

**Notice:** The Office of the Corrections Ombuds is currently updating our case closure process to ensure that our data reflects the outcomes reached by the office and to provide greater transparency into the work of the office. We anticipate implementing these changes with the March 2022 Monthly Outcome Report.

The Office of the Corrections Ombuds (OCO) investigates complaints regarding any Department of Corrections’ (DOC) actions or inactions that adversely affect the health, safety, welfare, and rights of incarcerated individuals (RCW 43.06C.040). Per RCW 43.06C.040(2)(k), at the conclusion of an investigation of a complaint, the ombuds must render a public decision on the merits of each complaint.

As of September 1, 2020, all cases open at the time and all cases opened since by OCO are considered investigations for the purposes of the statute. The following pages serve as the public decision required by RCW 43.06C.040(2)(k).

In providing an anonymous summary of each complaint, OCO staff have worked to limit as much identifying information as possible while still providing a substantive explanation of the concern so as to protect the complainant’s confidentiality while also providing transparency into the office’s work.

Note: The following case summaries also include OCO’s closed case reviews, in which a complainant whose case was closed requests a review by the supervisor. These are marked in the summaries as such. OCO is still evaluating how to best portray these cases.

All published monthly reports are available on <https://oco.wa.gov/reports-publications>.

<b>Case Status</b>	<b>Explanation</b>
<b>Assistance Provided</b>	OCO, through outreach to DOC staff, was able to achieve full or partial resolution of the person’s complaint.
<b>DOC Resolved</b>	Case was resolved by action of DOC staff prior to OCO action.
<b>Lack Jurisdiction</b>	Complaint did not meet OCO’s jurisdictional requirements (not about an incarcerated individual, not about a DOC action, or person did not reasonably pursue grievance/appellate procedure).
<b>No Violation of Policy</b>	After reviewing all relevant documents and DOC policy, OCO staff determined that DOC policy was not violated.
<b>Unable to Substantiate</b>	Insufficient evidence existed to support the complainant’s allegation.
<b>Information Provided</b>	OCO provided self-advocacy information.
<b>Substantiated</b>	OCO substantiated the concern/allegation but it was not resolved by DOC and OCO was unable to reach a negotiated agreement.
<b>Decline/Other</b>	Some other reason existed for the closure of the case, generally release.

# Monthly Outcome Report

## November 2021

Institution of Incident	Complaint/Concern	Outcome Summary	Case Closure Reason
<b>Airway Heights Corrections Center</b>			
1.	Incarcerated individual reports that he recently was given a Behavior Observation Entry (BOE) that he believes is unjust. He received notification of the BOE by mail days after it was written. He does not believe that a negative BOE was justified under the circumstances. He reports that he used techniques he learned in programming to try to address the incident but still had a negative BOE written about it.	The OCO contacted the DOC about this concern and learned that the behavior observation entry had already been deleted by DOC staff.	DOC Resolved
2.	Complainant's loved one is being held in the special management unit (SMU) pending investigation. More than 30 days have passed and he has not been released or received any information about the investigation.	The OCO learned that the incarcerated person was released from SMU. Provided this update as well as information about how to file a concern with OCO in the future if necessary.	Information Provided
3.	Incarcerated person relayed concern about staff misconduct within the unit that related to an infraction.	Incarcerated person has not grieved to level 2. Per RCW 43.06C, the OCO cannot investigate a concern until the incarcerated person has reasonably attempted to resolve it via the grievance process, administrative action, or appellate process. Informed complainant that level 2 grievance is required for concern to be investigated.	Information Provided
4.	Incarcerated complainant reported staff misconduct for denying mental health services.	Incarcerated person has not grieved to level 2. Per RCW 43.06C, the OCO cannot investigate a concern until the incarcerated person has reasonably attempted to resolve it via the grievance process, administrative action, or appellate process. Informed complainant that level 2 grievance is required for concern to be investigated.	Information Provided

5.	Incarcerated person reports that DOC will not extend his employment programming time. He wants to keep his job for as long as possible and will miss out on about a year of that due to not being able to work during 2020 because he is housed in a protected unit. DOC will not agree to adjust his maximum job date to reflect the time he was unable to work.	The OCO was unable to find a violation of policy. DOC staff will review this question at the maximum employment date. At the maximum employment date, DOC staff will review the employment timeline and add the employment time lost to their maximum date. DOC may be allowing people to add back the time lost due to COVID.	No Violation of Policy
6.	Incarcerated person was denied work release. He thinks it's because of victim concerns, but the victim lives 400 miles away. He also believes he was denied work release because he is Black.	The OCO was unable to find a violation of policy. The denial appears to be in line with the requirements set forth in DOC 300.500. The OCO requested, and DOC agreed to, conduct a second review of his work release denial. DOC reported that this person was denied due to community concerns (history of domestic violence charges) as well as failure to complete programming.	No Violation of Policy
7.	Incarcerated person reports being harassed by staff; believes staff are targeting them because they are transitioning genders.	The OCO's investigation revealed that the DOC staff involved with the alleged harassment are no longer working on the unit. Encouraged complainant to request to speak with the shift sergeant immediately in the event harassment by DOC staff occurs again.	No Violation of Policy
8.	Incarcerated person believes DOC staff should not be forced to receive the COVID vaccine because it has serious side effects.	The OCO did not find a violation of policy here; DOC is following state mandate.	No Violation of Policy
9.	Incarcerated person reports that his Washington ONE ("Offender Needs Evaluation") (WaONE) contains inaccurate information. He is applying for clemency so wants to ensure that his records are accurate. Has requested a review of his WaONE but DOC declined. He also reports that some programming documents are not accurately reflected in his central file.	The OCO was unable to find a violation of policy. DOC headquarters reviewed the assessment and asked the person's counselor to re-assess him with these concerns in mind. Assessment was processed consistent with the DOC policy.	No Violation of Policy

**Cedar Creek Corrections Center**

10.	Family member of incarcerated person expressed concerns about COVID protocol not being followed.	The OCO informed this person that this office is not opening investigations for individual cases in relation to the DOC following policies 410.030, 410.430, 410.050, 670.000 and RCW 43.06.220 in its handling of COVID-19 concerns. However, OCO is actively monitoring DOC's response to COVID-19, including preventative actions. This office has been gathering COVID-related information from incarcerated individuals and will make additional recommendations to DOC for further improvements.	Information Provided
11.	Incarcerated person filed complaint about receiving mail rejections for 39 out of 40 envelopes. Each contained 10 pictures. Person reports that they were rejected because they contained "sexually explicit material." He submitted appeal for mail rejections, but the response timeline is uncertain as there is no mail sergeant right now.	The OCO did not find a policy violation. A review of the mail showed DOC had a basis for finding the mail to contain sexually explicit material as defined in policy. Provided information to complainant regarding options for pursuing appeal.	Information Provided
12.	Incarcerated complainant was transferred out of CCCC where he was in general population. He is now in IMU where he cannot access video visits or pictures. He also reports having limited phone calls and visits. He reports not having received an infraction.	The OCO could not identify a violation of policy. DOC appears to be following policy on the use of administrative segregation pending an investigation. Per WAC 137-28-400, failure to follow prescribed timelines for investigating or issuing an infraction are not jurisdictional and cannot be bases for overturning a placement decision.	No Violation of Policy
13.	Incarcerated complainant reports that DOC has discriminated against in how DOC has handled his appeal of an infraction for assaulting another incarcerated person. He believes that certain staff are not following the policies and procedures set in place.	The OCO was unable to find a violation of policy. Reviewed infraction documentation. All policies appear to have been followed.	No Violation of Policy
14.	Incarcerated person felt DOC discriminated and/or retaliated	The OCO was unable to find a violation of policy. The OCO	No Violation of Policy

against him when handling his infraction appeal. Believed that staff are not following the policies and procedures set in place.

reviewed the confidential information associated with this infraction. DOC met the low standard of evidence sufficient to uphold the infraction. The complainant did not provide any evidence of a protected act which would be the basis for a retaliation claim.

