and researchers; scholars; medical doctors; journalists, students; prisoners rights litigators; lobbyists; and more. Hosted by UC Berkeley's Criminal Law & Justice Center and in collaboration with Amend at UCSF, the event facilitated

dialogue on sexual violence in California's male prison system and discussed opportunities to strengthen prevention, reporting, accountability, and institutional response.

The conference was structured around the work, expertise, and lived experience of formerly incarcerated people, correctional staff, advocates, researchers, practitioners, and government leaders, and explored how the Prison Rape Elimination Act (PREA) is being implemented in CDCR, where implementation is falling short, and possible interventions to address sexual violence in California's men's prisons.

The day opened with remarks from CLJC Founding Executive Director Chesa Boudin and Business Leader and Civic Philanthropist Chris Larsen. The program continued with a presentation from the Inspector General of California, Amarik Singh, followed by remarks from former CDCR Division of Adult Institutions Director and San Quentin Warden, Ron Broomfield.

Following these remarks, the program continued with a panel discussion featuring formerly incarcerated men who shared their perspectives on PREA based on their lived-experiences in custody, including their understanding of the policy, experiences with sexual violence and threats of sexual violence, interactions with PREA processes, and observations of staff and institutional culture. Panelists identified barriers to effective implementation and called on decision-makers to strengthen how PREA is implemented in practice.

Madeline Adee of Amend at UCSF then presented "From Compliance to Prevention: Understanding and Strengthening Responses to Reports of Sexual Misconduct in California State Men's Prisons," a report commissioned by and developed in collaboration with CLJC. The presentation was followed by a Q&A with Adee and Brie Williams, the Director of Amend.

After the report presentation, the program continued with presentations from CLJC's own team on the relationship between housing conditions and sexual violence in custody, the role of community organizations in the PREA process, and technology's role in the PREA investigation process and in sexual violence prevention.

The afternoon shifted towards action through smaller breakout groups. These workshops tackled:

- **Single-Cell Housing as an Intervention to Sexual Violence in Men's Prisons**
- **Improving PREA Implementation: Reporting Barriers, the Grievance Process, and Accountability**
- **Enhancing Transparency: The Public Records Request Process and Data Access**

Key Insights from the Plenary Speakers & Presentations

- **Gaps between PREA requirements and implementation in practice.** Across speakers and presentations, participants highlighted how meeting formal PREA requirements does not necessarily mean that policies and processes are effectively preventing sexual violence or protecting and supporting survivors.
- **Barriers to reporting and the importance of trust.** Fear of retaliation, concerns about confidentiality, stigma around reporting or "snitching," uncertainty about what constitutes a PREA violation, limited knowledge about reporting options and procedures, and distrust of institutional processes can all affect whether and how survivors report sexual violence.
- **Investigation quality, timeliness, and accountability.** Speakers and presenters identified where deficiencies can occur throughout the investigation and response process. Delays in investigations and interviews, investigation backlogs, incomplete investigative steps, and limited transparency into how allegations progress through the system can impede timely and effective responses to reports of sexual violence.
- **Institutional culture and staff practices impact the implementation of PREA.** Staff attitudes and behavior, norms around reporting, interactions during searches, respect for privacy and bodily autonomy, and relationships between staff and incarcerated people can influence both sexual safety and willingness to use PREA processes and report sexual misconduct.
- **Housing, supervision, and other conditions of incarceration are relevant to sexual-violence prevention.** Where and when sexual violence occurs, levels of privacy and autonomy, housing configurations, staffing and supervision, and the physical environment of facilities can all shape opportunities for victimization and the effectiveness of prevention strategies.
- **The available research and data on sexual violence in custody remain limited.** There is relatively little research examining sexual violence in correctional settings, and the data that does exist can be difficult to access and is often insufficiently detailed or disaggregated to identify patterns across facilities and populations. These limitations make it difficult to understand the prevalence and circumstances of sexual violence in

custody and to evaluate the effectiveness of PREA implementation and prevention efforts.

- **Decarceration can create more capacity to improve conditions that affect sexual safety.** Presentations and speakers discussed how reducing the incarcerated population can address overcrowding within facilities and create greater flexibility in housing, staffing, supervision, and the use of existing prison space. Population reductions may therefore expand opportunities to improve conditions associated with safety and well-being for all those that live and work in correctional facilities without requiring investment in new prison infrastructure.

