



STATE OF WASHINGTON
OFFICE OF CORRECTIONS OMBUDS

June 28, 2019

Update on the Office of Corrections Ombuds

Background

The Office of Corrections Ombuds (OCO) was created through Substitute House Bill 1889 and signed into law by Governor Inslee on March 27, 2018. Per RCW 43.06C.020, the purpose of OCO includes “providing information to inmates and their families; promoting public awareness and understanding of the rights and responsibilities of inmates; identifying system issues and responses for the governor and the legislature to act upon; and ensuring compliance with relevant statutes, rules, and policies pertaining to corrections facilities, services, and treatment of inmates under the jurisdiction of [DOC].”

Director Carns was appointed in August 2018 and opened the office in October. OCO began accepting complaints in November 2018. OCO is now staffed with a Director, four Assistant Ombuds, one Community Relations Manager (who oversees intake), and is in the process of hiring two Corrections Ombuds Fellows who will be a part of the intake/early resolution process. Most OCO staff have been personally impacted by incarceration in some way.

Selected OCO Highlights

Since beginning to accept complaints in November 2018, OCO has opened 1,302 cases based on concerns relayed to this office. Of that total, OCO has closed 364 cases that resulted in assistance to the complainant. OCO intervention made a difference across a wide range of issues, including prompting the overturning of infractions, reinstating visitation, reconsideration of property reimbursements, ensuring persons with disabilities have equal access, ensuring persons receive prompt medical care, among others.

Further, the following are significant systemic investigations or outcomes achieved by OCO. These investigations were initiated following individual complaints by incarcerated individuals or family members of incarcerated individuals.

- OCO received several complaints alleging that individuals were receiving infractions for urinalysis results that were false positives. An investigation was conducted and while OCO could not substantiate that there were in fact false positives, OCO was able to

work with DOC to change its policy to allow for confirmation testing of allegedly false positives and delaying testing of THC for 45 days from reception. The policy change is currently in the draft/training stage and will be fully implemented this fall.

- Nineteen incarcerated individuals filed a complaint with the OCO that alleged DOC failure to follow policy 300.010 regarding Behavior Observation Entries (BOEs). An investigation was conducted and the complaints were predominately determined to be substantiated. OCO discussed the issue with DOC and worked with the agency to revise the policy. As a result of the OCO, DOC changed is changing its policy to ensure incarcerated persons receive written notifications of BOEs, appeal timeframes are extended, BOEs and infractions are mutually exclusive, and that no opinions, conjectures, or judgments appear in BOEs.
- OCO received numerous complaints related to the DOC grievance procedure. After completing a review of the process, OCO identified several areas of improvement. The OCO shared the findings with DOC and worked with them to implement the following:
 - Prompting DOC to hold a statewide training of all Superintendents and Grievance Coordinators regarding how to properly and thoroughly conduct a grievance investigation and improving accountability;
 - Prompting the creation of a workgroup including both DOC internal staff and external stakeholders including OCO, Disability Rights Washington, Family Council co-chair and a formerly incarcerated person to review the grievance procedure as a whole and make recommendations for improvement;
- OCO received complaints about the care and treatment of women in DOC facilities. In addition to responding to individual complaints, OCO initiated a first-time-ever survey of every incarcerated female-identified person in DOC to determine overall conditions of confinement and make recommendations for improvement. The findings from this survey and recommendations which will be provided in a substantive report in the fall of 2019;
- Due to reports of concerns in relation to conditions at Yakima County Jail, which contracts with DOC to provide housing for a small number of DOC women, OCO conducted interviews of incarcerated individuals and is investigating complaints to make recommendations for improvement;
- Several incarcerated individuals and family members submitted complaints to OCO regarding the food and lack of fresh produce in the DOC facilities. OCO evaluated the concerns and has taken the following actions:
 - Conducted first-ever survey of every incarcerated person at Washington State Penitentiary regarding the food to provide insight directly from the population and currently engaged in a series of meetings to respond to the issues identified;

