

**OFFICE OF THE SECRETARY**

P.O. Box 942883  
Sacramento, CA 94283-0001



March 25, 2016

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 the Department of Justice (DOJ) grants to help 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 policies and developed regulations to meet the PREA National Standards. For adult institutions, staff training was developed and completed June 30, 2015. For facilities within the Division of Juvenile Justice, staff training is expected to be completed in April 2016.

California has also engaged in a consortium with two other states in which each of the states will conduct audits of the facilities in the other states for the costs of travel alone. This is a cost-savings measure that also allows CDCR to benefit from the perspective and experience of other states. Per this agreement, CDCR will have ten institutions audited by the end of Year 3 of the three-year audit cycle. While the state is not yet in full compliance with the National Standards for reasons we have previously articulated, California has completed a significant amount of progress.

California remains committed to the spirit and intent of PREA and I welcome any opportunity to work with you as we move toward our shared goal of eliminating prison rape.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Kernan".

SCOTT KERNAN  
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  
2016 Governor's Assurance for Audit Year 2**

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 2016 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.

Check the boxes below only if they apply to your state/jurisdiction.

1. ☐ 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, insofar as those standards implicate juvenile facilities, as defined in 28 C.F.R. Part 115, but was 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. ☐ 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 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 required 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 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. 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,
  - a. Submit a revised assurance, signed by the chief executive;
  - 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

Edmund G. Brown Jr.

Printed name of Chief Executive

California  
Name of State/jurisdiction

03/23/2016  
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](mailto: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.*