

Comments Submitted 10/28/22

The Office of the Corrections Ombuds encourages the Department of Corrections to reimagine the structure of the disciplinary system and implement innovative changes that ensure that each step of the process is carried out in the interest of justice. In addition to the policy revision feedback below, the Office of the Corrections Ombuds (OCO) has identified additional persisting concerns with the disciplinary process which are described below.

Policy Revision Feedback:

IV.B. The OCO questions the unintended consequences of the proposed deletion of “notified of the date, time, and place of the hearing” from this section. While DOC 05-093 Disciplinary Hearing Notice/Appearance Waiver includes space where that information should be entered, this proposal no longer requires it in policy.

IV.E.1: The OCO questions the unintended consequences of the proposed deletion of the requirement that hearing officers ensure interpreters provide qualification and identity that they are certified or registered as an interpreter on the record.

IV.F.2: The OCO supports the addition of a specific policy statement regarding the reduction of serious violations and encourages the DOC to change the language from “may” to “should reduce the violation(s) to a lesser WAC violation if warranted.”

Persisting Concerns

- The DOC uses the *some evidence* standard, rather than a preponderance of evidence standard, when determining if an incarcerated individual attempted to commit or committed a violation of a WAC.
- *Cell tag* infractions are difficult to disprove.
- Key infraction terms such as *fight*, *assault*, and *self-defense* are not clearly defined in policy.
- Procedural alternatives for urinalysis (UA) tests are not consistently used.
- Past behavior patterns are often cited in infraction reports.