

OFFICE OF THE SECRETARY

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May 8, 2015

U.S. Department of Justice
Office of Justice Programs
Office of the Assistant Attorney General
ATTN: Karol V. Mason, Assistant Attorney General, Office of Justice Programs

The Honorable Loretta Lynch
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Lynch:

Enclosed you will find a signed assurance that California will utilize Department of Justice (DOJ) grants to help it achieve compliance with the National Standards to prevent, detect, and respond to prison rape, which you requested on March 5, 2015. California remains committed to the elimination of prison rape and to the goals of the Prison Rape Elimination Act of 2003 (PREA).

The California Department of Corrections and Rehabilitation (CDCR) has been working diligently to comply with the mandates of PREA since the final rules were promulgated by the U.S. DOJ in 2012. CDCR has modified and developed regulations and policies to meet the PREA National Standards. For adult institutions, staff training has been developed and training of master trainers has been completed. CDCR expects to have all mandatory staff training for adult institutions completed by June 30, 2015. For facilities within the Division of Juvenile Justice (DJJ), staff training has been developed, and it is expected training will begin early next fiscal year.

While California is not yet in full compliance with all of the National Standards, we have completed a significant amount of work that demonstrates our commitment to the goals of PREA. As you know, Congress intended that states would have two years from completion of the National Standards before being asked to certify compliance with the mandates of the Act. Unfortunately, despite the fact that PREA was enacted by Congress in 2003, the DOJ was delayed in finalizing the rules for auditing state compliance with the National Standards. This late start to establishing the standards, audit tools, and auditors through which states would be held accountable is problematic for California. Depending on how the auditors ultimately apply and interpret these rules, some of the National Standards may be found to be inconsistent with existing California law.

California is not alone in experiencing obstacles to achieving full compliance. We understand that other states believe that the timeframes and expectations are not reasonable and they, too, are unable to certify full compliance at this time. It is also my

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understanding that even federally operated facilities are not in full compliance with PREA. Despite these challenges, California is committed to the goals of PREA, and will use the DOJ grant funds to help us achieve compliance to the greatest extent possible. We hope that while states implement PREA, the federal government will continue to further refine the National Standards and give states such as California needed flexibility in meeting the goals of PREA while satisfying legitimate penological objectives.

I remain committed to the spirit and intent of PREA. However, I urge you to consider changes to the timeframes that have been imposed on states that are making good-faith efforts to comply. I welcome any opportunity to work with you as we move toward our shared goal of eliminating prison rape.

Sincerely,



JEFFREY A. BEARD, Ph.D.
Secretary

Enclosure

**Assurance to Utilize Department of Justice Grants to Achieve Full Compliance with
the National Standards to Prevent, Detect, and Respond to Prison Rape**

2015


Pursuant to 42 U.S.C. §15607(e)(2), I assure the U.S. Department of Justice (DOJ) that, subject to the exceptions checked below (if applicable), the State/jurisdiction named below will use not less than 5 percent of its covered DOJ grant funds for FY 2015 to enable the State/jurisdiction to adopt, and achieve full compliance with, the National Standards to Prevent, Detect, and Respond to Prison Rape (28 C.F.R. Part 115), so as to ensure that a certification of full compliance may be submitted in future years.

1. ___ the State/jurisdiction named below has adopted, and is in full compliance with, the National Standards to Prevent, Detect, and Respond to Prison Rape, 28 C.F.R. Part 115, insofar as those standards implicate juvenile facilities, as defined in 28 C.F.R. Part 115, but is not in full compliance with one or more standards insofar as those standards implicate non-juvenile facilities. Accordingly, grants issued by the Office of Juvenile Justice and Delinquency Prevention are not subject to the required set aside of funds for PREA purposes and shall not be used for purposes of the above Assurance.

2. ___ the State/jurisdiction named below has adopted, and is in full compliance with, the National Standards to Prevent, Detect, and Respond to Prison Rape, 28 CFR Part 115, except to the extent that full compliance would require new construction. Accordingly, grants issued by the Office on Violence Against Women are not subject to the require set aside of funds for PREA purposes and shall not be used for the purposes of the above Assurance.

If the State/jurisdiction has checked Box 1 and/or 2, and after the date of signature of this Assurance, credible information should come to the attention of the undersigned (or his or her successor) that casts reasonable doubt on the accuracy (as of the date of signature) of the information relied upon in checking Box 1 and/or 2, the same shall conduct a reassessment and determine whether this selection of such box(es) was accurate as of the date of signature. If the selection of one or both boxes is determined not to have been accurate, the undersigned or a designee will:

1. Within 15 days, notify DOJ via the email address below of the existence of the inaccuracy; and
2. Within 15 days of providing such notice, submit a revised Assurance, signed by the Chief Executive.


Signature of Chief Executive

Edmund G. Brown Jr.
Printed name of Chief Executive

California
Name of State/jurisdiction

5/12/15
Date

This form must be received by the Department of Justice, PREA Management Office, by May 15, 2015. A signed, electronic version of this form may be sent to: PREACompliance@usdoj.gov.

A false statement in this certification or in the grant application that it supports may be subject to criminal prosecution, including under 18 U.S.C. § 1001 and 42 U.S.C. § 3795a. DOJ grants, including certifications provided in connection with such grants, are subject to review by the DOJ component that issued the grant and/or by the DOJ Office of the Inspector General.