



STATE OF WASHINGTON

OFFICE OF THE CORRECTIONS OMBUDS

2700 Evergreen Parkway NW • Olympia, Washington 98505 • (360) 664-4749

July 15, 2022

Joseph O'Sullivan

Via email: joseph.osullivan@crosscut.com

Dear Mr. O'Sullivan,

This letter is in response to your public records request received by the Office of the Corrections Ombuds (OCO) on June 17, 2022. Your request is being processed in accordance with the State of Washington Public Records Act, Chapter 42.56 RCW.

You requested "copies of any/all unreleased reports drafted by the OCO that touch on any of these topics: retaliation, mail policy, covid deaths and HSR's, emergency restraints, disciplinary policies, use of force."

Enclosed please find your first installment of documents responsive to your request. We will send your second installment by August 16, 2022. If records are ready prior to that time, we will notify you. If this time assessment requires readjustment, we will also advise you of that.

If you believe that there are any errors, please contact the OCO as soon as possible by reply email to Elisabeth.Kingsbury@gov.wa.gov.

Thank you for contacting this office with your request.

Sincerely,

A handwritten signature in blue ink that reads "Elisabeth Kingsbury".

Elisabeth Kingsbury

OCO Public Records Officer

Correspondence and communication with the office is confidential and must be protected as privileged correspondence in the same manner as legal correspondence or communication. All records exchanged and communications between the Office of the Corrections Ombuds and DOC to include the investigative record are confidential and are exempt from public disclosure. RCW 43.06C.060

This version of the Mail Policy Report was sent to the Department of Corrections under a previous director of the OCO. As of July 15, 2022, the OCO has not received an official DOC response. Review by subsequent OCO leadership revealed the need for additional work on the document, including modifications that reflect person-centered language. In August 2022, the OCO plans to publish an updated report, which will use proper terminology, will better explain the need for policy improvements, will include accurate dates, and will include verified outcomes.

OFFICE OF THE CORRECTIONS OMBUDS



Systemic/Policy Report: Mail Policy **Joanna Carns, OCO Director** **November 22, 2021**

The Office of the Corrections Ombuds (OCO) is established in Chapter 43.06C RCW. Duties of the office include investigations into complaints regarding the health, safety, welfare, and rights of incarcerated individuals in the Washington Department of Corrections (DOC). This report is provided pursuant to RCW 43.06C.040, which requires a public report at the conclusion of an investigation.¹ This report has been edited to protect confidential information. OCO investigations and underlying records are confidential pursuant to RCW 43.06C.040 and 43.06C.060. Any persons wishing to report a complaint to OCO can do so via its online complaint form at oco.wa.gov or via its free, unmonitored hotline (360.664.4749).

Brief Summary of Systemic/Policy Concern

OCO began conducting weekly public phone calls with concerned community stakeholders – primarily family members of incarcerated persons – following the start of the COVID-19 pandemic. During these calls, many issues were raised by family members of the incarcerated persons related to the mail system (both USPS and the email/telecommunications system supplied by a third party vendor, JPAY). OCO Director Carns decided to initiate an overall review of WA DOC's policies and

¹ Note: All OCO investigations require a public report; however, only incidents involving critical or systemic issues receive an individual investigation report. All other investigations are publicly reported via OCO's monthly outcome summary report, available on its website.

procedures related to handling of mail in an effort to address the concerns brought to OCO and to improve conditions for the incarcerated population.

Statutory Authority

- Per RCW 43.06C.005, OCO was created to assist in strengthening procedures and practices that lessen the possibility of actions occurring within DOC that may adversely impact the health, safety, welfare, and rehabilitation of incarcerated individuals, and that will effectively reduce the exposure of DOC to litigation.

Actions

- OCO gathered concerns through the public calls and also asked family members of incarcerated persons to submit ideas for policy change. OCO Director Carns then initiated a series of meetings with the DOC HQ Correctional Program Manager overseeing mail to discuss the requests for changes.
- The DOC Correctional Program Manager conducted a review of the mail rejection reasons with feedback from family members of incarcerated persons.

