



# ANNUAL REPORT

FISCAL YEAR 2024

November 1, 2024

TO: The Honorable Jay Inslee, Governor of the State of Washington  
Members of the Washington State Legislature  
Stakeholders of the Office of the Corrections Ombuds  
Cheryl Strange, Secretary of the Department of Corrections

We are pleased to submit the Fiscal Year 2024 Annual Report of the Office of the Corrections Ombuds, which provides an account of our agency's activities from July 1, 2023, through June 30, 2024.

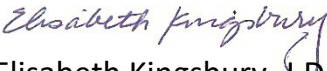
During this reporting period, the Office of the Corrections Ombuds opened **3,459** cases representing complaints from, or about, **1,826** incarcerated individuals. We resolved **3,203** complaints. The most frequently received complaints concerned **healthcare, WADOC staff conduct, and discipline.**

Every function of our small state agency aligns with Executive Order 24-03, "Building Safe and Strong Communities Through Successful Reentry" – and we are proud of our contributions to improving public safety. From evaluating systemic challenges in health care access to addressing individual transfer issues, the Office of the Corrections Ombuds is committed to reducing disparities and enhancing equitable outcomes for all people impacted by the Washington corrections system.

Bringing about positive change in Washington's corrections system is our collective responsibility. The Office of the Corrections Ombuds is committed to clearly and effectively communicating to the Washington Department of Corrections issues that require attention while advocating for change and solutions. In return, we deliver objective, honest, transparent, and responsive communications and negotiations to positively impact the community we serve.

It is an honor to serve as the Director and Deputy Director of the Office of the Corrections Ombuds, working alongside courageous public employees who are bold and persistent problem solvers. We thank you for supporting the Office of the Corrections Ombuds and our work to increase positive outcomes for the community we serve. As always, we remain optimistic that our work empowers and makes a difference.

Sincerely,

  
Elisabeth Kingsbury, J.D.  
Deputy Director

  
Caitlin T. Robertson, Ph.D.  
Director



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## Executive Summary

In Fiscal Year 2024 (July 1, 2023, through June 30, 2024), the Office of the Corrections Ombuds opened **3,459** cases representing complaints from, or about, **1,826** incarcerated individuals. The office resolved **3,203** complaints during this time period.<sup>1</sup> The Office of the Corrections Ombuds (OCO) received **4,764** calls, or an average of **397** calls for assistance each month through our hotline. The OCO is a small office, currently consisting of **15 dedicated public employees**.

Complaints related to **health care (medical, mental health, ADA, and dental)** were the most frequently received type of concern in FY 2024.

**DOC staff conduct and discipline cases** were the second and third most common types of complaint received in FY 2024.

The OCO successfully **negotiated over 1,300 positive outcomes** (provided assistance and information) during FY 2024, ranging from individual concerns to systems changes. During this same time period, the OCO released **12** monthly outcome reports, **nine** monthly newsletters, provided comments on **14** proposed DOC policy updates, and published **four** systemic reports.

The OCO conducted **nine** quarterly meetings: four quarterly meetings were in a prison facility, and five were in the community.

The OCO values continuous improvement and the trust of the people incarcerated in the Washington Department of Corrections facilities and all our stakeholders. Please reach out if we can be of assistance.

To submit an online complaint, click [HERE](#) or go to: <https://oco.wa.gov/submit-complaint>

To subscribe to our OCO notification listserv and news bulletins click [HERE](#) or go to: [https://public.govdelivery.com/accounts/WAGOV/subscriber/new?topic\\_id=WAGOV\\_158](https://public.govdelivery.com/accounts/WAGOV/subscriber/new?topic_id=WAGOV_158)

### Questions and/or comments about this report can be sent to:

Office of the Corrections Ombuds  
P.O. Box 40009  
Olympia, Washington 98505  
[OCOCorrespondence@gov.wa.gov](mailto:OCOCorrespondence@gov.wa.gov)

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<sup>1</sup> Opened and closed case figures include cases that were closed as duplicates as well as those reopened for quality assurance purposes and closed at the conclusion of that review.

## Vision

The Office of the Corrections Ombuds envisions a more humane and transparent Washington corrections system.

## Mission

The Office of the Corrections Ombuds is on a mission to provide opportunities for people impacted by incarceration to raise issues and resolve conflicts. We work to reduce harm in the Washington corrections system by negotiating outcomes, recommending positive change, and reporting individual and systemic concerns.

## Values

**Integrity:** We believe in honesty, transparency, and authenticity.

**Respect:** We are a compassionate, kind, and consistent organization. We value our collective humanity and dignity.

**Collaboration:** We work together to deliver objective communications and negotiations to positively impact the community we serve.

**Equity:** We recognize the importance of diversity and lived experience. We aim to provide equitable services to all people impacted by incarceration.

**Courage:** We are bold and persistent problem solvers. We work to safeguard the health, safety, and welfare of incarcerated individuals. We remain optimistic that our work empowers and makes a difference.

## Core Duties

The Office of the Corrections Ombuds is an independent and impartial public office within the Governor's Office. The Office of the Corrections Ombuds (OCO) serves the state of Washington by helping to resolve issues involving people incarcerated in the Department of Corrections facilities. Through our casework and published reports, we work to promote positive change in corrections.

The following duties and responsibilities of the Ombuds are set forth in state law<sup>2</sup>:

- Maintain a statewide toll-free confidential hotline.
- Provide information and technical assistance to incarcerated individuals and stakeholders.

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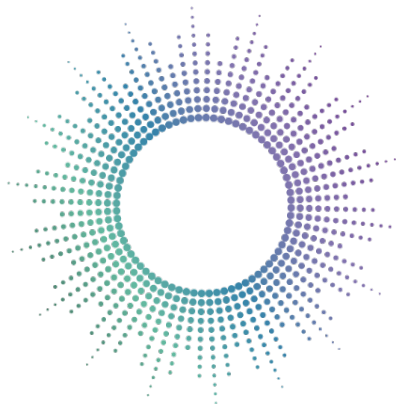
<sup>2</sup>RCW 43.06C and RCW 72.09.770

- Receive, investigate, and resolve complaints.
- Monitor and provide system oversight related to the health, safety, welfare, and rehabilitation of incarcerated individuals.
- Monitor and provide legislative and policy developments affecting correctional facilities.
- Submit an annual report by November 1<sup>st</sup> of each year.
- Submit an annual report to the legislature on the status of the implementation of unexpected fatality review recommendations.

## Budget and Expenditures

The Office of the Corrections Ombuds Fiscal Year 2024 budget and expenditures:

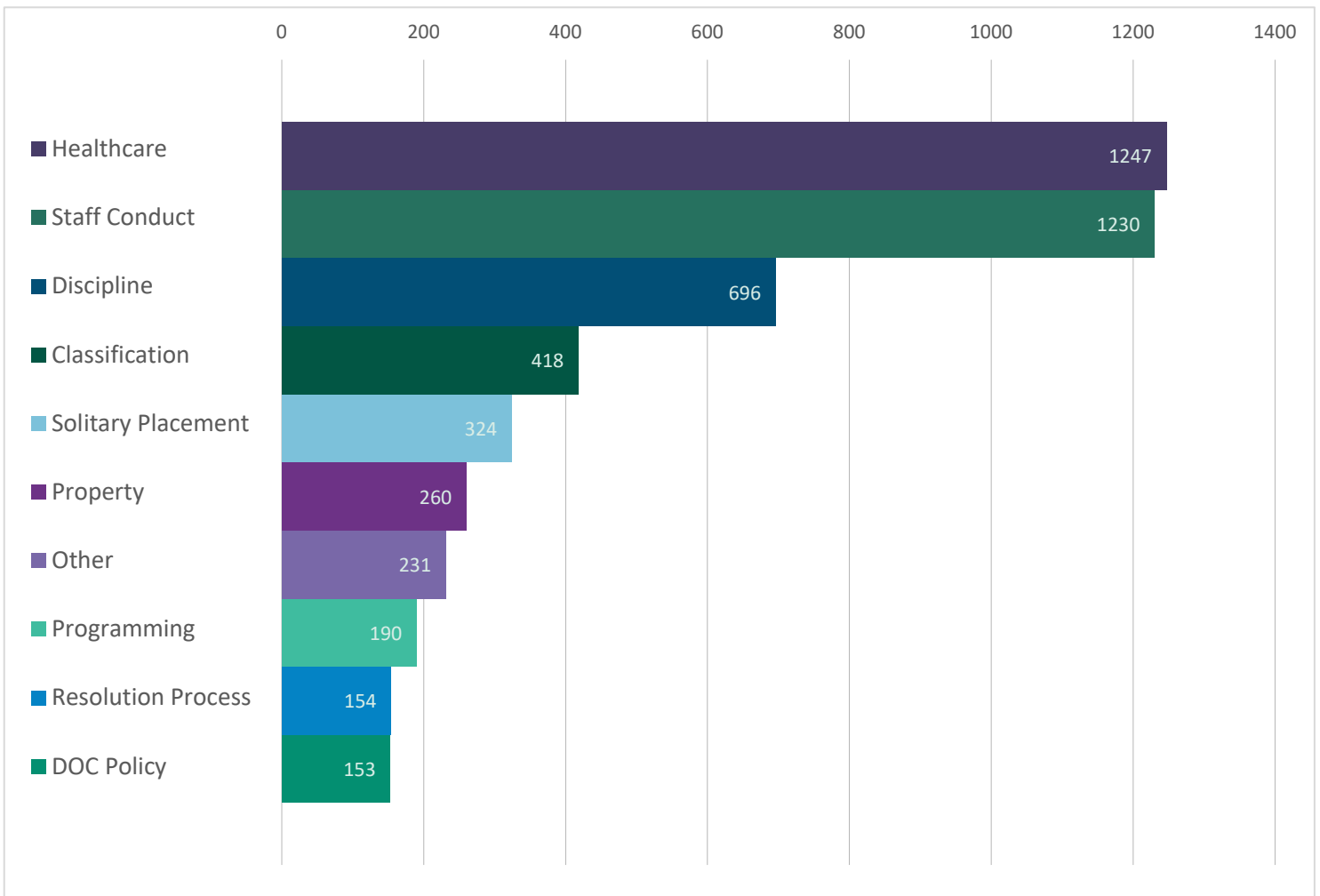
Category	Allotment	Expenditure
A/ Employee Salaries and Wages	951,457	889,860
B/ Employee Benefits	340,164	337,175
C/ Professional Service Contracts	78,453	85,579
E/ Goods and Services	323,566	341,385
G/ Travel	50,000	50,159
J/ Capital Outlays		449
N/ Grants, Benefits & Client Services		518
<b>Total: 001 – General Fund: Salaries and Expenses</b>	1,743,640	1,705,125
<b>Total: 00152 – Solitary Confinement Report - FY24</b>	125,000	121,529
<b>Combined Total FY2024</b>	<b>\$1,868,640</b>	<b>\$1,826,654</b>



