

Congress of the United States  
House of Representatives  
Washington, DC 20515

**Congressman Mark DeSaulnier**  
**Statement for the Record**

*United States Senate Committee on the Judiciary*  
*Subcommittee on Criminal Justice and Counterterrorism*

*“Sexual Assault in U.S. Prisons Two Decades After the Prison Rape Elimination Act”*  
September 25, 2024

Chair Booker and Ranking Member Cotton:

Thank you for holding this important hearing on sexual assault in U.S. prisons. I am deeply concerned about the continued prevalence of sexual abuse against inmates at local, state, and federal prisons across the country – including pervasive staff sexual assault and retaliation at the recently closed Federal Bureau of Prisons (BOP) facility in Dublin, California, which is located in the district I represent. I hope that today’s hearing will generate sufficient momentum to pass meaningful reform, so that individuals serving time are protected from sexual violence.

The Prison Rape Elimination Act (PREA), passed over 20 years ago, aims to protect incarcerated individuals’ right to physical safety by better understanding and combatting sexual assault in prisons. Unfortunately, progress towards that objective has been insufficient. Reliable information on the rate of sexual assault in prison has proven difficult to collect due to various factors, such as inmates’ fear of retaliation, a lack of confidence in official reporting channels, post-traumatic stress disorder (PTSD) and other conditions that can result from sexual violence, and shame. However, we know through anecdotal stories and highly publicized incidents that sexual abuse, particularly staff-on-inmate sexual abuse, is still rampant in our nation’s prisons.

Federal Correctional Institution (FCI) Dublin, which until April was one of a small number of women-only federal correctional institutions in the United States, demonstrates the many shortcomings of PREA. For years, incarcerated women at FCI Dublin reported staff sexual misconduct to prison officials and independent agencies alike, but abuse continued unabated. In 2022, an Associated Press investigation found a permissive culture of toxic sexual misconduct and cover-ups at FCI Dublin. Abuse was so rampant at the facility that many inmates and staff had even begun to refer to it as “the rape club.” Since then, seven former FCI Dublin employees have been convicted of sexually abusing inmates, including the former warden and the prison chaplain. An additional officer is pending trial, and dozens more are currently under investigation. Dublin is now the subject of pending class action litigation, and over 100 individual survivors of staff sexual assault have filed damages claims.

Ray Garcia, the former warden who in March 2023 was sentenced to almost 6 years in prison for sexually abusing three female inmates, was the individual at the facility tasked with administering PREA and training officers on its requirements. According to court filings, Garcia even sexually assaulted an inmate *while* PREA compliance evaluators were at the facility to perform an audit, which the facility then passed without issue. BOP abruptly closed FCI Dublin in April 2024, just 10 days after a federal judge appointed a Special Master (the first in BOP's history) to safeguard inmates and monitor the facility's compliance with court orders. BOP transferred hundreds of women to federal prisons across the country under inhumane conditions, then unsuccessfully attempted to dismiss the lawsuit and end all monitoring. Questions remain about how the permissive culture of sexual abuse developed and was sustained over many years without federal officials acting sooner, and to what degree similar systems of abuse exist at other BOP prisons.

In June of this year, I, along with Senator Laphonza Butler, Chair Dick Durbin, and 18 members of the U.S. House of Representatives and Senate sent a letter to BOP requesting information on the closure of FCI Dublin. Our goal was, among other things, to determine whether BOP's decision to abruptly close the facility was an attempt to evade accountability and transparency, whether the agency had adequately planned the closure in a way that respected the rights of the many abuse victims at Dublin, whether the facility had complied with court orders, and if BOP has taken steps to ensure that cultures of abuse are not permitted to develop at other facilities. It has been over 100 days since we sent that letter, and the Bureau has yet to provide a response. I am troubled by BOP's apparent disregard for its obligations to both Congress and the federal courts, and I am deeply concerned that the agency has handled neither the abuses at FCI Dublin nor the mandates of PREA with the seriousness they deserve.

While the abuse perpetrated at FCI Dublin is particularly egregious, it is unfortunately not unique. Recent investigations by the Department of Justice Office of the Attorney General, the Deputy Attorney General, and various media outlets have found that staff sexual abuse is endemic to the federal prison system. In the past several years, officers at FCI Aliceville, FCI Tallahassee, FMC Carswell, and FMC Lexington have been convicted of sexually abusing inmates. In these and other cases, incarcerated women have reported their abusers, only to face retaliation once that report makes its way back to prison authorities. According to advocates, inmates are routinely subjected to solitary confinement and strip searches after filing PREA reports, which in turn chills reporting.

If PREA is going to fulfill its mission of eliminating prison rape, inmates must be given truly independent reporting avenues and strong protections against retaliation. Additionally, the federal government must guarantee that facilities are fulfilling their legal obligations under PREA, with significant material consequences for those that are not.

Thank you again for permitting me to share my thoughts on this critical topic, which has directly impacted the lives of many of the constituents I represent and incarcerated individuals nationwide. I look forward to continued collaboration between both chambers of Congress on

strengthening PREA and protecting the civil rights of incarcerated individuals so that they can focus on rehabilitation and successful reentry.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark DeSaulnier". The signature is stylized with a large "M" and "D".

Mark DeSaulnier  
Member of Congress