Discussion Topics

Single-Cell Housing as an Intervention to Sexual Violence in Men's Prisons

Topic Overview: The Criminal Law & Justice Center at UC Berkeley is examining the relationship between housing, institutional culture, and sexual violence within men's correctional facilities, including implications for rehabilitation and recidivism, institutional safety, and PREA compliance. Evidence from both domestic and international correctional systems increasingly indicates that physical environment and housing are drivers of sexual violence while in custody, and single-occupancy, or single-cell, housing has emerged as a promising sexual violence prevention strategy. Beyond safety and sexual victimization, single-occupancy housing has also been associated with improved wellness, privacy, and autonomy for incarcerated people, improved working conditions for staff, and stronger rehabilitation outcomes. As California's incarcerated population is decreasing and facilities like San Quentin Rehabilitation Center have expanded single-cell housing, this discussion provides an opportunity to examine how housing policy in correctional settings can serve as a safety and wellness intervention and how this strategy fits within broader efforts to prevent both peer and staff-perpetrated sexual misconduct.

Key insights:

- **Single-cell housing should provide privacy and safety without becoming a form of restrictive housing.** Participants emphasized that the conditions surrounding single-cell housing, including adequate living space, access to programming and family contact,

opportunities for human interaction, time in shared spaces, and appropriate staff support and wellness checks are critical to whether it improves safety and well-being. Participants also discussed establishing a minimum square footage standard for living space to ensure that single cells themselves provide humane living conditions.

- **The use and potential effects of single-cell housing may vary across individuals, facilities, and security levels.** Participants discussed differences in age, vulnerability, independence and support needs, security classification, rehabilitation and reentry goals, as well as differences in facility design, staffing, supervision, and cell size. These differences should inform decisions about where and how single-cell housing is implemented.
- **The effectiveness of single-cell housing depends on the broader conditions within a facility.** Participants emphasized that even high-quality single cells or other infrastructure cannot substitute for programming, human interaction, and a positive institutional culture. Improvements to physical infrastructure or increased funding alone may have limited effects on safety without being paired with corresponding changes to institutional culture and staff practices. Participants pointed to San Quentin Rehabilitation Center as an example where changes to housing have occurred alongside broader changes in institutional culture.
- **Preventing staff-perpetrated sexual violence requires interventions beyond changes to housing.** Discussion highlighted staff training and accountability, reporting of misconduct by other staff, institutional responses to allegations, and conduct that can normalize sexual misconduct. Participants also considered body-worn cameras as a potential deterrence and accountability tool, while noting the administrative challenges associated with reviewing footage. The discussion also highlighted that the number of PREA complaints should be interpreted carefully, as increased reporting may reflect greater confidence in reporting systems, while the use of PREA processes for unrelated complaints may indicate inadequate avenues for addressing other grievances.
- **Statewide expansion of single-cell housing would require significant long-term planning and investment.** Participants discussed the cost of major infrastructure changes, differences across existing prison facilities, limited single-cell capacity, and the current lack of political support for statewide expansion. Participants identified steps that could be taken in the near term, including establishing minimum standards for living space, independently assessing existing facilities to determine where improvements are most needed, and pursuing sexual-violence prevention measures that do not depend on major infrastructure changes.

Conclusions: Single-cell housing should be considered as one component of a broader sexual violence prevention strategy. Housing changes alone cannot address sexual violence in custody and should be accompanied by safe reporting mechanisms, measures to address staff-perpetrated sexual violence, adequate staffing and supervision, and broader improvements to institutional culture. Limited single-cell capacity also raises questions about

how access should be prioritized. Any broader expansion of single-cell housing should consider financial and political constraints, potential unintended consequences, and the relative benefits and tradeoffs of different approaches to expanding capacity, including new construction and reductions in the incarcerated population.

Improving PREA Implementation: Reporting Barriers, the Grievance Process, and Accountability

Topic Overview: The Criminal Law & Justice Center at UC Berkeley has examined California's implementation of the Prison Rape Elimination Act, with a focus on the discrepancies between what PREA mandates and how reporting, investigation, and accountability function in practice. Federal PREA standards require formal procedures for reporting and investigation, but implementation challenges exist at each stage of that process. Incarcerated people face substantial barriers to reporting, including fear of retaliation, disbelief, and negative consequences, while institutions are often unable to capture the true scope of misconduct and ensure accountability for perpetrators. Even when reports are made, investigation processes can be inconsistent, slow, or insufficiently independent, and outcomes do not always reflect the prevalence of sexual misconduct. Further, PREA grievance processes are sometimes used when other grievance avenues fail or are not made available, suggesting systemic gaps that extend beyond sexual violence reporting alone. While California's PREA data shows increased reporting since 2021, that trend also raises many questions, including whether increased reporting reflects improved culture and access, greater prevalence of sexual violence, both, or other factors.

