

Office of the Corrections Ombuds (OCO) Monitoring Report

Monroe Correctional Complex Conducted by Domenica Campbell, Early Resolution Ombuds January 22, 2021

Background

OCO received concerns about an incident that occurred on January 17, 2021 at Monroe Correctional Complex. OCO has regularly conducted monitoring visits to all of the DOC facilities and therefore decided to conduct a monitoring visit to the facility on January 22, 2021. The following is a summary of the incident:

- On January 17, 2021 Monroe Correctional Complex (MCC) Incident Command placed A and B units of the Washington State Reformatory Unit (WSRU) on quarantine status following two positive COVID-19 tests within a 14-day period. Staff began developing a schedule for cohort movement, to include access to phones and showers, but suspended access to yard.¹
- Sometime during the evening hours of January 17, 2021 until approximately 4 a.m. multiple individuals on A unit engaged in a disturbance with reports alleging incarcerated individuals screaming and banging cell bars. There were also reports of cell flooding, tossing trash from tiers, and throwing debris that was somehow ignited to set fire to the resulting debris. There was a corresponding disturbance in B unit which only lasted approximately 30-minutes and did not rise to the level of the disturbance on A unit.
- As a result of the disturbance, WSRU A and B units were placed on restrictive movement to “assess any safety concerns for incarcerated and staff.”² The new normal quarantine movements going forward would be in 16-person cohorts.

OCO Jurisdiction and Statutory Authority

- Per RCW 43.06C.050, OCO has “reasonable access” to all state correctional facilities in order to monitor compliance with respect to the rights and safety of incarcerated individuals.

Key Points

- Washington State Reformatory Unit at MCC is a medium/minimum custody level Department of Corrections (DOC) prison located in the city of Monroe in Snohomish County, WA.³ MCC has established screening checkpoints at each entrance to the facility with officers conducting COVID-19 temperature checks and completing screening questionnaires prior to admission to campus. Nasal swabs are conducted on

¹ January 17, 2021 memo from Lisa Anderson, Incident Command to all incarcerated individuals in WSRU A/B.

² January 18, 2021 memo from John Padilla, Incident Command to all incarcerated individuals in MCC.

³ <https://www.doc.wa.gov/corrections/incarceration/prisons/mcc.htm>

staff and visitors on the lower level of the main administration building. OCO staff underwent this testing as part of the monitoring visit.

- The site visit conducted on January 22, 2021 at which time incarcerated individuals, frontline custody staff, and administration were interviewed and conditions observed. OCO was given a binder with all communications issued by MCC to the incarcerated population during the period December 9, 2020 to January 20, 2021, providing some methodological and chronological context to the days leading up to the disturbance.
- At the time of the site visit, those allegedly responsible for the disturbance had been removed from the units. Consensus of tier Representatives and other individuals with whom OCO had an opportunity to interview was the incident resulted from a culmination of ongoing tensions sparked by logistics of restricting shower and telephone access, and limited time out of their cells. Anecdotal reports recount promises made by an unnamed officer that time would be allotted during the current or following shift. However, this did not materialize. When the incoming shift did not follow through with the promise, discontent erupted into anger and subsequent disturbance.
- As a consequence of this disturbance, all incarcerated individuals on A and B units were locked down. This persisted for three days without access to showers, phones, or JPay (the vendor of money transfers and electronic media/communications). A corresponding statewide outage of the JPay system was largely interpreted as a communications blackout and retaliatory; however, reportedly a destructive windstorm in Washington was responsible for the outage rather than DOC action.
- During OCO interviews, incarcerated individuals offered their take on how the disturbance could have been avoided. Communicating with agitated individuals with an “explanatory apology” or allowing a tier Representative to communicate with specific agitated individuals. It was also reported that some participants in the disturbance had little to entertain themselves during the lockdown (i.e. watch TV, listen to music). Others were frustrated with being met with “indifferent” and “hostile” staff.
- While at MCC, OCO took the opportunity to observe conditions in the gym and Intensive Management Unit (IMU). The gym houses asymptomatic COVID-19 positive individuals, and IMU symptomatic COVID-19 positive individuals in medical isolation.
- The facility is currently experiencing a significant staff shortage requiring mandatory overtime. According to MCC administration, forty-one staff members were working overtime on the day of the OCO site visit.