## Top Ten Investigative Case Factors

The top ten most frequently reported topics of investigative cases in FY 2024 were:

1. Healthcare
2. Staff Conduct
3. Discipline
4. Classification
5. Solitary Placement
6. Property
7. Other
8. Programming
9. Resolution Process
10. DOC Policy





## Top Ten WADOC Institutions of Incident Complaints

The OCO received the most complaints from the following ten DOC Institutions in FY 2024<sup>3</sup>:

WADOC Institution of Incident	Cases Opened	Cases Closed
Monroe Correctional Complex	695	666
Washington State Penitentiary	556	516
Airway Heights Corrections Center	536	473
Stafford Creek Corrections Center	457	436
Coyote Ridge Corrections Center	319	306
Washington Corrections Center	302	286
Clallam Bay Corrections Center	174	153
Washington Corrections Center for Women	161	160
Olympic Corrections Center	66	48
Cedar Creek Corrections Center	64	45

## Investigation Highlights

### Assistance Provided – Case Investigations

The following are examples of investigative cases in which the OCO staff provided assistance or information to incarcerated individuals in prisons throughout the state of Washington.

#### Individual Concerns: Healthcare

##### Access to Durable Medical Equipment

- Patient reported he had been injured at work and had to be transferred to another facility for care. While at the new facility, he was moved to a more restrictive housing setting and his durable medical equipment (DME) was taken from him.
- The OCO staff verified the incident occurred and that the patient was moved back to his home facility with access to the necessary medical equipment. The OCO determined DME had been taken from the patient without consultation from medical providers. This issue was elevated to DOC health services leadership and as a result, DOC staff have been re-trained on the process for individuals requiring DME in restrictive housing.

##### Access to Mental Health Services

- Patient reports that the facility is not allowing him access to a mental healthcare provider. The individual reports that his mental health has been declining and he has been requesting to speak with someone, but the facility says no staff member will be

<sup>3</sup> The opened and closed case figures in this table include: 1) cases opened in the prior fiscal year; 2) cases that were closed as duplicates; and 3) cases that were reopened for review and then closed again.



available for several days. Due to the severity of this person's mental health concerns, they are concerned for their well-being.

- The OCO alerted the facility to the mental health concerns, and as a result the facility was able to coordinate a provider from a different facility to come speak with the person. This person received a mental health assessment the same day and was moved to segregation per their request. The next day, the OCO met with this individual in-person, and the individual was transported to a new facility where his needs could be better met.

### **Facility Placement for Medical Needs**

- External person reported concerns about their incarcerated loved one being considered for transfer to another facility. The patient confirmed possible placement in a special medical unit due to medical needs and voiced concerns about transferring since he could receive the necessary medical care at his current facility without the impact of a transfer on his family.
- The OCO elevated this concern through health services. At the OCO's request, DOC headquarters reversed the transfer decision and found that his medical needs could be met at his current facility.

### **Access to Mental Health Services**

- External person reported that their loved one's mental health had been deteriorating since they had been in solitary confinement.
- The OCO conducted an in-person visit with the individual and verified that he had not been engaging with staff. The OCO contacted facility leadership and requested a mental health assessment be conducted for this person. DOC agreed to do the assessment and after a review by mental health staff, this individual was approved for housing in a residential treatment unit.

### **Access to Medical Supplies**

- Patient reported that their Health Status Report (HSR) for hygiene-related medical supplies had been discontinued.
- The OCO elevated the concern through health services leadership. DOC agreed to re-review the HSR through the Care Review Committee (CRC) with updated medical information and mobility considerations.

## **Individual Concerns: Discipline**

### **Cell Tag Dismissed**

- An incarcerated person reported they received a cell tag infraction but provided evidence that the contraband belonged to their cellmate.
- The OCO reviewed the infraction packet that included a statement from the cellmate who claimed responsibility for the contraband. The OCO contacted the facility and

requested the DOC dismiss the infraction. The DOC confirmed the individual met the elements set forth in WAC 137-96-100, which establishes a lack of involvement in the infraction. The DOC ultimately agreed to dismiss the infraction.

### **Behavior Observation Entry Concern**

- An incarcerated person reported concerns regarding a negative behavior observation entry (BOE) they had received after a strip search.
- The OCO reviewed the incident and spoke with DOC staff regarding the concern. Following the conversation with OCO, the DOC agreed to issue an internal memo updating the protocol for how officers will conduct strip searches. The DOC also agreed to change the BOE from negative to neutral.

### **Individual Concerns: Staff Conduct**

#### **DOC Staff Conduct**

- An anonymous incarcerated person reported that two DOC staff members were creating a hostile living environment in their unit. The OCO received multiple complaints regarding the staff members named in this concern.
- The OCO contacted facility leadership and asked for a resolution to the problem. The DOC reassigned one of the two staff members to a different unit.

### **Individual Concerns: Solitary Confinement**

#### **Release from IMU**

- An incarcerated person reported he had been placed in segregation after an incident with a staff member. He stated that there was no reason that he should still be in segregation at the time he contacted this office.
- The OCO reviewed the person's file and was unable to locate a policy-based reason for his IMU placement. The OCO spoke with DOC staff and requested his transfer to appropriate housing. The DOC agreed to move the person out of segregation and into appropriate housing.

### **Individual Concerns: Other**

#### **End of Life Visits**

- An incarcerated person reported that an elderly man in the medical unit who was nearing the end of his life had several incarcerated friends who had requested to visit with him before he passed away. DOC staff had told them that the patient was not allowed to have visitors. The patient had no family members.
- The OCO discussed the concern with health services and custody staff. DOC agreed to arrange multiple rounds of visits for the patient and incarcerated loved ones. The patient was able to have several visitors prior to his death.

### **OC Spray Shower Protocol**

- An incarcerated person reported several concerns regarding a use of force they had experienced. One concern was that they were not allowed to shower for four days following the incident, preventing them from washing off the OC spray.
- The OCO reviewed all materials related to the use of force, including video footage of the incident. The OCO substantiated that a 24-hour no movement protocol had been in place at the time of the incident, so showers were not available until four days later. As a result of raising these concerns, facility leadership directed unit staff to provide individuals with a shower the next day in the event an incident like this occurs in the future while a no movement protocol is in place.

### **Religious Freedoms**

- Multiple incarcerated people reported concerns about religious freedoms being limited in violation of DOC 560.200 Religious Programs. Individuals filing complaints said that various religious groups (including Jewish and Buddhist groups) light candles and/or incense for their services. They reported that DOC was no longer allowing open flames in DOC buildings.
- The OCO reviewed resolution requests and communications between DOC staff. After the OCO having extensive negotiations with DOC leadership, DOC agreed to allow open flames, such as candles and incense, for indoor religious ceremonies.

### **Religious Property**

- An incarcerated person reported that an officer took a religious item that the religious coordinator told him he was allowed to have and wear.
- The OCO contacted the religious coordinator at the facility, who confirmed that a correctional officer had confiscated the item and would not return it to the individual or to the religious coordinator. The OCO contacted DOC Headquarters, who confirmed that this individual is allowed to have this religious item and ensured that the item was returned to the individual. Following OCO's outreach, DOC HQ released a memo stating that religious items would no longer have a gender designation and that items such as head coverings, earrings, and ceremonial dress are now available to incarcerated individuals of any gender.