Key Insights:

- **Trust is a significant barrier to reporting sexual misconduct.** Participants emphasized that having a PREA reporting mechanism does not mean incarcerated people feel safe using it. Fear of retaliation, lack of confidentiality, possible placement in segregated housing, and distrust of what will happen after coming forward can all discourage or delay reporting.

- **Reporting needs to be accessible through multiple pathways and avenues.** No single reporting method works for everyone. People have different levels of access to technology, literacy, relationships with staff, and comfort with different reporting channels, making multiple accessible options important to ensure survivor support in the reporting process.
- **Survivor support and survivor autonomy need to be built into the PREA process.** The discussions distinguished between a process that happens *to* a survivor and one in which the survivor remains an active participant. The latter includes clear expectations about confidentiality, access to mental-health and healthcare support, communication about what is happening, and as much control as possible throughout the process.
- **Peer and community-based support can help build trust and strengthen sexual violence prevention.** Peer educators, culturally and linguistically responsive support, confidential community spaces, and outside or third-party advocates can provide trusted relationships before an incident occurs and support both prevention and reporting.
- **Issues with investigations can persist even if the investigation process is formally independent.** Investigative backlogs and delays undermine trust, and moving an investigation outside a prison or CDCR does not necessarily make the ultimate decision independent because authority over substantiation or discipline may still fall to institutional leadership.
- **True accountability needs to do more than impose punishment.** The discussion raised whether heavily legalistic or punitive responses actually address harm, particularly when punishment may neither support survivors nor reduce future violence. The broader goal was accountability that protects survivors, addresses the person who caused harm, reduces future violence, and supports healing and community safety.

Conclusions: Improving PREA implementation requires building trust throughout the process, rather than focusing solely on whether formal reporting and investigative procedures exist on paper. A more survivor-centered process would reduce the burden on survivors to navigate complex processes in order to file a report, preserve survivor agency and access to support, and distribute responsibility across staff, healthcare and mental-health professionals, peer supporters, community advocates, and investigators. Prevention, reporting, response, and accountability are also all closely connected. How institutions respond to reports shapes whether people trust the system enough to seek support or report future harm. Accountability should extend beyond completing an investigation or imposing punishment to include protecting survivors, addressing harm, reducing future violence, and supporting healing and community safety.

Enhancing Transparency: The Public Records Request Process and Data Access

Topic Overview: Having a clear understanding of the prevalence of sexual violence in correctional settings depends on timely, accurate, and accessible data. Yet, obtaining that information from California institutions can be challenging and much of the data that researchers, advocates, and policymakers need may not exist or may not be gathered in the form in which it is being requested. The public records request process can be slow, produce incomplete responses, or require significant resources to pursue, and disaggregated data that would allow advocates, researchers, and policymakers to identify patterns across populations and facilities is frequently difficult to obtain.

Key Insights:

- **The PREA-related data currently available is not sufficiently detailed or consistent to reveal patterns or provide insights across facilities and populations.** Aggregated data can make it difficult to observe differences between institutions and populations, including groups at enhanced risk, while inconsistent recordkeeping across institutions makes comparison even more challenging.
- **Improving transparency goes beyond simply making more data public but also requires improving the underlying data collection.** Participants emphasized that reporting requirements need clearly defined, standardized metrics so that institutions can consistently collect disaggregated information. Legislative reporting mandates and existing law-enforcement reporting systems were discussed as possible models for doing so.
- **Official PREA data may not provide a complete picture of sexual violence in custody.** Participants questioned how accurately existing records, such as annual PREA reports published by CDCR, capture what is occurring, including the gap between PREA calls and reports on file and uncertainty around reports characterized as unsubstantiated or not investigated. Using other sources of information, including surveys of incarcerated people, were discussed as ways to better understand conditions inside facilities.
- **Transparency and data collection have to account for the safety, privacy, and confidentiality of incarcerated people.** Greater data collection or new reporting technologies could improve access to information, but participants raised concerns about surveillance, retaliation, confidentiality, and whether people understand or are made aware of how their information will be used.
- **Independent oversight could play a larger role in collecting, reviewing, and publicly reporting PREA information.** Participants discussed an oversight body separate from individual institutions, including its potential role in confidential reporting, reviewing allegations and investigative decisions, and improving public access to information about PREA complaints and investigation outcomes.

