

Prison Rape Elimination Act (PREA) & Custodial Sexual Misconduct

What is PREA?

The federal Prison Rape Elimination Act (PREA) was signed into law September 2003 by President George W. Bush. Its main purpose is to protect the Eighth Amendment rights of Federal, State, and local prisoners. PREA makes the prevention of sexual assault of incarcerated persons a top priority with national standards for the detection, prevention, reduction and punishment of sexual misconduct and sexual assaults in prisons and jails. It also increases accountability for administrators who fail to prevent, reduce, and punish such misconduct.

What is a violation of PREA and how will the Sheriff's Office respond?

Sexual contact in any form between staff and inmates is a violation of PREA. This not only applies to inmates in custody, but also to those who may be in transition between custody levels, such as in Drug Court, in treatment, in transitional housing and/or on probation, parole and post-prison supervision. It also applies to same sex, as well as opposite sex encounters. There is no such thing as consensual sex between staff and inmates.

Sexual assault/misconduct between inmates is also a PREA violation. The Grays Harbor County Sheriff's Office (GHSO) is committed to a zero-tolerance standard for the sexual misconduct or sexual assault of inmates under its authority. GHSO will aggressively respond, investigate, and support the prosecution of such misconduct.

How does this apply to me as a professional visitor?

As a professional visitor (e.g. attorney, private investigator, counselor, children's services staff, educator, court staff, medical and mental health professional, etc.) you are in a position of authority and respect similar to a staff member. As such, you could be in violation of PREA and prosecuted if you have sexual contact with an inmate. This is a serious offense that can result in prosecution and punishment as a felony. Such punishment could result in a substantial prison sentence and would likely endanger any professional license.

In addition to maintaining your own high standards of behavior, you have an obligation to act and make notification if you think an inmate is being abused by staff, other inmates, or other professional visitors. If you fail to report an incident, you may be found to have acted with deliberate indifference toward the victim's health and/or safety.

What do you do if an inmate comes to you as a victim or with information about a victim?

Maintain your professionalism. Listen and write down the information, then report it to jail staff. You may be asked to write a report and speak with an investigator. If you do not feel safe discussing this with staff in duty, you should contact the Chief Criminal Deputy or the Undersheriff. If you do not feel comfortable or safe discussing this with the Grays Harbor County Sheriff's Office, then you can contact the Grays Harbor County Prosecutor's Office, which is not under the authority of the Sheriff's Office.