
Comments Submitted 3/31/2023

The Office of the Corrections Ombuds supports the Department of Correction's efforts to improve DOC 450.100 by codifying many of the negotiated outcomes reached by the OCO/DOC/Stakeholder Mail Workgroup.¹

DIRECTIVE

IV.D.

The OCO encourages the DOC to clarify that facilities should not adopt a practice of photocopying all mail; rather, photocopies should only be made in instances where providing the original envelope/contents would pose a legitimate threat to the safety and/or security of incarcerated individuals and/or staff.

- D. Photocopies of the original envelope and/or contents may be provided to the individual for safety and security reasons. Providing photocopies does not require a mail rejection notice.
1. Copies will not be made of photographs received on photo paper.

XV. A.

The OCO notes that the proposed revision states that an "auditing tool will be used and an action plan developed when necessary." The OCO's understanding is that, rather than requiring monthly reports submitted by facility mailrooms to track data as agreed upon by the Mail Workgroup, the DOC has implemented ongoing data collection that can be viewed via dashboards in live time. The OCO supports the DOC's use of this dynamic tool and suggests amending the policy to clarify how often the dashboards must be reviewed for quality assurance purposes (e.g. daily, weekly).

- XV. Quality Assurance
- A. Onsite quality assurance checks will be performed yearly or as necessary at each facility mailroom. An auditing tool will be used and an action plan developed when necessary.

¹ The OCO's Mail Negotiated Outcomes report may be found [here](#).

ATTACHMENT 2: MAIL REJECTIONS

Appeals, 4:

The OCO suggests that DOC should amend subsection “b)” to indicate that the department will return rejected funds to the original sender, regardless of whether the incarcerated individual requests that action.

- b) If the individual does not request any rejected funds be sent back to the original sender, the funds will be deposited into the Betterment Fund

Outgoing Mail/Electronic Messages, 1.

The OCO suggests that the DOC add sub-sub-section “(c)” after 1. a) 1) (b) to clarify that curio items, unless determined to be contraband, will be returned to the individual so that the individual has the opportunity to correct any error and send out the item per policy. This concern was addressed and agreed upon in by the Mail Workgroup.

- 1. Rejected outgoing mail/electronic messages do not require an appeal request and are automatically reviewed by the Superintendent/designee within 10 business days from the date of the rejection
 - a) If upheld, the rejected material will be automatically reviewed by the Headquarters Correctional Manager within 20 business days for mail and 30 business days for electronic messages
 - 1) If the rejection is upheld by the Headquarters Correctional Manager, the facility will retain the mail in a separate file for 2 years, then destroyed
 - (a) Rejected mail will not be returned to the individual per RCW 72.02.260
 - (b) Exceptions may be made by the Headquarters Correctional Manager

ATTACHMENT 3: PUBLICATION GUIDELINES

Requirements for Publications 1. b)

The OCO encourages the DOC to allow individuals housed in Reception Diagnostic Centers (RDCs) a wider variety of publications (5 publications, e.g.). Individuals may wait long periods of time in RDCs awaiting classification and/or transfer; having access to books may be particularly meaningful to individuals during this waiting period when other options (jobs, programs, education, e.g.) are not available to them.

- b) Individuals housed in Reception Diagnostic Centers will only be allowed newspapers

Requirements for Publications 3. a)

The OCO encourages the DOC to make this list available to incarcerated individuals on tablets, in units, and/or in the library, as many individuals do not have outside support and therefore will not be able to access the information.

- 3. Individuals may receive used books in any language from non-profit organizations approved by the Director for Correctional Services
 - a) A list of approved non-profit organizations will be available on the Department's website

Requirements for Publications 9.

The OCO encourages DOC to add a subsection "a)" which explicitly allows individuals to purchase publications written by incarcerated individuals if they have been published and the material poses no direct threat to the safety and security of the facility.

- 9. Individuals may not receive subscriptions and/or publications from another individual or the friends or family of another unrelated individual

ATTACHMENT 4: UNAUTHORIZED MAIL

Section 4.a)

The OCO questions why individuals in reception centers (RDCs) are not allowed to have the materials listed in subsection “a.” The OCO encourages DOC to expand the type of mail that is acceptable for people in RDCs.

4. Mail that contains/appears to contain:
 - a) Written or typed material not specifically relevant to an incarcerated individual (e.g., internet printouts, photocopies, song lyrics) currently assigned to a Reception Diagnostic Center

Section 4.f)

The OCO suggests amending this section so that it states “Items that could be easily misidentified (e.g. written or drawn in crayon or gel pen, excessive ink) that create a security risk to the facility.”

- f) Items that could be easily misidentified (e.g., written or drawn in crayon or gel pen, excessive ink)

Section 13.

The OCO suggests deleting “nudity/partial nudity, behaviors/ actions that are sexual in nature” and replacing that section with “Sexually Explicit Material as defined in WAC 137-48-020”.

13. An electronic videogram does not comply with mail requirements or otherwise contains a display of nudity/partial nudity, behavior/actions that are sexual in nature, illegal drugs or related paraphernalia, weapons, graphics, or paraphernalia associated with any Security Threat Group/gang, or unlawful activity