**Clallam Bay Corrections Center**

15.	<p>Incarcerated person reported that he was put on out of state placement after receiving infractions for rioting and fighting. Person has been held in IMU for 15 months, although other people involved in the riot were held for 6-12 months. He believed DOC was using the out of state placement status in place of long-term isolation.</p>	<p>The OCO provided assistance in this case. The incarcerated person was removed from the out of state transfer list. He will be placed in enhanced close custody.</p>	<p>Assistance Provided</p>
16.	<p>Family member wrote that incarcerated person has been in quarantine for six days. He has not been allowed to shower, call his family, or receive his commissary. He believes he is being punished for contracting COVID while in DOC custody. He believes the spread of COVID is not being properly handled at this facility; reports it appears that DOC does not have a better plan of action for the future.</p>	<p>The OCO informed family member that this office will need to obtain permission from the incarcerated person in order to review concern. Provided information on self-advocacy options as well as current DOC process for showers. Also informed family member that the OCO has previously discussed this issue with DOC.</p>	<p>Information Provided</p>
17.	<p>Incarcerated individual reported that he is trying to locate missing property. He reported that he does not feel as though DOC is helping to find his lost items. Requested records from the OCO.</p>	<p>The OCO provided information to individual regarding how to file a tort claim for lost property. Forwarded the records request to the appropriate OCO staff member who replied separately with further direction for the complainant.</p>	<p>Information Provided</p>
18.	<p>Loved one concerned that incarcerated person received an infraction in 2019 for failure to program that was not reduced to a lesser-included infraction. Loved one stated that this serious infraction is now impacting the</p>	<p>The OCO was unable to substantiate a violation of policy. Review of this person's DOC records showed that he had received multiple general infractions for similar behavior prior to receiving the serious infraction. DOC policy states that</p>	<p>No Violation of Policy</p>

	incarcerated individual's ability to apply for Graduated Reentry.	the serious infraction is proper after multiple lesser infractions within a certain time period.	
19.	Incarcerated individual reports that he has been terminated from receiving video visits from family members. He reported that his family members received 60- and 90-day suspensions, but DOC will only allow in-person visitations (not video visits).	The OCO was unable to substantiate a violation of policy. Investigation revealed that this person's prior visitor was not approved at the time of the visit. The visitor had used another person's log-in credentials and violated other DOC policies during the visit resulting in DOC imposing limitations on future visits.	No Violation of Policy
20.	Incarcerated person reported access to only two hours per week of outside recreation. Person alleged that this is a violation of rights.	The OCO was unable to substantiate this complaint. Review of the facility recreation schedule showed outside recreation is scheduled on Saturday and Sunday and gym and weight room time is scheduled Monday through Friday. The gym/weight room has access to outside air. DOC counts this time as recreation time. DOC's recreation schedule is not uniform across all facilities.	Unable to Substantiate
<b>Coyote Ridge Corrections Center</b>			
21.	Incarcerated person reports he contracted bacterial infection due to inadequate care. He reports that he requested antibiotics following partial treatment of an infected area but medical provider said an antibiotic was not necessary. The infection spread and he ultimately declared a medical emergency.	The OCO provided assistance by alerting DOC about this concern. The OCO requested and DOC agreed to complete a patient safety review. The person has since released and would need to file a tort claim/lawsuit for financial compensation/damages.	Assistance Provided
22.	Incarcerated person expressed concern related to education department.	This person was released prior to the OCO conducting further review of the concern.	Declined, Other
23.	Incarcerated person tested negative for substances following a urinalysis (UA) but then tested positive following a mouth swab. Person believes DOC violated policy.	The DOC resolved this concern prior to the OCO taking action dismissed the infraction.	DOC Resolved
24.	Family member expressed concerns about incarcerated loved one in minimum custody having to move	The OCO visited complainant's incarcerated family member to discuss this concern and explained DOC's reasoning for the	Information Provided

to medium because of unit closures.

movements. OCO staff then alerted DOC facility administration of this concern and recommended that leadership provide clear information to individuals who will be moved.

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25.	Complainant is the parent of an incarcerated veteran and is concerned that DOC wants to eliminate the minimum custody Veterans' unit and move all of the veterans to a medium custody unit. The complainant believes this change would penalize all veterans because they would lose some dayroom privileges and would have to return to using toilets in the middle of a cell.	The OCO informed complainant that this office has raised this concern with DOC. Additionally, the OCO provided information about cell assignments, the cell re-assignment request process, and circumstances under which this office may review a concern related to a transfer. Provided contact information and hotline schedule for their loved one to contact this office with any additional concerns.	Information Provided
26.	Incarcerated individual reported that officers packed up his belongings and disposed of some of his things when he was placed in segregation. This person filed a tort claim and was told he would not be getting the food he claimed in the tort. In July, DOC returned his property to him but still owe him \$80 worth of food.	The OCO contacted this individual to clarify his concern; he informed this office that his complaint had been resolved and no longer needed to be investigated.	Information Provided/ Declined
27.	Incarcerated person expressed concerns about staff conduct and the way he was treated while at CRCC.	The OCO provided self-advocacy options available to this person if he is transferred back to CRCC. Presently he has been moved and is no longer facing his original concerns.	Information Provided
28.	Incarcerated individual relayed multiple concerns: (1) DOC is not delivering his mail. DOC is rejecting his incoming mail but the reason for the rejection is unclear. He needs the Judgment & Sentence (J&S) document that someone is trying send him. (2) He is unable to place phone calls to lawyers. He dials the number and nothing happens. This has been going on for over 60 days. (3) He is not getting visitation. He talked to DOC headquarters about this and was informed that DOC would take six months to reply and	The OCO contacted the facility regarding the four concerns the individual expressed. Per DOC Policy 590.500(III)(A)(2), unless the incarcerated individual has an active case, they cannot have materials related to their criminal case, which would include an additional copy of the individual's Judgment and Sentence (J&S). The individual had not reported difficulty contacting his attorney to DOC staff and did not grieve this	Information Provided

that he should stop messaging about it. (4) He had two court hearings in September and was not notified until after they happened.

concern. The facility could not find any records from a court official about a scheduled hearing for this individual, and he did not grieve this concern. Provided information to this person regarding the mail rejection and pending visitation application.

29.	Incarcerated individual is concerned with the behavior of some correctional officers (COs) and other staff members who spend time viewing inappropriate websites, bring in contraband, act inappropriately towards incarcerated people, and place individuals convicted of sex offenses with people affiliated with gangs.	The OCO informed incarcerated individual that OCO staff would bring these concerns to the attention of facility leadership. OCO staff then relayed these concerns to facility leadership. Leadership informed this office of planned searches and pending staff investigations.	Information Provided
30.	Family member expressed concern about their messages and photos being unfairly denied.	The OCO was unable to identify a violation of policy. Upon review, it appears that the rejections are due to sexually explicit content.	No Violation of Policy
31.	Incarcerated individual says DOC denied the release address they proposed. Staff should not be able to use discretion in these decisions as there is no policy or law allowing DOC to use discretion when approving a release plan.	The OCO could not substantiate a violation of policy. Reasons provided for denial of address appear to be within DOC policy.	No Violation of Policy
32.	Incarcerated person reports that CRCC mailroom rejected and confiscated images due to sexually explicit content involving minors. Complainant states that anyone sending a sexually explicit image involving a minor would be prosecuted, but no one has been prosecuted so the image must not meet those definitions.	The OCO was unable to find a violation of policy. WAC 137-48-020(13) defines "sexually explicit material" in the context of mail for incarcerated persons as including images of a minor or cartoon depicting a minor "in a sexually suggestive setting/pose/attire."	No Violation of Policy
33.	Incarcerated person says he was not paid for the month of February as a dayroom porter to clean the dayroom as part of the COVID cleaning procedure.	The OCO could not substantiate a violation of policy. Reviewed documentation; appears payment was correct.	No Violation of Policy
34.	Incarcerated person reports that the book <i>Warhammer 40,000</i> was rejected by the facility and upheld	The OCO could not substantiate a violation of policy. OCO confirmed that the reason for the mail	No Violation of Policy

by DOC headquarters. Complainant reports that many other books related to *Warhammer* (a game) have been allowed. This is the first one to be rejected and he doesn't understand why.

35.	Incarcerated complainant was given a timely hearing but believes they were found guilty of possession without sufficient evidence.	The OCO could not substantiate a violation of policy. OCO checked OMNI before requesting infraction packet and saw that complainant admitted to using drugs, signed the admission form, and admitted the signature on the form was his own. These facts substantiate the infraction; no further investigation was conducted.	No Violation of Policy
36.	Incarcerated complainant was given a sanction of 180 days loss of visitation, dayroom, and phone privileges. Complainant pleaded guilty and took accountability for their actions but believes the sanction does not serve a disciplinary purpose. Complainant would like to be able to communicate with family and loved ones to help cope with depression and maintain strong ties with them during these hard times. Especially with family members who are not able to read or write English. Wants DOC to consider a different sanction.	The OCO could not substantiate a violation of policy. The 180 days loss of visitation is a mandatory sanction for an introduction infraction and cannot be lowered or removed.	No Violation of Policy
37.	Incarcerated person reports that DOC staff person destroyed complainant's brand-new AM/FM radio. A tort claim was submitted for staff negligence. Tort claim was declined because it did not substantiate a finding upon which to base any compensation. Complainant feels that makes no sense.	The OCO was unable to substantiate a violation of policy with regard to the tort claim policy as described in DOC 120.500. Additionally, the OCO's jurisdiction does not extend to agencies beyond DOC, thus this office cannot review the tort claim decision rendered by the Department of Enterprise Services (DES).	No Violation of Policy
38.	Incarcerated person reports that DOC filed a lawsuit against another incarcerated person and himself. He feels that DOC, in preventing them from communicating with	The OCO was unable to substantiate a violation of policy. Complainant's grievance was not accepted as there is a formal review process for being allowed to write to another incarcerated	No Violation of Policy

each other, compromised their ability to defend themselves.

person. Grievance closed out at level 0 response. DOC Headquarters upheld the original grievance coordinator's decision to not accept this grievance because the person needed to use the designated review process already in place.

