What is PREA?

The Prison Rape Elimination Act (PREA) is a federal law that went into effect in September 2003. It established zero tolerance for sexual abuse and sexual harassment in correctional settings such as prisons, jails, lockups, juvenile facilities and Immigration Custom Enforcement (ICE) detention facilities.

Zero Tolerance

WA DOC has **zero tolerance** for all forms of sexual abuse and sexual harassment, and retaliation for reporting or participating in an investigation of sexual abuse or sexual harassment.

Employees, contract staff, volunteers and any other person providing services in department facilities or offices who fail to comply with this policy may be subject to disciplinary action, up to and including termination, and referred to criminal prosecution.

DOC policies regarding sexual abuse and sexual harassment apply to all individuals, both incarcerated and on community supervision.

Duty to Report

Staff must immediately report any knowledge, suspicion, or information received, including anonymous and third-party reports, regarding an allegation of sexual abuse or sexual harassment.

Staff must deliver the information confidentially and immediately to the shift commander (prisons), the reentry Center Manager, or the appropriate appointing authority/duty officer.

Staff may privately report an allegation of a highly sensitive directly to the appointing authority.

Additional Resources

Revised Code of Washington (RCW)

RCW 9A.44.160
RCW 9A.44.170
RCW 72.09.225

National PREA Resouces

www.nicic.org
www. prearesourcecenter.org
www.nij.gov

WA DOC Policy

490. 800 Prison Rape Elimination Act (PREA) Prevention and Reporting
490.820 Prison Rape Elimination Act (PREA) Risk Assessments and Assignments
490.850 Prison Rape Elimination Act (PREA) Investigations
490.860 Prison Rape Elimination Act (PREA) Investigations
490.700 Transgender, Intersex, and/or Gender Non-Conforming Housing and Supervision

Department of Corrections
WASHINGTON STATE

Department of Corrections
P.O. Box 41100
Olympia, WA 98504-1100

400-BR016 (R. 12/2025)

Prison Rape Elimination Act

A Resource for Staff, Volunteers, Contractors, and Vendors

Department of Corrections
WASHINGTON STATE

Abuse of Power and Victimization

Due to the imbalance of power between incarcerated individuals and employees in a correctional setting, sexual interaction between an employee (power) and an incarcerated individual or individual on community supervision (who lacks power) is unprofessional, unethical and illegal.

Occasionally, individuals may try to develop a personal/romantic relationship to improve his/her standing or circumstances (e.g., better job, avoid disciplinary action, gain privileges, etc.); however, there can never be a consensual relationship between incarcerated individuals and people working, contracting with, or volunteering for WADOC. The law states "consent" is not a defense to prosecution.

Individuals are ALWAYS considered the 'victims' of sexual abuse or sexual harassment, even if the individual appears to be a willing participant or even the initiator of a sexual or romantic interaction with a staff member.

Things to Consider

Personal, romantic, or sexual relationships with incarcerated individuals are seldom a secret and engaging in one can negatively impact or destroy your career and even your family.

If you see warning signs, talk with the staff members. Don't let them "fall off the cliff" and then tell everyone "I could have told you that was going to happen."

Risk factors to look out for include:

- Isolation from coworkers
- A personal crisis (financial, marital, etc.)
- Doing favors for an individual or family
- Showing favoritism or being overly involved with a particular individual

Custodial Sexual Misconduct 1st Degree

The Washington code § 9A.44.160 defines custodial sexual misconduct in the first degree as:

(A) person is guilty of custodial sexual misconduct in the first degree when the person has sexual intercourse with another person:

(a) When:

(i) The victim is a resident of a state, county, or city adult or juvenile correctional facility, including but not limited to jails, prisons, detention centers, or work release facilities, or is under correctional supervision; and

(ii) The perpetrator is an employee or contract personnel of a correctional agency and the perpetrator has, or the victim reasonably believes the perpetrator has the ability to influence the terms, conditions, length, or fact of incarceration or correctional supervision; or

(b) When the victim is being detained, under arrest or in custody of a law enforcement officer and the perpetrator is a law enforcement officer.

(2) Consent of the victim is not a defense to a prosecution under this section.

(3) Custodial sexual misconduct in the first degree is a class B felony.

Custodial Sexual Misconduct 2nd Degree

The Washington code § 9A.44.170 defines custodial sexual misconduct in the second degree as:

(1) A person is guilty of custodial sexual misconduct in the second degree when the person has sexual contact with another person:

(a) When:

(i) The victim is a resident of a state, county, or city adult or juvenile correctional facility, including but not limited to jails, prisons, detention centers, or work release facilities, or is under correctional supervision; and

(ii) The perpetrator is an employee or contract personnel of a correctional agency, and the perpetrator has, or the victim reasonably believes the perpetrator has, the ability to influence the terms, conditions, length, or fact of incarceration or correctional supervision; or

(b) When the victim is being detained, under arrest, or in the custody of a law enforcement officer and the perpetrator is a law enforcement officer.

(2) Consent of the victim is not a defense to a prosecution under this section.

(3) Custodial sexual misconduct in the second degree is a class C felony.