## **Systemic Concerns**

### **Prison-Initiated Disciplinary Process Recommendations**

Prison-initiated disciplinary concerns consistently rank among the most common types of complaints received by the OCO. Of these complaints, a significant number relate to concerns regarding the fairness of the process of determining guilt in disciplinary proceedings. Published October 2023, the OCO Prison-Initiated Disciplinary Process Recommendations encouraged the DOC to:

1. change the “some evidence” standard to a “preponderance of the evidence standard”
2. enforce the infraction review policy as outlined in WAC 137-28-270 and DOC policy 460.000(II)(2)

At this time, WA DOC is unwilling to make these needed changes to its prison-initiated disciplinary process. Without additional intervention, such as legislative or legal action, the OCO believes that the current WA DOC disciplinary process will continue to negatively impact the health, safety, welfare, and rehabilitation of all incarcerated individuals.

### **Restrictive Housing Recommendations**

The OCO received an increase in concerns about individuals held in restrictive housing for extended periods of time. Administrative-segregation placement, classification changes, medical holds, and transfers can leave incarcerated individuals in restrictive housing for months without a clear expectation of when they will return to general population. Policy and procedure changes need to occur for the Department of Corrections to meet its goal of minimizing the use of solitary confinement by 90 percent in the next five years. Determining appropriate placement and transfer of individuals in restrictive housing should be considered an urgent matter for the Department of Corrections. Published September 2023, the OCO Restrictive Housing Recommendations encouraged DOC to:

1. update DOC policy 300.380 to include timelines for facility assessments and transfers for people in restrictive housing
2. monitor medical holds for people in restrictive housing, develop a related protocol and designate staff
3. create a clear protocol for Transfer Pods
4. update WSP 440.000 operational memo regarding food disposal after thirty days
5. review all individuals housed in Restrictive Housing and make it a priority to move them to appropriate placements

In addition to providing assistance, the OCO made five recommendations to the DOC. After a series of meetings, the OCO and DOC were able to agree to five negotiated outcomes.

### **Solitary Confinement: Part I**

As required by Engrossed Substitute Senate Bill (ESSB) 5187 (2023-2024), Sec. 117 (7), the Office of the Corrections Ombuds published Solitary Confinement: Part I in June 2024. This report focuses on incarcerated persons who have been in solitary confinement in Washington State. The OCO Solitary Confinement Research Team found

1. over 3000 individuals had been placed in solitary confinement or any other form of restrictive housing more than 120 days in total or more than 45 consecutive days in Fiscal Year 2023
2. over 170 attempted suicides and 14 individuals died by suicide while in solitary confinement over the past 10 years

The report also discusses types of solitary confinement, additional restrictions, ages of people in solitary, reasons for placement in solitary, underlying crimes of conviction, sanctions, remaining time on sentence, attempted suicides and deaths by suicide in solitary confinement, programming, and short-term policy changes. This is the first report of its kind to define solitary confinement for the public as well as include a de-identified dataset for the public and researchers to uncover other patterns and trends in the data.

### **Spotlight: Candles Allowed for Religious Ceremonies**

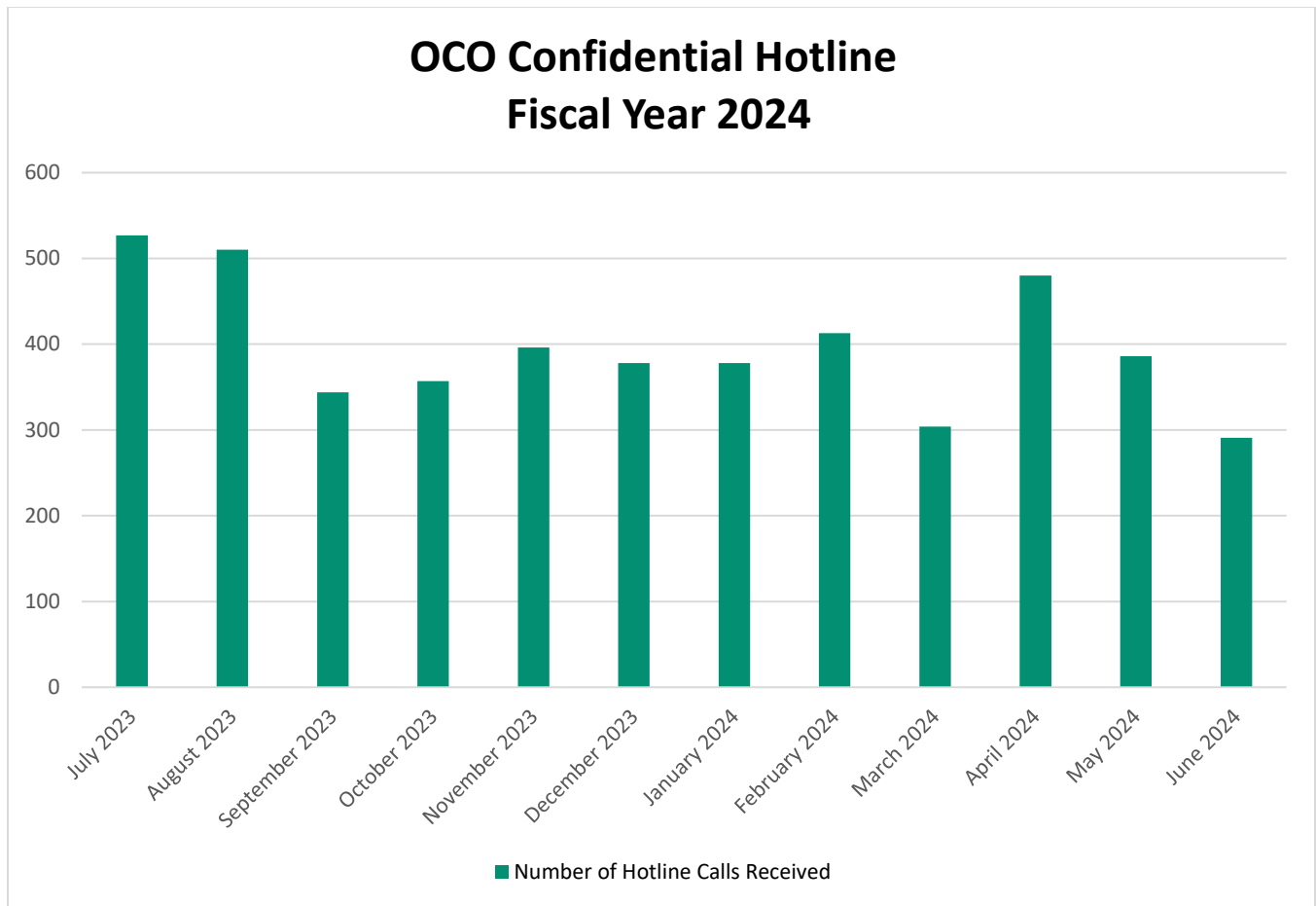
After receiving complaints from multiple incarcerated individuals from Jewish and Buddhist groups in Washington State prisons regarding the prohibition on the use of candles indoors during religious ceremonies, the OCO successfully negotiated a resolution with DOC to reestablish the use of candles indoors for religious ceremonies, in accordance with DOC policy. DOC Religious Programs Policy 560.200 explicitly states that candles are allowed in correctional institutions for religious ceremonies.

### **Unexpected Fatality Reviews (UFRs)**

The OCO now publishes an independent UFR Annual Report and more information about recommendations and systemic changes related to UFR committee reviews will be available in that separate report, scheduled to be released before the end of calendar year 2024.

## Confidential Hotline

In Fiscal Year 2024, the OCO answered **4,764** total hotline calls with an average of **397** calls per month.



## Monitoring Visits

The OCO routinely inspects prisons and reentry centers to assess and report on facility conditions and the treatment of people incarcerated there. All facilities are inspected, not just those with known problems. Monitoring is critical for ensuring the safety of all people inside. It is a proactive process meant to provide early identification of concerns about conditions and ill-treatment. In Fiscal Year 2024, the OCO staff completed **98 monitoring visits to WADOC prisons and reentry centers**. This means that on average, OCO conducted in-person monitoring visits to incarcerated people and facility staff nearly twice per week.