Recommendations

OCO recommends that DOC implement the following changes related to DOC Policy 450.100:

DOC Mission and Values Alignment

- Include within the opening Policy section direction for staff to help facilitate prisoner mail whenever possible, emphasizing the importance of mail to supporting family connections, a critical piece of reentry success. The only exception would be when there is a clear, identifiable security threat presented by the piece of mail.
 - Add a requirement that employees should do their absolute best not to damage mail when opening it for inspection, including avoiding markings that would deface the mail.

- Incarcerated individuals should be given the opportunity to correct whatever is not policy-compliant about a curio mailout package instead of confiscating the outgoing package outright. In the case of a letter or card being included, the package should be returned to the individual and allowed to mail out in accordance with DOC policy/procedure.
- Rather than confiscating all types of unauthorized outgoing mail outright, DOC will establish a process for returning mail items to the prisoner sender if items do not pose a genuine security threat to give the prisoner a chance to correct whatever is not authorized and still have the opportunity to mail a policy-compliant version of the item out to their loved ones.
- Agreed to review security standards for outgoing mail, and that the difference in security standards for outgoing compared to ingoing mail is clearly stated in policy and guidelines.
- Conduct a review of the current mail rejection reasons for both hard copy and JPay messages.
- Review, streamline, and standardize list of JPAY flagged words. Implement and establish in policy an annual review of the list to ensure relevance and need of flagged word.
- Remove "mail in the foreign language" as a rejection reason for JPay drop-down menu as this discriminates against non-native English speaking persons. (Section IX)
- DOC agreed to review the definition of "sexually explicit materials" found in WAC 137-48-020, particularly as it relates to potential over-censorship of mail items.
- Add language that there should be a "reasonable effort to search or find intended recipient." (Section IV.B)
- Add language that treats stickers on the outside envelope as stamps (i.e. items that can be retained by the mailroom employees, but that are not grounds for rejection). (Section IV.F)

Staff Accountability and Training

- Add language that specifically prohibits DOC employees, contractors, or volunteers from using mail rejections as a form of retaliation against prisoners and their families.
- Add language that specifically prohibits DOC employees, contractors, or volunteers from sharing content from incarcerated individual mail (including photos and videos) unless there is a legitimate question or security concern related to the mail content. [Tracy also discussed having a specific confidentiality form that mailroom staff would sign]
- Create clear, accessible training materials (e.g. a desk manual) for all mailroom staff, as well as training tools for short-term/temporary staff, that include examples of acceptable and unacceptable content, particularly imagery.
- Create and publish on the DOC website an accessible and concise chart of “allowed” and “not allowed” items pertaining to prisoner mail.
- Add language to Section VIII that more specifically details the legal mail process.

Policy Clarification

- Create consistency throughout the policy with regard to terminology (e.g., JPAY versus “contracted eMessage service provider,” Correctional Program Administrator versus Correctional Program Manager, etc).
- Whenever the word “security” is used in the policy as a limiting factor for mail, consider adding language to more narrowly tailor and/or define the term.
- IV.A.2. Add language to allow a registered organization name to stand in for an individual first and last name on a return address.
- Add language to better clarify that pictures that are part of news clippings or articles do not count as “photographs” (for example, specify that a photograph is an individual image that is not a supplement to text).

- V.I. Revise dresscode guidelines for videograms to align more with standards associated with photographs as opposed to visitroom dresscode.
- VIII.C.2.c. Change language “when practical” to “whenever possible.”
- XII.B.3. Add “temporarily” or “currently” so that it reads “Incarcerated Individual Temporarily/Currently Unable to Accept Mail.”

Reporting and Quality Assurance

- Create a system for mailroom staff to stamp all incoming mail, including magazines, with a date stamp, before processing to better track the timeliness of processing-agreed to stamp outermost page/envelope.
- The Correctional Program Manager will conduct a regular quality assurance check with each mailroom, at least once per year. The Correctional Program Manager will create a written tool to document the quality assurance checks.
- The Correctional Program Manager will create a monthly data report for each facility’s mailroom.
- Consider creating a resource that is readily available to external persons that provides more detailed information regarding rejection reasons, such as specific examples where possible.

