



Demand for Immediate Action to Protect Incarcerated Women in California

To: Gavin Newsom, Governor of California
Rob Bonta, Attorney General of California
Kathleen Allison, CDCR Secretary
Michael Pallares, Warden, Central California Women's Facility
Mona D. Houston, Warden, California Institute for Women

The State of California is violating the civil rights of incarcerated women and subjecting them to serious physical, psychological, and emotional harm. [SB 132](#), which went into effect on Jan 1, 2021, has already resulted in dozens of male inmates being transferred to women's correctional facilities at CCWF and CIW, with hundreds more on the way. On behalf of these incarcerated women WoLF demands that the State of California and the California Department of Corrections and Rehabilitation take immediate action to protect the women in its custody.

Under the law as written, there is no method to screen out males who genuinely self-identify as transgender from those who are using the system to prey on women. Even if sincere self-identification was the criterion for transfer, however, it would not mitigate or remove the danger posed to women. A [2009 report](#) found 20% of trans-identified men in California are sex offenders, and 50% have committed crimes against persons. Based on the known criminal histories of the men who have been transferred thus far, this study appears to understate the problem. We're informed that at least one of the trans-identified male prisoners is on death row, and a considerable number of the others are serving life sentences for brutal crimes. We've also learned that just recently a new arrival punched his female cellmate in the head so hard that she couldn't chew for three days.

This is unsurprising, as a Swedish longitudinal study found even so-called "gender-affirming" surgery and long-term use of cross-sex hormones [did not reduce the male pattern of criminality](#) in trans-identified men. Moreover, most of the men being transferred have not fully taken steps to "transition." Clearly, then, incarcerated women are being subjected to male violence and domination - one of the very dynamics that necessitates separating prisons by sex in the first place.

Those running the prison system know how dangerous conditions have become for the women in California state custody. Many of the correctional officers have openly acknowledged that they expect the women will be raped and assaulted, there will likely be pregnancies, and, in general,



the environment will be ripe for exploitation of the women and challenging to control. Some COs have privately expressed concern and have reportedly urged leaders to take immediate action to right this wrong. Conversely, at least one CO has used this situation to torment the women in his care, threatening to put men in their cells to rape them. The *LA Times* even [reported](#) that prison officials are already aware that men are pretending to identify as transgender so that they can access women's facilities.

The vast majority of incarcerated women are survivors of [years of abuse](#): including mental, physical, sexual, financial, and emotional abuse. Many struggle with PTSD, and are trying to [learn how to heal](#) and rehabilitate. Women risk serious discipline, including extended sentences, if they defend themselves from physical attack. They are even subject to discipline if they object to sharing a cell with a man. This is causing tremendous fear and turmoil, as was also reported in a recent [profile](#) of SB 132 in the Central California Women's Facility.

The implementation of SB 132, as codified in Cal. Penal Code 2605 & 2606, violates the following constitutional and statutory provisions:

- The right to freedom of speech and free exercise of religion;¹
- The right to be free from cruel and unusual punishment;²
- The right to equal protection under the law;³
- The right to privacy and safety;⁴
- Prison Rape Elimination Act National Standards 115.41, 115.42, and 115.43;⁵ and
- Failure to follow proper administrative procedures for notice and comment in implementing the statute.

¹ U.S. Const. amend I; California Constitution Article I § 2; California Constitution Article I § 4. It violates the tenets of some faiths for women to be forced to be undressed with, sleep, toilet, and tend to personal hygiene in the same room with a male; Inmates, employees, and contractors are forced to pretend that men are women and compels speech to that effect;

² U.S. Const. amend VIII. Subjected to potentially dangerous criminal behavior like rape, assault, battery, from males, as males are biologically, irreversibly physically stronger; and forced to live in constant fear of assault as a result; California Constitution Article I § 17.

³ U.S. Const. amend XIV; California Constitution Article I § 7.

⁴ California Constitution Article I § 1. Rights to safety and privacy infringed by subjecting women to increased risk of harm and compelled exposure to males

⁵ The bill does not consider the inherent danger that men pose to women regardless of their personal identity, especially men with violent histories, and it does not consider the inherent vulnerability of women to male violence and its effects, including pregnancy.



We demand the following:

- Immediately halt transfers of male inmates to women's facilities, and remove all male inmates who have been transferred thus far;
- Halt the processing of applications for transfers pending a safety assessment and proper notice and comment period; and
- Barring that, segregate male inmates together and allow women to refuse sharing housing with male inmates.

If you take the above actions without delay, you can avoid inflicting further suffering and harm on the women in the State's care. California's incarcerated women are in real and imminent danger, and irreparable damage is being done to their mental health and physical well-being. The civil and human rights of female prisoners must not be sacrificed in the pursuit of obliging the demands of men, no matter how they identify.

Do the right thing.

Sincerely,

Lauren Adams
Legal Director
Women's Liberation Front

[Women's Liberation Front](#) is a national 501(c)(3) nonprofit dedicated to protecting, restoring, and advancing the rights of women and girls.