



STATE OF WASHINGTON

**OFFICE OF THE CORRECTIONS OMBUDS**

*2700 Evergreen Parkway NW • Olympia, Washington 98505 • (360) 664-4749*

April 29, 2020

Steve Sinclair, Secretary  
Department of Corrections (DOC)

**Office of the Corrections Ombuds (OCO) Investigative Report**

Attached is the official report regarding the OCO investigation into an allegation of retaliation against a person incarcerated in the Eleanor Chase Work Release Center. We appreciate the opportunity to work collaboratively with DOC to amend current policies and practices to better ensure that the rights of incarcerated persons are protected while they are within state confinement.

Any member of the public who wishes to report a concern to OCO is welcome to contact the office at (360) 664-4749 or at the address above. All concerns are logged into the OCO database and used as part of its overall reporting to policymakers and analysis of issues within DOC.

Sincerely,

Joanna Carns  
Director

cc: Governor Inslee

**OCO INVESTIGATION BY  
RILEY HEWKO, FORMER ASSISTANT OMBUDS – GENDER EQUITY  
REPORT PREPARED BY  
ANGEE SCHRADER, CURRENT ASSISTANT OMBUDS – GENDER EQUITY &  
REENTRY, AND JOANNA CARNS, OCO DIRECTOR**

**Summary of Complaint/Concern**

OCO received a complaint that alleged the following:

- Complainant alleges she faced retaliation after attempting to report an incident of sexual harassment and general staff misconduct regarding several incidents and ongoing harassment that she alleges to have experienced by a male contract staff person at Eleanor Chase House Work Release (ECWR). Complainant also alleges that the Department of Corrections (DOC) failed to recognize such retaliation, which resulted in her being sent back to Washington Corrections Center for Women (WCCW) for over four months.

**OCO Statutory Authority**

- Per RCW 43.06C.005, OCO was created to assist in strengthening procedures and practices that lessen the possibility of actions occurring within DOC that may adversely impact the health, safety, welfare, and rehabilitation of incarcerated individuals, and that will effectively reduce the exposure of DOC to litigation.
- Per RCW 43.06C.040, OCO has the authority to receive, investigate, and resolve complaints related to incarcerated individuals' health, safety, welfare, and rights.

**OCO Investigative Process**

- OCO staff interviewed DOC staff, the Complainant, and other involved individuals; reviewed hearings audio and applicable records; and reviewed DOC 490.800 "Prison Rape Elimination Act (PREA) Prevention and Reporting," DOC Policy 490.850 "Prison Rape Elimination Act (PREA) Response," DOC Policy 490.860 "Prison Rape Elimination Act (PREA) Investigation," DOC Policy 490.850 Attachment 4, PREA National Resource Center Prison and Jail Standards, RCW 42.56, DOC Policy 460.135 "Attachment 1 "Disciplinary Sanction Table for Prison and Work Release," DOC Policy 550.100 "Offender Grievance Program," and DOC Policy 110.110 "Work Release Management Expectations," DOC Policy 590.370 "Gender Responsiveness."

**Timeline**

5/18/2018 Complainant alleged during a visit with her former husband and son a contract ECWR staff person interrupted her visit for a benign reason then left. After the visit she was called to the duty station where she was told by the same contract staff person that she could not hold hands with her husband. Then that contract staff person "groped" his groin area and told her she cannot touch her husband

there. She returned to the visiting room to say goodbye and claimed to feel uncomfortable about the incident which she reported to her visitors. As she was walking her visitors out, the same staff person interrupted them again and told her to do her chores. He then told her to go upstairs alone and clean. It was 9pm. She asked if she could clean the area later. The staff person did not respond then walked away from her. Complainant reported the incident to her roommates but did not file a formal complaint at that time.

6/5/18 Complainant filed a staff misconduct grievance on a non-sexual incident against the same contract staff person she had felt uncomfortable with previously. In her grievance she states she had received shredded wheat with milk then had a 15 minute lock down. After the lock down her cereal was soggy and had absorbed all the milk. She asked for more milk and the contract staff person told her to squeeze the milk out of her soggy cereal and add more cereal.

6/8/18 Facility staff spoke to Complainant with regard to staff person's behavior. The level I grievance was responded to on 6/21/18 by headquarters staff, which stated that there had been a milk shortage at the facility. The grievance investigator report noted that complainant was encouraged on 6/18/18 by ECWR staff to speak to staff if she had issues or complaints with contract staff.