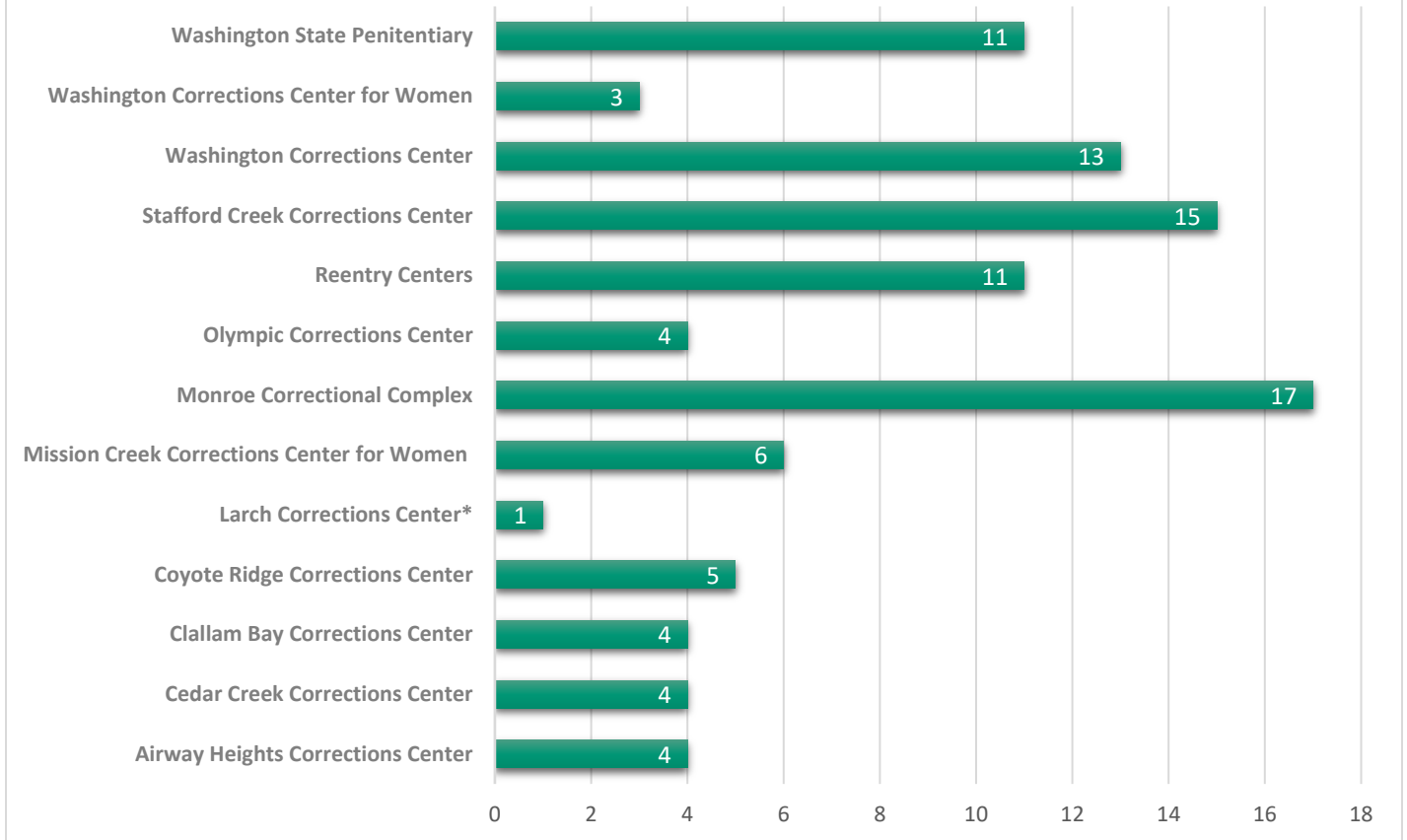
"The way to right wrongs is to turn the light of truth upon them."

**Ida B. Wells, 1892**





## OCO Monitoring Visits Fiscal Year 2024



\*The WADOC “warm closed” Larch Corrections Center on October 10, 2023. <sup>4</sup>

## Publications

The OCO continues to improve our investigation process with the goal of increasing positive outcomes for the incarcerated people we serve. During the fiscal year 2024 reporting period, the OCO issued the following publications<sup>5</sup>:

- Annual Report
- Unexpected Fatality Review Annual Report
- Spotlight - Candles Allowed for Religious Ceremonies
- Three Special Investigative Reports:
  - Restrictive Housing Recommendations
  - Prison-Initiated Disciplinary Process Recommendations
  - Solitary Confinement: Part I

<sup>4</sup><https://www.doc.wa.gov/news/2023/10092023p.htm#:~:text=TUMWATER%20%E2%80%93%20Following%20a%20ruling%20in,officially%20close%20October%2010th.>

<sup>5</sup> All publications are available at the OCO website [HERE](https://oco.wa.gov/reports-publications) and at: <https://oco.wa.gov/reports-publications>

- Nine Monthly Newsletters
- 12 Monthly Outcome Reports
- Policy Comments for revisions to the following policies:
  - DOC Policy 130.410 Legal Services for Incarcerated Individuals
  - DOC Policy 200.200 Incarcerated Individual Betterment Fund
  - DOC Policy 200.210 Prison Commissary
  - DOC Policy 300.380 Classification and Custody Facility Plan Review
  - DOC Policy 380.540 Vehicle Use in Partial Confinement
  - DOC Policy 420.110 Escorted Leaves and Furloughs
  - DOC Policy 450.300 Visits for Incarcerated Individuals
  - DOC Policy 420.380 Drug and Alcohol Testing
  - DOC Policy 470.450 Audio Monitoring
  - DOC Policy 600.025 Medical Copays
  - DOC Policy 610.040 Health Screenings and Assessments
  - DOC Policy 620.200 Death of Incarcerated Individuals
  - DOC Policy 650.020 Pharmaceutical Management
  - DOC Policy 890.170 Outdoor Heat Exposure Plan

### Monthly Newsletters

In September of 2023, the OCO began publishing a monthly newsletter that is posted to the tablets in the FYI App for incarcerated individuals to gain more information about the OCO’s work that month. The newsletters provide information about monitoring visits, recent OCO documents uploaded to tablets, a message from the director, and a casework highlight. Other announcements have included DOC policies under review and how to provide feedback on them as well as proposed legislation that impacts the incarcerated population.

### Monthly Outcome Reports: A Self-Advocacy Tool

The OCO investigates complaints regarding any actions or inactions of the DOC that adversely affect the health, safety, welfare, and rights of incarcerated individuals. RCW 43.06C.040(2)(k) directs the ombuds to render a public decision on the merits of each complaint at the conclusion of an investigation. All cases opened by the OCO are considered investigations for the purposes of the statute. As of March 15, 2022, the OCO opens a case for every complaint received by this office. We publish Monthly Outcome Reports<sup>6</sup> every month with all public decisions of the cases closed in that month. Additionally, we work with the DOC to make sure that all our reports are immediately available on the Securus tablets in the FYI application, and in all DOC-operated law libraries.

Based on feedback we received from incarcerated individuals, we updated our case closure reasons to better show data that reflects the outcomes reached and to provide greater transparency into the work of the office. The updated case closure reasons are as follows:

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<sup>6</sup> All Monthly Outcomes Reports (MORs) are available on the OCO website [HERE](https://oco.wa.gov/reports-publications/reports/monthly-outcome-reports) and at: <https://oco.wa.gov/reports-publications/reports/monthly-outcome-reports>

Case Closure Reason	Meaning
<b>Unexpected Fatality Review</b>	The incarcerated person died unexpectedly, and the death was reviewed by the unexpected fatality review team, as required by RCW 72.09.770.
<b>Assistance Provided</b>	The OCO achieved full or partial resolution of the person's complaint.
<b>Information Provided</b>	The OCO provided self-advocacy information.
<b>DOC Resolved</b>	DOC staff resolved the concern prior to OCO action.
<b>Insufficient Evidence to Substantiate</b>	Insufficient evidence existed to substantiate the concern.
<b>No Violation of Policy</b>	The OCO determined that DOC policy was not violated.
<b>Substantiated</b>	The OCO verified the concern but was unable to achieve a resolution to the concern.
<b>Administrative Remedies Not Pursued</b>	The incarcerated person did not yet pursue internal resolution per RCW 43.06C.040(2)(b).
<b>Declined</b>	The OCO declined to investigate the complaint per WAC 138-10-040(3).
<b>Lacked Jurisdiction</b>	The complaint did not meet OCO's jurisdictional requirements (typically when the complaint is not about an incarcerated person or not about a DOC action).
<b>Person Declined OCO Involvement</b>	The person did not want the OCO to pursue the concern or the OCO received no response to requests for more information.
<b>Person Left DOC Custody</b>	The incarcerated person left DOC custody prior to OCO action.
<b>Technical Assistance Provided</b>	The incarcerated person did not yet pursue internal resolution per RCW 43.06C.040(2)(b) but the OCO was able to provide the individual with an OCO informational flyer that pertains to the topic the concern was about for self-advocacy purposes.

## Unresolved OCO Recommendations

The following table lists key recommendations made by the OCO that remain outstanding as of October 2024. **“Unresolved”** indicates that 1) the DOC has not agreed to the recommendation or 2) the DOC has agreed to the recommendation but has not implemented it systemwide. **“In Progress”** indicates that the DOC has agreed to the recommendation and has undertaken significant work to fulfill the recommendation, which is ongoing.

