



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1100

June 28, 2024

TO: All Appointing Authorities
All PREA Compliance Managers/Specialist
All Reentry Center Managers

FROM: Melissa Andrewjeski, Assistant Secretary [Signature on file]
Women's Prisons Division

Danielle Armbruster, Assistant Secretary [Signature on file]
Reentry Division

Don Holbrook, Assistant Secretary [Signature on file]
Men's Prisons Division

SUBJECT: PREA: Sexual Abuse Investigations - Referrals to Law Enforcement

The Department of Justice Prison Rape Elimination Act (PREA) Standards for Prisons, Jails, and Community Confinement Facilities required the following:

115.22/115.222 (b) - The agency shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations unless the allegation does not involve potentially criminal behavior. The agency shall publish such policy on its website or, if it does not have one, make the policy available through other means. The agency shall document all such referrals.

115.71/115.271 (d) - When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

115.71/115.271 (h) - Substantiated allegations for conduct that appears to be criminal shall be referred for prosecution.

When an allegation of sexual abuse is received which may be criminal in nature, current practice is the allegation is immediately referred to local law enforcement utilizing DOC 03-505 Law Enforcement Referral of PREA Allegation. This referral is often made with minimal information or evidence for law enforcement to proceed with a criminal investigation. Additionally, many of these cases are determined to be unsubstantiated or unfounded.

"Working Together for SAFER Communities"

The current process has created a significant number of referrals which has had a negative impact on our local law enforcement partners statewide.

Therefore, effective July 1, 2024, allegations will only be referred to law enforcement for criminal investigation (utilizing DOC 03-505) as follows:

1. All allegations of staff or incarcerated individual aggravated sexual abuse (i.e., sexual abuse involving penetration or exchange of bodily fluids that took place within the last 120 hours) will be immediately referred to law enforcement as required by DOC 02-007 Aggravated Sexual Assault Checklist.
2. All other allegations falling within the definition of sexual abuse will be referred when evidence is present requiring such referral.
 - a. If evidence is found at the time of the allegation meeting the requirements of Washington State RCWs (see attached). An example is: a letter was discovered through Securus between an employee/contract staff and an incarcerated individual suggesting a sexual relationship has taken place. This would require a referral at the time the allegation is received or evidence is discovered.
 - b. If during an administrative investigation, evidence is discovered elevating the allegation to meet the elements of criminal in nature per the RCWs, the investigation will be forwarded to law enforcement.
 - c. If an allegation of sexual abuse is substantiated and upon review determined to meet the elements of criminal in nature per the RCWs, the administrative investigation will be referred to law enforcement.

Attached is a list of RCWs and associated definitions for sex offenses related to incarceration settings.

Please contact Michelle Duncan, Director of PREA Services, if you need any additional information regarding this process.

cc: Cheryl Strange, Secretary
Sean Murphy, Deputy Secretary
Chuck Anderson, Deputy Assistant Secretary
Eric Jackson, Deputy Assistant Secretary
James Key, Deputy Assistant Secretary
Deborah Wofford, Deputy Assistant Secretary
Tomas Fithian, Senior Director
Carrie Stanley, Reentry Center Administrator
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