Observations

WSRU—A-UNIT

- Although there were reportedly disturbances in both A and B units, it was A unit that experienced unrest to a greater degree. Therefore, at the time of OCO's visit A unit remained on restrictive movement status while B unit was on modified movement.⁴
- After OCO spoke with incarcerated individuals the main grievances were:
 1. staff attitudes and behaviors including: inconsistent messaging, a perceived lack of social distancing, inaccessibility of key staff who were previously more accessible such as Classification Counselors, and an overwhelming perception that DOC was responsible for bringing COVID-19 into the facility and failed to protect them;
 2. porters from C and D unit being allowed into A and B unit;
 3. deviations from the *COVID-19 Frequently Asked Questions* pamphlet;⁵
 4. infrequent access showers and phones;
 5. discolored drinking water that was reportedly safe to drink with no verifiable evidence provided to the incarcerated population.
- **Inconsistent messaging** from unit frontline custody staff was interpreted by incarcerated individuals as a breach in communication from daily headquarter directives, to facility administration, to frontline custody staff. Similarly, one corrections officer had issues with how communications are turned into action, stating to OCO he was "caught in the middle" as Incident Command can overrule command structure. This in turn prevented him from doing his job effectively. An incarcerated individual commented "staff did not appear to know what they were doing" and made them "feel uneasy."
 1. DOC demonstrated that they are issuing regular memos with information regarding COVID; however, this information does not seem to be getting to the incarcerated population and there is a gap to be addressed.
- Regarding **social distancing**, the layout of the units within WRSU consists of four stories of concrete tiers flanked by exterior walls. (See Figure 1). Ambient noise and loudspeakers hinder communication while wearing full PPE (including a mask and face shield). On occasion OCO had trouble interviewing frontline custody staff in this setting without having to move within the socially distant 6-foot zone.
- **Porters from C and D units** are COVID-19 recovered and allowed onto the unit under the supposition that recovered individuals are immune to reinfection and transmission up to 90-days post-recovery.
- **The *COVID-19 Frequently Asked Questions* pamphlet** states that, while in quarantine "[incarcerated individuals] will continue to have access to phone, mail, showers, and where possible yard." For some, this pamphlet was treated as a surrogate for policy and a standard for staff behavior and levels of care. This general rule applied in the living units, gym, and IMU during medical isolation.

⁴ January 20, 2021 memo from John Padilla, Incident Command to all incarcerated individuals in WRSU.

⁵ Pamphlet emailed by DOC Headquarters on January 5, 2021 and distributed to all incarcerated individuals.

- **The inability to access showers and phones** during a lockdown there is an ability to access showers and phones.
- **Discolored drinking water** rumors were circulating that the water in WSRU living units was unsafe to drink. This could possibly be attributed to the water in WSRU Old Segregation being contaminated with rust and bottled water being handed out. However, the water in the units is regularly tested and deemed safe to drink, according to DOC.

WSRU—B-UNIT

- At the time of the visit, B-Unit had been on modified movements since January 20, 2021.⁶ The mood of incarcerated individuals there was one of disappointment and anxiety at the perception of taking two-steps back from where they were before anyone tested positive. Consensus was that DOC staff brought the virus into the prison, “it wasn’t us; how could it be us?” They expressed displeasure that their ideas for keeping themselves safe were not being heard, and even contradicted, by headquarter directives.
- There were similar concerns—as those stated and addressed above in the A unit section of the report—regarding staff attitudes and behaviors. This contributed to a feeling that DOC had no respect for incarcerated individuals’ humanity and a lack of acknowledgement for the part they played in keeping the facility operating. Access to showers and phones, and porters from C and D in the unit also made the list of top grievances.