OCO Recommendations to the WADOC	Issued	Status
DOC should ensure that an individual’s <b>mental health status is considered throughout the disciplinary process.</b>	<b>2021</b>	<b>Unresolved</b>
DOC should <b>reduce the frequency of placement and length of stay in any segregated housing</b> for individuals with serious mental health conditions.	<b>2021</b>	<b>Unresolved</b>
DOC should <b>equip DOC correctional officers and other staff with knowledge and skills</b> needed to support individuals with mental health conditions.	<b>2021</b>	<b>Unresolved</b>
DOC should <b>train all custody staff on using de-escalation tactics</b> instead of force.	<b>2021 &amp; 2023</b>	<b>Unresolved</b>
DOC should <b>develop a comprehensive RTU [Residential Treatment Unit] policy</b> that addresses: <ul style="list-style-type: none"> <li>a) objective criteria for admission;</li> <li>b) modified disciplinary system;</li> <li>c) modified classification system;</li> <li>d) pathway out of RTU, including objective criteria for discharge;</li> <li>e) mandatory specialized mental health training for RTU custody staff;</li> <li>f) programming availability in RTU (to include programming support).</li> </ul>	<b>2021 &amp; 2023</b>	<b>In Progress</b>
DOC should <b>develop a comprehensive IBMP [Individual Behavior Management Plan] policy</b> which may include: <ul style="list-style-type: none"> <li>a) objective criteria for who should or must have an IBMP;</li> <li>b) guidelines for incentives that may be used;</li> <li>c) guidelines for safety responses that may be used, including whether/when use of restraints may be part of an IBMP;</li> <li>d) mandatory training for all mental health providers that addresses how to write an IBMP;</li> </ul>	<b>2021 &amp; 2023</b>	<b>Unresolved</b>

<p>e) mandatory training for any DOC custody staff who routinely work with individuals who have IBMPs; and</p> <p>f) routine audits of IBMPs by qualified headquarters staff.</p>		
<p>DOC should <b>improve suicide prevention practices</b>. The OCO is aware that the DOC received one assessment (2015) and one reassessment (2023) from Lindsay Hayes, a nationally recognized expert in the field of suicide prevention within jails, prisons, and juvenile facilities.</p> <p>The DOC should <b>publicly share its corrective action plan for each category of Mr. Hayes’ recommendations</b>.</p>	<p><b>2023</b></p>	<p><b>In Progress</b></p>
<p>DOC should update DOC policy 300.380 to establish <b>timeframes</b> for how long an individual can be housed in restrictive housing.</p>	<p><b>2023</b></p>	<p><b>Unresolved</b></p>
<p>DOC should <b>monitor medical holds</b> so that individuals housed in a facility without housing for their classification due to a medical hold can be quickly moved to an appropriate facility.</p>	<p><b>2023</b></p>	<p><b>In Progress</b></p>
<p>DOC should create a clear <b>protocol for Transfer Pods</b> by establishing a uniform process throughout all facilities of when an individual can be placed in a Transfer Pod.</p>	<p><b>2023</b></p>	<p><b>In Progress</b></p>
<p>DOC should review all individuals currently housed in restrictive housing and make it a <b>priority to move them</b> to appropriate placements while identifying what needs to be adjusted in DOC policy to streamline the process.</p>	<p><b>2023</b></p>	<p><b>In Progress</b></p>
<p>DOC should change the “<b>some evidence</b>” standard to a “preponderance of evidence” standard for disciplinary proceedings.</p>	<p><b>2023</b></p>	<p><b>Unresolved</b></p>

## Our Pro-Equity Anti-Racism (PEAR) Work

The OCO is committed to manifesting a pro-equity anti-racism ecosystem in Washington State where everyone flourishes and achieves their full potential now and in future generations. The OCO's PEAR team was established in 2022 as directed in [Executive Order 22-04](#), "Implementing the Washington State Pro-Equity Anti-Racism (PEAR) Plan & Playbook," and at the direction of the [Office of Equity](#). During Fiscal Year 2024, the OCO PEAR team undertook several projects to ensure that our small state agency works in a way that reduces disparities and improves equitable and just outcomes for everyone in Washington, and are in alignment with [Executive Order 24-03](#), "Building Safe and Strong Communities Through Successful Reentry."

FY 2024 OCO PEAR work included:

- **Receiving the RAIN Outstanding Agency Award.** This award recognizes state agencies (or specific programs within the agency) who have created/improved the safe, welcoming, and inclusive environment for LGBTQ+ employees.
- OCO staff raising the Pride Flag over the Washington State Capitol with Governor Inslee, Senator Claire Wilson, and Supreme Court Justice Mary I. Yu.



- Launching a Plain Talk Workgroup that is tasked with reviewing and **rewriting OCO communications and publications with language and format that is understandable and accessible** in accordance with [Executive Order 23-02](#), "Plain Language."

- Continuing to **engage frequently with impacted partners** by
  - developing an “Open Hours” project to **facilitate more on-the-ground complaint resolution** and enhanced communication in facilities
  - increasing **prison and reentry center monitoring visits**
  - holding quarterly meetings inside prison facilities in addition to quarterly virtual meetings for non-incarcerated community partners. This change resulted in **increased feedback from incarcerated people** on OCO work.
- **PEAR team participation in the hiring process** for new OCO staff. This included reviewing interview questions with an equity-focused lens.
- Engaging in ongoing **trauma responsive care training** with the Center for Trauma-Responsive Practice Change. The aim of the work is to enhance OCO’s trauma-responsive practices to more effectively empower disenfranchised persons and address issues of ongoing systemic oppression.
- Continuing to negotiate with the Department of Corrections regarding **compensation for incarcerated individuals who participate in OCO workgroups** to offer perspective and knowledge based on lived experience.
- Finalizing **demographic data reconciliation project** to ensure that OCO data properly reflects the data provided by incarcerated individuals to the Department of Corrections.
- The OCO Director serves on the DOC Secretary’s PEAR Advisory Board. The Board meets twice annually and is tasked with: (1) monitoring the progress that DOC teams are making on their PEAR service line investments; (2) providing feedback and helping prioritize future service line investments; and (3) reviewing proposed updates to the DOC’s PEAR Strategic Plan.

## Stakeholder Engagement

At the Office of the Corrections Ombuds, our success relies on strong relationships with those most impacted by our work. Our commitment to equitable stakeholder engagement, especially with incarcerated individuals, is at the core of our mission. We know that the support of a diverse network of individuals, groups, and organizations is crucial to driving sustainable change within the Washington corrections system, leading to better outcomes for all Washingtonians. Throughout FY2024, we focused on delivering value to all our stakeholders through the following measures:

- Quarterly meetings inside prisons
- Virtual meetings with the community living outside prisons
- Community outreach throughout the nation
- Stakeholder identification, relationship mapping, and analysis
- Strategic survey approach



### Quarterly Meetings Inside Prisons

Historically, the OCO held public meetings in person and outside of prisons and transitioned to virtual meetings during the pandemic. The OCO public quarterly meetings for FY 2023 were all held inside a DOC facility and for FY 2024, we made this change permanent.

To help increase incarcerated parents' awareness of the Office of the Family and Children's Ombuds (OFCO), Director Patrick Dowd and Deputy Director Elizabeth Bokan joined OCO staff at all inside meetings and provided self-advocacy information about OFCO services. The image to the right is Director Dowd and Director Robertson outside the Airway Heights Corrections Center, in Airway Heights, Washington.

In addition to the public meetings inside of the prisons, we also held secondary public virtual meetings for stakeholders living outside prisons.



In keeping with our PEAR principles, not only were OCO staff inside prisons presenting our quarterly data directly to the community we serve, but we also worked with the DOC to guarantee that our presentation materials were uploaded to all Securus tablets and available to review in all DOC law libraries. All presentation materials are available on our public website [here](#).

## FY24 Public Meetings

<b>July 6, 2023:</b>	Walla Walla Community College, Walla Walla
<b>July 7, 2023:</b>	Washington State Penitentiary, Walla Walla
<b>October 6, 2023:</b>	Clallam Bay Corrections Center, Clallam Bay
<b>November 1, 2023:</b>	Helen Sommers Building, Olympia
<b>November 16, 2023:</b>	Virtual
<b>January 19, 2024:</b>	Mission Creek Corrections Center for Women
<b>January 26, 2024:</b>	Virtual
<b>April 19, 2024:</b>	Stafford Creek Corrections Center, Aberdeen
<b>April 26, 2024:</b>	Virtual

## FY24 Community Outreach: Examples

Date	Event	Summary
7/15/23	Statewide Family Council Meeting	OCO Director attended the virtual meeting.
9/12/23- 9/15/23	United States Ombudsman Association (USOA) Annual Conference	OCO Director, Deputy Director, and Senior Corrections Ombuds presented on the agency's multi-year, trauma-responsive system transformation at the USOA's 42nd Annual Conference in Atlanta, GA.
9/16/23	Statewide Family Council Meeting	OCO Director attended the virtual meeting.
10/24/23- 10/25/23	We the People Convening	Several OCO staff attended this event hosted by the Office of Equity in Tacoma, WA
10/30/23- 10/31/23	34th Annual Centennial Accord Meeting	OCO Director attended the first day virtually and the second day in person.
11/12/23- 11/15/23	National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference	OCO Director participated in NACOLE's Executive Leadership Forum and attended the 2023 Annual Conference in Chicago, IL.
11/18/23	Statewide Family Council Meeting	OCO Director attended the virtual meeting.
1/11/24	Statewide Reentry Council Meeting	Several OCO staff attended the in-person meeting in Vancouver, WA.
1/20/24	Statewide Family Council Meeting	OCO Director attended the virtual meeting.
3/14/24	Statewide Reentry Council Meeting	Several OCO Staff presented at the in-person meeting in Seattle, WA.
3/16/24	Statewide Family Council Meeting	OCO Director attended the virtual meeting.
4/24/24	Results Washington's Public Performance Review - Reentry	Several OCO staff members attended the in-person meeting in Olympia, WA.
5/09/24	Statewide Reentry Council Meeting	OCO Director attended the in-person meeting in Kennewick, WA.

