

# OFFICE OF THE CORRECTIONS OMBUDS



## Systemic/Policy Report Joanna Carns, OCO Director September 27, 2021

The Office of the Corrections Ombuds (OCO) is established in Chapter 43.06C RCW. Duties of the office include investigations into complaints regarding the health, safety, welfare, and rights of incarcerated individuals in the Washington Department of Corrections (DOC). This report is provided pursuant to RCW 43.06C.040, which requires a public report at the conclusion of an investigation.<sup>1</sup> This report has been edited to protect confidential information. OCO investigations and underlying records are confidential pursuant to RCW 43.06C.040 and 43.06C.060. Any persons wishing to report a complaint to OCO can do so via its online complaint form at [oco.wa.gov](http://oco.wa.gov) or via its free, unmonitored hotline (360.664.4749).

## Brief Summary of Systemic/Policy Concern

In 2019 through the beginning of 2020, OCO was approached by several family members of incarcerated individuals with concerns regarding the then-called “Offender Betterment Fund” (OBF) and how its funds were managed; specifically, they alleged that funds were not being used for the intended purposes of the fund, namely “offender betterment.” In particular, family members were concerned that the fund was being used to pay for almost 30 staff salaries, which they felt should have been paid for out of DOC’s general operational budget. The family members also raised concerns about lack of transparency of DOC staff in how the money was spent and how decisions were

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<sup>1</sup> Note: All OCO investigations require a public report; however, only incidents involving critical or systemic issues receive an individual investigation report. All other investigations are publicly reported via OCO’s monthly outcome summary report, available on its website.

made about the fund. They also reported not feeling included in that decisionmaking, although the fund is based on commissions paid for telecommunication services that are paid for by incarcerated people and their families.

## 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.

## Actions

- OCO met with family members and DOC several times to discuss issues of concern before the COVID pandemic hit, at which point OCO paused its meetings on the topic to focus on COVID-related issues. To their credit, DOC staff continued working on several policy and budgetary issues that had been raised during the discussions, including publishing an updated policy and successfully advocating for the staff salaries that had been paid out of the fund to be moved to DOC's general operations budget. DOC staff also voluntarily requested that the fund be included in the State Auditor's performance audit of DOC's fiscal operations. Two family member representatives were also selected for participation in budget meetings. OCO recognizes and applauds the work of DOC during this time. There is still more room for growth, particularly in the inclusion of family members and incarcerated persons in decisionmaking around the use of monies in the fund.

## Outcomes

- DOC agreed to remove the word "offender" from the OBF policy and change the name to Incarcerated Individual Betterment Fund.
- DOC agreed to begin posting annual financial reports to the DOC website for access by the Statewide Family Council (SFC) and other interested parties.

- DOC agreed to include two family members selected by the Statewide Family Council in the statewide expenditure decisionmaking and reviews of OBF.
- DOC agreed to post quarterly reports regarding IIBF expenditures at each facility and provide quarterly presentations by Local Business Advisors (LBAs) to each family council. DOC also agreed to ensure quarterly reports on expenditures at the facility level are posted in prison living units and the visit rooms.
- DOC applied greater scrutiny to the contracts paid out of IIBF for family friendly activities to ensure appropriate return on investment.<sup>2</sup>
- DOC requested and received funding to move staff salaries out of IIBF and into DOC's general operational budget.
- DOC requested that IIBF be included in the State Auditor's accountability audit of DOC's fiscal operations. No concerns were raised by the audit.
- DOC clarified in the updated policy the stated purpose of this fund to reduce idleness of the incarcerated population and increase family and community ties.

## Recommendations

- Create a more equitable structure that allows for greater decision-making by incarcerated persons and their families regarding the use of IIBF.
  - Related, create a structured, established process for the collection of input from both family members and the incarcerated population regarding suggestions for the expenditure of funds, including family friendly activities, per incarcerated individual allocation expenditures, and one-time capital projects.
- Increase expenditures for family friendly activities, EFV program expansion, art classes, book clubs, music rooms, recreational equipment and other positive, pro-social activities that will directly benefit the incarcerated population. Ensure IIBF funds are used to directly benefit the incarcerated population.

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<sup>2</sup> The two main contracts that were evaluated were in regard to Western Van and Matthew House. Both were discontinued. Funds from the discontinued contracts were converted into family friendly activity funding, including the hotel voucher program.

- Create greater transparency and accountability by publishing a quarterly budget-to-actuals report including a detailed list of every item purchased with IIBF monies for each facility.
- Create better accountability for IIBF through regular oversight review of detailed IIBF expenditure transactions by the IIBF Administrator.
- While the new statewide IIBF events are appreciated to provide information on IIBF to family members, the current format is not accessible to everyone and also does not allow for live dialogue and discussion between family members and DOC staff regarding the use of the funds; DOC should consider using a different platform/structure that allows for more accessibility and dialogue.



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October 25, 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 September 27, 2021, Office of Corrections Ombuds (OCO) report on the 'concerns regarding the Incarcerated Individual Betterment Fund (IIBF).'

In early 2020, the department and the OCO began collaborating on IIBF policy revisions including a name change of the fund. The COVID-19 pandemic provided a pause which allowed the department, OCO, members of the Statewide Family Council (SFC) as well as additional stakeholders to work through policy revisions. The work group successfully finished their work and moved forward toward implementation.

The department responds to the OCO recommendations as below.