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39.	Incarcerated individual reports that DOC opened his outgoing mail and read his Veteran's Administration (VA) form regarding his checks. DOC then rejected it by his saying housing assignment was not on the envelope, but it was. His grievance was then rejected for timeliness. It went through and then was told there was no evidence. Concerned that witnesses aren't being interviewed, concerned about mailroom conduct and coverup of rejecting his mail illegally.	The OCO was unable to substantiate this complaint due to a lack of evidence because DOC does not track return to sender rejection type notices. Confirmed with the DOC headquarters that the mailroom process will soon be changing and rejections will be tracked.	Unable to Substantiate
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**Larch Corrections Center**

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40.	Incarcerated person reports that DOC staff have been quarantining a group due to COVID concerns. Because this is ongoing, staff are currently adding bunk beds to cubicles on the tier, setting up three beds per room. Person states that this violates social CDC distancing protocols. Also reports that there is no cleaning being done between the quarantined group and the non-quarantined using the same area, including phones. Person further reports that incarcerated people are required to wear masks at all times, except for when they are lying in bed—beds that are now being placed in arrangements that are not socially distanced. Reports that it seems that officers are trying to assert power when they enforce mask wearing so strictly, yet do not take other COVID protocols seriously.	Informed complainant that these concerns regarding bed spacing have been brought to the attention of the superintendent and headquarters, but it appears these changes have been authorized. The OCO continues to monitor COVID-19 in DOC via monitoring visits and reports. This complaint was submitted in mid-October; in late October, OCO staff visited Larch and spoke with incarcerated individuals and staff regarding concerns.	Information Provided
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41.	Incarcerated person reports that he has been degraded and punished multiple times for an incident that	The OCO did not find a violation of policy. The OCO's investigation revealed that the complainant was	No Violation of Policy
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was exaggerated for no reason. Person states that he works for the Department of Natural Resources (DNR) and after an incident he was not allowed to go back to work although he was found not guilty of the infraction. Person says he was not paid for his time working on the fire crew before the incident.

verbally warned on two occasions about alleged behavior and verbal communication regarding one of the female firefighters. After the second warning, he was allegedly removed from the fire line and docked pay. It was later found he was displaying frustration and anger by glaring at staff with a clenched fist. It was also reported that he participated in inappropriate sexual behavior with two other incarcerated individuals assigned to the fire crew. DNR has adopted a zero-tolerance policy on this. Out of an abundance of caution he was removed from this work programming. Additionally, the DNR Memo of Understanding allows earnings to be withheld and/or the removal of any incarcerated individual who DNR deems poses a threat to the safety and security of the work site. The OCO does not have jurisdiction to review actions taken by agencies other than DOC. Further, the OCO confirmed that the person's pay was not received due to the dock in pay and not working.

42.	Complainant says that staff misconduct and retaliation are occurring because he filed complaints. Complainant received a serious infraction but feels like he was being singled out and harassed by staff. Says this issue stems from sending out sexually explicit material to women that he corresponds with. He says that if the material was sexually explicit, staff should just reject the outgoing mail.	The OCO staff conducting the investigation in this case found there is evidence to support the allegations of retaliation in the complaint. DOC is currently investigating separately.	Substantiated
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**Mission Creek Corrections Center for Women**

43.	Incarcerated person reported a concern about her Therapeutic Community (TC) assessment outcome. She reported that staff changed her level when she transferred from WCCW. Person	The OCO was able to assist by working with DOC to ensure that this person's temporary health status reports (HSRs) were made permanent due to her ongoing need for accommodations in order	No Violation of Policy
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says they are not court-ordered for treatment conditions nor are they on DOSA. There are some questions about how participants are placed in the TC program based on statements from DOC staff. Person says this has affected their mental health and physical health.

to successfully participate in the treatment program. The OCO did not find a violation of policy regarding the changed treatment level; the policy allows DOC to override a person's treatment level under some circumstances.

44.	Incarcerated person stated that she has received numerous retaliatory infractions ever since she was infraacted for false reporting. She stated that these infractions have caused her to lose good time and lose her Community Parenting Alternative (CPA). She reported that she has been incarcerated for four years without trouble until that first infraction occurred.	The OCO was unable to substantiate this complaint. The OCO investigated the initial infraction and subsequent infractions that the individual claimed were retaliatory but could not establish a clear nexus between those infractions and a protected action taken by the individual. Further, each subsequent infraction appeared to have an independent basis, and the individual was warned by staff to adjust behavior before those infractions were issued.	Unable to Substantiate
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**Monroe Correctional Complex**

45.	Incarcerated person filed a grievance because he was scheduled for transfer before receiving treatment for internal bleeding. Patient was placed on a medical hold to resolve the issue and was not transferred, but still has not received treatment, although he reported that he has been scheduled for treatment for over a year. He regularly feels dizzy with shortness of breath and believes it is due to the internal bleeding.	The OCO substantiated that this person's appointment had been delayed since October 2020. The OCO contacted DOC about this issue and subsequently confirmed that appointment is now scheduled.	Assistance Provided
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46.	Incarcerated person reported that he had expressed thoughts of suicide to staff but sergeant refused to allow him to see mental health. Hours later he overdosed on medications in an attempt to die by suicide. When he declared a medical emergency, he reported that DOC staff only took his blood pressure. He reported that he was put in a holding cell, cuffed, for more than an hour before he was	The OCO notified DOC headquarters of this complaint and requested that DOC conduct a patient safety review. DOC agreed and conducted this review. The OCO informed complainant that he could file a tort claim if he is seeking monetary compensation as he referenced in his complaint.	Assistance Provided
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taken to an outside hospital via ambulance. He filed a grievance but it was returned as not accepted.

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47.	Reopened case due to new information. Incarcerated patient did not receive dermatology appointment after DOC originally confirmed with the OCO.	The OCO alerted DOC that this appointment was not made. DOC agreed to provide a follow up appointment to assess updated symptoms and concerns. The OCO confirmed the follow up appointment occurred, and that additional specialist consult and testing was scheduled. Also confirmed trial treatment has been provided and now follow up has occurred for an updated testing and treatment plan. Confirmed patient's access to prescription. Provided information about filing a medical emergency if symptoms return.	Assistance Provided
48.	Incarcerated patient reported that an outside provider had recommended a cast, pain medication, and a specialist consult for his broken arm, but DOC would not approve these. Patient says he has filed multiple emergency grievances regarding medication and inadequate care. Patient said hand is not healing properly and he can't use two of his fingers. He reported experiencing nausea due to unmanaged pain.	The OCO closed this complaint at the request of the patient.	Declined, Other
49.	Incarcerated patient reported that he was refused medication at pill line. He said that DOC alleged that he had failed to attend pill line, but he reported this was untrue. He had to file a medical emergency to get his medication. Patient wants nurse investigated for repeatedly interfering with his medication.	The OCO closed this complaint at the request of the patient. Patient noted that this was a past incident that had not recurred. Provided clarifying information for a separate complaint.	Declined, Other
50.	The complainant has an incarcerated loved one who is nearing his time to apply for the graduated reentry program (GRE). Complainant reported that loved one said his counselor had told him she would submit an application for GRE. However, loved one said that	The OCO informed the complainant that we could not proceed with an investigation because we could not find a grievance confirming he has attempted to report his concerns. RCW 43.06C typically requires that an individual has reasonably	Information Provided

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his counselor changed her mind about referring him to GRE when she learned that he did not want to apply for a Correctional Industries job because he did not want to be strip searched each day. He ultimately received a behavior observation entry (BOE) for saying that he did not want to work on a work crew when he arrived at the MSU because he would not be able to call his loved ones if he worked their hours. Complainant reported that loved one feels he has been treated unfairly at Monroe MSU.

pursued internal resolution prior to filing a complaint with the OCO.

