

# Restrictive Housing Recommendations

September 22, 2023

**Office of the Corrections Ombuds**  
P.O. Box 40009 | Olympia, Washington 98504  
Confidential Hotline: 360-664-4749 | <https://oco.wa.gov>

**INTEGRITY • RESPECT • COLLABORATION • EQUITY • COURAGE**

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## Summary

The Office of the Corrections Ombuds recently received an increase in concerns about individuals held in restrictive housing for extended periods of time. Administrative-segregation placement, classification changes, medical holds, and transfers can leave incarcerated individuals in restrictive housing for months without a clear expectation of when they will return to general population. Policy and procedure changes need to occur for the Department of Corrections to meet its goal of minimizing the use of solitary confinement by 90 percent in the next five years. Determining appropriate placement and transfer of individuals in restrictive housing should be considered an urgent matter for the Department of Corrections.

The Office of the Corrections Ombuds (OCO) reviewed six concerns involving extended placement in restrictive housing. The OCO's attempts to resolve these cases began at the facility level with facility management and later progressed to the headquarters level. Because the cases remained unresolved after review at headquarters level, the OCO issued a letter of concern to the Deputy Secretary. This letter, dated August 10, 2023, included the six unresolved case concerns, as well as five recommendations for addressing problems identified by this office related to restrictive housing. The DOC responded to the OCO's recommendations in a letter dated September 18, 2023.

The OCO has provided deidentified case summaries, recommendations, and negotiated outcomes here, followed by the August 10, 2023, and September 18, 2023, letters referenced above. Case concerns have been redacted in this report to ensure confidentiality in accordance with RCW 43.06C.060(3).

## Summaries of Six Restrictive Housing Case Concerns

Below are case summaries of problems that six individuals (Individuals A-F) requested the OCO's assistance resolving. Through case investigation work, the OCO was able to close each case as "Assistance Provided."

- **Individual A** was placed in administrative segregation ("ad-seg") during a PREA investigation which was deemed unsubstantiated. Despite this finding, the individual was removed from a class and had to attend a legal hearing in restrictive housing clothing.

- **Individual B** was placed in ad-seg pending an infraction investigation and ultimately was found not guilty of the infraction. As a result of this time in restrictive housing, Individual B lost some of their property.
- **Individual C** was placed in ad-seg pending an infraction investigation, yet an infraction was never issued. As a result of this time in restrictive housing, Individual C lost their job.
- **Individual D** was placed in ad-seg after involvement in a fight, they were found not guilty of an infraction, yet DOC retained the individual in ad-seg while pending a transfer approval by headquarters.
- **Individual E** was placed in ad-seg as the result of an infraction and despite the infraction finding occurring, the individual remained in ad-seg for nearly two months while waiting for HQ approval on the classification plan.
- **Individual F** was placed in restrictive housing for a medical hold and remained there for over eight months pending a facility change.

## OCO Recommendations

### Recommendation #1

**Update DOC 300.380.** There are currently no timelines in Section VI. Facility Assessment and Transfer, which leaves open-ended timeframes with no sense of urgency for individuals housed in restrictive housing. LWOP sentences have even more steps than other sentence structures, which can create barriers and delay processes.

### Recommendation #2

**Medical holds need to be monitored.** If an individual is housed in a facility without housing for their classification on a medical hold, then the individual needs to be quickly moved to the appropriate facility or given an override. DOC must identify a clear protocol to ensure this process is monitored consistently and designate a staff role.

### **Recommendation #3**

**Create a clear protocol for Transfer Pods.** It is unclear if all facilities wait until a transfer is finalized by HQ before an individual is moved to a transfer pod or if some facilities have created their own operational memos and handbooks. It should be a uniform process with exceptions for individuals whose transfer plans are stalled at HQ Classifications.

### **Recommendation #4**

**Update WSP 440.000 operational memo.** WSP operational memo regarding food disposal after thirty days should be updated to eliminate unnecessary punishments for individuals who are housed in restrictive housing through no fault of their own.

### **Recommendation #5**

**Review all individuals housed in Restrictive Housing.** OCO recommends that the DOC review all individuals currently in restrictive housing and make it a priority to move them to appropriate placements. During this review the DOC should identify if DOC is within current policy and what DOC policy should be adjusted to streamline the process.

## **Negotiated Outcomes**

In addition to providing assistance to each of the six incarcerated individuals, the OCO made five recommendations to the DOC. After a series of meetings, the OCO and DOC were able to agree to five negotiated outcomes.