5/18/24	Statewide Family Council Meeting	OCO Deputy Director attended the virtual meeting.
6/27/24-6/28/24	New Jersey Office of the Corrections Ombudsperson	Several OCO staff spent two days embedded with the NJ OCO for cross-training purposes.

### Stakeholder Identification, Relationship Mapping, and Analysis

Many studies highlight the interconnectedness of stakeholders, and at the OCO we know that our state agency actions can signal our trustworthiness and commitment to our five core values of integrity, respect, collaboration, equity, and courage. Throughout FY2024, we returned to the questions of identifying our stakeholders, mapping the interconnectedness of our relationships, and analyzing how our mission, vision, and values support our stakeholder networks.

As part of our strategic planning, we engaged with the Statewide Family Council, incarcerated individuals, and community members living outside prisons to gather feedback on our work at the OCO. Their responses shaped our three-year strategic plan, and the surveys led to the strategic case investigation priorities we put in place to guide our casework in FY2024.

In our ongoing commitment to transparency and accountability, and as directed in RCW 43.06C.040, we established clear priorities for case investigations. Healthcare cases take precedence; followed by solitary confinement; level 3 grievances and exhausted appeals; uses of force; staff conduct; infractions, and behavior observations. Other concerns are addressed based on available resources.

**Priority 1:** The first priority addresses all concerns related to individuals having difficulty accessing **healthcare** while in DOC custody ranging from a medical appointment to ADA services. If after an individual has filed an initial resolution request and is still not getting the concern resolved, they can contact the OCO to investigate the concern.

**Priority 2:** The second priority of **solitary confinement** encompasses all concerns about placement in restrictive housing and does not require an individual take any internal resolution seeking steps before reaching out to OCO due to the restrictive nature of their living situation.


**Priority 3:** The third priority is all encompassing of concerns where the resolution requests that have reached a **level 3** or where the concern has been appealed such as a mail or property rejection or visitation denial.

**Priority 4:** The fourth priority is for **uses of force** and does not require any internal action be taken on the individual’s part as there currently are not any internal DOC remedies such as the ability to file a resolution request for uses of force.

**Priority 5:** The fifth priority is for **staff conduct** concerns when an individual has filed a resolution request to the second level.

**Priority 6:** The sixth priority is for **infractions or behavior observation entries (BOEs)** that have been appealed.

This flyer explains the priorities guiding how we prioritize case investigations. We have distributed the flyer throughout DOC prisons and reentry centers, and it is available on tablets and in all law libraries.

Office of the Corrections  
**OMBUDS**

## OCO Case Investigation Priority Plan

The Office of the Corrections Ombuds is committed to investigating complaints within our six strategic priorities. This change will increase opportunities for positive resolutions and allow for faster response times.

- ### 1. Healthcare

Are you having difficulty accessing healthcare while incarcerated and you have tried to resolve the issue by filing a resolution request (grievance) with the resolution program staff?
- ### 2. Solitary Confinement

Are you currently in solitary confinement, administrative segregation, or restrictive housing and need help?
- ### 3. Level 3 Resolutions or Appealable Issues

Have you filed a resolution request (grievance) and received a Level 3 response from the DOC, or have you exhausted the appropriate appeals process for an issue, and still need help?
- ### 4. Use of Force

Have you experienced an unfair or unjust Use of Force and want the OCO to review the incident?
- ### 5. DOC Staff Conduct

Are you experiencing retaliation, unfair treatment, or have any other concern about the behavior of a DOC employee and you have filed a grievance and received a Level 2 response from the DOC?
- ### 6. Serious Infractions & Negative BOEs

Do you believe that the DOC unfairly upheld your serious infraction appeal? Or did the DOC deny your request to review a negative Behavior Observation Entry (BOE)?

### Call Us

(360) 664-4749

Confidential Hotline Hours

- Mon: 1:00-3:00 pm
- Tue: 1:00-3:00 pm; 5:30-8:00 pm
- Wed: 5:30-8:00 pm
- Thurs: 1:00-3:00 pm

### Write to Us

Office of the Corrections Ombuds  
P.O. Box 40009  
Olympia, WA 98504

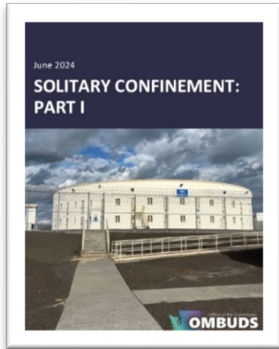
Correspondence with the OCO is confidential and is not monitored by the DOC. RCW 43.06C.060

Throughout the summer and fall of 2023, the OCO staff worked with Results Washington to develop a comprehensive three-year strategic plan. After a robust and collaborative process that included feedback from incarcerated people and their families, we identified six investigation priorities.

Each of the six investigation priorities includes the internal DOC grievance, administrative, or appellate procedures that someone needs to have reasonably pursued per RCW 43.06C.

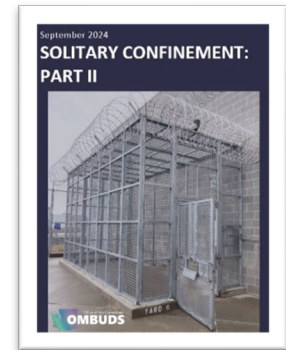


## Looking to the Future



### Solitary Confinement Research Team's Reports

Throughout the summer and early fall of 2024, the OCO released the first and second, in a series of three reports, on solitary confinement in DOC. The reports, researched and authored by members of the OCO Solitary Confinement Research Team (OCO-SCRT), shed light on practices and procedures related to solitary confinement. The reports are part of the OCO's ongoing commitment to transparency and accountability – pillars of a democratic society.



### Community Engagement

In addition to our ongoing work related to future public reporting, the OCO staff are focused on operationalizing our strategic priorities and will continue to pilot new and innovative programs designed to provide increased assistance to the community we serve. From Open Hours inside prisons to virtual Technical Assistance Workshops for the community living outside prisons, OCO staff are committed to helping the public better understand the DOC systems and daily operations that are overwhelmingly hidden from the public eye.

### Construction-Related Training and Pathways Oversight Committee

Beginning in July 2024, OCO staff have collaborated to stand up this committee with persons with lived experience, key legislators, representatives from the Washington State Building and Construction Trades Council, and representatives of various state agencies named in the law. With the goal of holding the first committee meeting in early 2025, the committee will include individuals and community-based organizations that represent many of Washington's diverse populations and communities connected with the WA corrections system.

### Pro-Equity Anti-Racism - Community Advisory Team (PEAR-CAT)

As part of our three-year strategic plan, the OCO secured additional funding and reallocated existing resources to establish the OCO's PEAR-CAT (Pro-Equity Anti-Racism – Community Advisory Team). Our PEAR-CAT underscores our dedication to removing barriers to co-creating policies with the people most affected by the Washington corrections system.

Following extensive negotiations with the DOC, the OCO is thrilled to announce that the OCO PEAR-CAT will follow the state's Community Compensation Guidelines for all members, including incarcerated individuals. Set to launch in FY2025, the OCO's PEAR-CAT membership will include incarcerated individuals, community-based organizations, and community members representing Washington's diverse populations and communities connected with the WA corrections system.

## Our Staff

**Sara Appleton**

Quality Assurance & Training Manager

**Heather Bates**

Public Records & Contracts Manager

**Jon-Ann Deleon-Guerrero**

Intake Specialist

**Carmen Donovan**

Executive Assistant

**Elisabeth Kingsbury, J.D.**

Deputy Director

**Zachary Kinneman, J.D.**

Community Relations Specialist

**Jacob Marley**

Early Resolution Ombuds 1

**Jessica Means**

Intake and Records Specialist

**Caitlin Robertson, Ph.D.**

Director

**Angee Schrader**

Senior Corrections Ombuds – Investigations

**Finn Shinnick**

Early Resolution Ombuds 2

**David Skattebo**

Early Resolution Ombuds 1

**Stella Spracklin**

Assistant Corrections Ombuds – Resolutions

**Madison Vinson, J.D.**

Assistant Corrections Ombuds – Policy

**E.V. Webb, M.E.S**

Assistant Corrections Ombuds – Investigations





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

October 30, 2024

Dr. Caitlin Robertson  
Office of the Corrections Ombuds  
PO Box 40009  
Olympia, WA 98504-0009

RE: 2024 Annual Report

Dr. Robertson,

Thank you for the opportunity to receive and respond to the Office of the Corrections Ombuds (OCO) 2024 Annual Report. The mission of the Department of Corrections (DOC) is *to improve public safety by positively changing lives*. Over the last year, the work the Department has completed alongside the Office of the Corrections Ombuds shows the great strides that both agencies have taken to collectively achieve this mission. While we look forward to future work and collaboration between the two agencies, the DOC would like to respond to the systemic concerns as well as the unresolved, and in progress, recommendations listed in your annual report.

