



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
DEPARTMENT WIDE
OFFENDER/SPANISH MANUALS

REVISION DATE
3/16/17

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1 of 16

NUMBER
DOC 490.800

POLICY

TITLE
**PRISON RAPE ELIMINATION ACT (PREA)
PREVENTION AND REPORTING**

REVIEW/REVISION HISTORY:

Effective: 6/28/99 DOC 856.020	Revised: 10/1/13
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Revised: 1/15/10	Revised: 1/15/16
Revised: 2/12/10	Revised: 10/14/16
Revised: 3/19/12	Revised: 3/16/17
Revised: 8/10/12	

SUMMARY OF REVISION/REVIEW:


Removed V.B. that the Secretary/designee can make exceptions to established staffing practices

APPROVED:

Signature on File

JODY BECKER-GREEN, Secretary
Department of Corrections

3/16/17
Date Signed

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY DEPARTMENT WIDE OFFENDER/SPANISH MANUALS		
	REVISION DATE 3/16/17	PAGE NUMBER 2 of 16	NUMBER DOC 490.800
	TITLE PRISON RAPE ELIMINATION ACT (PREA) PREVENTION AND REPORTING		


REFERENCES:

DOC 100.100 is hereby incorporated into this policy; [RCW 9A.44.160](#); [RCW 9A.44.170](#); [RCW 42.56](#); [RCW 72.09.225](#); DOC 400.210 Custody Roster Management; [DOC 420.310 Searches of Offenders](#); [DOC 420.325 Searches and Contraband for Work Release](#); [DOC 420.390 Arrest and Search](#); [DOC 450.100 Mail for Prison Offenders](#); [DOC 450.110 Mail for Work Release Offenders](#); [DOC 450.500 Language Services for Limited English Proficient \(LEP\) Offenders](#); [DOC 490.850 Prison Rape Elimination Act \(PREA\) Response](#); [DOC 550.100 Offender Grievance Program](#); [DOC 690.400 Offenders with Disabilities](#); [42 U.S.C. 1997](#); [Offender Grievance Program Manual](#); [PREA Standards](#); [Prison Rape Elimination Act](#)

POLICY:

- I. The Department recognizes the right of offenders to be free from sexual misconduct.
 - A. The Department has zero tolerance for all forms of sexual misconduct. The Department will impose disciplinary sanctions for such conduct, up to and including dismissal for staff. Incidents of sexual misconduct will be referred for criminal prosecution when appropriate.
 - B. The Department does not recognize consensual sexual contact between staff and offenders as a defense against allegations of sexual misconduct.
- II. The Department recognizes the right of staff and offenders to be free from retaliation for reporting sexual misconduct.
 - A. The Department has zero tolerance for all forms of retaliation against any person because of his/her involvement in the reporting or investigation of a complaint. Retaliation may be subject to corrective/disciplinary action.
- III. The Department has established procedures for recognizing, preventing, and reporting incidents of sexual misconduct and retaliation.
- IV. Information related to allegations/incidents of sexual misconduct is confidential and will only be disclosed when necessary for related treatment, investigation, and other security and management decisions. Staff who breach confidentiality may be subject to corrective/disciplinary action.
 - A. This provision is not intended to affect the Department's obligation to gather, review, and potentially produce records of allegations or incidents of sexual misconduct as required per RCW 42.56.

DIRECTIVE:

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY DEPARTMENT WIDE OFFENDER/SPANISH MANUALS		
	REVISION DATE 3/16/17	PAGE NUMBER 3 of 16	NUMBER DOC 490.800
	TITLE PRISON RAPE ELIMINATION ACT (PREA) PREVENTION AND REPORTING		

I. Definitions


A. The following terms are associated with this policy:

1. Sexual misconduct includes aggravated sexual assault, offender-on-offender sexual assault, sexual abuse, and sexual harassment. It also includes staff-on-offender sexual harassment and staff sexual misconduct.
 - a. These terms are further defined in Prison Rape Elimination Act (PREA) Definitions (Attachment 1).
2. Staff includes Department employees, contract staff, volunteers, and any other person providing services in Department facilities or offices.