Recommendation	Response
<p>1. Create a more equitable structure that allows for greater decision-making by incarcerated persons and their families regarding the use of IIBF.</p> <ul style="list-style-type: none"><li>• Related, create a structured, established process for the collection of input from both family members and the incarcerated population regarding suggestions for the expenditure of funds, including</li></ul>	<p>The department will involve family members and incarcerated individuals in IIBF related decisions by soliciting information and input from incarcerated individuals and their friends and family. The department is also working closely with two SFC budget representatives on budget development and implementation. The newly named director of person-centered services may also play a role in IIBF conversations in the future.</p> <p>To gain feedback from families on improving visiting and extended family visitations (EFV), the Family Services Unit plans to survey families prior to the end of CY 2021 to gather ideas and feedback that will be used to develop a spending plan. Similarly, with the recreation and wellness activities, incarcerated individuals will be surveyed prior to the end of CY 2021 for ideas and feedback on which activities (i.e., music, hobby, recreation, etc.) the population would wish increased investment. The survey results will be shared with the SFC budget committee</p>





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family friendly activities, per incarcerated individual allocation expenditures, and one-time capital projects.	<p>members, incarcerated individuals, and internal/external stakeholders for discussion.</p> <p>Additionally, Local Family Councils (LFCs) will continue to meet with the community partnership program coordinators (CPPCs) each spring to provide input into annual events for the upcoming fiscal year. This will be enhanced by LFC conversations to plan “pop-up” events and other family centered activities.</p>
2. Increase expenditures for family friendly activities, EFV program expansion, art classes, book clubs, music rooms, recreational equipment and other positive, pro-social activities that will directly benefit the incarcerated population. <u>Ensure IIBF funds are used to directly benefit the incarcerated population.</u>	<p>The IIBF Budget Committee and Family Friendly Budget Committee presented budget recommendations that would increase the amount allocated to family friendly activities. With legislative action to move staff salaries to state general fund funding, the department has greatly increased flexibility to expand spending in other areas. Family friendly activities include such happenings as the hotel voucher program, Statewide Family Council (SFC) support, Parenting Inside Out (PIO) activities and Parenting Sentencing Alternatives (PSA). Family friendly annual events are budgeted at the approved amount. SFC travel and meeting supplies, PIO and PSA are budgeted based on historical allocations.</p> <p>The following chart shows the family friendly budget allocation from fiscal year (FY) 18 – 22. (A FY begins July 1 and ends June 30.) FY22 also shows the reinvestment for improving the visiting experience/EFV in the amount of \$500,000.</p>



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	<p>IIBF Approved Family Friendly Allocations and Expenditures  (*denotes yearly spending negatively impacted by Covid-19)  Fiscal Year runs Jul 1 - June 30</p> <p>The department will work toward improvements to the existing EFV program. EFV will not be expanded unless additional funding is provided by the legislature. The department will seek additional resources through legislative budget requests.</p> <p>After the results are analyzed from the incarcerated individuals' survey for recreation activities, the department intends to group similar items to seek a competitive bid to ensure the best prices, while procuring equipment that is built to last and consistently performs in outdoor recreation settings.</p>
<p>3. Create greater transparency and accountability by publishing a quarterly budget-to-actuals report including a detailed list of every item purchased with IIBF monies for each facility.</p>	<p>The department and SFC representatives are collaborating on developing more detailed budget reports that includes desired and useful information. The reports will be tested in one to two facilities, discussed at LFC meetings and feedback incorporated into the product implemented for statewide use. These new reports are anticipated to be implemented statewide after January 1, 2022 and placed online.</p> <p>In addition, the department is working on the development of several job aids that are intended to assist family</p>



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	members in understanding how to read both the statewide and local facility reports. The goal is to make the reports more understandable to non-government/financial reviewers.
4. Create better accountability for IIBF through regular oversight review of detailed IIBF expenditure transactions by the IIBF Administrator.	Business Services is working on a process to provide a quality control review of IIBF expenditures. This is an ongoing activity in addition to the recently completed review by the State Auditor's Office (SAO), which included IIBF activities. The SAO noted no audit findings or management letter recommendations related to IIBF.
5. While the new statewide IIBF events are appreciated to provide information on IIBF to family members, the current format is not accessible to everyone and also does not allow for live dialogue and discussion between family members and DOC staff regarding the use of the funds; DOC should consider using a different platform/structure that allows for more accessibility and dialogue.	<p>The current platform of Microsoft Live does not support interactive communications. The department continues to explore different virtual meeting options to improve the overall effectiveness of the statewide public meetings while maintaining inclusive, respectful, and effective communication.</p> <p>The quarterly financial reports are posted on the department's external website prior to the meeting to allow participants time to review the information and prepare questions.</p>

The department appreciates the Office of Corrections Ombuds, members of the Statewide and Local Family Councils and other stakeholders understanding of the unique processes across the correctional system and the addition of policies and procedures, as well as additional resource requests, being put in place to address them. The department is working proactively to continuously improve quality assurance standards as well as stakeholder engagement throughout the department.



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Moving forward, the Washington State 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, while supporting reunification efforts for justice-impacted families.

Sincerely,



Melena Thompson, Director  
Executive Policy Office  
Washington Department of Corrections

MT:mmr

cc: Anita Kendall, Comptroller  
Lisa Flynn, Correctional program Administrator  
Dianne Doonan, Assistant Comptroller