6/17/18 While Complainant was using the phone the same contract staff person that made the Complainant feel uncomfortable previously and that she had filed a grievance against, told her to get off the phone then allegedly slammed a phonebook next to her while yelling "[Redacted Name] put the phone down!" She claims she yelled back for him to not yell at her.

6/18/18 Complainant said she spoke with CCS about her concerns with the staff member. She reported his comments towards her, the gesture where he grabbed his groin and outbursts. The CCS replied "Do you feel better now." Complainant said "No."

Also that day the contract staff person filed a minor infraction report against the Complainant for a 102, failure to follow any written rules or policies, in regard to the incident on 6/17/18 and phone usage. The infraction was dismissed as it was not served per policy (24 hours) and was instead served on 6/20/18.

6/20/18 Complainant visited a nonprofit and reported that the nonprofit staff members encouraged her to report the incident with the groin groping she described as a PREA sexual harassment allegation. The record shows that Complainant told nonprofit staff that she did not want to report the incident as a PREA due to a fear of retaliation. Nonprofit staff assured her that there are protections, and that the PREA policy has a zero tolerance policy on retaliation.

- 6/22/18 Email sent by nonprofit staff to DOC staff both reporting the PREA allegation and Complainant's fear of retaliation. They had reached out to the internal DOC Ombudsman on the Complainant's behalf making a third-party report of the PREA and fear of retaliation. There was no report ever found filed by the internal DOC Ombudsman.
- 6/23/18 Complainant said she had a visit from her adult daughters and granddaughters. She said the contract staff person was staring at them during this visit. Then she claimed he was staring at her daughter while she was changing a diaper. She alleges she opened the door and asked him to stop staring. He did not. Then waived at her granddaughter later in the visit. She asked her family not to come back to visit over the incident.
- 7/6/18 Complainant was in tears<sup>1</sup> and confided in a female staff person that a male staff person was staring at her which made her "feel gross" and that she wanted nothing to do with that staff person. The female staff person took her aside to speak in a private room. Staff wrote that Complainant "continued to sob" and stated that the male staff person "just makes her so angry and she wants nothing to do with him and she feels like after today it could just 'come to blows,' Resident [Redacted Name] stated that while she was on the business phone [Redacted Name] wouldn't stop staring and it just made her feel "gross." That female staff member reported this to another female staff member who later that day approached complainant and asked if she wanted to report a PREA. Complainant said no. After that, staff set in motion her termination from work release for threatening the contract staff person with her comment that it could "come to blows." Staff at ECRW sent an email requesting that Complainant be picked up at ECWR and be transported to WCCW on 7/10/18 pending a serious infraction and a disciplinary hearing. A behavioral observation report was written documenting the incident.
- 7/10/18 Complainant was given no information regarding the allegations against her and sent back to WCCW.
- 7/11/18 Documentation shows Complainant was told by Hearings Officer that she would have a hearing set on 7/18/18.
- 7/13/18 ECWR staff had not sent the discovery packet for the hearing for the 506 allegation by the deadline of 7/13/18 at 10:00am.
- 7/20/18 Records show that around 8:50 am, ECWR staff had still not completed infraction paperwork. Records confirm that as of 7/20/18 there were no infractions, or a plan indicating what was happening with the complainant in the DOC system and

---

<sup>1</sup> It is unclear whether the complainant was in tears due to the issue with the staff person or not. The infraction report appears to indicate that the two might be related. However, in a later interview with another staff person who specifically asked why the complainant was crying, she reported that it was due to not receiving a job that she had wanted.

WCCW staff needed this information in order to properly house her. Staff email communications between ECWR leadership (not the staff person who witnessed the statement) show that at approximately 8:40 am, staff were debating as to whether to “infract or do classification for not suitable” and stated that they were “happy to write up the infraction and if we don’t win, we don’t win.”

Complainant had been in prison for 10 days at this time. Then the language from the behavioral observation report written by the staff person who witnessed the statement was used by facility leadership to write up a 506 infraction which is “Threatening another with bodily harm or with any offense against any person or property.”

Complainant called PREA Hotline to report and was cut off. DOC staff conducted a follow-up interview to gather more information at a later date.