II. Responsibilities

A. The Department's PREA Coordinator will:

1. Develop and implement PREA related policies.
2. Develop and coordinate procedures to triage allegations received and identify, monitor, and track incidents of sexual misconduct.
3. Coordinate and track referrals of allegations to law enforcement and prosecutors.
4. Develop and implement a comprehensive system to audit facility compliance with PREA policies and applicable laws.
 - a. A formal audit will be conducted in each Prison and Work Release at least once every 3 years by an auditor certified by the United States Department of Justice (DOJ).
 - 1) Deficiencies identified in these audits will be addressed in formal corrective action plans developed and agreed to by the Superintendent/Work Release Supervisor, the DOJ auditor, and the PREA Coordinator.
 - b. Each facility will review and document continued compliance using a formal standardized system published by the PREA Coordinator.
5. Oversee monitoring of PREA compliance for private and non-Department public entities contracted for offender confinement.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY DEPARTMENT WIDE OFFENDER/SPANISH MANUALS		
	REVISION DATE 3/16/17	PAGE NUMBER 4 of 16	NUMBER DOC 490.800
	TITLE PRISON RAPE ELIMINATION ACT (PREA) PREVENTION AND REPORTING		

6. Keep management informed on PREA-related issues.
 7. Chair a multidisciplinary review committee to develop PREA-related prevention and response strategies.
 8. Serve as the PREA Compliance Manager for staff assigned to Headquarters, Correctional Industries Headquarters, and regional Administrative Operations offices.
 9. Maintain a memorandum of understanding for external victim advocacy services.
 10. Maintain PREA content for the Department website, including publication of required information and documents.
- B. A PREA Compliance Manager will be identified by the Superintendent for each Prison, and the Work Release Administrator will assign a PREA Compliance Manager for each Work Release. The PREA Compliance Manager will be an employee outside of any Intelligence and Investigation Unit, who will coordinate local PREA compliance and:
1. Serve as point of contact for the PREA Coordinator.
 2. Oversee completion of scheduled PREA vulnerability assessments.
 3. Coordinate audit preparation activities and corrective action plans.
 4. Track completion of PREA Risk Assessments for substantiated allegations of offender-on-offender sexual assault/abuse or staff sexual misconduct.
 5. For Prisons, ensure a monthly functionality test of a random sampling of offender telephones is completed to verify the toll-free number is operational, Inmate Personal Identification Number (IPIN) is not required, and calls are not being recorded locally.
 6. Coordinate monthly checks to verify:
 - a. The PREA hotline telephone number is posted on or near all offender telephones.
 - b. Posters and brochures provided by the PREA Coordinator are posted in areas accessible to offenders and the public, including Health Services areas and Classification Counselor/Community Corrections Officer (CCO) offices.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY DEPARTMENT WIDE OFFENDER/SPANISH MANUALS		
	REVISION DATE 3/16/17	PAGE NUMBER 5 of 16	NUMBER DOC 490.800
	TITLE PRISON RAPE ELIMINATION ACT (PREA) PREVENTION AND REPORTING		

- c. DOC 21-379 Report of Prison Rape Elimination Act (PREA) Allegation forms are available for offenders to access.
 - 1) In Prisons, forms will be maintained in the living units and/or library.
 - 2) In Work Releases, forms will be maintained on offender bulletin boards.
- 7. Review compliance with all PREA training requirements quarterly.
- 8. Oversee the work of the PREA Compliance Specialist, if applicable, to include audit preparation, investigations, and other duties associated with PREA implementation.


- C. Each Field Administrator will assign an employee to serve as the PREA Compliance Manager to ensure posters and brochures provided by the PREA Coordinator are posted in areas accessible to offenders and the public.
- D. The Senior Administrator of Programs for Community Corrections will serve as the PREA Compliance Manager for jails contracted for offender violator housing.

III. Offender Accommodations

- A. Professional interpreter or translation services, including sign language, are available to assist offenders in understanding this policy, reporting allegations, and/or participating in investigations of sexual misconduct per DOC 450.500 Language Services for Limited English Proficient (LEP) Offenders.
 - 1. Offenders are not authorized to use interpretation/translation services from other offenders, family members, or friends for these purposes.
 - 2. Staff interpreters/translators will only be used for these purposes in exigent circumstances.
- B. Americans with Disabilities Act (ADA) accommodations will be provided per DOC 690.400 Offenders with Disabilities.