This version of the Retaliation Report was sent to the Department of Corrections under a previous director of the OCO. The DOC responded with the attached document. Review by subsequent OCO leadership revealed the need for additional investigation into the allegations of retaliation described in the report. The OCO intends to publish a public report that details independently substantiated retaliatory actions of DOC staff and the OCO's work on this complaint.

OFFICE OF THE CORRECTIONS OMBUDS



Systemic/Policy Report: Retaliation

Angee Schrader, Lead Assistant Ombuds

LaQuesha Turner, OCO Early Resolution Ombuds

Rachel Stenberg, OCO Disciplinary Hearings Intern

October 29, 2021

The Office of the Corrections Ombuds (OCO) is established in Chapter 43.06C RCW. Duties of the office include investigations into complaints regarding the health, safety, welfare, and rights of incarcerated individuals in the Washington Department of Corrections (DOC). This report is provided pursuant to RCW 43.06C.040, which requires a public report at the conclusion of an investigation.¹ This report has been edited to protect confidential information. OCO investigations and underlying records are confidential pursuant to RCW 43.06C.040 and 43.06C.060. Any persons wishing to report a complaint to OCO can do so via its online complaint form at oco.wa.gov or via its free, unmonitored hotline (360.664.4749).

Brief Summary of Systemic/Policy Concern

Retaliation against incarcerated individuals and their family members is a frequent claim made to OCO, yet DOC lacks updated guidance or structure in policy to prevent and

¹ Note: All OCO investigations require a public report; however, only incidents involving critical or systemic issues receive an individual investigation report. All other investigations are publicly reported via OCO's monthly outcome summary report, available on its website.

address retaliation when it occurs. When individuals do report retaliation through the internal grievance resolution program, those complaints can be turned back without action or not adequately addressed. Retaliation is very difficult to prove to a high degree of certainty, making staff accountability limited except in the most egregious circumstances.

Statutory Authority

- Per RCW 43.06C.005, OCO was created to assist in strengthening procedures and practices that lessen the possibility of actions occurring within DOC that may adversely impact the health, safety, welfare, and rehabilitation of incarcerated individuals, and that will effectively reduce the exposure of DOC to litigation.

Actions

- Reviewed individual statements, disciplinary materials, kites, health records, video evidence, and staff communications related to each instance of reported retaliation
- Reviewed relevant DOC Policies, WACs, and RCWs
- Conducted multiple phone and in-person interviews with impacted individuals, staff, and administrators

Case Summaries

The individuals in this report, while not exhaustive, are a representative sample of retaliation claims received by OCO from incarcerated individuals. In each case, OCO has contacted DOC to gather information, substantiate the claim, and request additional investigation or action.

Individual A – Larch Corrections Center

On December 28, 2020, a Black man incarcerated at LCC mailed a letter to DOC HQ complaining about the mailroom sergeant. According to the later infraction report, the very next day the mailroom sergeant began collecting evidence regarding the man sending sexually explicit mail (ultimately totaling 80 pieces of sexually explicit mail). When the individual grieved the allegedly retaliatory infraction, he was told the issue was not grievable. Although the man admits to the sexually explicit mail, he alleged that

he was singled out for an infraction by the sergeant and that no other persons had been infractioned at LCC for sexually explicit mail; later review of the sergeant's infraction history confirmed that this was the only infraction that she had written in the prior year regarding sexually explicit mail.

Individual B – Monroe Correctional Complex

In August 2020, a white man incarcerated at MCC submitted a grievance against an officer for calling him a derogatory name. When he first grieved it, the grievance was closed out as informally resolved without further investigation; the man appealed, which prompted additional investigation. DOC's resolution included an MCC Sergeant contacting the officer in question and directing him to stop calling Individual B any name. The grievance was ultimately found in Individual B's favor on September 9, 2020. However, unbeknownst to Individual B, on September 4, the same officer wrote a negative behavior observation entry (BOE) against Individual B. Individual B was not made aware of this BOE until December. He then sent three kites in December, March, and April to the Correctional Program Manager to appeal the negative BOE by the officer; each response stated that he failed to include the date of the BOE and the specific content he wanted to challenge and a refusal to accept the appeal as written. He also attempted to grieve the BOE without success. DOC declined to overturn the BOE despite OCO attempts at intervention.