- **The current public-records process creates barriers to obtaining and using PREA-related data.** Participants discussed requests being deemed too broad, inadequate databases and technology, limited staff capacity to respond to a high volume of requests, costs to both agencies and requesters, and the difficulty members of the public can have understanding the information that is released.

Conclusions: Transparency around PREA in California requires more than making existing PREA data publicly available. It requires reliable and standardized data that can show differences across facilities and populations and provide a more accurate picture of sexual violence in custody. Improving transparency also requires attention to how PREA data is collected and what it captures. Underreporting, fear of retaliation, concerns about privacy and confidentiality, and inadequate processes for addressing needs that are not related to sexual safety can all affect whether official PREA data accurately reflects the prevalence and circumstances of sexual violence in custody. Standardized public reporting requirements and independent oversight could reduce reliance on individual public records requests for PREA-related data and provide policymakers, researchers, advocates, and the public with more consistent information to evaluate PREA implementation and identify patterns and disparities.

General Conclusions and Next Steps

- **There is a gap between the PREA policy on paper and sexual violence prevention and in response to incidents in pratice.** Formal reporting, investigation, and accountability processes do not necessarily ensure that survivors feel safe reporting or that reports result in timely, effective responses. Underreporting due to fear, stigma, concerns about confidentiality, and distrust can dilute the prevalence of sexual violence, while the use of PREA processes when other grievance mechanisms fail or other needs go unmet can further complicate what PREA reporting data shows. When reports are made, delays, investigative deficiencies, and limitations in accountability processes can further weaken the effectiveness of PREA implementation in practice.
- **Sexual violence prevention requires attention to the conditions under which sexual violence occurs.** Housing arrangements, staffing and supervision, physical environments, access to third-party reporting options and community organizations, education, and

technology are all areas where interventions could reduce sexual violence risk before an incident occurs. This requires approaching PREA as prevention of sexual violence, rather than focusing primarily on institutional responses after an incident has already occurred.

- **Better data and transparency are necessary to to understand sexual violence in custody, evaluate PREA implementation, and identify interventions into sexual violence in custody.** Available data provide an incomplete picture of sexual violence and institutional response, limiting the ability of policymakers, researchers, advocates, oversight bodies, and the public to assess trends and patterns, determine whether interventions are working, and identify where further intervention is needed. More complete, disaggregated, and accessible data could help identify where gaps or barriers persist, inform the development and targeting of future interventions, and provide a stronger basis for evaluating whether those interventions are working.
- **Institutional and staff culture are fundamental to sexual violence prevention and response.** Culture shapes whether incarcerated people feel safe reporting sexual violence, how staff respond to allegations and misconduct, whether privacy and bodily autonomy are respected, and whether changes to housing, reporting systems, or other interventions translate into greater safety in practice. Improvements to policy, infrastructure, or resources may therefore have limited effects without corresponding efforts to address institutional norms, staff practices, and accountability.
- **No single intervention can adequately address sexual violence in custody on its own.** Across discussions, participants repeatedly identified the limits of isolated interventions as a sole mechanism for reducing sexual violence. Housing changes can depend on institutional conditions; reporting mechanisms can depend on trust and accessibility; investigations can depend on timeliness and accountability; and better data can depend on both how information is collected and whether people feel safe reporting in the first place. The policy recommendations and legal remedies identified throughout the conference should therefore be understood as components of a broader strategy to meaningfully reduce sexual violence in custody. The conference points toward a coordinated, cross-sector collaborative approach that addresses prevention, reporting, survivor support, investigation, accountability, institutional conditions, and oversight as interconnected parts of advancing sexual safety in California's correctional systems.
- **Decarceration can itself serve as a sexual violence prevention and safety intervention.** Reducing the overall incarcerated population in California can alleviate overcrowding, expand opportunities to improve housing conditions and increase access to private living space, as well as create greater capacity to address other conditions that affect safety and well-being. As California continues to reduce its prison population, decarceration should therefore be considered alongside housing, staffing, supervision, changes to culture, and other institutional interventions as part of a broader approach to preventing sexual violence and improving conditions of incarceration.

CLJC is committed to fostering continued dialogue among formerly incarcerated and justice-impacted people, advocates, researchers, policymakers, corrections officials, and other stakeholders to strengthen the prevention of and response to sexual violence in California's prisons.

We sincerely thank the conference participants for their engagement and welcome continued collaboration as we work to strengthen PREA implementation and institutional accountability, as well as advance the safety, well-being, and dignity of people incarcerated in California.