WSRU—GYM

- The gym currently houses asymptomatic COVID-19 positive individuals in rows of cots. Original cots were wood-framed and not durable; they are in the process being replaced by metal-framed bunks. As wooden cots are replaced, they are being used to create “pod” walls and utilized to air dry items of hand-washed clothing (see Figure 4).
- The medical pass-through area where OCO communicated with the incarcerated individuals also houses crates of bottled water. OCO was informed the distribution was as follows two bottles with breakfast, one bottle with lunch, and two bottles with dinners.
- A batch of letters specifically written for the attention of OCO was handed over and contained concerns regarding the following issues/conditions: commissary issues including having to accept low-grade personal hygiene items and delays in delivery; poor Wi-Fi coverage; an insufficient number of phones resulting in long lines; infrequent access to clean laundry (it was claimed that a laundry cart was returned to the gym on for not having the correct hazmat tags); no access to legal photocopies with one individual claiming he missed a court deadline; limited access to routine medical care with a specific example of an individual not being tested for a thyroid condition; hand-written

⁶ January 20, 2021 memo from John Padilla, Incident Command to all incarcerated individuals in WSRU.

grievances have to be placed in a paper bag taped to the gym wall not in the traditional secure lock box creating privacy concerns.

IMU

- IMU is where symptomatic COVID-19 individuals are housed. The Intensive Management Unit stand in stark contrast to living units by its very nature and design. Its reputation as “the hole” was reflected in the letters received by OCO as *a place of punishment* versus *a place of care* to receive medical treatment for a potentially life-threatening virus. Despite assurance from staff that placement in this unit is not punishment, the perception by incarcerated individuals with whom OCO spoke was that conditions rose to the level of “cruel and unusual punishment.”
- Letters from individuals in the gym who had experienced IMU (and a subsequent phone call from an individual who was not contacted at the time) allege the following: staff accustomed to dealing with individuals requiring intensive management remained uncaring and indifferent to the suffering of others—one reporting that his emergency grievance was denied by staff and responding medical personnel laughed as he was crying; a lack of cleaning supplies; the feeling they were being punished for being sick with cold food and cold milk contributing to a feeling of indifference by the facility; an inability to obtain specific answers to specific questions from both staff and medical personnel; no TV; no electrical outlets (as the unit was purposefully built that way); lack of yard time; non-compliance with the *COVID-19 Frequently Asked Questions* pamphlet, limited phone access; missing keep-on-person (KOP) medications; claims that individuals were housed in cells that were not cleaned nor the bedding changed following the last person to vacate the cell; and feelings of anxiety, anger, and depression.

Recommendations

- As soon as feasibly possible, begin relocating individuals from medical isolation in IMU to the Rapid Deployment Care Facility (RDCF) located at Twin Rivers.
- To mitigate inconsistent messaging, create protocols by which tier Representatives can return to regularly representing the incarcerated population, perhaps by allowing tier reps to conduct rounds in full PPE.
- Increase availability of cleaning supplies to cell fronts.
- Create and maintain an updated roster for commissary items to reach the correct person in the correct location.
- Provide lock boxes in the gym for grievances, kites, personal mail, etc.
- Ensure outgoing laundry from the gym is correctly tagged to avoid unnecessary delays in processing and a schedule of laundry turnaround times.



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

February 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 OCO Report on the 'the monitoring visit that the Office of the Corrections Ombuds (OCO) conducted to the Monroe Correctional Complex on January 22, 2021' completed by the Office of Corrections Ombuds.

| Recommendation | Response |
|---|--|
| As soon as feasibly possible, begin relocating individuals from medical isolation in IMU to the Rapid Deployment Care Facility (RDCF) located at Twin Rivers. | Individuals on medical isolation status are housed according to Health Services direction and housing is dependent on the level of care that is needed for each individual patient. The RDCF is reserved for individuals needing a higher level of care with the appropriate custody level. |
| To mitigate inconsistent messaging, create protocols by which tier Representatives can return to regularly representing the incarcerated population, perhaps by allowing tier reps to conduct rounds in full PPE. | During the time of medical isolation/quarantine on the units, Health Services and the Incident Command Post (ICP) determined that the facility would not be able to have the tier reps go around the units in full PPE to talk to others because such an action would be breaking the cohorts and could possibly cause cross contamination issues if one of the tier reps were to be carrying the virus and potentially spread to others on the unit, even if in full PPE. |
| Increase availability of cleaning supplies to cell fronts. | On January 21, 2021, recovered C/D unit porters, who were therefore not a risk to transmit the virus, began working on A/B units, which immediately increased the |