Individual C – Monroe Correctional Complex- SOU

Over the past two years, OCO has received several complaints from a Latinx man incarcerated at MCC-SOU:

Involuntary Medication

In August 2018, the individual refused to take voluntary medication; DOC staff stated that they did not have the authority to initiate involuntary medication.² However, on January 22, 2019, multiple unit staff were notified that they were implicated as defendants in a legal complaint submitted by the individual in question. Shortly after, on February 7, 2019, staff filed paperwork to involuntarily medicate the individual. When the individual challenged the medication, his appeal was denied.³

² At the time, DOC staff determined that the individual's behavior did not justify involuntary medication.

³ His appeal was later upheld due to a later finding that DOC policy had been violated by staff in approving involuntary medication.

The individual grieved multiple issues related to his hearing and appeal, which brought to light that his medical documents and appeal request were intentionally altered by unit staff before being submitted to the hearing. These changes directly impacted his continued involuntary medication.

Housing

OCO received reports of an effort by DOC to move the individual out of his current Residential Treatment Unit in retaliation for filing multiple grievances against unit staff. According to the later DOC investigation into the retaliation allegations, an officer confirmed via kite in June 2020 that the Custody Unit Supervisor (CUS) at the time had said that the incarcerated person was “an issue for unit staff” and that she would “give you anything to just get you off the unit” due to the person “asking about issues in the unit to get fixed which...creates too much work for her.” The CUS allegedly said in a townhall and in the dayroom that the person “is an issue that she [is] trying to get rid of.”

In September 2020, a kite from mental health staff confirmed that the CUS and custody staff were trying to transfer the person to WSP due to his grievances and infraction behavior (discussed below).

In March 2021, mental health staff documented the following note: “On 2/25/21 it became known that Mr. [Individual C] filed a lawsuit and included several officers...and staff...These officers have a duty to provide him with legal mail; could be a conflict of interest because they are named in the suit. It is for this reason that Mr. [Individual C] is being recommended for transfer...to general population.”⁴

At OCO’s request, DOC initiated an investigation into the allegations of retaliation. However, the assigned investigator (1) was previously a named subject of a lawsuit by Individual C; (2) was not given any specialized training on investigating retaliation, nor a definition of what retaliation is prior to the investigation; and (3) was specifically told that they were not investigating, but instead “fact finding,” which is also unclear. The resulting report findings focused on whether there was a reasonable explanation for the change in housing rather than evaluating whether individual staff’s decision to change the housing was motivated due to the incarcerated person’s protected actions.

Retaliation Due to OCO Outreach

⁴ DOC acknowledges that this notation was made, but wanted to note that the agency contests the staff person’s perception regarding the reason for the individual’s transfer.

On August 11, 2020, OCO received communication from the individual stating that he made a PREA report against an incarcerated individual. He also reported an additional altercation with another incarcerated individual, which OCO was able to substantiate with video evidence. After he had reached out to OCO about these issues, on September 1, 2020, the individual reported to OCO that unit staff issued him a 552 infraction for “giving false information to the Ombuds.”

The Superintendent dismissed the infraction, when no evidence existed that the individual had lied to the Ombuds.⁵

Individual D – Washington Corrections Center for Women

On and after May 26, 2020, Individual D, a woman incarcerated at WCCW, filed multiple grievances regarding mistreatment by an officer. After the grievances were written the same officer infringed this individual and had her placed in segregation citing rumors that Individual D had threatened to harm them. The infraction was dismissed and Individual D was released from segregation by the Superintendent within 24 hours. The same officer also gave Individual D several negative BOEs, as well as reportedly made inappropriate comments to both her and other DOC staff about her. OCO has had multiple conversations with the Superintendent regarding this specific officer and OCO has received multiple complaints of harassment and misconduct filed against this officer by individuals housed in Close Custody at WCCW.