IV. Meetings with Local Law Enforcement

- A. Each Superintendent and the Work Release Administrator will meet at least annually with applicable law enforcement officials to:
 - 1. Review investigation requirements detailed in federal PREA standards,

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY DEPARTMENT WIDE OFFENDER/SPANISH MANUALS		
	REVISION DATE 3/16/17	PAGE NUMBER 6 of 16	NUMBER DOC 490.800
	TITLE PRISON RAPE ELIMINATION ACT (PREA) PREVENTION AND REPORTING		

2. Establish procedures for conducting criminal investigations related to PREA allegations, and
3. Establish points of contact and agree upon investigatory update procedures.

B. Meetings with law enforcement will be documented in meeting minutes.

V. Staffing Practices


A. The Department has established staffing practices as follows:

1. To the extent permitted by law, the Department will not knowingly hire, promote, or enlist the services of anyone who:
 - a. Has engaged in sexual misconduct in a Prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 U.S.C. 1997,
 - b. Has engaged in sexual misconduct with an offender on supervision,
 - c. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse, or
 - d. Has been civilly or administratively adjudicated to have engaged in the activity described above.

B. The Department will consider any incidents of sexual harassment in determining whether to hire, promote, or enlist the services of anyone who may have contact with offenders.

C. The Department will obtain information through one or more of the following:

1. Washington Crime Information Center (WACIC)/National Crime Information Center (NCIC) records checks
2. Employment/volunteer applications
3. Reference checks
4. Personnel file review
5. Contract disclosure statements


 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY DEPARTMENT WIDE OFFENDER/SPANISH MANUALS		
	REVISION DATE 3/16/17	PAGE NUMBER 7 of 16	NUMBER DOC 490.800
	TITLE PRISON RAPE ELIMINATION ACT (PREA) PREVENTION AND REPORTING		

VI. Staffing Plans

- A. Each Superintendent and Work Release Community Corrections Supervisor (CCS) will use the PREA Compliant Staffing Plan template maintained on the PREA Audit SharePoint site to develop, maintain, and annually review a staffing plan that includes an objective analysis of the facility's staffing needs and established staffing model.
1. In Prisons, this review should be in conjunction with the post audit conducted per DOC 400.210 Custody Roster Management.
 2. Reviews will document consultation with the PREA Coordinator, who will be provided with a copy of the completed PREA Compliant Staffing Plan.

VII. Prison and Work Release Physical Plant

- A. Within available fiscal resources, the Department will use video security monitoring systems and relevant technology to enhance the safe operation of facilities for staff and offenders.
1. A PREA vulnerability assessment will be conducted in each facility per DOC 21-563 PREA Vulnerability Assessment.
 2. The assessment will be updated as new buildings are added, major building renovations are completed, or when surveillance systems (e.g., cameras, mirrors) are added or upgraded.
 - a. Corrective action plans developed as a result of assessments/ updates will be submitted to the PREA Coordinator and the Deputy Director or the Work Release Administrator, as applicable.
 - 1) The assessment and corrective action plans will be reviewed:
 - a) At least annually to ensure it is current and timelines are met, and
 - b) When annual PREA data is received to address any identified trends or areas of risk.
- B. The Department will consider possible effects on its ability to protect offenders from sexual misconduct when:
1. Designing or acquiring a new facility,

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY DEPARTMENT WIDE OFFENDER/SPANISH MANUALS		
	REVISION DATE 3/16/17	PAGE NUMBER 8 of 16	NUMBER DOC 490.800
	TITLE PRISON RAPE ELIMINATION ACT (PREA) PREVENTION AND REPORTING		


2. Planning substantial expansions or modifications of existing facilities, and
3. Installing or updating video monitoring systems, electronic surveillance systems, or other monitoring technology.

VIII. Presence of Opposite Gender Personnel/Visitors in Living Units and Infirmaries

- A. Offenders will be provided the opportunity to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. This includes viewing via surveillance systems.
- B. Notices will be posted in living units and infirmaries indicating that personnel of both genders could be present in the unit.
- C. An announcement will be made indicating “Man on unit” or “Woman on unit”, loud enough and often enough to reasonably be heard by the occupants of that area:
 1. At the start of the shift if an employee working that shift is the opposite gender of the offenders housed there.
 2. Whenever anyone of the opposite gender of the offenders enters a living unit who is not regularly assigned there (e.g., facility visitor).
 3. Whenever anyone of the opposite gender of the offenders enters offender restrooms or any area designated for offenders to disrobe or change their clothes.
- D. Doorbell systems may be used to make announcements, provided they are loud enough to be reasonably heard and offenders are notified of the purpose of the doorbell.