- 7/25/18 Complainant was served with her Work Release Notice of Allegations and Hearings, Rights, and Waiver.
- 7/27/18 DOC PREA Triage sent the PREA report to the Superintendent of WCCW and assigned an investigator to interview Complainant.
- 8/1/18 At the disciplinary hearing held at WCCW, Complainant was found not guilty for the 506 infraction that sent her back to prison. The staff person who was said to have heard the threat and who wrote up the behavioral observation report did not attend the hearing. Finding: "Not guilty: evidence is hearsay evidence along that cannot be challenged by [Redacted Name] or corroborated by any additional facts or witness testimony.
- 8/2/18 Complainant wrote a letter to HQ staff who had interviewed her after her PREA hotline call. The letter requested that she be returned to work release and also made reference to the fact that she was sent back to prison related to her reporting PREA and that although she’d been found not guilty of the infraction, that ECWR staff were not allowing her to return. The DOC staff person forwarded that letter to the Superintendent and the DOC Headquarters Appointing Authority. No action was taken.
- 8/13/18 The accused contract staff person was moved to an all-male facility.
- 11/2/18 (Document incorrectly dated 11/2/19), the Appointing Authority found the PREA investigation to be unsubstantiated for sexual harassment as there was not enough evidence to rise to a level of preponderance, however it was determined that the staff person overstepped his boundaries with inappropriate communications with residents.

## Key Findings

- **OCO finds that contrary to policy, DOC staff failed to report the alleged PREA violation as reported by a third-party.**
  - DOC policy 490.850 requires staff to “immediately report any knowledge, suspicion, or information received, **including anonymous and third-party reports**, regarding an allegation or incident of sexual misconduct occurring in any incarceration setting even if it is not a Department Facility. This also includes related retaliation and knowledge of staff actions or neglect that may have contributed to an incident.” [Emphasis added].
    - Email evidence supports that on 6/22/18, a staff person from the Spokane nonprofit contacted the now inoperative internal DOC Ombudsman and reported the PREA issue explaining the allegations of sexual harassment and the fear of retaliation. In email, the nonprofit staff person also relayed in writing to the internal DOC Ombudsman that the Complainant had told staff at the facility, but that facility staff had told her that the incident was not a big deal. The nonprofit staff person also expressed that the Complainant was afraid that she would be sent back to prison if she filed a complaint and was scared for her safety. The internal DOC Ombudsman acknowledged the report and replied by email asking the nonprofit staff person for a phone call the same day.
    - On 7/18/18, the same nonprofit staff notified the internal DOC Ombudsman that she had gotten word that the Complainant had been sent back to prison for an infraction that Complainant claimed was retaliation. The internal DOC Ombudsman and the nonprofit staff spoke by phone and the nonprofit staff sent another letter from the Complainant detailing the events, allegations, and requests for help.
    - OCO confirmed with DOC Headquarters that there is no record of this staff person reporting this information as required by DOC policy 490.850. The former internal DOC Ombudsman states that he made a verbal report to the PREA unit; however, OCO was not provided with documentation to support this. Had such a report happened, it may have initiated a review and forestalled later events.
- **ECWR staff potentially missed another opportunity to early identify issues by failing to respond in a gender-responsive manner to the Complainant’s attempts to raise concerns regarding staff and instead infringed her.**

- As documented in the later infraction report, ECWR staff noted on July 7, 2018 that the Complainant was “in tears and stated that she wanted nothing to do with” the staff person in question, that the staff person “just makes her so angry and she wants nothing to do with him and she feels like after today it could just ‘come to blows,” that the staff person “wouldn’t stop staring and it just made her feel ‘gross.’” Rather than asking further questions about why a male staff person was making her feel uncomfortable, ECWR staff documented that they stated, “I [Redacted Name] advised resident [Redacted Name] to get her attitude in check as it would not be tolerated regardless as to how she was ‘feeling.’”
- Additional ECWR staff followed up with a second interview, at which point the Complainant reportedly clarified that her tears were due to not receiving a job but also stated that the staff person gave her a “creepy feeling.” The Complainant was asked “if this was PREA and/or if she needed to report PREA and she shook her head no.” No additional investigative action was initiated by ECWR staff and instead an infraction was written for the above statement that the situation could “come to blows,” resulting in the Complainant being sent back to prison without any additional justification than that statement. The staff person who heard the alleged threat later even stated that she did not feel Complainant was trying to threaten to assault the staff person.
- A later investigation triggered by the Complainant’s eventual phone call to the PREA hotline on July 20, 2018 found that other residents had similar experiences with the staff person and/or confirmed the Complainant’s account, and the staff person was subsequently moved to a male facility. Thus, additional investigation at the time of the above complaints potentially could have discovered and addressed the issue at an earlier moment.
- **DOC staff failed to adequately investigate allegations of retaliation or take action to rectify it.**
  - OCO does not have any concerns regarding the actual PREA investigation once it was initiated; the investigation appears thorough and even though the incidents alleged likely do not meet the DOC definition of sexual misconduct,<sup>2</sup> the investigation still highlighted issues found related to suspicious staff conduct in general and it resulted in the appropriate action of removing the male staffperson from the female facility.