Findings

- **DOC policy does not specifically address retaliation against incarcerated individuals by DOC staff, nor does it outline a process for reporting or investigating retaliation claims, resulting in inconsistent processes for review and response by DOC administration.**
 - No DOC policy exists that specifically addresses retaliation against incarcerated individuals by DOC staff.

⁵ **RCW 43.06C.070 Civil immunity—Retaliatory actions.**

No discriminatory, disciplinary, or retaliatory action may be taken against a department employee, subcontractor, or volunteer, an inmate, or a family member or representative of an inmate for any communication made, or information given or disclosed, to aid the office in carrying out its responsibilities, unless the communication or information is made, given, or disclosed maliciously or without good faith.

- DOC does not have an established process for investigation of retaliation against incarcerated individuals other than the standard employee conduct process, nor is there specific training on it.
 - Grievances regarding retaliation are reported to be denied because there is a single subject rule for grievances and retaliation inherently involves two actions – the protected action and the retaliatory action; further, the retaliatory action is usually a non-grievable issue, such as a BOE or an infraction.
- DOC does not currently have procedural safeguards or other mechanisms to prevent staff from using infraction or BOEs against incarcerated individuals after the staff have been the subject of a complaint or lawsuit.
- According to DOC, Superintendents will pull grievances regarding retaliation from the grievance process to investigate; however, it is unclear under what criteria Superintendents will pull the grievances, by what process are they investigated, and what documentation of the investigation or outcome exists afterwards.

Recommendations

- DOC Policy 550.100 should be updated to include the following language:
 - A. Retaliation or the communicated threat of retaliation against anyone for their good faith participation in the resolution program, filing a lawsuit, making a complaint, or other legally protected action or their involvement in any investigation or review is prohibited, and will result in disciplinary action if a staff person has been found to have:
 - 1. Engaged in retaliation,
 - 2. Failed to report retaliation by another staffperson,
 - 3. Failed to take immediate steps to prevent retaliation.
 - B. Allegations of retaliation should be made through the resolution program by first filing a Level 0 grievance. If a Resolution Specialist finds that the complaint has merit or could result in disciplinary action against the individual, they will elevate it to the relevant Appointing Authority and notify the involved incarcerated individual. The Appointing Authority/designee will take appropriate measures to investigate the allegation of retaliation. If additional

investigation is pursued, the complaint will be removed from the resolution program and accepted as a staff conduct investigation.

C. Indicators of retaliation may include, but are not limited to:

1. Disciplinary infractions,
2. Housing changes and reassignments, including administrative segregation placement,
3. Job or other program changes,
4. Behavioral Observation Entries (BOE),
5. Healthcare changes or denials,
6. Staff mishandling of mail or property.

D. If retaliation is substantiated through DOC investigation, the retaliatory action will be voided unless there is a separate, reasonable justification for the action that is not pretextual.

- DOC should expand any existing training specific to recognizing and understanding retaliation, including addressing the topic within both CORE and annual in-service training, as well as create more in-depth training for persons who may be assigned to investigate retaliation. This training could mirror OCO's internal training on investigating retaliation (see attached).
- DOC should create procedural safeguards to prevent staff from using retaliatory infractions, BOEs, or other negative actions against incarcerated individuals after the staff have been the subject of a complaint or lawsuit. This could include adding a step to current procedures that would allow incarcerated individuals to lift up a retaliation concern at the time of the negative action (such as during the disciplinary hearing) prior to completion of the negative action.

ATTACHMENT A

Retaliation investigations look at three prongs:

1. Protected action (making a complaint, filing a grievance or lawsuit, involvement in an investigation, etc)
 - (1) Note that the protected action may be by the incarcerated person or it could be by the incarcerated individual's family member.
2. Intentional, adverse action (disciplinary infraction, housing/program changes, BOEs, etc)
3. Nexus/connection between the two.

The toughest issue with substantiating retaliation is proving the nexus.