IX. Contracted Confinement of Offenders

- A. Any new or renewed contracts for the confinement of offenders will include the requirement that the contracted facility comply with federal PREA standards and allow the Department to monitor PREA compliance.
- B. The Department will not enter into contracts with facilities that fail to comply with PREA standards, except in emergent situations.
 1. The Department will document all attempts to find an alternate facility that meets PREA standards.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY DEPARTMENT WIDE OFFENDER/SPANISH MANUALS		
	REVISION DATE 3/16/17	PAGE NUMBER 9 of 16	NUMBER DOC 490.800
	TITLE PRISON RAPE ELIMINATION ACT (PREA) PREVENTION AND REPORTING		

X. Training Requirements

A. All new employees, contract staff, and volunteers will receive initial PREA training upon hire/assignment, followed by annual refresher training. When initial training is not conducted prior to assignment, the individual will sign DOC 03-478 PREA Acknowledgment and will complete training at the earliest opportunity.

1. Training will address, but will not be limited to, the following:

- a. Reviewing this policy and related operational memorandums, the Prison Rape Elimination Act of 2003, RCW 9A.44.160, RCW 9A.44.170, RCW 72.09.225, and potential criminal penalties and disciplinary consequences for engaging in prohibited activities.
- b. Zero tolerance for sexual misconduct and related retaliation.
- c. Preventing and detecting sexual misconduct, including:
 - 1) Communicating effectively with offenders, including lesbian, gay, bisexual, transgender, intersex, and/or gender non-conforming offenders.
 - 2) Gender-specific issues.
 - 3) Examples of conduct, circumstances, and behaviors that may be precursors to sexual misconduct.
 - 4) Avoiding inappropriate relationships with offenders.
 - 5) Recognizing signs of possible/threatened sexual misconduct and staff involvement.
 - 6) Recognizing predatory behavior and common reactions of sexual misconduct victims.
- d. The dynamics of sexual misconduct in confinement.
- e. Reporting sexual misconduct, including:
 - 1) Reporting methods,
 - 2) Mandatory reporting for youthful offenders and offenders classified as vulnerable adults, and
 - 3) Disciplinary consequences for staff's failing to report.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
DEPARTMENT WIDE
OFFENDER/SPANISH MANUALS

REVISION DATE
3/16/17


PAGE NUMBER
10 of 16

NUMBER
DOC 490.800

POLICY

TITLE
**PRISON RAPE ELIMINATION ACT (PREA)
PREVENTION AND REPORTING**

- f. Responding to sexual misconduct, including first responder duties.
- g. Confidentiality requirements.
- 2. Staff will acknowledge their understanding of the training.
 - a. For online training, acknowledgment will be included in the electronic course.
 - b. For in-person training, acknowledgment will be documented by signing the course roster, which will include a statement verifying participant understanding.
- B. Vendors and service providers with limited unescorted contact with offenders are not required to attend PREA training, but must sign DOC 03-478 PREA Acknowledgment.
 - 1. Contract staff who only provide services to offenders on community supervision will be provided with the PREA brochure given to employees, contract staff, and volunteers.
- C. Employees/contract staff who may conduct pat searches will be trained in cross-gender searches and searches of transgender and intersex offenders.
- D. Employees responsible for completing/reviewing risk assessments and making housing/bed assignments will be trained in:
 - 1. Completing DOC 07-019 PREA Risk Assessment,
 - 2. Monitoring procedures, and
 - 3. Documentation requirements.
- E. Employees responsible for making housing and bed assignments will also be trained in compatibility of offenders and documentation requirements.
- F. Health Services employees/contract staff, with the exception of medical records, clerical, pharmacy personnel, the Dietary Services Manager, and the Psychologist assigned exclusively to sex offender treatment programming, will be trained in:
 - 1. Detecting and assessing signs of sexual misconduct,
 - 2. Responding effectively and professionally to sexual misconduct victims,
 - 3. Completing DOC 02-348 Fight/Assault Activity Review,
 - 4. Preserving physical evidence,
 - 5. Reporting sexual misconduct, and

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY DEPARTMENT WIDE OFFENDER/SPANISH MANUALS		
	REVISION DATE 3/16/17	PAGE NUMBER 11 of 16	NUMBER DOC 490.800
	TITLE PRISON RAPE ELIMINATION ACT (PREA) PREVENTION AND REPORTING		

6. Counseling and monitoring procedures.

G. PREA investigators will be trained in:

1. Crime scene management/investigation, including evidence collection in Prisons and Work Releases,
2. Confidentiality of all investigation information,
3. Miranda and Garrity warnings, compelled interviews, and the law enforcement referral process,
4. Crisis intervention,
5. Investigating sexual misconduct,
6. Techniques for interviewing sexual misconduct victims, and
7. Criteria and evidence required to substantiate administrative action or prosecution referral.