---

<sup>2</sup> Sexual misconduct is defined in DOC policy 490.800 attachment A. Briefly summarizing, sexual misconduct generally involves either assault (some form of physical touching) or harassment, with the latter involving a pattern of advances, comments, or gestures of a sexual nature. In this case, there was only one incident involving the staff person touching of his genital area and it is not clear that sexual gratification of either staff or complainant was intended.

- Currently, the only DOC policy that specifically requires retaliation monitoring is related to PREA. DOC Policy 490.860 prohibits retaliation against anyone for opposing or reporting sexual misconduct or participating in an investigation of such misconduct. Once a PREA investigation is initiated, DOC staff have an affirmative obligation to monitor for retaliation for reporting for at least 90 days.
- DOC policy does not currently define “retaliation.” However, DOC 490.860 (II)(C)(1) details possible indicators of retaliation include the following all which occurred in this case:
  - Disciplinary reports
  - Housing/program changes and reassignments, or
  - Negative performance reviews
- The Complainant reported retaliation multiple times through multiple interviews.
  - On 7/27/2018, the Complainant clearly relayed to the Chief Investigator (CI) that she felt she had been retaliated against for reporting the staff person’s behavior. Specifically, the Complainant relayed to the CI that she had confided in a staff person at ECWR but “that had backfired” because that staff person “inaccurately documented something that helped her get sent back to WCCW.” The information was reported to the Appointing Authority who did not respond.
  - On 8/02/18, the Chief Investigator forwarded a letter received by the Complainant to the Appointing Authority that again clearly stated that she felt she had been retaliated against for reporting:
    - Specifically, the letter thanked him for the interview and again disclosed that the 506 for which she was returned to prison for was overturned. She also stated clearly in the letter that she believed it was a false accusation that had never happened. Further, referring to her CCO at ECWR, she states “[Redacted Name] is still trying to demote me on no grounds and trying to terminate my work release, I have given a lot of thought to the question, would I like to return to W/R after winning my hearing? ‘YES’ I do want to go back as long as Mr. [Redacted Name] is not there. I have already lost an entire month of my freedom for something I had nothing to do with. I still have 3 months and that’s [sic] a long time to deprive myself of the opportunities I was given before all this happened...PREA always says tell someone tell someone so I did. I was so scared & so nervous when I told someone one that they would try and send me back to prison instead of dealing with the

issues legally & seriously and I was so right. Here [sic] I am locked down in CCU?”

- On 8/22/18, the HQ Appointing Authority emailed facility staff to make sure that retaliation monitoring was assigned, and if not, to assign it and ask the staff member to send reports to him. On 8/24/18, the staff person assigned for PREA monitoring sent the facility staff and the Appointing Authority a report that included the following information:

Question: “Since you have filed your PREA allegations (s) (sic) have you received any infractions—tell me about it/them?”

Complainant’s Answer: “Yes-506—falsely accused of stuff. I was following the rules and I woke on Tuesday the 10<sup>th</sup> and they were cuffing me up. [Redacted Name] (Community Hearings) showed me allegations, which I beat them...”

Question: “Would you like to add any additional information for the Superintendent?”

Complainant’s Answer: “When I had my hearing with [Redacted Names] here at WCCW they said that since we didn’t find you guilty of the 506, we are going to suggest that you don’t come back to work release because you don’t have enough programming hours. I don’t even have paperwork for why I was kicked out of work release, and it is all because of that man. The worst mistake was telling the CCS, I should have gone to an attorney.”