51. Special Offender Unit	Complainant reported concerns about a loved one who is housed in the residential treatment unit (RTU) at Monroe. Complainant says this person has problems with his counselor who tells him he needs to remove his "demons." Reported that this person is refusing to eat any food that is not packaged due to fear of contamination and has lost weight. Reported that he is in the segregation based on inaccurate facts.	The OCO notified facility administration to ensure welfare of this person; learned that he is in segregation because of behavior concerns and that he does have access to mental health services. The OCO was unable to substantiate specific statements made by the counselor due to a lack of evidence. The OCO contacted this person to request a signed confidentiality waiver and for his permission to further investigate this concern.	Information Provided
52.	The OCO reopened this case to review original concern. Complainant's incarcerated husband was told to pack up because he is being transferred to AHCC. Complainant wants him to stay at MCC.	Reactivated closure: OCO informed complainant's husband that the staff person who allegedly denied him attendance at his Facility Risk Management Team (FRMT) meeting is no longer in that position and that he should continue to use the grievance procedure regarding the sergeant's alleged comments.	Information Provided
53. Washington State Reformatory	Incarcerated individual reported a concern regarding how resolution requests are being handled.	The OCO relayed the concern to facility administration. Informed complainant that the OCO does not have authority to criminally charge staff as he had requested.	Information Provided
54. Washington State Reformatory	Incarcerated complainant is concerned with the living conditions that everyone in his unit had to endure during the months of March and April 2020.	The OCO substantiated related concerns in the monitoring reports issued by this office in 2020 and 2021. As requested, the OCO provided him with copies of the January 2021 MCC monitoring	Information Provided

report, COVID-19 CDC guidelines report from September 2020, and recommendations related to DOC's COVID-19 response from August 2020.

55. Twin Rivers Unit	Incarcerated complainant claims virtual wedding ceremonies do not comply with RCW 26.04, nor DOC 590.200. Believes virtual ceremonies are not valid under state law nor in the eyes of their religion.	The OCO provided information to the complainant obtained from DOC that the department asks couples getting married in virtual ceremonies to sign a release which states that the county auditor's office will determine the requirements for legality. DOC does not have a timeline of when in-person weddings will resume. The OCO was unable to substantiate the validity or invalidity of the virtual wedding ceremonies that DOC is offering at present due to Covid-19.	Information Provided
56.	Incarcerated person reports he was given four different release dates by staff after losing good conduct time (GCT) for infractions. Believes the earned release date (ERD) reflected in DOC records is incorrect.	The OCO provided self-advocacy information regarding who to contact for more detailed information about his sentence and ERD and what to do in the event he finds a discrepancy.	Information Provided
57.	Incarcerated person relayed complaint about a DOC staff member.	The OCO informed the complainant that this office was not aware of any evidence that could assist in substantiating the concerns he expressed regarding a particular staff member. The OCO communicated this concern to the superintendent.	Information Provided
58.	Incarcerated complainant reports that his good time credit is inaccurate. When he has tried to resolve this issue, DOC insists the problem lies with the county. Complainant reports that he has documentation that DOC refuses to review.	The OCO cannot investigate until complainant's grievance has been reviewed by DOC. Complainant has filed a grievance to the facility records office, but that grievance has not been elevated past Level 0. If the issue is not resolved once that grievance reaches the appropriate level, then OCO can move forward to investigate.	Lack Jurisdiction
59. Twin Rivers Unit	Incarcerated individual received an infraction following an interaction with a staff member. Individual believes the infraction was not	The OCO was unable to substantiate a violation of policy. The OCO could not find a clear nexus between a protected	No Violation of Policy

supported and could have been retaliatory after other actions he had taken. Further, individual's loved one stated that the infracting staff behaved inappropriately and made comments that could have put the individual in danger.

behavior and a negative action to support a claim of retaliation. Despite a lack of retained video evidence, staff statements are sufficient to meet DOC's low standard of evidence.

60. Washington State Reformatory	Incarcerated person reports that his release address was approved and denied.	The OCO was unable to substantiate a violation of policy. The OCO learned that the address was denied due to the partner being a victim of a previous incident involving domestic violence. Per DOC 350.200 Transition and Release, an incarcerated individual cannot release to a previous victim's home.	No Violation of Policy
61. Twin Rivers Unit	Incarcerated complainant reports that he is past his earned release date (ERD) and wants to be released to a particular county but does not believe his counselor is looking for places in in that county.	The OCO substantiated that the complainant was released after his ERD but the OCO was unable to substantiate a violation of policy. In reviewing nine months of documents and the associated timeline, the OCO noted that the counselor reviewed multiple options for placement in the county identified by the complainant and initiated release planning at an appropriate time. The OCO noted that complainant declined housing options outside of the county he initially identified, which limited his options and impacted his counselor's ability to arrange for his release prior to his ERD.	No Violation of Policy
62. Twin Rivers Unit	Incarcerated person reports that staff began retaliating against him after he filed a complaint against a staff member for assault. Person reports that he tried to report threats to the Custody Unit Supervisor (CUS), but CUS then brought him to the intensive management unit (IMU). Person says they are still in IMU and it is causing him a mental health crisis.	The OCO was unable to substantiate a violation of policy due to insufficient evidence. In a review of documents, the OCO noted that the person was sent to IMU after receiving an infraction that was issued on a separate, independent basis. The OCO could not identify any evidence that connected the issuance of the infraction to the original protected action.	No Violation of Policy

63.	Incarcerated patient disagrees with mental health assessment; wants records wiped out. He has grieved his mental health treatment plan and wants his involuntary medications discontinued.	The OCO was unable to substantiate a violation of policy. The OCO alerted DOC mental health staff of this patient's concern regarding involuntary medication, ensured that he had appealed the order, and that ensured that HQ had considered his appeal. The OCO provided information about DOC 630.540 regarding involuntary medications and relayed alternative self-advocacy measures. Informed patient that he can speak with provider to discuss documenting disagreement with assessment in his records.	No Violation of Policy
64. Twin Rivers Unit	Incarcerated complainant reported that his JPay visitation privileges have been suspended for 30 days. Complainant reported that he had not received any written document or reason for the suspension of visitations.	The OCO was unable to substantiate a violation of policy. The OCO informed the complainant that DOC had sent a notice to the person's visitor stating the reason for the suspension.	No Violation of Policy
65. Twin Rivers Unit	Incarcerated complainant has a federal detainer for violation of probation and/or supervised release. Believes that DOC is incorrectly interpreting the federal detainer as a new felony charge. This is preventing person from having extended family visitations and from obtaining custody promotion to long term minimum.	The OCO was unable to substantiate a violation of policy. DOC appears to be following DOC 590.100, which states that the individual must not have any outstanding or unresolved felony charges or detainers in any jurisdiction.	No Violation of Policy
66.	Incarcerated complainant is disputing an infraction for strongarming/intimidation and an infraction for discriminatory harassment.	The OCO was unable to substantiate a violation of policy. The OCO reviewed documentation and noted that "some evidence" existed to support the infractions, which meets DOC's standard of evidence.	No Violation of Policy
67.	Incarcerated person who is gender nonconforming reported that they are being considered for transfer to AHCC. They do not want to be transferred there again. Person reported being sexually assaulted at AHCC in the past and fear it will occur again. Also concerned about trans housing protocol not being	The OCO was unable to substantiate a violation of policy related to the proposed transfer. The OCO contacted DOC to alert staff of this concern but could not reach a resolution. The OCO was able to verify that DOC had completed appropriate housing reviews.	No Violation of Policy

followed. Requested not to transfer to AHCC.

68.	Incarcerated person reports that he was horseplaying with a friend and they were both given infractions for fighting. Because of the infraction, this person is in IMU pending a transfer to close custody.	The OCO was unable to substantiate a violation of policy. The OCO reviewed the disciplinary materials but could not find evidence that would support overturning the infraction. DOC provided sufficient evidence to meet the elements of the infraction.	No Violation of Policy
69. Special Offender Unit	Incarcerated person reported an ongoing Prison Rape Elimination Act (PREA) concern. Person says their previous PREA case was re-opened involving a staff member. Person says they have been treated very inappropriately at SOU and they are transferring soon.	The OCO was unable to substantiate a violation of policy. The OCO verified that DOC staff investigated the PREA concern according to requirements set forth in DOC 490.860 Prison Rape Elimination Act. The complaint was found to be unsubstantiated, meaning that DOC could not identify evidence sufficient to make a final determination that the allegation was true or false.	No Violation of Policy
70.	Incarcerated complainant says that he received a dual infraction for exiting his cell when his cellmate called someone into their cell to fight, despite his claims that he was not involved in the fight. Complainant provided a witness statement claiming there was no fight.	The OCO was unable to substantiate a violation of policy. The OCO reviewed documentation and noted that complainant's witness statements were insufficient to controvert the video evidence that DOC relied on. DOC had evidence sufficient to meet the elements of the infraction.	No Violation of Policy
71.	Incarcerated complainant states that staff are retaliating against him due to his various grievances and a lawsuit he filed against them. He reports that one staff member made multiple statements to other people that she was working to get him removed from the Residential Treatment Unit.	The OCO staff conducting the investigation in this case found there is evidence to support the allegations of retaliation in the complaint. OCO communication prompted an internal DOC investigation and OCO also held several discussions with DOC staff about retaliation both specific to this individual and systemically.	Substantiated
72.	Incarcerated complainant received a negative behavioral observation entry (BOE) for wearing his hat while inside a building and listening to his radio with headphones. He received the BOE after grieving staff conduct, although he was not	The OCO staff conducting the investigation in this case found there is evidence to support the allegations of retaliation in the complaint. The OCO raised the BOE to both the Correctional Program Manager (CPM) and DOC	Substantiated

