



STATE OF WASHINGTON

OFFICE OF THE CORRECTIONS OMBUDS

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

April 28, 2021

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 DOC's denial of a person's placement with his wife while on the graduated reentry (GRE) program. This review revealed areas for improvement in the GRE policy.

Any member of the public who wishes to report a complaint to OCO is welcome to submit a complaint through the OCO online complaint form at oco.wa.gov. All complaints 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 AND REPORT
ANGEE SCHRADER, OCO ASSISTANT OMBUDS
JOANNA CARNS, OCO DIRECTOR**

Summary of Complaint/Concern

On December 7th, 2020, the Office of the Corrections Ombuds (OCO) received a complaint which alleged the following:

- The complainant, a White male, alleged he was being denied the opportunity for Graduated Re-entry (GRE) placement at his wife's house because of a Domestic Violence charge on his file from 1992. The incident did not involve his current wife, who he has been married to for over 12 years. They were told he could live with his wife while on community custody but not on GRE. His wife had already gone through an extensive and expensive process before DOC denied them.

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 persons, effectively reducing the exposure of DOC to litigation.
- Per RCW 43.06C.040, OCO has the authority to receive, investigate, and resolve complaints related to incarcerated persons' health, safety, welfare, and rights.

OCO Investigative Actions

- As part of this investigation, OCO reviewed DOC GRE policy 390.590, interviewed the complainant, and made several attempts to negotiate a resolution with DOC.

OCO Findings

- OCO reviewed the GRE policy and could not find anything in the policy that would indicate a DV indicator as a grounds for denial.
- The GRE policy states: "Individuals may not reside with a victim of the individual's current offense or any previous adjudicated offense; however, exceptions may be granted for immediate family members by the Assistant Secretary for Reentry. "
 - It is unclear why there would be a pathway for a victim of an offense but not a non-victim.

Recommendation

- OCO recommends that DOC update the GRE policy in the following ways:

- More clearly define the pathway for review of GRE decisions, including the internal decisionmaking process and any additional review that could be requested by the incarcerated person if they are denied GRE.
- Update the GRE policy with more detailed criteria regarding qualification (or disqualification) for GRE placement.
- Update the GRE policy to either discount older (20+ year) convictions or identify pathways for the individual to demonstrate rehabilitation.
- OCO recommends that DOC create a workgroup to update the GRE forms to allow for the incarcerated individual to speak in their own words, take accountability for any past actions, and provide information on how they have worked while in prison or otherwise to overcome them, such as through a GRE application packet. The community custody officer (CCO) would be in the role of verifying information and providing their own assessment. This would serve multiple purposes of reducing bias and subjectivity in the language, allowing the incarcerated individual to demonstrate positive actions to address concerns, and also would reduce CCO time, creating a more efficient process.



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April 30, 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 OCO investigation into ‘DOC’s denial of a person’s placement with his wife while on the graduated reentry (GRE) program’ completed by the Office of Corrections Ombuds.

Recommendation	Response
<p>OCO recommends that DOC update the GRE policy in the following ways:</p> <ul style="list-style-type: none"> • More clearly define the pathway for review of GRE decisions, including the internal decisionmaking process and any additional review that could be requested by the incarcerated person if they are denied GRE. • Update the GRE policy with more detailed criteria regarding qualification (or disqualification) for GRE placement. • Update the GRE policy to either discount older (20+ year) convictions or identify pathways for the individual to demonstrate rehabilitation. 	<p>The department agrees with the Ombuds Office and will modify the current graduated reentry (GRE) policy to include additional information as well as relevant information from the recently passed ESSB 5121.</p> <p>While the Department must acknowledge that policy cannot articulate all scenarios, it is intended to inform staff and the incarcerated of proper procedures and guide decisions regarding processes and the revised policy will include more detail.</p> <p>There is also an attachment that has the criteria and identifies behaviors so that counselors can make informed decisions about referrals. This, and all forms, will be reviewed in the process of the policy updates that are scheduled to take place during summer 2021.</p>
<p>OCO recommends that DOC create a workgroup to update the GRE forms to allow for the incarcerated individual to speak in their own words, take accountability for any past actions, and provide information on how they have worked while in prison or otherwise to overcome them, such as through a GRE application packet. The community custody officer (CCO) would be in the role of verifying information and providing their own</p>	<p>The department agrees and commits to forming a workgroup, which will include participation from the Office of Corrections Ombuds. The workgroup will consider in its review process the graduated reentry concerns the Ombuds Office has raised and the concerns can be robustly discussed. The workgroup will review all graduated reentry processes, forms and policies.</p>

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<p>assessment. This would serve multiple purposes of reducing bias and subjectivity in the language, allowing the incarcerated individual to demonstrate positive actions to address concerns, and also would reduce CCO time, creating a more efficient process.</p>	
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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 and focused on rehabilitative programs and actions for all incarcerated individuals.

We also appreciate your team's understanding of the unique processes across the correctional system 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 strengthen procedures and practices that positively impact individuals' health, safety and welfare.

Sincerely,

A handwritten signature in blue ink that reads "Julie Mark".

on behalf of
Steve Sinclair, Secretary
Washington Department of Corrections

"Working Together for SAFER Communities"