### **DOC Response to OCO Recommendation #1**

- **Policy 300.380 Update:** Headquarters Classification is looking at options to improve processes and remove barriers throughout our classification process with an eye towards the new classification model and significant changes that new model will bring to our system. Throughout the implementation of the project to reduce solitary confinement by 90%, policy 300.380 will be updated accordingly. This will be ongoing, and there is no current timeline for the next update. Though we are waiting to implement many of the changes until this model is in place, the team has strategized interim improvements that can be made.
- **Life Without Parole (LWOP) Restrictive Housing Case Review:** Currently, LWOP cases are reviewed by the Headquarters Community Screening Committee every other week, due to low case volume. Going forward these cases will be reviewed with all the other restrictive housing cases on a weekly basis.

## **DOC Response to OCO Recommendation #2**

- **Medical Holds:** The department authorized a special project in early 2023 to review all medical holds for individuals in restrictive housing. The lists of medical holds have been pulled and are currently being reviewed by clinical staff. Once these reviews are submitted to the Deputy Director for Health Services, the Health Services leadership team will collaborate with the Classifications Unit leadership team to strategize action plans moving forward. The information gathered from this project will improve the department's approach to medical holds and will contribute to a stronger foundation between the Prisons and Health Services administration creating better support for the incarcerated population.

## **DOC Response to OCO Recommendation #3**

- **Transfer Pod Protocol:** A communication has been sent out to all restrictive housing staff statewide that states that individuals do not need a facility transfer plan in place to be moved into a transfer pod. Restrictive housing staff have also been reminded that the only disqualifying factor for placement in a transfer pod is a maximum custody designation. We have and will continue to communicate and reinforce this protocol throughout the prisons division by including this messaging as a regular agenda item in statewide meetings.

## **DOC Response to OCO Recommendation #4**

- **WSP 440.000 Operational Memo:** The Washington State Penitentiary updated WSP 440.00 pertaining to how consumable items are managed by staff for individuals in restrictive housing. These updates allow for property room employees to send allowable consumable items to the individuals living unit after appropriate inventory has occurred; additionally, if an individual has an approved transfer within 60 days of arriving in restrictive housing all consumables will be transferred with the individual. Consumable items will continue to not be sent to long-term storage. The facility leadership and headquarters leadership have scheduled a meeting in October to further discuss these changes.

## **DOC Response to OCO Recommendation #5**

- **Review of All Individuals Housed in Restrictive Housing:** The department has recently hired a Mission Housing Manager who will begin conducting regular and reoccurring reviews of all individuals in restrictive housing. Through these reviews, each individual currently in administrative segregation will have all documentation related to their placement in administrative segregation reviewed. After each review the Mission Housing Manager will make recommendations to leadership for appropriate placements should that be different than the current placement.

- Additionally, a memo was distributed by the Senior Director for Comprehensive Case Management which states that individuals over the age of 60 will need to be reviewed by HQ Classification Management prior to being assigned close custody. The memo is attached for reference.

## August 10, 2023, OCO Letter to the DOC



STATE OF WASHINGTON  
**OFFICE OF THE CORRECTIONS OMBUDS**  
P.O. Box 40009 • Olympia, Washington 98504 • (360) 664-4749

August 10, 2023

Sean Murphy, Deputy Secretary  
Department of Corrections  
PO Box 41100  
Olympia, Washington 98504-1100

RE: RESTRICTIVE HOUSING

Investigative Rec.  
Investigative Rec.  
Investigative Rec.

Deputy Secretary Murphy:

The Office of the Corrections Ombuds has recently received an increase in concerns about individuals held in restrictive housing. Ad-seg placement, classification changes, medical holds, and transfers can leave incarcerated individuals in restrictive housing for months without a clear expectation of when they will return to general population. Policy and procedure changes need to occur for the Department of Corrections to meet its goal of minimizing the use of solitary confinement by 90 percent in the next five years. Determining appropriate placement and transfer of individuals in restrictive housing should be considered an urgent matter for Department leadership.

The following case examples are active concerns the Office of the Corrections Ombuds (OCO) has attempted to resolve multiple times at the lowest levels possible. We are now asking that DOC leadership review these situations and respond to the OCO with options for resolution.

### CASE EXAMPLES

Investigative Rec.



Investigative Rec.

Investigative Rec.