1. Time may be an indicator. Ex. Someone files a grievance and the next day they receive an infraction.
2. Verbal statements by staff (e.g. "if you file that grievance, I'm going to write you up.") These require either staff's own admission or witnesses.
3. Written statements by staff (e.g. email).

When is retaliation not substantiated?

1. When you cannot substantiate all three prongs;
2. When there is a reasonable alternative explanation for the adverse action (i.e. the person actually did the infringed behavior)
 - a. The caveat is whether part of the allegation that the person was infringed for behavior that other people were not for similar behavior, or that he/she/they received more severe sanctions than other similarly situated people. The negative action may be justified, but the question for investigation is whether the negative action was precipitated by the individual's complaint against staff, in which case it is retaliatory.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
 P.O. Box 41100 • Olympia, Washington 98504-1100

November 29, 2021

Joanna Carns
 Office of Corrections Ombuds
 2700 Evergreen Parkway NW
 Olympia, WA 98505

Dear Ms. Carns:

The Washington Department of Corrections appreciates the opportunity to respond to the Office of Corrections Ombuds (OCO) report on the ‘Retaliation systemic report.’

The department notes your recommendations in the column on the left and responds in the column on the right to the recommendations.

Recommendation	Response
<p>1. DOC Policy 550.100 should be updated to include the following language:</p> <p>A. Retaliation or the communicated threat of retaliation against anyone for their good faith participation in the resolution program, filing a lawsuit, making a complaint, or other legally protected action or their involvement in any investigation or review is prohibited, and will result in disciplinary action if a staff person has been found to have:</p> <ol style="list-style-type: none"> 1. Engaged in retaliation, 2. Failed to report retaliation by another staff person, 3. Failed to take immediate steps to prevent retaliation. <p>B. Allegations of retaliation should be made through the resolution program by first filing a Level 0 grievance. If a Resolution Specialist finds that the complaint has merit or could result in</p>	<p>The department acknowledges and concurs with the recommendation that policy language should be updated to include more specificity around addressing the important issue of retaliation. The department also acknowledges the intent of the specific policy language the Ombuds has provided and will undertake a review of the involved policies through the policy update process. The process involves stakeholder input and will include protections from retaliation, a process by which to hold staff accountable for engaging in retaliation, failing to report retaliation and failure to take immediate steps to prevent retaliation. In the spirit of the process, the department will review applicable existing policy and, if needed, create new policies to address these issues contained within recommendation 1.</p> <p>The department has identified several</p>

<p>disciplinary action against the individual, they will elevate it to the relevant Appointing Authority and notify the involved incarcerated individual. The Appointing Authority/designee will take appropriate measures to investigate the allegation of retaliation. If additional investigation is pursued, the complaint will be removed from the resolution program and accepted as a staff conduct investigation.</p> <p>C. Indicators of retaliation may include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Disciplinary infractions, 2. Housing changes and reassignments, including administrative segregation placement, 3. Job or other program changes, 4. Behavioral Observation Entries (BOE), 5. Healthcare changes or denials, 6. Staff mishandling of mail or property. <p>D. If retaliation is substantiated through DOC investigation, the retaliatory action will be voided unless there is a separate, reasonable justification for the action that is not pretextual.</p>	<p>key policies it will update as noted below:</p> <p>DOC 850.010 Administrative Investigations – “Substantiated allegations of retaliation toward any individual will be reviewed by the appointing authority/designee to address through corrective/disciplinary actions, as appropriate.”</p> <p>DOC 880.100 Corrections Training and Development - "Supervisor will educate employee on forms of retaliation and establish expectations to refrain from acts or appearance of retaliation towards incarcerated individuals, their families or other employees."</p> <p>DOC 550.100 Resolution Program – Directive – “Ensure the appointing authority/designee is notified when there is evidence of any negative employee conduct or retaliation, per the Resolution Program Manual.”</p>
<p>2. DOC should expand any existing training specific to recognizing and understanding retaliation, including addressing the topic within both CORE and annual in-service training, as well as create more in-depth training for persons who may be assigned to investigate retaliation. This training could mirror OCO’s internal training on investigating retaliation.</p>	<p>The department concurs with the recommendation and will integrate a focus on the retaliation within trainings of new employee orientation (NEO), core, and annual in-service training. The department’s annual in-service training would start including it in calendar year 2023.</p> <p>A memo from Assistant Secretary Obenland will be sent to all prisons staff explaining the retaliation definition and the plans, as an agency,</p>