		notified of the BOE for months after the incident.	HQ and they declined to overturn it.	
73.		Incarcerated complainant received an infraction after his urinalysis (UA) tested positive. He reports that he had undergone surgery within a week of his drug test. He received nitroglycerin and he believes that caused him to test positive, but he also does not know what other medications he might have received while at the hospital.	The OCO was unable to substantiate due to insufficient evidence. The OCO reviewed records and could not find evidence of the complainant receiving a medication that would have caused the positive UA result.	Unable to Substantiate
74.		Friend of incarcerated person reported that DOC staff instructed several incarcerated people to pack up their things, which they did. DOC staff left the boxes outside in the rain. Many people's priceless photos, electronics, and court paperwork were damaged as a result. Monroe had other incarcerated people transfer the wet items to dry boxes, although DOC is not supposed to have incarcerated people touching other incarcerated people's property like that.	The OCO was unable to substantiate due to a lack of evidence. The OCO attempted to contact the person who filed this complaint on behalf of the incarcerated individual for additional information but received no response.	Unable to Substantiate
75.	Special Offender Unit	Incarcerated complainant believes staff are not investigating his grievance correctly. Grievance relates to issues with a kitchen coworker.	The OCO was unable to substantiate due to a lack of evidence. The OCO reviewed the grievance and noted that it had been accepted, thoroughly investigated, and was determined to be unfounded. However, the video footage is no longer available.	Unable to Substantiate
76.		Incarcerated individual received an infraction at the time he was finalized to go to work release. He felt his due process rights were violated, because of a conflict of interest with a staff member. His appeal was not originally received despite him submitting it on time, which amplified his due process concerns. He believed video evidence would prove his innocence.	The OCO was unable to substantiate due to insufficient (i.e., poor quality) video evidence. The OCO reviewed the individual's documents and the surveillance video of the incident. The appeal was received and processed timely, and no other due process violations were evident. DOC had sufficient evidence to uphold the infraction.	Unable to Substantiate

**Olympic Corrections Center**

77.	Incarcerated person believes he was wrongfully infracted due to his cellmate's drug use in the room. He received an infraction for positive drug test, but was not given a UA; instead, he was assessed by medical staff who determined he was likely under the influence.	The OCO was unable to substantiate a violation of policy. The OCO reviewed the infraction materials and contacted DOC facility administration to request reconsideration of this matter. DOC administration was unwilling to reduce or remove the infraction because they felt that the element of possession had been met. The OCO expressed to DOC the need for a more specific process for certain drug infractions that do not involve formal tests.	No Violation of Policy
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**OTHER- Jail CC**

78.	Complainant reports staff misconduct of a community custody staff member. The staff person will not allow complainant's son to stay with any family member and he was not able to get set up for success.	The OCO contacted appropriate DOC staff to learn more about this concern. The OCO provided self-advocacy information to the complainant since jails are outside of the OCO jurisdiction.	Lack Jurisdiction
79.	Incarcerated person reported receiving two sanctions for the same UA because it came back positive for two different drugs. The UA occurred while the individual was in partial confinement (electronic home monitoring).	This complaint fell outside the OCO's statutory oversight authority because the person's infraction and hearing occurred while on Electronic Home Monitoring (EHM). At this time, OCO is unable to open any investigations related to individuals who are not in the physical custody of DOC, including people on EHM under supervision.	Lack Jurisdiction

**Stafford Creek Corrections Center**

80.	A loved one reports that an incarcerated person needs medical care regarding a hiatal hernia that he has had for over a year. The patient has trouble with a consistent cough which has led to injured ribs. Patient's loved one shared that he has been seen by medical, but the issue has not been resolved. His most recent grievance on this concern shows he was told he was scheduled in August but has still not been seen.	The OCO substantiated that this person's appointment had been canceled. The OCO was able to provide assistance by contacting DOC to request that the appointment be rescheduled and then confirming that DOC took this action.	Assistance Provided
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81.	Incarcerated person reports that his medical appointment has been delayed for over 16 months. Patient has been rescheduled several times for a follow up appointment for hypertension but still has not been seen. This has been ongoing for a year and happened more than five times over the last several months. Blood pressure (BP) medications were changed at his last appointment and he has not been monitored. He is on several medications and has several other medical issues.	The OCO was able to provide assistance. The OCO alerted DOC headquarters health services staff as an example of medical access concerns at SCCC. This case and several others around the same time brought to the OCO's attention the critically low medical staffing levels at SCCC and a pattern of rescheduled and delayed appointments related to staffing shortages. This issue may be ongoing until DOC recruits sufficient medical staff.	Assistance Provided
82.	Incarcerated person reports that sergeant directed racial slur at him. This same sergeant has used racial slurs against several Black and Latinx people. Complainant is not getting a response to his headquarters (Level III) grievance.	The OCO was able to provide assistance. The OCO spoke with facility management and headquarters about this concern. The OCO requested that DOC conduct a just cause investigation on this complaint, which it did. Just cause investigations are higher-level reviews conducted by DOC.	Assistance Provided
83.	Complainant reports that their son is transferring out of CBCC Forty-four people moved from Clallam to Stafford last week were not allowed to be present in their classification proceedings. Complainant's son is transferring elsewhere and he has a multitude of medical issues that need to be addressed. His classification is wrong: he is minimum but has been housed in close and medium units.	When we contacted the family member, they informed us that these concerns had been resolved by DOC. The incarcerated individual has received medical attention, corrected classification points, and was given the opportunity to participate in a new hearing.	DOC Resolved
84.	Complainant's husband was told his mental health medications would be discontinued. He is set to release soon; complainant is concerned that he will not be able to release on time if his medications are discontinued causing him to have a hard time controlling his behaviors.	The OCO contacted DOC to alert staff of complainant's concern and to ensure that complainant's husband is receiving mental health services. This person's access to mental health medications had been addressed by the DOC prior to the OCO's involvement.	DOC Resolved
85.	Incarcerated complainant stated that DOC removed a Jpay contact because no last name was identified for the contact. Complainant has no way to contact	The OCO contacted DOC staff to relay these concerns. DOC staff reached out to the contact and let them know how to fix the issue and continue communication.	Assistance Provided

this individual and does not believe DOC gave the person a reason or option for remaining in contact. They would like the contact to know what happened so it could be fixed.

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86.	Incarcerated person states that their Extended Family Visit (EFV) application was denied on the grounds that there was an indicator of domestic violence (DV). However, no such history exists.	The OCO was able to substantiate that no DV indicator was present. However, the OCO learned that the EFVs were denied in accordance with DOC 450.300, which states that the person "must have previously visited with the individual a minimum of six times." Complainant informed us that this minimum was met at the time of the application, but due to the misspelling of their wife's name, there was confusion. This issue has now been resolved as the requirements have been met and visits were recommended for approval by the facility.	Information Provided
87.	Incarcerated complainant says that three JPAY messages were rejected and he appealed the rejections. The captain reviewed the messages and overturned the rejection releasing the messages to complainant, however, only one of the messages came through.	The OCO was able to substantiate that these items should have been released and requested their release once that fact was verified. The OCO ultimately learned that the error was made by JPay and that JPay would need to provide the messages. The OCO does not have jurisdiction over third party entities. DOC informed us that JPay was able to fix access to the messages and that complainant will receive step by step instructions on how to access released messages.	Information Provided
88.	Incarcerated person wrote that, in 2018, he had been stalked and assaulted by another incarcerated person who had a separation status order on the complainant but was nonetheless housed near him. He was hospitalized due to the assault. he believes this assault could have been prevented by DOC.	The OCO was unable to substantiate the details of this situation due to insufficient evidence. According to documentation reviewed by this office, the assault was documented as a mutual fight based on injuries to both parties. The OCO informed the complainant that he may be able to pursue litigation if he is not satisfied.	Information Provided

