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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
12 FRESNO DIVISION

13  
14 **JOSEPH BECKER,**

15 Plaintiff,

16 v.

17 **WARDEN SHERMAN, et al.,**

18 Defendants.

1:16-cv-0828-AWI-JDP (PC)

**JOINT STIPULATION CONCERNING  
PRODUCTION OF MATERIALS  
SOUGHT BY PLAINTIFF'S THIRD-  
PARTY SUBPOENA**

Judge: The Hon. Jeremy D. Peterson  
Trial Date: Not Yet Set  
Action Filed: June 15, 2016

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21 On November 16, 2018, Plaintiff Joseph “Cinnamon” Becker (hereafter, “Plaintiff”) and  
22 counsel for non-party California Department of Corrections and Rehabilitation (“CDCR”)  
23 (hereafter, “Counsel for CDCR”) (together, “the parties”) attended a telephonic meet and confer  
24 concerning Plaintiff’s third-party subpoena served on CDCR (hereafter, the “Subpoena”).  
25 Requests 17 through 19 of the Subpoena sought production of “Policies, Procedures, and Training  
26 Materials” related to the Prison Rape Elimination Act (hereafter, “PREA”). In response to these  
27 Requests, Counsel for CDCR directed Plaintiff’s counsel to CDCR’s publicly-available  
28 information concerning CDCR’s PREA audits, and Plaintiff’s counsel agreed to narrow Requests

17 through 19 to documents that CDCR provided to the PREA auditors.<sup>1</sup>

At this time, Counsel for CDCR represent that they have diligently and thoroughly reviewed the audit materials that were generated as a result of the audit conducted at Deuel Vocational Institute (hereafter, “Deuel”). Counsel for CDCR has identified the following materials as being irrelevant to any claim or defense in this matter:

1. *First*, the PREA audit packets include information about the institutions with which Deuel contracts for the confinement of inmates. Under 28 C.F.R. § 115.12, it is mandatory that a public correctional facility contain terms in its contract that require the contracting entities to comply with PREA national standards.

2. *Second*, Deuel’s audit packet also includes information about Deuel’s compliance with 28 C.F.R. § 115.16, which requires PREA-compliant institutions to ensure that inmates with disability-related needs have an equal opportunity to participate in, or benefit from, all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse. Counsel for CDCR has reviewed over 100 pages of documents detailing budgetary analysis and contracts for services provided to inmates with disability related needs.

3. *Third*, the PREA national standards require all staff members at PREA-compliant institutions be subjected to a background check to ensure that the staff members have: (1) never engaged in sexual abuse in a prison; or (2) been convicted of that behavior. Deuel’s PREA audit packet contains over 150 pages of employment applications that contain employee information,

<sup>1</sup> Requests 17 through 19 sought the following materials:

**Request No. 17:** All Documents and Communications from the Relevant Time Period Relating to Policies Procedures, and Training Materials at the CDCR facilities where Ms. Becker was incarcerated during the period of her incarceration at that facility Relating to assault, PREA violations, sexual harassment, and threats among prisoners.

**Request No. 18:** All Documents and Communications from the Relevant Time Period Relating to Policies Procedures and Training Materials at the CDCR facilities where Ms. Becker was incarcerated during the period of her incarceration at that facility Relating to the investigation of assault, PREA violations, sexual harassment, and threats among prisoners.

**Request No. 19:** All Documents and Communications from the Relevant Time Period Relating to Policies, Procedures, and Training Materials at the CDCR facilities where Ms. Becker was incarcerated during the period of her incarceration at that facility Relating to services provided and measures taken to protect victims of assault, PREA violations, sexual harassment, and threats among prisoners.

1 such as full names and home addresses. Moreover, no employee who completed the updated  
2 PREA-compliant employment application affirmatively represented that he or she engaged in  
3 sexual abuse or had been convicted of that behavior. Counsel for CDCR, however, will produce a  
4 blank copy of the updated employment application to Plaintiff's counsel.

5 4. *Fourth*, Deuel's PREA audit packet contains several forms, such as a CDCR Form 128  
6 Mental Health Chrono, a PREA screening tool, an inmate/parolee 602 grievance form, sexual  
7 assault forensic examination reports, and PREA report forms. Deuel staff members provided  
8 these forms to the PREA auditors who conducted the audit of Deuel. These forms contain  
9 personal third-party inmate information, which Counsel for CDCR represents is relevant to any  
10 claim or defense in this matter. Counsel for CDCR, however, has agreed to provide blank copies  
11 of these forms to Plaintiff's counsel.

12 5. And *fifth*, the PREA national standards require compliant institutions to develop  
13 policies and procedures that limit cross-gender viewing and searches. Deuel included CDCR  
14 training materials on searches of transgender inmates. These materials have already been  
15 provided to Plaintiff's counsel as part of Defendants' Responses to Plaintiff's First Set of  
16 Requests for Production of Documents.

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1 As a result of Counsel for CDCR's review of these materials and representation that the  
2 information contained in the above-mentioned documents is not relevant to any claim or defense  
3 in this matter, the parties stipulate that CDCR will not be required to produce these items as part  
4 of CDCR's response to Requests 17 through 19 of the Subpoena, as modified by the parties' meet  
5 and confer letters.

6 Dated: February 6, 2019

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12 Dated: February 6, 2019

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*Rehabilitation*

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19 IT IS SO ORDERED.

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21 Dated: February 12, 2019

  
UNITED STATES MAGISTRATE JUDGE