Joanna Carns
November 29, 2021
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	to provide training on retaliation. (Memo will be Attachment A)
3. DOC should create procedural safeguards to prevent staff from using retaliatory infractions, BOEs, or other negative actions against incarcerated individuals after the staff have been the subject of a complaint or lawsuit. This could include adding a step to current procedures that would allow incarcerated individuals to lift up a retaliation concern at the time of the negative action (such as during the disciplinary hearing) prior to completion of the negative action.	<p>The department will facilitate and communicate increased education pertaining to retaliation and the appeal process in addition to the existing procedural safeguards of appeals processes. Currently, the department has the appeal tools posted in the resolution program manuals that address retaliation in the facilities.</p> <p>The department will also specifically address retaliation within its code of ethics of conduct.</p>

The department appreciates the Office of Corrections Ombuds understanding of the unique processes across the correctional system and the addition of policies and procedures, as well as additional resource requests, being put in place to address them. The department is working proactively to continuously improve quality assurance standards as well as stakeholder engagement throughout the department.

Moving forward, the Washington State Department of Corrections will continue to collaborate with the Office of the Corrections Ombuds to strengthen procedures and practices that positively impact individuals' health, safety, and welfare.

Sincerely,



Melena Thompson, Director, Executive Policy Office
Washington Department of Corrections

- cc: Cheryl Strange, Secretary
- Julie Martin, Chief of Staff
- Sean Murphy, Deputy Secretary
- Michael Obenland, Assistant Secretary, Prisons
- Todd Dowler, Director, Human Resources
- Jeremy Barclay, Director, Engagement & Outreach
- Lisa Flynn, Correctional Program Administrator
- Jason Aldana, Training & Development Unit Administrator
- Nancy Waldo, Labor Relations Manager
- Carol Smith, Statewide Resolution Manager



STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS

P.O. Box 41100 • Olympia, Washington 98504-1100

DATE: November 4, 2021
TO: Appointing Authorities
FROM: Assistant Secretary Mike Obenland
SUBJECT: Retaliation update to DOC Policy 550.100

The Washington State Department of Corrections (DOC) has been working to improve the process for handling alleged staff retaliation concerns. Retaliation is described as “an adverse action taken against a person because of that person's engagement in a legally protected activity.” Retaliation can sometimes be blatant but can also be concealed with an appearance of legitimacy. This is the reason why an investigation is important to further examine the circumstances.

In March 2021, the department revised policy 550.100 Resolution Program and updated the resolution program manual to include retaliation under staff conduct. It is now clearly outlined that if concerns of retaliation are found to have merit and could result in disciplinary action against staff, the appointing authority will be notified immediately and determine if an administrative review will be initiated outside of the resolution program.

Additional actions going forward:

The department will be adding new language to policy 550.100 Resolution Program to reflect the necessary immediacy of reporting any retaliation when determined to have merit.

The department will update the resolution program manual to clearly define the responsibility of the resolution specialist when it comes to retaliation allegations and expand retaliation as part of the employee conduct section.

The department will be developing and incorporating resolution training into New Employee Orientation (NEO), the Correctional Worker Core Academy, and annual in-service training. Due to the learning and training cycle, addition of such training within the annual in-service training would start in calendar year 2023.

The department will be adding retaliation information to incarcerated individual rights, facilitate and communicate education pertaining to retaliation and the appeal process, and address retaliation in its code of ethics of conduct.

Providing and maintaining a professional environment that encourages the operation of a safe and humane corrections system is the responsibility of us all. Within each day we are provided an opportunity to cultivate integrity and trust through personal accountability. The outlined steps within this memo furthers our efforts to achieving our mission and values.

“Working Together for SAFER Communities”