Investigative Rec.

Investigative Rec.

### RECOMMENDATIONS

The OCO asks DOC leadership to review and respond to the following recommendations:

- **RECOMMENDATION #1: Update DOC 300.380.** There are currently no timelines in Section VI. Facility Assessment and Transfer, which leaves open-ended timeframes with no sense of urgency for individuals housed in restrictive housing. LWOP sentences have even more steps than other sentence structures, which can create barriers and delay processes.

- **RECOMMENDATION #2: Medical holds need to be monitored.** If an individual is housed in a facility without housing for their classification on a medical hold, then the individual needs to be quickly moved to the appropriate facility or given an override. DOC must identify a clear protocol to ensure this process is monitored consistently and designate a staff role.
- **RECOMMENDATION #3: Create a clear protocol for Transfer Pods.** It is unclear if all facilities wait until a transfer is finalized by HQ before an individual is moved to a transfer pod or if some facilities have created their own operational memos and handbooks. It should be a uniform process with exceptions for individuals whose transfer plans are stalled at HQ Classifications.
- **RECOMMENDATION #4: Update WSP 440.000 operational memo.** WSP operational memo regarding food disposal after thirty days should be updated to eliminate unnecessary punishments for individuals who are housed in restrictive housing through no fault of their own.
- **RECOMMENDATION #5: Review all individuals housed in Restrictive Housing.** OCO recommends that the DOC review all individuals currently in restrictive housing and make it a priority to move them to appropriate placements. During this review the DOC should identify if DOC is within current policy and what DOC policy should be adjusted to streamline the process.

Sincerely,



Caitlin Robertson, PhD  
Director

cc: Cheryl Strange, Secretary  
Don Holbrook, Assistant Secretary Men's Prisons Division  
Jeannie Darneille, Assistant Secretary Women's Prisons Division  
David Flynn, Assistant Secretary Health Services Division  
Dr. Mary Ann Curl, Chief Medical Officer  
Scott Edwards, Assistant Secretary Budget, Strategy, and Technology  
John Campbell, Senior Director – Comprehensive Case Management

## Redaction Log

Total Number of Redactions in Document: 6

### Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	Investigative Rec.	This record is confidential as an "other statute" per RCW 42.56.070 and per RCW 43.06C.060(3), which provides that "[a]ll records exchanged and communications between the office of the corrections ombuds and the department to include the investigative record are confidential and are exempt from public disclosure under chapter 42.56 RCW." The redacted text is part of the investigative record and is therefore confidential.	2
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## September 18, 2023, DOC Letter to the OCO



September 18, 2023

Dr. Caitlin Robertson  
Office of the Corrections Ombuds  
PO Box 40009  
Olympia, WA 98504-1100

RE: Restrictive Housing

Dear Dr. Robertson,

The Agency is in receipt of your letter dated August 10, 2023, concerning restrictive housing.

In 2021, the legislature swept nearly 80 million dollars in Department of Corrections funding requiring DOC to close 18 living units across 8 facilities. These changes were the result of a combination of factors external to the agency, including the Blake decision where the courts declared simple possession unconstitutional creating the release of a high volume of low risk incarcerated individuals. This coupled with a number of sentencing alternatives enacted by the legislature over the last decade set the stage for us to need to reevaluate our bed use. Those unit closures created significant impacts on our system and limited our ability to move individuals around the agency and provide appropriate housing.

Since then, the department has fully recognized the need to create more space at higher custody levels to alleviate the need for those who may be held in administrative segregation beyond the 30-day decision point. As you know, the department is required by policy to make a decision at the 30-day mark that includes one of the following: 1) a referral to max custody, 2) release to general population or 3) to remain on administrative segregation status pending transfer to a suitable facility, because of individual placement needs.

The housing determinations of persons in administrative segregation are acted upon as urgent matters and the Department takes housing considerations seriously. As you know, we hold the responsibility and have the authority to keep people in our care and custody safe.

We have reviewed the case examples that you summarized in relation to the recommendations in your letter. Please see the following:

- Investigative Rec. [REDACTED]
- Investigative Rec. [REDACTED]
- Investigative Rec. [REDACTED]

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In addition, you make several recommendations in your letter. Our response to the recommendations are outlined below.

