



STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
P.O. Box 41100 • Olympia, Washington 98504-1110

May 12, 2021

Joanna Carns  
Office of Corrections Ombuds  
2700 Evergreen Parkway NW  
Olympia, WA 98505

Dear Ms. Carns:

The Washington Department of Corrections appreciates the opportunity to respond to the Office of Corrections Ombuds' April 28 investigation report regarding an incarcerated individual who "was infraacted with a 557 Class C major infraction when he failed to show up for work [because] he did not want to work with a specific DNR crew where staff did not correctly wear masks. After he was found guilty of the infraction, he was placed back on the same crew," later "placed in solitary confinement" and eventually "removed from DNR."

<b>Recommendation</b>	<b>Response</b>
OCO recommends that all 557 infractions issued for COVID-19 related concerns be reviewed and possibly reduced or removed.	The department has agreed to and completed a review of all 557 infractions issued for COVID-19 related concerns from March 1, 2020 to March 16, 2021. Several infractions were determined as appropriate to be overturned and those are in the process of being finalized.
OCO recommends that DOC Policy 460.000 be revised to include direction that hearing officers <u>will</u> reduce major infractions to lesser infractions if applicable.	The department agrees to the recommendation to include language, such as that which is recommended, into policy 460.000 Disciplinary Process for Prisons in the upcoming policy review and revision scheduled for calendar year 2021. For the time prior to the scheduled review, Attachment A is being included with the policy for reference and enactment by hearings staff.
Given the COVID-19 pandemic, special consideration and/or immediate higher-level review should be given to persons	Through the appeal process outlined in policy 460.000 Disciplinary Process for Prisons, there are processes already in



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receiving infractions related to their personal health and safety concerns based on COVID-19.

place for incarcerated individuals to request a review and/or appeal an infraction to a higher-level review and consideration. The higher-level appeal review process allows for consideration of health and safety concerns based on COVID-19. There is not a keyword search ability in the infraction system to find “COVID-19” among all infractions.

The information provided by the OCO was useful to ensure the Department of Corrections is doing everything it can to ensure an incarcerated person’s time in the agency’s custody is fair for all incarcerated individuals.

The department also appreciates the Ombuds Office’s understanding of the unique processes across the correctional system and the addition of policies and procedures being put in place to address them. The department is working toward proactively improving quality assurance processes throughout the department. Moving forward, the Washington Department of Corrections will continue to collaborate with the Office of the Corrections Ombuds to strengthen procedures and practices that positively impact individuals’ health, safety and welfare.

Sincerely,

Julie Martin, Acting Secretary  
Washington Department of Corrections



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**TO:** All DOC Staff

**FROM:** Robert Herzog, Assistant Secretary  
Prisons Division

**SUBJECT: DOC Policy 460.000 Disciplinary Process for Prisons**

The purpose of this memorandum is to inform you that DOC Policy 460.000 Disciplinary Process for Prisons will include a requirement that hearing officers will reduce serious infractions to lesser infractions, when applicable.

The requirement is in effect immediately and will be included in the next regular review of DOC policy 460.000 Disciplinary Process for Prisons.

cc: Julie Martin, Deputy Secretary  
Deputy Directors  
All Hearings Officers