



DOUGLAS A. DUCEY
GOVERNOR

STATE OF ARIZONA
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

March 9, 2016

Ms. Karol Mason
Assistant Attorney General
Office of Justice Programs
U.S. Department of Justice
810 Seventh Street NW
Washington, D.C. 20531

PREA Management Office
Bureau of Justice Assistance
U.S. Department of Justice
810 Seventh Street NW
Washington, D.C. 20531

Via Regular Mail and Electronic Mail (PREACompliance@usdoj.gov)

Dear Assistant Attorney General Mason:

I am writing in response to your letter dated February 25, 2016, in which you request that Arizona provide either (i) a certification that Arizona is in full compliance with the Prison Rape Elimination Act (PREA) standards, or (ii) an assurance that the State of Arizona will use not less than five percent of certain Department of Justice (DOJ) grant funds solely for the purpose of enabling Arizona to achieve and certify full compliance with the standards in future years.

To date, PREA auditors have completed 14 audits of Arizona Department of Corrections and Arizona Department of Juvenile Corrections facilities. Arizona is proud to report that all 14 audits have concluded that the facilities meet all PREA standards. For that reason, I am enclosing my signed certification that Arizona is in full compliance with the PREA standards.

Your letter requests additional supporting materials, including (1) Facility Audit Activity, (2) Forthcoming Audit Schedule, (3) Determination of PREA Compliance for Facilities Not Yet Audited, and (4) PREA Compliance of State Investigative Agencies. I will address each item in turn below:

1. **Facility Audit Activity:** Enclosed is a spreadsheet, entitled "PREA Audits of Facilities Under the Operational Control of the Executive Branch in Arizona," which contains the information you have requested.
2. **Forthcoming Audit Schedule:** Enclosed is a spreadsheet, entitled "Forthcoming PREA Audit Schedule – Arizona," which contains the information you have requested.

March 9, 2016

Page 2 of 2

3. Determination of PREA Compliance for Facilities Not Yet Audited: You have requested a description of how I have determined that facilities not yet audited in the relevant audit cycle are in full compliance with PREA. You explain there is no prescribed method or process by which a governor may assess compliance in facilities that have not yet been audited, but the governor "may rely upon one or a combination of methods that provide a reasonable measure of certainty regarding facility compliance" with PREA.

There are just four Arizona Department of Corrections facilities under the control of the executive branch that have not yet been audited during the first cycle. Those facilities are timely scheduled to be audited later this year in accordance with PREA standards.

The Arizona Department of Corrections has the following in place designed to promote compliance with PREA standards at all facilities: (i) an agency-wide "Zero Tolerance Policy" against sexual abuse and sexual harassment, (ii) policies requiring that PREA standards be met at all Arizona Department of Corrections facilities, (iii) a full-time PREA Coordinator and full-time PREA Compliance Managers at each facility who provide assessments of all facilities, including those facilities that have not yet been audited, (iv) annual PREA training that is provided to all employees, contractors, and volunteers regarding their responsibilities in detecting sexual abuse and sexual harassment, responding to sexual abuse and sexual harassment, reporting sexual abuse and sexual harassment, and preventing sexual abuse and sexual harassment, (v) an internal monitoring and auditing team that annually assesses each facility for PREA compliance, and (vi) AZPOST certified investigators assigned to each facility, who investigate all allegations of sexual abuse and sexual harassment.

4. PREA Compliance of State Investigative Agencies: You have also requested information regarding external agencies' compliance with PREA for states "where external agencies perform sexual abuse and sexual harassment investigations in confinement facilities." The Arizona Department of Corrections and Arizona Department of Juvenile Corrections do not use external agencies to perform sexual abuse or sexual harassment investigations. Instead, they both have certified in-house staff who perform these investigations.

This State is committed to reducing sexual abuse in our correctional facilities. Please let us know if you have any questions or wish to discuss this further.

Sincerely,



Douglas A. Ducey
Governor
State of Arizona

Enclosures


**Certification Regarding Adoption of and Full Compliance with
the National Standards to Prevent, Detect, and Respond to Prison Rape
2016 Governor's Certification for Audit Year 2**

Pursuant to 42 U.S.C. §15607(e)(2), I certify to the U.S. Department of Justice (DOJ):

As of August 19, 2015, the state/jurisdiction named below had adopted, and was in full compliance with, the National Standards to Prevent, Detect, and Respond to Prison Rape, 28 C.F.R. Part 115.

If, after the date of signature of this certification, credible information should come to the attention of the undersigned (or his or her successor) that casts reasonable doubt on the accuracy of this certification, the same shall conduct a reassessment and determine whether this certification was accurate. If the certification 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,
 - a. Submit an assurance signed by the chief executive (using the form provided by DOJ) indicating that the state/jurisdiction will expend not less than 5 percent of its covered DOJ grant funds for FY 2016 to adopt, and achieve full compliance with, the National Prison Rape Elimination Standards (28 C.F.R. Part 115), so as to ensure that a certification may be submitted in future years;
 - b. Agree to return 5 percent of its covered DOJ grant funds for FY 2016 as calculated by DOJ; or
 - c. Take other appropriate action as instructed by the awarding agency.


Signature of Chief Executive

Douglas A. Ducey
Printed name of Chief Executive

Arizona
Name of State/jurisdiction

March 9, 2016
Date

This form must be received by the Department of Justice, PREA Management Office, by March 31, 2016. 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.