

Comments Submitted 12/21/2021

GENERAL:

OCO strongly supports the revisions to this policy that prohibit acts of harassment and retaliation.

TITLE:

OCO suggests expanding the name of the policy to “Non-Discrimination and Retaliation for Incarcerated Individuals” or “Non-Discrimination and Retaliation for People in Custody.” This would offer more clarity about the contents of the policy.

REFERENCES:

RCW 43.06C.070, which prohibits retaliation for assisting OCO in carrying out the duties of the office, should be included here.

POLICY:

I. OCO strongly supports the draft’s inclusion of “harassment and retaliation” as well as the expanded list of protected groups.

DIRECTIVE:

I.A. OCO supports the prohibition on retaliation proposed in this section. OCO suggests expanding the protections offered in this section to include other legally protected acts by changing the language as follows: “Discrimination of any kind will not be tolerated. This includes harassment, retaliation, or the communicated threat of retaliation for good faith participation in the resolution program, filing a lawsuit, filing or participating in the investigation of discrimination, or engaging in any other legally protected action.”

II.A.2. OCO suggests changing this sub-section to “...report observations of discrimination, including harassment or retaliation, to a supervisor/manager.” Although harassment and retaliation are listed as a subset of discrimination in the policy, we believe that repeating this clause here could significantly improve clarity for all readers.

II.B. OCO suggests changing this to “...prevent discrimination, including harassment or retaliation, from occurring by:” Please see II.A.2. above for further explanation.

II.B.2. OCO suggests changing this to “...and responding to incidents of discrimination, including harassment or retaliation.” Please see II.A.2. above for further explanation.

III.A. OCO suggests changing this to “Individuals who believe they have experienced discrimination, harassment, or retaliation may file a complaint...” Please see II.A.2. above for further explanation.

III.A.1.b. OCO suggests changing this to “Office of the Corrections Ombuds (OCO), as permitted in RCW 43.06C.040” DOC does not have the authority to determine if the complaint is under the jurisdiction of the OCO or if the OCO will accept the complaint.

III.A.1.b.1) OCO suggests eliminating this section because the proposed language is not fully consistent with the statutory language.