



STATE OF WASHINGTON

**OFFICE OF CORRECTIONS OMBUDS**

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July 12, 2019

Steve Sinclair, Secretary  
Department of Corrections (DOC)

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

Attached is the official report regarding the OCO investigation related to missing property of an incarcerated person at Washington State Penitentiary (WSP). This report is submitted in conjunction with a related investigation into the loss of property from Larch Corrections Center. We appreciate the opportunity to work collaboratively with DOC to amend current policies and practices to better ensure that all incarcerated persons' rights are protected while they are within state confinement.

OCO has received several complaints pertaining to lost property between facility transfers as well as unit to unit transfers. In this case, an incarcerated person and his family filed complaints and a tort claim to recover the missing items or receive reimbursement from DOC. OCO found concerns related to missing documents, policies and procedure not being followed, and concerns with the quality of the investigation.

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**  
**PREPARED BY CHRISTY KUNA, ASSISTANT OMBUDS – WESTERN DIVISION**

**Summary of Complaint/Concern**

On November 28, 2018, the Office of Corrections Ombuds (OCO) received a complaint that alleged the following:

- An incarcerated person’s personal property (valued at approximately \$900) was lost when the person was placed in Washington State Penitentiary’s (WSP) segregation unit and then transferred to Clallam Bay Corrections Center (CBCC). All items had receipts provided, proving the items had been purchased for the person.
- The incarcerated person filed a tort claim for compensation and was denied by DOC due to a failure to prove that staff lost the property; however, at no time did the person have control over the property once he was placed in the WSP segregation unit.
- The financial burden fell on the incarcerated person’s family to replace all of the missing items since DOC would not replace what was lost. Further, DOC allegedly was unresponsive to the family.

**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, 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 persons’ health, safety, welfare, and rights.

**OCO Investigative Actions**

- As part of this investigation, OCO reviewed DOC policy in regard to the “Offender Grievance Program,” “Personal Property of Offenders” and “Transportation of Offender Property;” related grievances, tort claim and supporting documents; and contacted various DOC staff.

**OCO Findings**

- OCO confirmed the incarcerated person’s segregation placement as well as facility transfers as alleged. OCO also confirmed with DOC staff that none of the facilities associated with the transfer (WSP, Washington Corrections Center, and CBCC) had record of the incarcerated person’s property.

- In an effort to determine what property was documented as being in the incarcerated person’s possession, OCO requested the property inventory log that should have been conducted when the person was moved from his living unit and placed in segregation, as defined in DOC policy 440.000. However, OCO found that the last property inventory conducted by WSP staff for the incarcerated person was completed several months prior to his transfer. The last property inventory confirmed that the items listed in the tort claim were in the possession of the person prior to his transfer to segregation.
- OCO reviewed the tort claim investigation. WSP staff stated that one box of “miscellaneous” property was sent to CBCC via the state chain bus. One box would not have been sufficient to contain all of the missing property. However, CBCC staff stated that they had never received even this box; further, none of the missing items had ever been issued to the incarcerated person after his arrival to CBCC. Nevertheless, the WSP investigator denied the tort claim, stating, “Due to the fact that the only property that the property room had was sent to him on 11/28/2019, and the inmate does not have any proof that staff lost/misplaced the alleged items in question, this is an in-valid[sic] claim.”
- OCO reviewed DOC policy and procedures that govern property upon placement in segregation or transfer between facilities. Once an incarcerated person is placed in segregation, he loses control of his property. The property should be secured and inventoried by DOC staff and transferred by DOC staff. At no point would an incarcerated person placed in segregation or during transfer be able to prove staff mishandling of his property.
- OCO’s review raised the following issues regarding the tort claim process:
  - WSP staff failed to conduct a property inventory per DOC policy 440.020.
  - WSP staff failed to secure the incarcerated person’s personal property when the person lost control of his personal property per DOC policy 440.000.
  - The tort claim investigator failed to review all evidence, including a failure to identify the missing property inventory. Further, the tort claim investigator faulted the incarcerated person for not having proof that the person could not have had.

**Outcomes**

- Upon further discussion with OCO staff, the WSP Superintendent re-opened the review of the tort claim investigation and agreed to reimburse for the lost property.

**Recommendations**

- DOC should conduct a review and revision of property policies and procedures, including:

- Ensure that incarcerated persons' personal property is kept up-to-date in the OMNI database.
  - Ensure that unit staff are following DOC's policy and procedure for documenting personal property on DOC "Offender property forms" and that a record of "offender property" is kept up-to-date and maintained by unit staff.
  - Establish appropriate timeframes for staff to inventory and secure property when an incarcerated person is moved from their unit.
  - Ensure accountability for inventories of property, including assigning staff within the chain of command to be responsible for regular checks or audits.
- Establish a DOC-wide recognized process for tort claim investigation processes, including a checklist for all necessary evidence, and ensure that anyone authorized to conduct a tort claim investigation has received proper training in order to properly and thoroughly execute the investigation.