- Despite the Appointing Authority receiving the above information, it does not appear that any actions were taken.
- Further, when interviewed by OCO, several DOC staff told OCO that retaliation monitoring was not necessary as the Complainant was moved from ECWR due to an infraction. However, it is not accurate that there is no longer a need for retaliation monitoring following a facility change and this fails to acknowledge Complainant’s numerous allegations that the infraction itself and subsequent transfer back to WCCW constituted retaliation.
- DOC staff also relayed that since the infraction and transfer back to prison occurred *before* the actual initiation of the PREA investigation via the complainant’s report to the PREA hotline on 7/20/18, that it would not have fallen within the timeframe for PREA retaliation monitoring (90 days *after* a report).

- In total, the person’s allegations of retaliation appear to have fallen into a gap where it was not addressed through either the PREA or the grievance procedure processes.
- **Both ECWR staff’s decision to infract and return the Complainant to prison over a non-specific statement, and DOC HQ staff’s subsequent failure to return her to Work Release once she was found not guilty of the infraction is evidence of DOC staff’s failure to correct an unjust situation.**
  - As stated above, rather than respond in a gender-responsive manner to address the Complainant’s concerns about the male staffperson, ECWR staff decided to infract her based on her non-specific statement that she was afraid it could “come to blows” with the staff. Further, ECWR staff failed to follow the proper major hearing infraction process, including mandatory timelines. Correctly, the disciplinary hearing officer therefore found the Complainant not guilty of the infraction.
  - Although HQ staff were aware of the Complainant’s allegations of retaliation and subsequent confirmation by the disciplinary hearings officer that the infraction was baseless, there was no documented effort to either investigate or address the decision of ECWR staff to infract the Complainant, nor was there a documented effort to return the Complainant to work release. In short, other than being found not guilty for an infraction she did not commit, there does not appear to be any efforts to address the harm and trauma to the Complainant caused by the entire experience.
  - Last, even the required letter to the Complainant at the culmination of the investigation potentially caused further trauma by being vague and invalidating. Although the investigation did not find that the Complainant had been the victim of sexual misconduct, it did substantiate that the staffperson in question had engaged some misconduct. The Appointing Authority’s letter to the Complainant only stated “it was alleged you were a victim of staff sexual misconduct during your incarceration at Eleanor Chase House Work Release beginning May of 2018. This letter is to inform you that the investigation has been completed by the Department of Corrections. If you wish to receive specific information regarding the findings in this case please contact me via the address or phone number listed below.” Considering all that the Complainant had endured in contrast to the prosocial goals of the Department, the letter could have done much more to validate her experience. It is unknown if the Complainant ever did follow up with the Appointing Authority.

## **Outcomes**

- The contract staff member was removed from the female work release and transferred to a male facility.
- DOC has since agreed to create a definition for retaliation and include training for all staff on what that is and that it is prohibited.
- A workgroup has been created involving DOC and external stakeholders to conduct a 360 evaluation of work release, including culture and disciplinary process, to improve overall conditions and ensure is a rehabilitative rather than punitive placement. A final report is expected prior to the end of 2020.
- Note: While not a result of this or other complaints, it should be noted that the internal Ombuds office no longer exists and the person who filled the role of Appointing Authority for work releases has changed positions.
- As of April 2020, DOC implemented a review process for persons returned to prison from work release for disciplinary reasons to ensure appropriateness.

## **Recommendations**

- Overall, DOC's training should include a gender responsive lens as required by DOC Policy 590.370, such as encouraging staff to proactively and fully explore any indications that an opposite gender staffperson is making an incarcerated person uncomfortable.
- Letters to incarcerated or formerly incarcerated complainants following a PREA investigation should provide at a minimum information as to whether the outcomes were substantiated, unsubstantiated, or unfounded, and staff should consider a gender-responsive, trauma-informed lens in writing them.
- A mechanism should exist to return a person to work release or other setting as appropriate after a not guilty finding for an infraction that caused the person's return to prison.

# DOC RESPONSE



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

September 30, 2020

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 OCO investigation on the 'allegation of retaliation against a person incarcerated in the Eleanor Chase Work Release Center' completed by the Office of Corrections Ombuds.