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| | <p>access of cleaning supplies to cell fronts.</p> <p>Additionally, cleaning supplies are available to the incarcerated during their cohort times. Staff allow individuals to pick up their cleaning supplies at the end of their cohort period and take them back to their cell. Upon completion of cleaning cells, the cleaning supply buckets are collected by staff and returned to the cleaning supply closet where they are cleaned, sanitized and restocked for distribution to the next individual. Cleaning supplies are also available to those who request them outside of their cohort times, depending on availability. In such a case, staff deliver the cleaning bucket of supplies to the cell front for the individual to utilize. Each cleaning bucket is returned to the porter closet area and is clean, sanitized and restocked between uses.</p> |
| Create and maintain an updated roster for commissary items to reach the correct person in the correct location. | <p>The facility received complaints that commissary was not received on A/B units. This was due to several individuals not completing their orders prior to the restricted movement from the January 17, 2021 disturbance. For the individuals that were not able to place phone orders, hard copies were obtained and scanned to commissary. The commissary confirmed they received the scanned orders and that all commissary items were distributed. There have not been any additional complaints regarding commissary.</p> |
| Provide lock boxes in the gym for grievances, kites, personal mail, etc. | <p>Maintenance is building boxes to be provided in the gym for the mail items</p> |



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| | <p>noted. Currently, there are bags in the gym in which the population can place their mail and other correspondence to be sent out. If it is an emergency grievance, they come to the window and staff, after donning PPE, will retrieve it from them. They also currently have the ability to hand these items to staff as staff walk around inside the gym conducting tier checks or distributing meals.</p> |
| <p>Ensure outgoing laundry from the gym is correctly tagged to avoid unnecessary delays in processing and a schedule of laundry turnaround times.</p> | <p>Staff have been instructed to ensure all outgoing laundry carts are marked with a tag labeled "Flu Protocol" when they go out. There is an established process in place with specific times and procedures to get the laundry carts to Gate 7 for laundry pickup. The process can be found in the DOC form 18-030 Incident Command System (ICS) 204 Division/Group Assignment List. For the safety of laundry workers, if the process is not followed, laundry carts may be returned and laundry not processed until proper protocols are followed.</p> |

Staff in all capacities are working extremely hard to mitigate the potential spread of the COVID-19 virus within the state's correctional facilities. The Department's work is conducted with an understanding that each day may present a different challenge and our teams are dedicated to performing their jobs and fulfilling their mission to the best of their ability.

The Department of Corrections continues to appropriately align its practices to reflect the guidance of the Centers for Disease Control (CDC) and Department of Health (DOH) to ensure the health and safety of the incarcerated population and staff in the Washington correctional facilities. The department will continue being part of the solution, adjusting protocols and precautionary measures being taken accordingly during this uncharted time.



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Sincerely,

A handwritten signature in black ink, appearing to read "Eric Jackson".

Eric Jackson, Superintendent
Monroe Correctional Complex

APPENDIX



Photo A – inside A unit, the site of the disturbance five days prior to OCO’s visit. The unit is cleaned by porters from C and D units who are all COVID-19 recovered individuals. The reflection of staff wearing PPE can be seen in the concave security mirror on the right.



Photo B - inside B unit, the site of a smaller disturbance than A unit. As this unit was on modified movement, incarcerated individuals can be seen obtaining ice from a chest and using a kiosk. COVID-19 recovered porters from C and D unit are also responsible for cleaning B unit.