89.	Incarcerated person reported staff misconduct and incidents that occurred to other incarcerated people at another facility.	The OCO did not receive permission from the individuals involved to review this complaint. The OCO provided information to these individuals about contacting this office in the event they would like the OCO to review the situation.	Information Provided
90.	Incarcerated person reports that staff at his facility are hiring based on racial bias. Person reports that they had a CI janitorial job previously but was laid off when changes were made last year due to COVID. He has tried to get a job since then, but they hire other people before him. He states that one person has two jobs and staff will not let him give up one of the jobs so others can have jobs too.	The OCO was unable to substantiate this complaint. Information obtained by this office indicates that this person is currently employed and was not removed from the laundry list as previously told by staff.	Information Provided
91.	Incarcerated complainant is having issues with the resolution staff and how they are handling resolutions/grievances. States that the resolution department retaliated against him by not allowing him to participate in sweat lodge because he filed a resolution request. He also requested information on how to change the current DOC contracts that DOC holds with outside entities that impact Native American individuals.	The OCO was unable to substantiate a violation of policy. The OCO found that the individual was denied access to the activity due to inaccurate information provided by the medical records department, but there was not an action by the resolution department that impacted his ability to participate in the activity. The OCO also provided information on how to contact programming and Tribal Relations, as our office has no jurisdiction over DOC contracts.	No Violation of Policy
92.	Incarcerated complainant reports that he is on the list of individuals for whom DOC is seeking out of state placements. He would like to be removed from the list. He has been on the list before, and reports that everyone who did not need to leave the state was removed from the list. He says he did not meet criteria. He reports that less than a year later he was put back on the list to leave Washington. He says his family and support is in Washington and that he is willing to program and do what is required.	Per RCW 43.06C.040, the OCO cannot investigate a complaint until the incarcerated individual has pursued the internal appellate procedure. DOC headquarters staff informed this office that the complainant has not yet submitted an appeal regarding the out of state transfer. The OCO informed complainant of this statutory requirement.	Lack Jurisdiction

93.	Incarcerated individual received a general infraction. States that it is unfounded because the documents in question are case law documents that are similar to his case sent by his attorney.	The individual received a general infraction. At this time, OCO policy permits investigations of serious infractions only. The OCO may not initiate an investigation into a general infraction.	Declined
94.	Incarcerated person says that he is being harassed and bullied by another individual on the unit. Person says he has attempted to resolve the concern multiple times through the unit staff but fears he will be removed from the unit rather the person causing the issues.	The OCO notified DOC of this person's concern and threats to safety. This person was released into the community soon after this complaint was filed.	Lack Jurisdiction
95.	Complainant filed complaint on behalf of her incarcerated husband. She reports that a correctional officer (CO) who fought with her husband had been sexually harassing her husband prior to the incident. This harassment caused her husband a mental breakdown and caused him to snap. She reports that this CO had been making sexual advances to her husband despite her husband refusing his advances.	The OCO was unable to substantiate a violation of policy in the infraction process and there was insufficient evidence to substantiate sexual misconduct by staff. We contacted DOC to ensure that the individual is currently receiving mental health care and has started programming.	No Violation of Policy
96.	Incarcerated individual received two serious infractions, both of which he believed had errors. He believed the first represented double jeopardy for the same incident, and the second included an alleged due process denial.	The OCO reviewed both infractions. Double jeopardy does not apply to infractions within DOC; that doctrine is limited to the criminal legal process. Regarding the process violation, OCO reviewed the information that DOC staff used as a basis for the infractions, and no evidence is present to controvert that finding. DOC does not appear to have violated policy.	No Violation of Policy
97.	Person says that they were told by the previous DOC Assistant Secretary that he and his wife needed to have six contact visits and then they could apply for EFVs again. However, person states that less than a month later he received	The OCO reviewed the EFV policy, visitation policy, and attachments, and requested documentation from DOC headquarters regarding this matter. The current policy 450.300(IX)(B)(2) <sup>1</sup> , states, "A visitor found in possession of items	No Violation of Policy

<sup>1</sup> DOC published an update to DOC 450.300 on November 30, 2021, after the complaints in this report were completed. In the November 2021 update, the relevant section is VIII.B.1.b.

another letter from the current Assistant Secretary for Prisons stating that the denial of their EFVs remains place and all opportunities for appeal have been exhausted.

that are legal but considered contraband in prisons will have their visiting privileges suspended for 6 months. Subsequent violations will result in permanent termination of visiting privileges." The infraction states this happened multiple times, which is the reason it was permanent. Provided information for appealing to the Assistant Secretary for Prisons, who has the final authority on visiting privileges appeals.

98.	<p>Incarcerated person reports that DOC began investigating him after an attorney filed a complaint about him. DOC searched his cell and took numerous items including photos of his friends, some of which were printed from Facebook. DOC now will not give back the photos because DOC considers them sexually explicit. He does not understand why they are sexually explicit and wants the photos back. DOC is holding the photos to show the Indeterminate Sentence Review Board (ISRB).</p>	<p>The OCO reviewed this concern and reached out to DOC. The items that were retained included pictures which related to the cessation orders in place; some were found to be sexually explicit.</p>	<p>No Violation of Policy</p>
99.	<p>Incarcerated person reports that DOC claims that WAC and DOC 450.100 are objective standards, yet DOC staff are applying it subjectively and telling him he cannot draw the nude artwork in several of the books he has been allowed to possess.</p>	<p>The OCO was unable to substantiate a violation of policy. The OCO reviewed this concern and contacted DOC for further clarification. DOC will allow this person to continue receiving books that contain this art but will not allow him to send out the art as the Attorney General's office found the drawings to be sexually explicit.</p>	<p>No Violation of Policy</p>
100.	<p>Incarcerated person was having trouble getting a grievance response and could not get his prosthesis.</p>	<p>The OCO substantiated these complaints. This person had to wait for more than a week to receive his prosthetic leg. Additionally, his access to the resolution program was inadequate. The facility lacked a Health Services Resolution Specialist and this grievance went</p>	<p>Substantiated</p>

unanswered for more than seven months.

101.	<p>Incarcerated person says they sent a package internationally. They requested the parcel be insured and attached appropriate international postage and customs forms as required. Receipt stated that insurance was not available and there was no tracking number. Person states that upon finding out that the parcel had not arrived at its destination a month and a half later, they kiosk the mailroom and the response was that first-class mail does not have a tracking number unless specifically requested. Person says they know that to be false and has multiple examples.</p>	<p>The OCO was unable to substantiate that DOC mishandled or misplaced the package. No evidence is available to prove or disprove DOC's responsibility regarding the loss of this package. This could also be an issue with the outside mail service.</p>	<p>Unable to Substantiate</p>
102.	<p>Incarcerated person states that their unit counselor is discriminating against them. They are past their earned release date (ERD) and the unit counselor did not work on their release plan until the day of their ERD. Person states that their unit counselor was not truthful with them regarding ORCS ("Offender Reentry Community Safety") Program eligibility and transition housing eligibility.</p>	<p>The OCO could not substantiate that the counselor was not assisting in this process at the appropriate times. To release there needs to be an approved bed and this person did not have one. There were other conditions that needed to be met with this release including community assistance programs. This person's release plan was eventually approved and the release date was set.</p>	<p>Unable to Substantiate</p>

**Washington Corrections Center**

103.	<p>Loved one reports that incarcerated loved one has been waiting for months at WCC to transfer to WSP.</p>	<p>The OCO reviewed documentation and learned that the person has transferred to WSP.</p>	<p>DOC Resolved</p>
104.	<p>Incarcerated person reports that over the last six months he has been working in the healthcare infirmary dealing with HAZMAT and blood infections and clean up duties during the COVID-19 pandemic. He has not received the correct pay for the last six months and all his checks have been incorrect.</p>	<p>The OCO reached out to facility administration, who clarified that this was a larger problem regarding communication about custodian responsibilities. DOC has reviewed the relevant work logs and related payments, and facility administration agreed to host a meeting with all custodial staff to clarify policy and hear input directly from the custodians.</p>	<p>DOC Resolved</p>
105.	<p>The OCO reopened this case due to new information. Incarcerated</p>	<p>The OCO contacted DOC to inquire about this situation. The OCO</p>	<p>DOC Resolved</p>