### **Systemic Concerns**

#### **Prison-Initiated Disciplinary Process Recommendations**

*“Published October 2023, the OCO Prison-Initiated Disciplinary Process Recommendations encouraged the DOC to:*

- 1. Change the “some evidence” standard to a “preponderance of the evidence standard”*
- 2. Enforce the infraction review policy as outlined in WAC 137-28-270 and DOC policy 460.000(II)(2)”*

The Department of Corrections maintains the “some evidence” standard has been ruled as an appropriate standard and is supported as lawful by the United States Supreme Court<sup>1</sup> and the Washington Supreme Court<sup>2</sup>. The Department does not intend to change this standard. At the end of this response the Department has provided additional details pertaining to the unresolved recommendations of this report.

#### **Restrictive Housing Recommendations**

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<sup>1</sup> *Superintendent v. Hill*, 472 U.S. 445 (1985)

<sup>1</sup> *Petition of Johnston*, 109 Wn.2d 493 (1987)



***“Published September 2023, the OCO Restrictive Housing Recommendations encouraged DOC to:***

- 1. Update DOC policy 300.380 to include timelines for facility assessments and transfers for people in restrictive housing***
- 2. Monitor medical holds for people in restrictive housing, develop a related protocol and designate staff***
- 3. Create a clear protocol for Transfer Pods***
- 4. Update WSP 440.000 operational memo regarding food disposal after thirty days***
- 5. Review all individuals housed in Restrictive Housing and make it a priority to move them to appropriate placements”***

While much remains to be done regarding solitary confinement, the Department is proud of the work achieved in helping the individual cases outlined in this report, and the broad advancements made in the last year regarding solitary confinement. On September 18<sup>th</sup>, 2024, DOC shared a news spotlight titled [Solitary Confinement – A Humanity in Corrections Approach](#). This newsletter gives an update on the Department’s 2023 [Solitary Confinement Transformation Project](#) (SCTP) which aims to reduce solitary confinement by 90% over five years given appropriate funding. The news spotlight also clarifies the definitions of restrictive housing and solitary confinement and gives background on why an incarcerated individual may be temporarily separated from general population. While there are many reasons why an individual may be placed in restrictive housing, the Department agrees with other agencies responsible for incarceration that separation is essential for individuals who present safety issues for staff and other incarcerated individuals. The Department strives to maximize the amount of meaningful out-of-cell time incarcerated individuals receive while in restricted housing, but there are many barriers to safely providing and increasing out-of-cell time.

The progress of this important project is highly dependent on funding. In the 2023 – 2025 Biennium, DOC initially requested \$3,315,000 for FY2024 and \$8,548,000 for FY2025 and received \$420,000 and \$1,217,000 respectively. Despite this significant shortfall, the Department was able to use these limited funds to launch a proof of concept at Stafford Creek Corrections Center doubling the out-of-cell time to two hours a day, seven days a week in their Intensive Management Unit, and tripling the amount of out-of-cell time for those at the Washington State Penitentiary’s IMU South, a unit that has the capacity to house 200 individuals. Receiving additional funding is the most critical aspect to improving conditions in restrictive housing environments. With full funding the Department will be able to implement all aspects of the SCTP.

### **Solitary Confinement Report: Part I**

***“This report focuses on incarcerated persons who have been in solitary confinement in Washington State. The OCO Solitary Confinement Research Team found:***

- 1. Over 3000 individuals had been placed in solitary confinement or any other form of restrictive housing more than 120 days in total or more than 45 consecutive days in Fiscal Year 2023***

**2. *Over 170 attempted suicides and 14 individuals died by suicide while in solitary confinement over the past 10 years***

Executive leadership at the Department has reviewed OCO’s Solitary Confinement Report Parts I and II. These reports highlight the challenges operating these facilities and the need to continue the Department’s Solitary Confinement Transformation Project (SCTP) to reduce solitary confinement by 90% given appropriate funding. Progress can only be made with additional funding, as outlined in the [SCTP FY2025-2027 Budget Request](#). The Department and its executive leadership await the release of the third report, and further conversation surrounding the Department’s commitment to transform solitary confinement.

**Spotlight: Candles Allowed for Religious Ceremonies**

***“After receiving complaints from multiple incarcerated individuals from Jewish and Buddhist groups in Washington State prisons regarding the prohibition on the use of candles indoors during religious ceremonies, the OCO successfully negotiated a resolution with DOC to reestablish the use of candles indoors for religious ceremonies, in accordance with DOC policy.”***

One of the greatest aspects about our agencies’ relationship is our ability to have direct conversations regarding practice and policy. The agreement made between our two agencies allowing candles in religious ceremonies under direct supervision is a testament to our agencies’ devotion to operating a safe and humane corrections system. We value the conversations we have with the Ombuds Office, and glad we were able to work towards this very important agreement.

**Unexpected Fatality Reviews (UFR)**

The OCO is an invaluable member of the Unexpected Fatality Review (UFR) process, and a key driver of the review committee’s success. Starting in 2023, the Department has taken critical steps to make these reports more accessible to the population. This included posting the UFRs on the law library computers and translating the reports along with their Corrective Action Plans (CAPs) into Spanish. The work performed by the UFR team is critical to making DOC facilities a safe and humane place. The UFR Annual Report is an important tool in the process to improve practices system wide. The Department is ready to review the second annual UFR Report and advance any conversations arising from it.

<b>Unresolved and In-progress Recommendations</b>
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***“DOC should ensure that an individual’s mental health status is considered throughout the disciplinary process.”***

It should be noted that each infractions hearings officer is currently required by policy to ensure a Department advisor is appointed when it is apparent that the individual is not capable of preparing a defense, understating the disciplinary process and charges, and /or collecting and presenting evidence effectively. That said, we will continue to work to improve the system. The Department is

currently working with many external stakeholders, including Falcon Group and Integrated Solutions Group (ISG), to implement a disciplinary pilot project in the Residential Treatment Units for individuals experiencing serious mental health issues. The proposal for the pilot project was given to DOC leadership in October 2024 and is currently under review.

***“DOC should reduce the frequency of placement and length of stay in any segregated housing for individuals with serious mental health conditions.”***

All placements into restrictive housing are based on safety concerns for either the individual being placed into the setting, those in general population or for staff and contractor safety. The current practice is to review the placement of all persons assigned to restrictive housing at regular intervals. In each case, the Department considers mental health and a variety of other pertinent factors related to placement of those assigned to restrictive housing.

In 2023, the DOC implemented the Solitary Confinement Transformation Project (SCTP) to reduce solitary confinement by 90% over the next five years given appropriate funding. The Department, in collaboration with national expert partners, is currently considering changing the definition for “serious mental health conditions” as it is a key element for the Project.

***“DOC should equip DOC correctional officers and other staff with knowledge and skills needed to support individuals with mental health conditions.”***

The Department is continuing to work with the Amend group and has developed additional training to be included in the Fiscal Year 2025 training plan. This session is four hours in length and works to build on skills put forth in previous sessions. The focus of this year’s training will be on strategies related to building rapport with incarcerated, with an emphasis on helping staff self-identify appropriate interactions through their behaviors. The course aims to build an understanding of progression and normalization in the Department’s continued effort to build meaningful relationships between staff and incarcerated individuals. Funding has been requested for the 25-27 biennium supporting additional resource teams for the Sky River Treatment Center, Washington Corrections Center, and Monroe Correctional Complex; additional Psychological Associates to conduct mental health evaluations and develop care plans; additional Correctional Specialists to enhance organizational culture change; and additional training on advanced crisis intervention and trauma. We appreciate the support of the Office of the Corrections Ombuds in this funding request.

***“DOC should train all custody staff on using de-escalation tactics instead of force.”***

The Moss Group was awarded the contract to conduct a gap analysis on our current Correctional Worker Core (CORE) curriculum. The final report from The Moss Group was submitted to DOC leadership in July 2024 for review. Following the analysis, the Department is working on creating a second Request for Proposal which will identify and select an outside contractor to assist in reviewing and rewriting the Correctional Worker Core Academy. This update will align our trainings with the Amend principles the Department is implementing system wide. This will include updated training on communication techniques, de-escalation, and foundational corrections practices.

***“DOC should develop a comprehensive RTU [Residential Treatment Unit] policy that addresses:***

- a) objective criteria for admission;*
- b) modified disciplinary system;*
- c) modified classification system;*
- d) pathway out of RTU, including objective criteria for discharge;*
- e) mandatory specialized mental health training for RTU custody staff;*
- f) programming availability in RTU (to include programming support).”*

Incarcerated individuals who need mental health and psychiatric services beyond what is available in an outpatient setting are referred for consideration of placement in one of the Department’s Residential Treatment Units (RTU).

The decision for placement is made on a clinical basis, taking into consideration critical correctional factors. While exceptions are made on a case-by-case basis, the following criteria is traditionally considered when making a referral for RTU care:

- Mental health concern that poses difficulty/vulnerability/risk in general population
- Pose a danger to themselves or others (violent or aggressive behavior due to mental illness)
- Inconsistency of medication adherence resulting in increased symptoms
- Treatment needs beyond outpatient resources
- Repeated Close Observation Area (COA) placements
- Episodic or chronic symptoms

When a patient is ready for discharge from RTU care, as determined by their Treatment Team, the Mental Health Transfer Protocol process is followed. The criteria for readiness for discharge includes meeting goals in treatment plan, medication adherence (90% over 90 days) or demonstrated effective functioning for 90 days off medication. Effective functioning includes adequate personal and cell hygiene such that having a cellmate would not be a problem, attendance and participation in scheduled programs, to include employment and/or education services, and no serious violent infractions in the past 180 days. Finally, discharge requires provisions for clinical judgement of the multi-disciplinary team for discharge which includes agreement across all disciplines.