Photo C – A and B unit lunch. Two pieces of wholewheat bread, American cheese, tuna salad, and celery sticks. Lunches in these types of containers must be tipped sideways to fit through the bars. Anecdotal reports received of soft foods spilling and/or mixing into a “pile” by this action. In follow-up communication with Correctional Industries staff, the following was the scheduled lunch meal for the day: Fruit- 1 each, Fresh Veg- ½ cup, Coleslaw- 1 cup, Tuna Melt- 1 each, Fortified Drink- 1 pkt. CI noted that the 1 cup of coleslaw was missing from the tray assembly and there was reportedly follow-up communication with MCC staff. CI mentioned that whole fruit was distributed directly from the case and OCO acknowledges that it may not have been included in the lunch that was pulled by DOC staff to give to OCO staff.



Photo D - inside the gym housing asymptomatic COVID-19 positive individuals looking from the medical pass-through window. Some incarcerated individuals have created “pods” from disused wooden cots over which hand-washed laundry can be seen air drying.

Complaint:

MCC
PO Box 777
Monroe Wa 98272

I'm grieving the conditions of MCC IMU Medical Isolation - COVID-19 Unit conditions because they fail to meet basic standards for cell sanitation, hygiene, and phone access as outlined in "MCC IMU Medical Isolation - COVID-19 Unit Procedures" manuals given to inmates and presented to the public. Upon my arrival to isolation, the cell I was put in had not been cleaned after the last infected inmate was removed 8-hours prior. The cell had trash, dust-mites, and the dirty bedding from the last inmate still in the cell. I wasn't given fresh bedding or cleaning supplies either, and I only received cleaning supplies X^1 days after being here. I didn't get clean bedding until day X^2 , shaving razors until day X^5 , fingernail clippers until day X^5 , or an outlet for charging my JPlayer until day X^8 . Furthermore, I have only been offered access to the phone $^2 X$ times in X^9 days, despite MCC's ability to offer access multiple times every day. Additionally, I'm only given the phone for 20 minutes as opposed to the 30 minutes assured in the operating procedures pamphlets. This treatment not only has failed to meet its own hygiene & sanitation standards, but it has also significantly impeded my contact with loved ones. Ultimately, this treatment has greatly impacted my mental health by causing intense anger and anxiety, and it only worsens every day. This treatment even falls short of treatment for disciplinary isolation, and since it doesn't even meet MCC's IMU Medical Isolation standard operating procedures, it constitutes a violation of my human rights through cruel and unusual punishment.

Suggested Remedy:

Improve conditions for MCC IMU Medical Isolation - COVID 19 Units by ensuring basic hygiene & sanitation standards are met, increasing access to phones & showers, train staff to take a mental health-care approach when dealing with isolated inmates, and offer 1-hour of yard to inmates at least once every-other day ^{since we can spray down the yard just like we do with showers & phones.} ~~since we're all positive for COVID-19 and therefore cannot further "infect" each other.~~

Attention OMBuds

* Issues and Concerns *

"When going to DMU and being there because of COVID we are treated like we are on punishment. I had no TV, no electrical outlets and was never offered to move to a COVID accommodated cell that headquarter spoke of. My COVID recovery was hell. I have never be to seg. or DMU ever in my life, until I caught COVID.

* Currently no yard ~~is~~ for the units

⇒ HUGE ISSUE: It obvious all these seperations on and off quarantine from other units plus modified movement schedules did not mitigate nor decrease the spread of COVID here at Monroe. About 95-97% of C and D unit caught COVID and this was a duration of less than a month, with these unit seperations and modified movements in place.

Both C and D unit would like to have shared yards and dayrooms to increase our rec time and dayroom usage. The stricter things became the worst the outbreak. We want our original schedule back from before we C unit and D unit were to have rec and dayroom together and A and B to have their rec together.

⇒ Communication with staff, medical, and to inmates are very difficult with misinformation on all angles. You can never get a specific answer from anyone

→ Social distancing and mask wear DID NOT work and wasn't effective in a prison setting to stop or prevent the spread of COVID.

→ They wouldn't give me COVID test results upon request or after testing. I had to flag down a ~~physician~~ doctor who verbally told me my results versus providing documentation.