Recommendation	Response
<p>Overall, DOCs training should include a gender responsive lens as required by DOC Policy 590.370, such as encouraging staff to proactively and fully explore any indications that an opposite gender staff person is making an incarcerated person uncomfortable.</p>	<p>Corrections' Reentry Division is currently working on additional training to address gender responsive, trauma-informed and strength-based approach for monitoring and coaching. The senior reentry administrator has been in contact with the University of Washington to locate a trained individual who can help provide such training. Once the information has been obtained, it will be shared with the deputy prisons director and the equity and diversity administrator for phased introduction of gender responsive training for work release. The agency is working toward a plan for scheduling the training in calendar year 2021.</p>
<p>Letters to incarcerated or formerly incarcerated complainants following a PREA investigation should provide, at a minimum, information as to whether the outcomes were substantiated, unsubstantiated, or unfounded, and staff should consider a gender-responsive, trauma-informed lens in writing them.</p>	<p>Since the completion of the investigation, effective August 1, 2020, the PREA investigations unit began including the investigatory findings in letters sent to the incarcerated individual after completion. All efforts are made to notify individuals in person. However, if the individual has released from Corrections' custody, an individualized letter is sent. Additionally, in the enclosed letter, it is encouraged that the individual contact the work release Administrator to discuss any questions or concerns.</p>

*"Working Together for SAFER Communities"*



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

<p>A mechanism should exist to return a person to work release or other setting as appropriate after a not guilty finding for an infraction that caused the person's return to prison.</p>	<p>Corrections' Reentry Division is currently creating a transition procedure to return a person to work release or other setting as appropriate after a not guilty finding for an infraction that caused a person's return to prison. The requirement of completing a transfer order within 48 hours to return the individual to the appropriate partial confinement option has been added to the draft of policy 460.135 <i>Disciplinary Procedures for Work Release</i>. (See EXHIBIT A)</p>
--	---

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 facilities is a fair and safe space for all incarcerated individuals.

We also appreciate your team's understanding of the unique processes across facilities and the addition of policies and procedures being put in place to address them. We are working towards proactivity and improving quality assurance processes throughout the department. Moving forward, Washington Department of Corrections will continue to collaborate with the Office of the Corrections Ombuds to implement additional policies, procedures, and security measures to continue to improve the facility operations.

Sincerely,

Steve Sinclair, Secretary  
Washington Department of Corrections

*"Working Together for SAFER Communities"*

Attachment A

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p><b>POLICY</b></p>	<p>APPLICABILITY <b>WORK RELEASE OFFENDER MANUAL</b></p>		
	<p>REVISION DATE <b>DRAFT</b> 10/19</p>	<p>PAGE NUMBER 6 of 7</p>	<p>NUMBER <b>DOC 460.135</b></p>
	<p>TITLE <b>DISCIPLINARY PROCEDURES FOR PARTIAL CONFINEMENT</b></p>		

1. Investigate the alleged violation behavior within 48 hours of determining a violation(s) occurred and ensure evidence exists before serving DOC 20-437 Partial Confinement Serious Infraction Report,
  2. Ensure supporting evidence and the following documents are completed and forwarded to the CCS for review within 48 hours of service:
    - a. DOC 20-437 Partial Confinement Serious Infraction Report,
    - b. DOC 09-230 Partial Confinement Notice of Allegations, Hearing, Rights, and Waiver, and
    - c. If appropriate, DOC 09-186 Order of Suspension, Arrest and Detention.
  3. Serve the infraction report and DOC 09-230 Partial Confinement Notice of Allegations, Hearing, Rights, and Waiver no later than 24 hours before the hearing;
    - a. The infraction report will be served within one business day of discovering the violation behavior if the individual has been placed in total confinement.
  4. If applicable, arrange availability of witness(es) and/or statements, and
  5. Schedule interpretation services in advance of the hearing, if needed, per DOC 450.500 Language Services for Limited English Proficient (LEP) Offenders.
- E. Per the Offender Accountability Act, serious violation hearings will be conducted per DOC 460.140 Hearings and Appeals.
1. Upon a guilty finding, appropriate sanctions will be imposed per Attachment 2.
    - a. The Hearing Officer is authorized to suspend a sanction or impose a suspended sanction, if appropriate. Mandatory sanctions cannot be suspended or revoked.
  2. When a hearing that is held in total confinement that results in not guilty findings, for each alleged violation, the case manager will complete a transfer order within 48 hours to return the individual to the appropriate Partial Confinement option.