

Representative Strom Peterson – Solitary Confinement Working Group Meeting
February 6, 2019

- Representative Peterson would like to replicate changes made in solitary practices in King County juvenile system in correctional systems statewide, Columbia Legal, ACLU of WA, Disability Rights WA, King County adult correctional facility rep
 - Two years ago CLS was getting reports of youth being held in long term solitary in adult jails
 - Youth had been charged as adults, auto-decline
 - Vast majority were at RJC in Kent, WA
 - Administrative and disciplinary reasons cited for solitary
 - Some youth held 13 months, only being let out 15 minutes a day in some cases, sometimes denied getting out of cells for many days in a row
 - Lack of access to educational programs
 - CLS and ACLU of WA (Team Child) sued King County
 - Has resulted in much more limited use and also in youth being housed in youth service center instead of RJC, use of isolation is limited in YSC
 - King County passed ordinance limiting use of isolation to four hours for youth, requires immediate mental health intervention, requires significant record keeping, requires access to commensurate programming and education services.
 - Adults are still being held in long-term isolation, King County is currently working on this.
 - A monitor has just submitted a report to King County? Not yet public.
 - King County ordinance prohibits use of solitary for punitive purposes for youth, which is in keeping with best practices in other jurisdictions. Was the case that solitary was being used if kids said swear words or talked after nighttime quiet hours
 - Brought King County into compliance with new ACA guidelines.
 - There is a good national model we can now pull from to develop what best practices look like in Washington
- In attendance: DOC, ACLU of WA, Disability Rights WA, Statewide Family Council, Office of Corrections Ombudsman, non-partisan public safety legislative staff, other legislative staff, Columbia Legal (via phone)
- Rep. Peterson would like to see some tracking of use of solitary, “restrictive housing”, in both county jails and DOC prisons, for youth and adults
- Steve Sinclair – DOC is not yet done making reforms it intends to implement. Sinclair’s overview:
 - Around 1984/1986, Washington was one of the first states to build a max security unit, at WSP. Was part of national trend.
 - About twenty years ago a UW professor (Dr. Lovell?) was invited in to help reform how max custody was managed, met with a lot of resistance from local facility staff
 - 2011 – partnered with Vera Institute of Justice regarding “restrictive housing”, Sinclair was Prisons Deputy Director, took Dr. Angela Brown around the state, she recommended a lot of reforms and changes. The vast majority of these were embraced, but again, had difficulties getting staff on board.

- 2012 – Adjusted and updated restrictive housing policy. Prior to that, people could go into admin seg to await decision for whether prisoner could be placed in max custody for 180 days, was reduced to 47
- 2012 – also added “congregate programming for individuals”, “was a hard sell” (line staff?), up to then all classes had been individual.
- “Nortenos and Serrenos are the pain in our side as gangs...”, were able to be in group classes together. “Those graduations are a tear jerker, because you do see change in those individuals”
- Tim Thrasher’s position created in 2013, admin level person focused on management of restrictive housing
- 2015 partnered with DRW, had a national expert evaluate WA DOC system, made recommendations, DOC has implemented about 80% of these, but many of remaining recommendations require infrastructure reconstruction
- ASCA group? WA DOC helped inform the recommendations that then informed DOJ and ACA standards and guiding principles.
- 2016 – Partnership with UC Irvine, Dr. Lovell was part of this group. They are coming in and doing thorough analysis, includes discussion with prisoners and staff. Final report will be out later in 2019.
- This research will allow more informed policy decisions.
- Sinclair says this in unprecedented body of research and review
- 2018 – with death penalty being eliminated allowed death sentence population to be moved into general population (with exception of “one of those individuals”)
- WA state and 16 others have worked with Vera Institute on reforming solitary practices
- DOC has submitted application for this Vera program? Now awaiting approval. Wants to get Vera “back in the house”
- Vera wants 20% reduction in use of solitary
- In Sinclairs role with ASCA national directors, he sees some good stuff happening nationwide. Expansion of time outside of cells, and expansion of group classes to get more social interaction.
- He sees “room to grow” in reducing time spent in solitary, and changes in list of things requiring admin seg
- Different prisons in state have different standards for what they consider “severe” violations, DOC HQ is trying to make standards consistent statewide. Also want to implement 30-day review period, down from 47- day period. Would be max time a person could be in administrative segregation.
- “I’m not saying we’re perfect, because we’re not...but we are responsive, and we’re willing to learn and grow” – Sinclair
- Sinclair’s worst job he’s had in his 30 years in the department was the couple of years he spent in the IMU units. He recognizes brain science research on effects of solitary
- “In our evolution, we’ve put a much greater emphasis on mental health” – Sinclari
- Tim Thrasher:
 - Staff need time to “wrap their brains around” changes as we evolve, they are accustomed to using solitary to control and detain

