

**Comments Submitted 3/31/2023**

The OCO strongly supports the DOC’s decision to no longer require payment for individuals to participate in Extended Family Visits.

**DIRECTIVE**

**II. Application Process, D - E.**

The OCO questions the DOC’s proposed revision that would require further screening if an individual “has a history of mental illness and/or current mental health symptoms that cause concern.” This language seems extremely overbroad. Subjecting all individuals with a “history of mental illness” to further screening for EFVs would mean screening vast numbers of people despite the fact that, for most individuals, their “history of mental illness” does not bear any relation to any threat to the safety of an EFV visitor. Further, the OCO notes that the proposed revision does not indicate who would be responsible for “additional screening” and does not indicate the criteria that would be used for “additional screening” or the timelines by which the “additional screening” would need to be completed. Finally, the OCO notes that II. D. 2. and II. E. provide Health Services with an opportunity to identify legitimate safety concerns that may relate to behaviors that may be associated with active mental health symptoms.

D. The case manager will:

1. Review available information that may impact eligibility (e.g., violation history, behavior observation entries, performance evaluations), and

2. Send a request to Health Services to review for any medical/mental health concerns.

E. Health Services will respond within 10 business days of receiving the request and provide a recommendation using DOC 14-212 Extended Family Visit Medical/Mental Health Screening. Further screening is required if an individual:

1. Has a history of mental illness and/or current mental health symptoms that cause concern.

2. Is being treated for a condition which may be transmitted to the visitor or may be adversely affected if the visit occurs (e.g., is receiving inpatient infirmary care, has an unstable medical condition).

a. Health Services will conduct an initial counseling session with the individual if the individual:

- 1) Has been diagnosed with a communicable disease, or
- 2) Is on medication that can cause birth defects, if the EFV includes a spouse/state registered domestic partner.

b. If the individual has a communicable disease, a health care provider will conduct a counseling session with the participants to make them aware of the implications and to provide additional information.

## Attachment 1: Extended Family Visit Eligibility

### Possible Disqualifiers

Uncharged arrests and/or uncharged allegations of domestic violence, as detailed in police reports, are not consistently reliable, credible indicators of domestic violence.<sup>1</sup> The OCO recommends that DOC discontinue its reliance on such indicators.

The OCO notes that this office has received numerous complaints from individuals who were denied extended family visits due to “indicators” of domestic violence, despite having no criminal conviction associated with domestic violence. In many complaints, the allegations were made more than a decade prior to the individuals submitting an EFV application and did not involve the individuals submitting the application.

#### Possible Disqualifiers:

An individual may be denied EFV privileges:

- Based on the nature of the crime, criminal history (e.g., history/indicator of domestic violence as defined in RCW 71.105.010), and current/prior behavior while incarcerated
- If there is reason to believe that the individual is a danger to self, the visitor(s), or the orderly operation of the program

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<sup>1</sup> See, e.g., “Police Reports Are Biased. What Can Journalists Do To Better Cover Policing?” National Public Radio. May 28, 2021. Available at <https://www.npr.org/2021/05/26/1000598495/how-police-reports-became-bulletproof>