	<p>patient clarified his requested resolution. He has long term hearing aids and he is asking to have those removed as they are not working and are causing him mental health issues. He wants the doctor to x-ray his ears and remove the implants/hearing aids.</p>	<p>learned that that the patient received medical appointments, x-ray, and is scheduled for CT scan.</p>	
106.	<p>The OCO conducted a closed case review of this complaint. Incarcerated person says that DOC is risking his life because his severe sleep disorder is not being properly addressed. He says that he filed a grievance to medical and asked to be diagnosed/treated for this condition but has not received a response.</p>	<p>The OCO affirmed original closure. The OCO confirmed patient's diagnosis and verified that complainant is receiving treatment for sleep apnea.</p>	<p>DOC Resolved</p>
107.	<p>Incarcerated person filed a PREA complaint over an escalating issue related to mail rejections, and asked that OCO investigate the issue separately. The person claimed that staff discriminated against their partner, rejected incoming mail by falsely stating that it contained sexual content. Also reported that staff would not let partner appeal the rejections.</p>	<p>The OCO investigated related grievances and a PREA complaint. The complaint was dismissed for not containing a valid PREA claim, and the grievances had not been appealed to Level 2. According to RCW 43.06C, OCO cannot review an issue unless the incarcerated person has reasonably attempted to resolve it via the grievance process, administrative actions, and/or an appellate process. Mail rejection appeals are a right retained by every incarcerated person; DOC had no record of this individual attempting to file a rejection appeal.</p>	<p>Lack Jurisdiction</p>
108.	<p>Incarcerated complainant stated that there is an issue with their time being extended for an infraction for which they were found not guilty.</p>	<p>The OCO reviewed and found that the infraction was a community custody violation. OCO does not have jurisdiction over actions that occur in community custody; this information was provided to the individual.</p>	<p>Lack Jurisdiction</p>
109.	<p>Incarcerated person received two infractions that he says were unjust. He was found guilty of possessing tobacco after he was in an area where another individual was smoking. The other individual was not infracted, but he was. He stated he should not have been</p>	<p>The OCO was unable to identify a violation of policy. This office reviewed both infractions. Both presented sufficient evidence to meet DOC's evidentiary standard. The appropriate forms were filled out; small errors in documentation would not suffice to overturn the</p>	<p>No Violation of Policy</p>

found guilty and felt he was tagged because the other involved individuals were releasing soon. Additionally, contraband was found during a cell search, but he states DOC did not fill out the appropriate search form as required in policy. Additionally, his cellmate was not infractioned, despite the cell tag policy which states that any individual with control over an area is responsible for contraband found in that area. cell tag infraction. The OCO cannot investigate infractions (or lack of infractions) for third parties who do not seek our assistance.

110.	Incarcerated person says he received an infraction for being out of bounds and was denied a witness statement and questions he requested, which he felt was a violation of policy.	The OCO was unable to identify a violation of policy. OCO staff reviewed the hearing information. The individual did request a witness statement, which was denied. However, the witness he had requested was the infracting officer, which is not allowed per WAC 137-28-300, and denial was within the discretion of the hearing officer.	No Violation of Policy
111.	Incarcerated person is requesting that OCO investigate two serious infractions given to him as a direct result of a previously dismissed infraction. Person reports that the two serious infractions given are not justified.	The OCO was unable to identify a violation of policy. This office reviewed the individual's infractions. While they were related to a sanction that was later overturned, the behavior was still sufficient to merit an infraction -- the cause is not relevant for the infractions in question. DOC appears to have acted within policy to uphold the subsequent infractions, even when the previous infraction was overturned.	No Violation of Policy

**Washington Corrections Center for Women**

112.	Incarcerated person reports being pepper sprayed. She says that she is diabetic and had been experiencing low blood sugar for the few days prior to this incident. She does not recall anything that happened before she was being pepper sprayed. She would like this use of force to be investigated.	The OCO substantiated this complaint. The OCO discussed with DOC the need for more training to occur for officers to prevent improper use of force.	Information Provided
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113.	Incarcerated person reports being targeted and harassed by incarcerated individuals and staff for about three months. Correctional officers call him and his actions inappropriate and sexualizes his friendships and actions. Individual does not feel safe in unit or dayroom and doesn't get help from staff when incarcerated people are targeting him. Recently staff told him he would just need to wait if the only restroom he is allowed to use is being cleaned. His grievances aren't being accepted and are being sent back for rewrite.	Person reported to the OCO that his situation had improved so he did not feel it was necessary for OCO to continue investigating. Provided instruction for him to call our office if anything further should occur.	Information Provided
114.	Incarcerated person reports that Therapeutic Community (TC) is not phasing people up in a timely manner which is causing problems regarding reentry plans for people in the program.	The OCO was unable to identify a violation of policy that relates to TC. The ability to phase up has been provided every week with one- or two-week wait until all homework and behavior has been addressed.	No Violation of Policy
115.	Incarcerated person is experiencing ongoing retaliation and harassment by staff as the result of a use of force issue. She has been given six major infractions that have been dismissed, and nine minor infractions, only one of which was upheld. She is being run through the scanner system at least three times per week. She is afraid to use grievance system because she worries it will only intensify harassment and comments.	The OCO was unable to identify a violation of policy. This office contacted DOC to inquire about this situation. We learned that DOC was able to reassign her to the correct housing.	No Violation of Policy
116.	Incarcerated person says she was found guilty of testing positive for Benzodiazepines and she lost her appeal. She says she takes sertraline (Zoloft) which causes a false positive. She was demoted from Therapeutic Community because of the infraction. The hearing officer would not accept evidence that supports her innocence.	The OCO was unable to substantiate a violation of policy. This person did not request for urinalysis to be sent to an outside laboratory.	No Violation of Policy
117.	Therapeutic Community (TC) is not phasing people up in a timely	The OCO was unable to identify a violation of TC policy. The person	No Violation of Policy

manner which is interfering with reentry plans.

has been allowed to phase up every seven weeks and if there are any interruptions another opportunity is given with one or two weeks.

118.	Incarcerated person was assaulted by her roommate while in minimum custody. Complainant was infracted and found guilty of fighting but she did not strike the individual and she was the one that was injured. She was in TC and this could now have significant outcome for her programming.	The OCO was unable to identify a violation of policy. Documentation indicates that the infraction was supported because there were marks on both people.	No Violation of Policy
119.	Incarcerated person says that she was pepper sprayed because she wouldn't come out of her room. She wouldn't come out because she had urinated on her pants and wanted new clothes to put on. She told the COs this, but they didn't respond. Person says she was having a mental health episode and there was no negotiation team and no one told her to come out. She was scared and just didn't want to put on pants with urine on them.	The OCO was able to substantiate this concern. The OCO addressed the matter with DOC; DOC agreed that an individual behavior management plan (IBMP) could have been a preventive measure – had one been in place the use of force may not have occurred. DOC also said they would make sure more often training would occur with proper protocol for use of force training.	Substantiated
<b>Washington State Penitentiary</b>			
120.	Incarcerated individual received an infraction for using force or intimidation and two negative behavior observation entries (BOEs) from an education instructor for alleged negative behavior in a classroom. Complaint is that the first BOE was received after the infraction was written and the second BOE is for the same incident as the infraction. Hearing officer reduced the infraction to a general infraction for disruptive behavior. Incarcerated person appealed infraction and the appeal was denied. Family is concerned that extended family visit (EFV) application will be denied because of infraction.	The OCO met in person with incarcerated person, reviewed relevant DOC records, and reviewed DOC 300.010 Behavior Observations and DOC 460.000 Disciplinary Process for Prisons. The OCO requested that the Superintendent review the infraction and BOEs per policy. Superintendent agreed to review and, as a result, the general infraction was expunged while keeping the two negative BOEs. Decision made according to DOC 300.010.	Assistance Provided
121.	Incarcerated patient says that he has been throwing up for 50 days	The OCO requested that DOC headquarters conduct a patient	Assistance Provided

and an ulcer burst through this stomach wall. He says that when he was transferred to the hospital he had x-rays and it showed that he had aggressive cancer cells that have been there for some time. Reports that he was previously tested for this but was told it was not cancer. He was told that he now must undergo chemo treatments but this process has been slow. Says that he thinks he will die before he recovers.

safety review for this individual; DOC agreed to conduct that review.

122.	Incarcerated person cannot use the intensive management unit (IMU) deodorant available from the commissary list. He is allergic. He needs access to the deodorant on the general population commissary.	The OCO was able to provide assistance. This office contacted DOC about this problem; DOC staff changed the type of deodorant provided in IMU to a clear deodorant that may work better for this person and other people.	Assistance Provided
123.	Incarcerated person reports that he has a health status report (HSR) states that he may use his wheelchair while in IMU, but custody staff are interpreting that as <i>only</i> in IMU. Complainant needs wheelchair when carrying books, going to meal line, etc.	Patient provided update to OCO that he met with provider and HSR language was updated. Issue is now resolved. Patient will follow up when transferred if needed.	DOC Resolved
124.	Incarcerated person reports that he has received no resolution request responses to four requests since his move to Clallam Bay. He has reached out about not receiving them and they want him to re-write.	Prior to the OCO taking action on this complaint, DOC sent resolution request responses to this person. DOC waived some appeal timeframes to allow this person to respond and appeal.	DOC Resolved
125.	Incarcerated person received infractions despite a lack of evidence.	DOC reduced the original serious infraction to a general infraction. The OCO does not review general infractions.	DOC Resolved
126.	Complainant's loved one is incarcerated at WSP. Complainant reports that individuals at WSP were set to receive new mattresses, but staff are only delivering two or three at a time. Complainant's loved one and many others from his unit have filed complaints which are not being heard or responded to. Complainant wants to know	The OCO explained options for self-advocacy and explained that this office will be revisiting the issue of distribution of new mattresses in the future.	Information Provided

how to help ensure delivery of these mattresses.