H. Within 6 months of assuming duties, Appointing Authorities must complete training specific to PREA investigations and also be trained in:


1. Responding to allegations,
2. Assessing witness credibility,
3. Making substantiation decisions,
4. Referring to law enforcement,
5. Making notifications, and
6. Creating action plans.

I. The PREA Coordinator will approve all PREA specific training materials.

XI. Community Victim Advocates

A. Sexual assault support services may be obtained through the Office of Crime Victims Advocacy (OCVA).

1. Offenders may call 1-855-210-2087 toll-free Monday through Friday 8:00 a.m. - 5:00 p.m. to reach an OCVA PREA Support Specialist. Calls will not be monitored or recorded, and an IPIN will not be required. Abuse of the toll-free phone line will be reported to the Superintendent or the Work Release Administrator for action as needed.
2. In-person consultations may be available to supplement phone based support for eligible offenders.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY DEPARTMENT WIDE OFFENDER/SPANISH MANUALS		
	REVISION DATE 3/16/17	PAGE NUMBER 12 of 16	NUMBER DOC 490.800
	TITLE PRISON RAPE ELIMINATION ACT (PREA) PREVENTION AND REPORTING		

3. Communication between the offender and the OCVA PREA Support Specialist is confidential and will not be disclosed unless the offender signs an authorization to release information.

B. Posters and brochures provided by the PREA Coordinator, detailing the role of the OCVA PREA Support Specialist and listing the toll-free phone number, will be posted in areas accessible to offenders, including Health Services areas, Classification Counselor/Community Corrections Officer (CCO) offices, and law libraries.

XII. PREA Information for Offenders

A. Offenders will be provided PREA related information, which will include information on the Department's zero tolerance stance and ways to report sexual misconduct. Information will be presented in a manner allowing offenders to ask questions of the staff member facilitating the orientation.

1. If an orientation video is presented in-transit, offenders will be provided an opportunity to ask questions of the facilitator during onsite facility orientation.

B. The need to provide targeted orientation will be determined on a case-by-case basis, taking into consideration:


1. Reading comprehension levels,
2. Mental health input/evaluation,
3. Cognitive abilities,
4. Interactions with staff, and/or
5. Language barriers other than Spanish.

C. Prisons

1. During intake at any Prison, offenders will be given an informational brochure provided by the PREA Coordinator.

2. Offenders will be provided additional PREA information during formal orientation at any Prison, or per local procedures for offenders arriving directly to restrictive housing or the infirmary. This information will be communicated in writing and verbally, using either the video or the script approved by the PREA Coordinator, in a manner that is clearly understood by offenders.

3. Provision of PREA information will be documented in OMNI Programs.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY DEPARTMENT WIDE OFFENDER/SPANISH MANUALS		
	REVISION DATE 3/16/17	PAGE NUMBER 13 of 16	NUMBER DOC 490.800
	TITLE PRISON RAPE ELIMINATION ACT (PREA) PREVENTION AND REPORTING		

D. Work Release

1. Offenders will be given an informational brochure provided by the PREA Coordinator. PREA information may also be covered in the local Offender Orientation Handbook.
2. Orientation will be documented on DOC 05-512 Work Release Orientation Checklist or in OMNI Programs.

E. Community Supervision

1. Offenders will be given an informational brochure provided by the PREA Coordinator and DOC 07-024 Conditions, Requirements, and Instructions, which includes information on how to report staff sexual misconduct.

F. Employees/contract staff providing PREA information will only use the outline and materials approved by the PREA Coordinator.


XIII. Reporting

A. Offenders, visitors, offender family members/associates, and other community members can report:


1. Allegations of sexual misconduct,
2. Retaliation by offenders or staff for reporting sexual misconduct, and/or
3. Staff actions or neglect that may have contributed to an incident of sexual misconduct.