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### **Recommendation #1 Response**

#### **Policy 300.380 Update**

Headquarters Classification is looking at options to improve processes and remove barriers throughout our classification process with an eye towards the new classification model and significant changes that new model will bring to our system. Throughout the implementation of the project to reduce solitary confinement by 90%, policy 300.380 will be updated accordingly. This will be ongoing, and there is no current timeline for the next update. Though we are waiting to implement many of the changes until this model is in place, the team has strategized interim improvements that can be made.

#### **Life Without Parole (LWOP) Restrictive Housing Case Review**

Currently, LWOP cases are reviewed by the Headquarters Community Screening Committee every other week, due to low case volume. Going forward these cases will be reviewed with all the other restrictive housing cases on a weekly basis.

### **Recommendation #2 Response**

#### **Medical Holds**

The department authorized a special project in early 2023 to review all medical holds for individuals in restrictive housing. The lists of medical holds have been pulled and are currently being reviewed by clinical staff. Once these reviews are submitted to the Deputy Director for Health Services, the Health Services leadership team will collaborate with the Classifications Unit leadership team to strategize action plans moving forward. The information gathered from this project will improve the department's approach to medical holds and will contribute to a stronger foundation between the Prisons and Health Services administration creating better support for the incarcerated population.

### **Recommendation #3 Response**

#### **Transfer Pod Protocol**

A communication has been sent out to all restrictive housing staff statewide that states that individuals do not need a facility transfer plan in place to be moved into a transfer pod. Restrictive housing staff have also been reminded that the only disqualifying factor for placement in a transfer pod is a maximum custody designation. We have and will continue to communicate and reinforce this protocol throughout the prisons division by including this messaging as a regular agenda item in statewide meetings.

### **Recommendation #4 Response**

#### **WSP 440.000 Operational Memo**

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arriving in restrictive housing all consumables will be transferred with the individual. Consumable items will continue to not be sent to long-term storage. The facility leadership and headquarters leadership have scheduled a meeting in October to further discuss these changes.

**Recommendation #5 Response**

**Review of All Individuals Housed in Restrictive Housing.**

The department has recently hired a Mission Housing Manager who will begin conducting regular and reoccurring reviews of all individuals in restrictive housing. Through these reviews, each individual currently in administrative segregation will have all documentation related to their placement in administrative segregation reviewed. After each review the Mission Housing Manager will make recommendations to leadership for appropriate placements should that be different than the current placement.

Additionally, a memo was distributed by the Senior Director for Comprehensive Case Management which states that individuals over the age of 60 will need to be reviewed by HQ Classification Management prior to being assigned close custody. The memo is attached for reference.

As the department continues to work through the implementation of our solitary confinement transformation and additional updates are made, we will provide updates to the Office of Corrections Ombuds.

Sincerely,



Sean Murphy  
Deputy Secretary

cc: Cheryl Strange, Secretary  
Don Holbrook, Assistant Secretary, Men's Prisons Division  
Jeannie Darneille, Assistant Secretary, Women's Prisons Division  
David Flynn, Assistant Secretary, Health Services Division  
Scott Edwards, Assistant Secretary, Budget, Strategy, and Technology  
Melena Thompson, Executive Policy Director  
Dr. MaryAnn Curl, Chief Medical Officer  
John Campbell, Senior Director, Comprehensive Case Management

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## August 14, 2023, DOC Memo re: Close Custody Assignments for Aged Individuals



STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
Comprehensive Case Management  
P.O. Box 41128 Olympia, WA 98504-1128

August 14, 2023

To: HQ Classification Unit

From:  John Campbell, Senior Director, Comprehensive Case Management

Re: CLOSE CUSTODY ASSIGNMENTS FOR AGED INDIVIDUALS

Until further notice, any incarcerated individual who is 60 years old or more and whose custody level is being determined by HQ Classification may not be assigned Close custody without one of the Statewide Classification Managers, HCSC, or the Classification and Case Management Administrator completing the CFP in OMNI. This is one segment of our population that is particularly at-risk in Close custody environments; furthermore, such placements tax the resources of the facilities, as they must dedicate more staff and time to watching and protecting these individuals, which is the only risk they pose. This is not a blanket denial of Close custody to our more senior incarcerated individuals but is instead a way to ensure we are being thoughtful and deliberate about this population and where it is to be housed within our system while remaining acutely aware of risk to the agency.

If you have any questions, comments, or concerns, you may address them to Joiann, Mark, Gary, or me.

JC:gb

cc: Sean Murphy, Deputy Secretary  
HQ Transportation  
File

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