127.	Family member expressed concerns about visitation denial.	The OCO provided information regarding the visitation policy to this family member.	Information Provided
128.	Family member does not agree with sentencing imposed in loved one's underlying criminal case. Mental health played a role, but he still got a long sentence.	The OCO is prohibited by statute from reviewing any complaint that relates to an incarcerated person's underlying criminal conviction. The OCO provided information to the family member regarding who to contact about sentencing issues. The OCO also provided self-advocacy information and explained how to contact this office if there are concerns regarding access to mental health services while housed in DOC.	Lack Jurisdiction
129.	Incarcerated complainant states he has been in segregation for three months. He was placed there after a riot and was given 30 days of administrative segregation. Once those 30 days passed, was not moved. He is being told he needs to wait for a transfer but nothing is happening and he is worried about why he has been in segregation for so long.	The OCO provided information to complainant regarding the reason why he is still being housed in administrative segregation. It appears that it is due to an infraction and his facility plan is pending.	Information Provided
130.	Incarcerated person reports that the COVID-19 response in 2020 at WSP was handled very poorly. He reports that social distancing was not enforced but there were still group sports and many things that other facilities took away. This lack of response highly contributed to the spread of COVID-19.	The OCO explained actions by DOC to improve COVID-19 protocols. Communicated concern to OCO Assistant Ombuds to discuss with facility administration.	Information Provided
131.	Loved one has questions about administrative segregation changes and why loved one is being held there for so long.	Informed family member that incarcerated person is not in administrative segregation. They are at the custody level of "close" while awaiting transfer from the intensive management unit to a different facility because of HQ placement.	Information Provided
132.	Incarcerated person reports that they have not been able to adequately access mental health	The OCO provided information about how to exchange his old mattress for a new one and	Information Provided

	services. He also reports that his mattress is below the metal rim on his bed and it's causing him back and hip pain.	explained how to access mental health services.	
133.	Incarcerated person concerned that DOC staff is not following Covid safety measures, by not wearing masks or maintaining social distance.	The OCO informed this person that the OCO would notify DOC of these concerns. Notified facility administration of officers not in compliance with COVID-19 safety measures.	Information Provided
134.	Incarcerated person reports that their loved one is being held in segregation and is not being let out per recent legislation. Wants their loved one to be let out and placed back in general population.	The OCO was unable to identify a violation of policy here. The office reviewed documentation and determined that this person is being held in segregation for safety reasons which do not violate policy.	No Violation of Policy
135.	Family member expressed concern about son being in segregation due to potential retaliation from a sergeant.	The OCO brought these concerns to DOC; DOC investigated the concerns but reported that no staff misconduct was observed.	No Violation of Policy
136.	Family member expressed concern about an infraction related to an incident in July in loved one's unit in which a riot broke out and he was involved in it a minor way.	The OCO could not substantiate a violation of policy in this case. Initial review showed that the incarcerated individual had stated that he had been involved in the activity which was the basis for the violation. The admission by the incarcerated individual is sufficient evidence for DOC to find him guilty. Additionally, initial review showed that the incarcerated individual had not yet pursued internal resolution measures.	No Violation of Policy
137.	Incarcerated person reported alleged failure on DOC's part to follow the mail policy, DOC 450.100. This person ordered 40 photos at the cost of \$0.50 each (totaling for a \$20.00 charge) via an ad by Public Record Press on their JPay device. All 40 photos were reviewed and initially rejected; after appeal, the person received 11 of the 40 photos. Subsequent appeals were not successful for the remaining 29 photos.	The OCO could not substantiate a violation of policy. The OCO's review of materials revealed that the rejected eMessages were rejected in compliance with DOC 450.100.	No Violation of Policy
138.	Incarcerated person was infractioned for possession of a weapon. Due to	The OCO reviewed the disciplinary packet and hearing information.	No Violation of Policy

COVID, person said they had to improvise to make weights in their cell, which is why he had the item. Person felt that DOC viewed the item as a weapon, not a tool, because of an incident at the facility unrelated to him. He requested the infraction be lowered to possession of a tool, especially in light of the severity of sanctions for weapons.

The OCO notified DOC administration of our concerns. DOC declined to overturn the infraction despite the person's stated intentions with the contraband.

139.	Incarcerated person reports that they are being denied visitation with their wife. Wants to get a pathway set up to be able have visits with her.	The OCO was unable to substantiate a violation of policy; however, the OCO contacted DOC about the concern. The DOC reported it is unwilling to create a pathway at this time due to the person's recent infraction. DOC is willing to revisit a pathway with evidence of positive behavior.	No Violation of Policy
140.	Incarcerated person wants to transfer from the residential treatment unit (RTU) at WSP to the RTU at Monroe.	The OCO did not identify a violation of policy here. The OCO alerted DOC headquarters to complainant's concern. DOC informed the OCO that they would raise and consider the issue at complainant's next review.	No Violation of Policy
141.	Incarcerated person states that the grievance program staff is blocking his access to the grievance program by "slow walking" active grievances. Also reports that facility resolution coordinators are not properly allowing medical resolution requests beyond the general limit of five resolution requests.	The OCO was unable to substantiate a violation of policy. A review of records showed that this person has now received grievance responses for each grievance that had been open. While the resolution program manager has authority to accept medically related resolution requests when a person already has five pending requests, policy allows resolutions exceeding the maximum number to be denied following DOC review, as occurred here.	No Violation of Policy
142.	Incarcerated person reports that he was infraacted for an assault and that it was changed to an infraction for fighting on appeal. He doesn't understand how he was infraacted for fighting when the other person involved was not infraacted. He believes these procedural errors are grounds for dismissal.	The OCO was unable to identify a violation of policy or procedure. The complainant admitted to hitting the other individual, which is sufficient evidence to satisfy DOC's evidentiary standard to substantiate the infraction, regardless of whether the other individual was infraacted.	No Violation of Policy

143.	<p>Incarcerated patient has extremely dry feet and needs moisturizer. Feet are cracked and bleeding. Says doctor did write prescription but nurse took it away. Staff have thrown away his commissary items and won't let him buy on commissary. Requested access to foot cream.</p>	<p>The OCO was unable to substantiate a violation of policy. The patient transferred to a new facility. The OCO ensured that he is receiving medically necessary foot cream at new facility. Patient expressed continued concerns about the quality of the cream and questioned its effectiveness.</p>	<p>No Violation of Policy</p>
144.	<p>Incarcerated person reports that was blackmailed at administrative segregation hearing, requiring him to snitch or stay in solitary indefinitely. He was assaulted during yard time and the put in ad seg. Other incarcerated people had approached him saying staff told them their OMNI shows that he had debriefed in the past. Person reports being blackmailed to talk to Investigations and Intelligence (I&amp;I) Division in the past.</p>	<p>The OCO was unable to substantiate this concern. The OCO contacted the Investigations and Investigative Division at headquarters to inquire. I&amp;I reviewed this person's OMNI record and could not find any information that indicated that he had debriefed.</p>	<p>Unable to Substantiate</p>

## Abbreviations

The following are the full terms for abbreviations used in this report:

**ADA:** Americans with Disabilities Act

**AHCC:** Airway Heights Corrections Center

**AO:** (OCO) Assistant Ombuds

**BOE:** Behavioral Observation Entry

**CI:** Correctional Industries

**CO:** Correctional Officer

**CRC:** Care Review Committee

**CRCC:** Coyote Ridge Corrections Center

**CUS:** Correctional Unit Supervisor

**DOSA:** Drug Offender Sentencing Alternative

**EFV:** Extended Family Visit

**ERD:** Earned Release Date

**HSR:** Health Status Report

**IIU or I&I:** DOC's Intelligence and Investigations Unit ("Intelligence & Investigations")

**J&S:** Judgment and Sentence

**MCC:** Monroe Correctional Complex

**MCCCW:** Mission Creek Corrections Center for Women

**SCCC:** Stafford Creek Corrections Center

**SOTAP:** Sex Offender Treatment and Assessment Program

**SVP:** Sexually Violent Predator

**TC:** Therapeutic Community

**WaONE:** Washington ONE ("Offender Needs Evaluation")

**WCC:** Washington Corrections Center

**WSP:** Washington State Penitentiary

## Glossary

**Closed Case Review:** These reviews may be conducted by the OCO when a complainant whose case was closed requests a review by the supervisor of the original case handler.