- Treatment needs can be met in an outpatient setting
- Sufficient resiliency to be successful in general population
- Risk of serious self-harm can be managed in a general population setting with safety plan
- Not participating in treatment after exhausting all resources and able to function sufficiently in a general population setting
- Detrimental to patient population and the patient’s treatment needs can be met in the referred environment.

Overall, the Department has made significant progress in improving the Residential Treatment Unit (RTU) in partnership with the OCO and Disability Rights Washington (DRW) and other stakeholders. A dedicated workgroup, established in October 2023, focused on developing a

comprehensive RTU policy to address recommendations from the 2023 OCO Annual Report. Following its final meeting in April 2024, the workgroup delivered recommendations for RTU enhancements within the Department.

A draft policy is currently under development and being prepared for stakeholder review, supported by accompanying protocols and procedural documentation. This policy process involves input from many stakeholders and undergoes multiple levels of review before finalization and publication. The Department remains committed to ongoing collaboration with its partners to ensure the highest quality care and treatment for individuals in the RTU.

***“DOC should develop a comprehensive IBMP [Individual Behavior Management Plan] policy which may include:***

- a) objective criteria for who should or must have an IBMP;***
- b) guidelines for incentives that may be used;***
- c) guidelines for safety responses that may be used, including whether/when use of restraints may be part of an IBMP;***
- d) mandatory training for all mental health providers that addresses how to write an IBMP;***
- e) mandatory training for any DOC custody staff who routinely work with individuals who have IBMPs; and***
- f) routine audits of IBMPs by qualified headquarters staff.”***

The Department will be resuming an Individual Behavior Management Plan (IBMP) workgroup paused in December of 2023. This workgroup plans to restart in November 2024 and will incorporate both health services and operations staff. The goal of this workgroup is to consider improvements to DOC policy and training related to IBMPs. The IBMP workgroup will:

- Review existing policy that pertains to IBMP including:
  - Skill Building Unit (310.300)
  - Maximum Custody Placement/Transfer/Release (320.250)
  - Close Observation Area (320.265)
  - Mental Health Services (630.500)
- Review the current Managing Challenging Mental Health Patients Protocol.
- Review existing guidelines and develop a list of incentives
- Review and update related forms including:
  - 13-069 (Individual Behavior Management Plan)
  - 13-595 (Mental Health Functional Assessment)

***“DOC should improve suicide prevention practices. The OCO is aware that the DOC received one assessment (2015) and one reassessment (2023) from Lindsay Hayes, a nationally recognized expert in the field of suicide prevention within jails, prisons, and juvenile facilities.”***

***“The DOC should publicly share its corrective action plan for each category of Mr. Hayes’ recommendations.”***

The Department continues to advance its suicide prevention practices. Mr. Hayes has supplied the Department with two suicide prevention assessments: an initial assessment in 2015, and a reassessment in 2023.

An Action Plan (AP) was generated following each report to correct issues identified. This included 16 items generated from the first assessment and 13 additional items generated from the reassessment. Only two of the total 29 Action Plan Items remain uncompleted.

- **Action Plan – Item 7:** Develop agreements with all county jurisdictions to provide a Transfer/Release of Offender form to include information about symptoms of mental illness and/or suicidal behavior/ideation.
  - **Status:** The Department has worked with Washington Association of Sheriffs and Police Chiefs (WASPC) to develop a discharge form to communicate patient care between prisons and jails. The challenge has been the inconsistency in how our systems work together. Many of the jails utilize electronic health records, while DOC still relies on a paper process. This has been a barrier to timely and accurate communication. The Department is currently working towards finalization of a Transfer/Release of Offender form and planning future meetings with WASPC regarding its use.
  
- **Action Plan – Item 15:** DOC should urge county jurisdictions, perhaps through collaboration with the (WASPC), to complete and forward a transfer sheet with the inmate sent to the DOC. The form should be reviewed by the intake nurse at each reception center, with mental health referrals initiated when appropriate.
  - **Status:** The Department has worked with WASPC to develop a discharge form to communicate patient care between prisons and jails. The challenge has been the inconsistency in how our systems work together. Many of the jails utilize electronic health records, while DOC still relies on a paper process. This has been a barrier to timely and accurate communication. The Department is working towards finalization of a Transfer/Release of Offender form and planning future meetings with WASPC regarding its use and will continue to work with the 39 counties and WASPC to improve how our organizations collaborate to improve services

***“DOC should update DOC policy 300.380 to establish timeframes for how long an individual can be housed in restrictive housing.”***

The issue of restrictive housing in prisons is complex, and it's crucial to recognize that the criteria for release from such placements should not be tied to arbitrary timeframes. Any safe considerations for release must include the recognition that each inmate's circumstances, behaviors, and risk factors are unique.

An individualized assessment must be used when considering release which allows for a more nuanced understanding of whether an inmate is ready to transition back to the general population. In most cases, release criteria should be based on demonstrable changes in behavior and compliance with rehabilitation efforts. Simply serving a set amount of time does not guarantee that an inmate has addressed the underlying issues that led to their placement in restrictive housing. By focusing on individual circumstances and needs, rather than rigid timeframes, we can create a more just and effective system that prioritizes rehabilitation and safety.

The Department is working to transform the conditions within Restrictive Housing while recognizing that these housing assignments are vital to the safety and security of staff, incarcerated people, facilities and the communities. The Department is currently reviewing Policy 300.380; however, the policy will not establish timeframes for how long an individual can be housed in restrictive housing. To place a limit on how long an individual may be housed in a restrictive housing environment, without regard to risk and behaviors, places an unacceptable level of risk to staff, incarcerated people, facilities and communities.

***“DOC should monitor medical holds so that individuals housed in a facility without housing for their classification due to a medical hold can be quickly moved to an appropriate facility.”***

In 2023, the Department authorized a special project to review all medical holds for individuals in restrictive housing. The Department created an internal workgroup charged with looking at all holds in the agency to identify strategies to mitigate the use of holds and close them when appropriate. However, to transfer an individual to a custody-appropriate facility is often medically contraindicated. Lower custody level facilities are unable to provide the needed care found in higher custody level facilities. Many incarcerated individuals are also receiving care in the community. Moving an individual prematurely would delay their necessary care already established in the communities they are currently located in.

***“DOC should create a clear protocol for Transfer Pods by establishing a uniform process throughout all facilities of when an individual can be placed in a Transfer Pod.”***

The Department recently submitted policy DOC 320.255 Restrictive Housing, and it is currently under review by the AAG and the Teamsters Local 117 union. This policy sets forth operational protocols for facilities.

***“DOC should review all individuals currently housed in restrictive housing and make it a priority to move them to appropriate placements while identifying what needs to be adjusted in DOC policy to streamline the process.”***

This is done on a frequent and ongoing basis. The Department reviews all placements to this type of setting at the local level and at the headquarters level to ensure that only those who cannot be housed safely in general population are maintained in the highest security setting. These are done



through administrative segregation hearings and through the Department’s maximum custody review committee. Additionally, the Department hired a Mission Housing Manager to conduct daily reviews of individuals in Restrictive Housing. Through these reviews, everyone currently in administrative segregation has all documentation related to their placement reviewed. They are the highest priority to transfer when each case has been effectively reviewed and a sound decision is made as to the appropriate custody level and facility placement has been determined.

***“DOC should change the “some evidence” standard to a “preponderance of evidence” standard for disciplinary proceedings.”***

The “some evidence” standard has been ruled as an appropriate standard and supported as lawful by the United States Supreme Court and the Washington Supreme Court. To ensure the appropriate use of the “some evidence” standard, the Department requires all hearings staff to participate in a Disciplinary Hearings Officer training. Additionally, the Department has created a job aid for the Disciplinary Hearing Officers, and the future trainings will have the “some evidence” standard defined. The Department strives to make the disciplinary process consistent and equitable, and we believe that is possible with the processes established with the current “some evidence” standard. At this time, the Department will not be altering that standard.

#### **Continued Collaboration with the Office of Corrections Ombuds**

The Department is proud of the work we have done in collaboration with the Office of the Corrections Ombuds, and confident in both agencies’ commitment to operating a safe and humane environment in all our facilities. The relationship with the Office of the Corrections Ombuds is critical for achieving progress in our mission. As indicated in your report and echoed in our response, there remains still much work to be done, but we are fully confident in our ability to execute our agreements and continue to improve services for those in our care and custody.

Thank you,



Kellett Sayre

Assistant Secretary, Budget, Strategy & Technology, DOC

cc: Cheryl Strange, Secretary, DOC  
Sean Murphy, Deputy Secretary, DOC  
Don Holbrook, Assistant Secretary, Prisons Division, DOC  
Dave Flynn, Assistant Secretary, Health Services Division, DOC