B. Offenders may report PREA allegations in the following ways. Reporters may remain anonymous:

1. Through the confidential PREA hotline at 800-586-9431, or at 844-242-1201 for teletypewriter (TTY).
 - a. The toll-free number will be posted on or near all offender telephones in Prisons and Work Releases and in the lobby/offender reception area in all Field Offices. Telephones will be accessible to Prison/Work Release offenders only during their free time hours.
 - 1) The facility/office will not record or monitor calls to the hotline.
 - 2) An IPIN will not be required to place a call to the hotline.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY DEPARTMENT WIDE OFFENDER/SPANISH MANUALS		
	REVISION DATE 3/16/17	PAGE NUMBER 14 of 16	NUMBER DOC 490.800
	TITLE PRISON RAPE ELIMINATION ACT (PREA) PREVENTION AND REPORTING		

- b. Headquarters will record and monitor all calls to the hotline. Messages will be checked by Headquarters personnel each regular workday.
 2. Verbally to any staff.
 3. In writing, through the following processes:
 - a. Offender kites.
 - b. Written notes or letters to staff.
 - c. Legal mail addressed to the State Attorney General, the Office of the Governor, law enforcement, and/or the PREA Coordinator, per DOC 450.100 Mail for Prison Offenders or DOC 450.110 Mail for Work Release Offenders.
 - 1) Legal mail to the PREA Coordinator should be sent to P.O. Box 41131, Olympia, WA 98504.
 - d. Offender grievances, including emergency offender grievances, per DOC 550.100 Offender Grievance Program and the Offender Grievance Program Manual.
 - 1) Copies of grievances alleging sexual misconduct will be forwarded immediately to the applicable authority per the PREA Reporting Process attached to DOC 490.850 Prison Rape Elimination Act (PREA) Response.
 - 2) The offender will be notified via the grievance response that the allegation was forwarded for review for a possible PREA investigation.
 - 3) The PREA Coordinator/designee will notify the appropriate grievance staff of the determination on whether the allegation meets the definition of sexual misconduct
 - a) If the allegation does not, the offender may refile the grievance per DOC 550.100 Offender Grievance Program.
 - e. Written report to an outside agency for Prison and Work Release offenders.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY DEPARTMENT WIDE OFFENDER/SPANISH MANUALS		
	REVISION DATE 3/16/17	PAGE NUMBER 15 of 16	NUMBER DOC 490.800
	TITLE PRISON RAPE ELIMINATION ACT (PREA) PREVENTION AND REPORTING		

- 1) These reports will be made using DOC 21-379 Report of Prison Rape Elimination Act (PREA) Allegation. The offender can remain anonymous by not identifying him/herself on the form. The forms will be available:
 - a) In areas accessible to offenders in Prisons, with pre-addressed envelopes attached.
 - b) On bulletin boards in Work Releases.
 - 2) In Prisons, the offender will place the completed form in the provided envelope and place it in any offender grievance box. When the grievances are retrieved, the Grievance Coordinator will forward the form to the mailroom to be processed without opening.
 - 3) Once received, the outside agency will forward the report to the PREA Coordinator, who will respond to the allegation per DOC 490.850 Prison Rape Elimination Act (PREA) Response.
- C. Visitors, offender family members/associates, and other community members can report allegations by calling the PREA hotline, writing a letter to the PREA Coordinator, or sending an email to DOCPREA@doc.wa.gov.
- D. Staff will report all allegations, related retaliation, and knowledge of related staff actions or neglect that may have contributed to an incident per DOC 490.850 Prison Rape Elimination Act (PREA) Response.

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

[Prison Rape Elimination Act \(PREA\) Definitions \(Attachment 1\)](#)

DOC FORMS:

[DOC 02-348 Fight/Assault Activity Review](#)
[DOC 03-478 PREA Acknowledgment](#)
[DOC 05-512 Work Release Orientation Checklist](#)
[DOC 07-019 PREA Risk Assessment](#)



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
DEPARTMENT WIDE
OFFENDER/SPANISH MANUALS

REVISION DATE
3/16/17

PAGE NUMBER
16 of 16

NUMBER
DOC 490.800

POLICY

TITLE
**PRISON RAPE ELIMINATION ACT (PREA)
PREVENTION AND REPORTING**

[DOC 07-024 Conditions, Requirements, and Instructions](#)

[DOC 21-379 Report of Prison Rape Elimination Act \(PREA\) Allegation](#)

[DOC 21-563 PREA Vulnerability Assessment](#)