

**Background and Summary of Complaints**

The Office of the Corrections Ombuds (OCO) frequently receives complaints regarding problems with incoming and outgoing mail<sup>1</sup> from people incarcerated in the Washington Department of Corrections (DOC) and their family and friends. Mail-related concerns were among the top ten most common types of complaints received by the OCO in fiscal years 2019, 2021, and 2022.

**OCO Investigations with Complaints About the Mail**  
**Top Four Facilities**

2022*	
Facilities	Investigations
Monroe Correctional Complex	13
Stafford Creek Corrections Center	11
Airway Heights Corrections Center	9
Coyote Ridge Corrections Center	9
<b>Total Statewide</b>	<b>63</b>

\* January 1- June 30, 2022

Incarcerated individuals and external stakeholders, primarily friends and family members, report to the OCO that mail is an essential way of maintaining connection. In March 2020, in response to the Covid-19 pandemic, the DOC suspended visitation and limited phone access. Rates of mail sent to and from people incarcerated in DOC facilities snowballed. Less than six months into the pandemic, the DOC reported that mail increased by approximately 300%.<sup>2</sup>

The sizable number of mail-related complaints received by the OCO in the fiscal year 2019 continued to rise as more stakeholders and people in custody encountered problems with the mail system during the pandemic. By mid-2020, the OCO had opened nearly 100 investigations regarding mail concerns.<sup>3</sup> The bulk of these concerns included reports of unfair mail rejections, delayed processing, unclear guidelines, and allegations of mailroom staff misconduct.

<sup>1</sup> In this report, “mail” refers to incoming and outgoing letters, cards, and packages sent via the United States Postal Service (USPS), as well as, electronic messages/telecommunications transmitted via any third-party vendor, including JPay/Securus.

<sup>2</sup> DOC provided this information on the OCO’s September 3, 2020, public call.

<sup>3</sup> This amount reflects the number of complaints in the OCO case management system that were assigned case factors of mail, packages, or JPay as of June 30, 2020. This is a conservative figure as the OCO only began consistently assigning case factors to all complaints in mid-2020. It is likely that the actual number of mail-related investigations opened by the OCO before June 30, 2020, exceeded 100. As of June 30, 2022, the OCO had opened 260 mail-related investigations.

In July 2020, in response to the increase in the number of received mail-related complaints, the OCO initiated a review of the DOC's policies and practices related to the handling of mail. The goal was to identify and address underlying issues negatively impacting mail service for the incarcerated population, their families, and other external stakeholders.

## Investigative Actions of the OCO

### The OCO took the following actions in furtherance of this report:

- Reviewed 100+ individual complaints from incarcerated individuals that identified mail as a primary concern
- Reviewed statements of 55 incarcerated individuals regarding personal experiences receiving mail rejections
- Toured mailrooms and observed mail processing at Monroe Correctional Complex and Airway Heights Corrections Center
- Reviewed staffing assignments and levels at all prison mailrooms
- Reviewed applicable DOC policies, attachments, and forms, including:
  - DOC 450.100 Mail for Individuals in Prison
  - DOC 450.100 Attachment 1 Unauthorized Mail
  - DOC 450.120 Packages for Offenders
  - DOC 05-525 Rejection Notice
- Reviewed DOC mail room guidelines issued by facilities
- Reviewed DOC appeal and resolution procedures related to mail rejections
- Reviewed mail policies of departments of corrections in other states, including Oregon, Idaho, Nevada, and Nebraska
- Solicited information and feedback from external stakeholders, including the DOC Family Council, regarding specific mail complaints
- Arranged for the DOC staff managing mail to participate in public calls organized by the OCO to answer stakeholder questions, as well as, to review and explain mail rejection reasons
- Convened a Mail Workgroup consisting of family members, DOC staff, and OCO staff

## Mail Workgroup

**In an effort to efficiently resolve identified issues, the OCO convened a Mail Workgroup** and invited internal and external stakeholders, including DOC staff responsible for oversight of the mail program, family members and advocates of incarcerated persons, and staff of the OCO to review and resolve the concerns received by the OCO and negotiate updates to the mail policies and practices.

From February 2021 through April 2021, the Mail Workgroup focused on identifying concerns to be discussed. Between April 2021 and November 2021, the Workgroup held a series of work sessions in which the group worked through the identified issues to reach agreement on specific solutions including revisions to policies and procedures, training, and new practices to improve communication.

## Negotiated Outcomes

The following are negotiated outcomes achieved through the OCO convened Mail Workgroup:

### Mail Rejections

1. The DOC agreed to review security standards for outgoing mail and, separately, incoming mail to ensure that they are up-to-date and clearly stated. The DOC further agreed to ensure that these differences are clearly identified in policy and guidelines.<sup>4</sup>
2. The DOC agreed to revise policies and practices to provide incarcerated individuals the opportunity to correct non-compliant aspects of their outgoing mail, rather than immediately confiscate the letter, card, or package. This change will apply to instances of non-compliance that do not pose a safety or security threat and do not constitute a violation of any WAC. When mailroom staff review a piece of outgoing mail and determine that it is unauthorized, it will be returned to the incarcerated sender with the reason for the return noted. The sender will then have the opportunity to correct the problem.
3. The DOC agreed to revise the procedure for processing curio packages. If a letter or card is included in a curio package that would otherwise be appropriate for outgoing mail, the package will be returned to the individual sender to be mailed out in accordance with the DOC policy and procedure.
4. The DOC agreed to conduct a review of the current mail rejection reasons for both hard copy and electronic messaging.
5. DOC agreed to remove “mail in the foreign language” as a rejection reason from the Jpay drop-down menu (Section IX). This will ensure that people who communicate in languages other than English are able to use their preferred language.
6. The DOC will convene a workgroup, with external representatives, to review the definition of “sexually explicit materials” found in WAC 137-48-020, particularly as it relates to the potential over-censorship of mail items.
7. The DOC agreed to instruct mailroom personnel that a “reasonable effort to search or find intended recipient” is the expectation of staff. The DOC agreed to include this change in the revision of DOC 450.100 (IV.B).
8. The DOC agreed to add mail rejection appeal timelines for facilities and headquarters to the next revision of DOC 450.100 to provide a clearer picture of how long the process can take. The DOC clarified that the process for reviewing an appeal of a mail rejection can take 30-45 days to complete.

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<sup>4</sup> The department’s Chief of Security and Chief of Investigative Operations will be reviewing the security standards, along with the mailroom sergeants. The security standards will be reviewed every three years or if there is an urgent reason for revision to it.

9. The DOC agreed to communicate the underlying reason(s) for a mail rejection when a mail rejection notice is issued. However, certain specific reasons for rejections made for safety and security may not be specifically communicated.
10. The DOC agreed to create a resource for external persons that provides more clarity about the reasons mail may be rejected.

### **Staff Accountability and Training**

11. The DOC agreed to modify the policy to specifically prohibit DOC employees, contractors, and volunteers from using mail rejections as a form of retaliation against an incarcerated person or their family.
12. The DOC agreed to modify the policy to specifically prohibit DOC employees, contractors, and volunteers from sharing content from incarcerated individual mail (including photos and videos) unless there is a legitimate question or security concern related to the mail content. The DOC also agreed to consider requiring mailroom staff to sign a confidentiality form.
13. The DOC began exploring the development of new and improved training tools to help ensure that policy and guidelines are implemented correctly and consistently. These tools may include mandatory training for all mailroom staff and sergeants and clearer training materials (e.g., a desk manual) for all mailroom staff. Additionally, the DOC will consider developing training tools for short-term/temporary staff that include examples of acceptable and unacceptable content, particularly imagery.
14. The DOC agreed to evaluate the clarity and completeness of Section VIII (“Legal Mail”) of DOC 450.100 and agreed to modify the section if DOC identifies improved language.
15. The DOC agreed to create a requirement that employees take great care to avoid damaging mail when opening it for inspection. This will include direction that staff avoid marking mail in any defacing way. Additionally, the revision will include a provision requiring staff to log mail that arrives damaged or that staff damage during processing.

**Policy Clarifications:** The Mail Workgroup agreed to several changes for DOC 450.100 Mail for Individuals in Prison. The DOC anticipates incorporating the following changes in the next revision of DOC 450.100 which should be completed and adopted by the end of 2022.

16. The DOC agreed to modify policy language to ensure consistency in terminology. The DOC will use a general term such as “eMessage service provider” throughout the policy to ensure accuracy regardless of vendor contract status. Similarly, the DOC will use the term “Correctional Manager” throughout the policy.

17. The DOC agreed to modify Section IV.A.2 to allow the name of a registered business or organization to stand in for an individual first and last name on a return address. The DOC reports already sending directives on this matter to all mailroom staff.
18. The DOC agreed to clarify the definition of “photograph” in all policies related to mail.
19. The DOC independently began developing revised dress code guidelines for videograms. The new guidelines will better align with standards associated with photographs as opposed to the visiting room dress code.
20. The DOC agreed to modify the language in Section VIII.C.2.c. regarding the handling of legal mail. Where the policy currently states that an employee will observe the incarcerated person place the envelope in a legal mail container “[w]hen practical,” the language will be changed to “whenever possible.”
21. The DOC agreed to create new mailroom stamps indicating that a person is “temporarily [or ‘currently’] unable to accept [legal] mail” rather than returning it stamped “Incarcerated Individual Unable to Accept Mail.” DOC also agreed to update Section XII.B.3. to reflect this change.

**Reporting and Quality Assurance:** To ensure that mailroom staff are implementing policy correctly and consistently across all facilities, the DOC agreed to ensure and/or implement the following quality assurance measures:

22. The DOC agreed that the current policy requires mailroom staff to date-stamp all incoming mail when received, including magazines. Date-stamping helps to better track the timeliness of processing. DOC agreed to clarify this in the policy. DOC agreed to stamp the outermost page/envelope.
23. The DOC agreed to conduct regular, unannounced quality assurance checks with each of the mailrooms at least once annually. The DOC agreed to develop a written auditing tool to be used for each quality assurance check.
24. The DOC agreed to implement monthly data reporting for each facility’s mailroom performance. The data will include rates of rejection by mail staff, types of rejections, rates of appeals, etc. DOC will require these facility mailroom monthly reports in the next revision of DOC 450.100.

## Conclusion

The significant number of mail-related complaints received by the OCO shed light upon the many varied challenges experienced by individuals wishing to communicate by mail. The OCO appreciates the Mail Workgroup participants, including the DOC staff, the family members, and the external stakeholders, for their time and willingness to systematically address these issues, and for their commitment to improving the policies and practices that facilitate communication by mail for people in the care and custody of the Washington Department of Corrections.