- Trying to keep people with cognitive problems out of solitary, recognize that such people require staff with special training to not become a safety threat. “We are looking to identify locations for those folks”, looking to develop appropriate staff training.
 - Says they need more resources to expand education programs, not enough staff to escort IMU prisoners to educational classes.
 - DOC is currently adjusting restrictive housing WAC (to include effect on earned time credit...DOC wants to ensure that if they are meeting expectations and completing programming, they aren’t losing good time)
 - Sinclair admits that imposing programming in IMU has created a bottleneck of people waiting to get out, increases time in IMU
 - Tim Thrasher has created step down unit at MCC to help people adjust when transitioning from IMU to general population. They get some dayroom time to interact with others. (Upon earning Level 5) Person interacts with staff and other prisoners without restraints. Now looking at how to model this in IMUs across the state
 - Tim: “Our staff are concerned about their safety” “want to feel like they’re heard” “we have union staff at the table to be a part of this discussion”
 - 2011 over 1600 people in IMU, has now been cut in half. Around 300 to 350 in max custody now, usually due to gang violence.
 - Violence in General Population has been reducing, as has restrictive housing violence. Proves staff fear factor wrong. Staff assaults and use of force have come down with changes. “Some staff see that, some staff don’t” -Sinclair
 - “We’re always trying to share the data with our staff” – Tim Thrasher
 - “We negotiated some language to give us a better opportunity to get the right people working in those units” – Steve Sinclair (in a previous collective bargaining agreement? Or most current one?) They had success making this a special position, unlike with visiting room positions.
 - Report Pacholke and Mullins wrote details things that Pacholke learned from WA DOC?
 - Thrasher: Goal is to improve quality of life for people in solitary and still have people be safe
- Families express concerns about harmful medical practices, excessive cold, lack of attention to well-being of people in solitary
- Steve Sinclair:
 - “There might be one-off bad exchanges, but if it is a matter of routine, I don’t believe that would be tolerated in our system” (responding to family member who cites antagonistic relationships between staff and prisoners in solitary)
 - Thrasher says solitary prisoners no longer have access to inter-library loans. Says that prisoners have written staff addresses on the books from public records requests.
- Peterson is on Capitol Budget Requests committee and is now overseeing Capitol Budgets for DOC, so can now influence how those funds are used to do something like build libraries, build better family environment, etc. Infrastructure projects in prisons that would improve reentry outcomes.

- ACLU of WA has assessed all county jail policies for youth and solitary – some counties’ policies have extremely abusive practices for putting youth in solitary as punitive measure, in some cases have even denied youth access to toilets for days on end.
- UN Standards for abolishing indefinite solitary, prolonged solitary (more than fifteen days), solitary for youth and mentally ill
- New Mexico’s recent law that covers all correctional jurisdictions (state and county, youth) had some good language. 15-day max is becoming a best practice standard. New Jersey tried to pass a statute, but Governor vetoed. Colorado created a working group but no law yet?
- A lot of states are really looking at 15-day standard and eliminating use for mentally ill
- A lot of counties operate on 23 and 1 standards, so is de facto solitary. (In this state.)
- DRW – has seen overall population decrease, but hasn’t seen the changes they want to see in length of time spent in solitary. Still seeing people who spend years in solitary. Want a better standard for what DOC has to show if it is going to hold someone longer than fifteen days.
- OCO – Tracking and accountability, Joanna Carns encourages DOC to share data. We need tracking at local facilities to properly monitor.
- We had jail standards decades ago, but have stopped. And now 36 county jails are all doing their own thing, and there is no tracking, no standards, no administrator to turn to.
- Thrasher: How do we make restrictive housing accommodating enough so it works but not so pleasant that people don’t want to leave. Thrasher says up to 10-15% of people don’t want to leave solitary.
- Next steps: Peterson will touch base with staff and discuss either putting a bill together or additional working groups. A bill at this time would likely just be a straw man test, but would be a good practice run.