- Facilitated an initiative in DOC to include more locally-grown produce in the food service to the incarcerated population;
- OCO received a complaint regarding an incarcerated person contracting Hepatitis C due to handling biohazardous material while on a work crew. OCO substantiated the complaint and prompted changes to DOC policy to better ensure work crew safety while handling biohazardous materials;
- OCO received several complaints regarding incarcerated persons being held in long-term solitary confinement while waiting on an involuntary out-of-state transfer. OCO substantiated the complaints and prompted DOC to significantly reduce the number of incarcerated persons waiting on an involuntary out-of-state transfer, as well as review options for more appropriate living conditions.
- OCO received a complaint that an incarcerated person was denied reimbursement for property totaling around \$900 although DOC staff were allegedly responsible for the loss. OCO substantiated the complaint and prompted reimbursement for the individual as well as systemic review and policy improvement regarding property pack-outs for transfers;
- OCO received a complaint that DOC was not following DOC Policy 460.000 with regard to Category D infractions and was in violation of WAC 137-28-300(3) that requires all hearings to have an audio recording. OCO reviewed the complaint and substantiated it. OCO addressed the issue with DOC and DOC promptly began recording all hearings.
- OCO received a complaint that DOC was not allowing visitation for children of persons incarcerated for a sex offense even when the person's Judgment and Sentence explicitly permitted visitation with the child. OCO discussed the issue with DOC and prompted a change to policy so that persons explicitly included in the Judgment and Sentence will be allowed and most cases that involve questions will be sent through a committee rather than being decided by a single person at DOC Headquarters.
- OCO received several complaints that incarcerated persons who completed the Therapeutic Community (TC) programming were not allowed to leave the program and were missing opportunities for education, employment, and work release. OCO reviewed the cases and substantiated the complaints. OCO addressed the issue with DOC and DOC agreed to allow persons to leave TC after completion.
- OCO received a complaint regarding incarcerated mothers at WCCW who were being denied access to dependency hearings, which is required per RCW 13.34.067(3). OCO discussed the issue with DOC and DOC is now ensuring access through the use of telephones on the housing units.

We would like to thank DOC staff, starting with Secretary Sinclair and his administration, for being responsive to the above concerns and taking quick corrective action.

The following are ongoing systemic issues OCO is currently engaged in reviewing and will take action as determined appropriate:

- Ensuring incarcerated individuals who have been labeled as a Security Threat Group (STG) member based on little evidence have an opportunity to have the label reviewed and removed.
- Improving the quality assurance process around healthcare, including review of substantiated grievances and documented medication errors;
- Establishing a process for death-in-custody reviews;
- Meeting with transgender incarcerated individuals to ensure proper conditions of confinement, and have thus far successfully advocated for makeup for trans women and consideration of additional nutrition needs for trans men;
- Participating in the contract negotiations regarding telecommunications;
- Improving internal and external stakeholder input into DOC policies;
- Expanding visitation for incarcerated persons due to its proven positive impact on recidivism;
- Reviewing conditions at work releases and developing recommendations for improvement;
- Evaluating incarcerated individual concerns related to therapeutic communities.

Community Outreach

Per RCW 43.06C.040, OCO has held three quarterly public stakeholder meetings, on December 13, 2018 in Tukwila; March 20, 2019 in SeaTac; and, May 22, 2019 in Spokane. Further, OCO staff regularly attend both local and statewide family council meetings, and have met with the incarcerated person tier representative groups at each prison. The OCO Director also continues to meet and communicate with coalition members that successfully lobbied for the creation of OCO.

In addition to incarcerated person and family member outreach, the OCO Director has met with every legislator who serves on the House Public Safety or Senate Human Services, Rehabilitation, and Reentry committees. OCO staff have also attended meetings of the Children of Incarcerated Parents advocacy group, the Reentry Coalition, and the Sentencing Guidelines Commission.