→ DOC forced negative tested people to sit in the unit around COVID outbreak hotspots everytime I tested negative. I was forced to stay in the unit with the outbreak for 23 hours a day, until 5 negative tests later, I finally contracted the virus on my 6th test.

[REDACTED]
PO Box 777
Monroe, WA 98272-0777

January 21, 2021

Joanna E. Carns, Ombuds
2700 Evergreen Parkway NW
Olympia, WA 98505

Dear Ms. Carns,

[REDACTED]

As you are doubtless already aware, the issue I had called about (the refusal of staff to provide cleaning supplies near the phones, to regulate mask wearing among themselves or the incarcerated, the lack of plastic curtains or shields in front of cell fronts, the absence of any sanitizer on the units, etc. etc.) has had predictable results and A/B has followed C/D into quarantine. At least we have now been tested twice. But the same negligence persist. Prisoners, including the ironically named COVID porters, parade around with their masks around their chins, as do other prisoners, without an encouragement or a direction to wear the mask properly or cell in. (I've gotten more harassment for wearing my hat in the unit, which does not pose a risk of killing anyone.) At least the officers seem concerned enough to mostly wear PPE now.

I just wanted to comment about the "disturbance" of which you must have heard here, which resulted in us being locked in our cells for 3 straight days. As you know, there are a lot of yahoos in the prison population: they have low risk aversion, little impulse control, and they act out with tantrums. From what I understand, the other unit was considerably worse than ours. But it's a problem when staff react to discontent (in this case, somewhat justified) by just ignoring it until there's an explosion. If someone in authority had simply come and talked to the complainers (annoying as that would be), it would have defused the situation. An apology, a promise to ensure everyone would get a shower and a phone call---anything like that would have prevented it. Our tier rep could have talked them off the ledge. But no. It's the typical vicious cycle of guys who are borderline mentally ill, who have nothing in their cells to occupy themselves with, escalating with frustration and rage, and being met with the indifference and hostility that just makes things worse until there's an explosion. And all the rest of the prisoners suffer.

Just thought you might like to know.

- 2 days before I left for Covid isolation, I ordered commissary in the unit. When I left on 10 Jan, I was told that it would be routed to wherever I was located. I was transferred to the quarantine unit in the gym on 16 Jan. When C-unit received store on 19 Jan, I never got my order. A few were rerouted, but mine wasn't one of them. That night, a CO told me that it was delivered to my bunk in C-unit, and that I can send a note to the COs to have the COs in the unit get it and send it to the gym. I did this the next day, 20 Jan, and I still haven't gotten my store. I'm going to be here for at least another week, I'd like to get my store because I ordered hygiene and food items that I need. Whoever is in charge (COs and/or Sgt) needs to do a better job of creating and updating a roster of people who are either in isolation or quarantine, where they're located, and making sure a newly updated roster is given to those in charge of commissary so that people can get their orders.

- Subjects that everyone will care! we need more than 2 phones and better wi-fi. The phone line is very long and in order to keep it moving, phone calls are limited to ten minutes. As for wi-fi, currently we have to find a sweet spot by the weight deck. It's very unreliable. People should be able to sync from their bunks.

- If possible, a laundry trailer should be brought in. Right now, we have to wash our clothes in the shower. We can't even send laundry carts out. The only carts we sent were turned back because they didn't have the proper hazard tags. We have a limited amount of clothes and sending dirty clothes out through the laundry carts takes too long.

Ombuds

1. NO clean laundry in Gym. No laundry carts coming or going. I wore 1 T-shirt, 1 undershorts, 1 socks, 1 Towel for 5 days.

2. No legal copies since 12-25-20 due to Court quarantine to Seg. of Gym. No legal photocopies. Missed 1-4-21 Court deadline.

3. Denial of medical care. Denied a blood test for being underdosed for my thyroid by Sen. Ross (medical provider). Was told in December 2020 a blood test would be done in 2 Weeks. On 1-15-21 a Nurse R. Kimmel denied my blood test.

On #1 All clothes require jms to use hand soap in a sink to wash clothing. Then find a place to let it all air dry.