

March 9, 2020

Washington Department of Corrections
Secretary Stephen Sinclair
7345 Linderson Way SW
Tumwater, WA 98501-6504

Re: Exclusion of Statewide Family Council from Collaborative Work with Vera Institute on Solitary Confinement Reform in Washington State Prisons

Dear Secretary Sinclair,

We are writing to formally request that representatives of the Statewide Family Council be proactively included in the Washington Department of Corrections (WA DOC) collaborative work with the Vera Institute on solitary confinement (a.k.a. administrative segregation, restrictive housing, intensive management, involuntary protective custody, etc.) policy reform and information sharing. Families of WA DOC prisoners are regularly and directly affected by WA DOC's solitary confinement practices and are therefore primary stakeholders that ought to be included in shaping comprehensive policy reforms. In an October 28, 2019 WA DOC press release announcing WA DOC's work with Vera, you are quoted as saying: "We know there is more we can do. We look forward to learning from Norway and working with Vera **and other stakeholders** to achieve these reforms and continue our work to positively change lives." However, some stakeholders in your agency's system are still waiting to be included in WA DOC's solitary confinement reform work. Solitary confinement is the area of DOC's operations that imposes the most serious psychological harm and disruption to both prisoners and their broader family unit, and it is a grave error for WA DOC to exclude families and prisoners themselves from participating in collaboration on reform efforts.

On February 6, 2019, Representative Strom Peterson convened a solitary confinement working group of representatives from WA DOC, the Statewide Family Council, the Office of Corrections Ombuds, ACLU of Washington, Disability Rights Washington, Columbia Legal Services, and the King County Jail to set expectations for stakeholder inclusiveness in shaping solitary confinement policy in Washington State. However, in the year since that meeting WA DOC has consistently excluded the Statewide Family Council from its work on solitary confinement policy reforms with the Vera Institute and has not practiced transparency in information sharing about this work.

Loved ones of WA DOC prisoners filed a public records request with the Washington State Office of the Governor on November 4, 2019, which enabled Statewide Family Council members to obtain a document WA DOC submitted to the Office of the Governor in October 2019 outlining WA DOC solitary confinement reform goals and status updates (see Appendix, Vera Briefing). Only in this way was the Statewide Family Council able to obtain any information on WA DOC's work with the Vera Institute between February 6, 2019 and January 2020. Please note that DOC's briefing to the Governor's Office mentions including stakeholders other than the Statewide Family Council in solitary confinement reform goal setting, but conspicuously makes no mention of including the Statewide Family Council.

On January 15, 2020 Representative Strom Peterson took the initiative to connect Statewide Family Council Secretary Loretta Pedersen directly with the Vera Institute, establishing the only direct avenue of communication between families of prisoners in the WA DOC system and the Vera team collaborating with WA DOC on solitary confinement reform. We are grateful that Representative Peterson did this, and we are also disappointed that WA DOC did not take the initiative to do so itself. On December 26, 2019 Family Council Secretary Loretta Pedersen emailed you, Secretary Sinclair, to let you know that WA DOC's Vera Briefing had been obtained, and to invite you to come retroactively present to the Statewide Family Council on WA DOC's work with Vera. You then agreed to present on the topic at the upcoming March 21, 2020 Statewide Family Council meeting. While this is appreciated, it would have been preferable for you to have been the one to initiate doing so.

Until coronavirus concerns resulted in postponement, WA DOC's Restrictive Housing Steering Committee was scheduled to meet with the Vera Institute in Eastern Washington on March 12, 2020. Note that the Statewide Family Council had not even been informed that WA DOC has a Restrictive Housing Steering Committee, let alone that any working group meetings were planned. Families of prisoners most certainly were not invited to participate in any aspect of this committee or its work with the Vera Institute. On March 5, 2020 Statewide Family Council Secretary Loretta Pedersen emailed WA DOC Executive and Prisons Division leadership to inquire as to whether a Statewide Family Council Representative might be included in this steering committee meeting with Vera. In an email from Command B Prisons Deputy Director Jeneva Cotton, Pedersen was told the following:

We sincerely appreciate your interest in the work surrounding Restrictive Housing in WA DOC. However, at this time, this is an internal workgroup only. ...I can commit that DOC will provide information to the SFC in a timely manner and present information appropriately... As always, community stakeholders and loved ones are welcome to provide input on DOC policies via electronic submission as follows: Visit the WA DOC website (www.doc.wa.gov). Click on "More", then "DOC Policies" (<https://doc.wa.gov/information/policies/default.aspx>). Once on the Policies page, under Quick Links on the left-hand side, click on "Policy Revision Feedback Survey" – This will take you to a form where you can specify which policy, and provide your feedback. When a policy is under revision, ALL comments and feedback received from this process are submitted to the Policy Author for review, consideration and potential follow-up...

Deputy Director Cotton's response is not a satisfactory response, for multiple reasons. It is a dismissive and, frankly, condescending response that has not been received well by many members of the Statewide Family Council. While those of us writing you this letter will certainly be submitting suggested revisions to DOC Policy 320.255 Restrictive Housing via the generic public input form identified by Deputy Director Cotton, members of the Statewide Family Council wish to be more actively and meaningfully included in collaborative solitary confinement reform efforts.

WA DOC has made quite the public show lately—in its 2019–2023 Strategic Plan, in its social media posts, in its press releases, and in its public presentations—of announcing plans to implement Norwegian style cultural reforms in its prisons and its organizational practices. However, in practice, and in communications outside of the public view, WA DOC is still setting the practices of other American state correctional agencies as its true bar for achievement, as evidenced by the following March 5, 2020 email excerpt from Deputy Director Cotton:

I think you would be hard-pressed to find another state correctional agency that values family input to the extent Washington does, or includes them as we have in several areas. Regardless of that, this is an area where we are working directly with the organization we have contracted to work with. I

hope you can appreciate the sensitive nature of this work and understand that, as stated previously, we will share appropriate information in a timely manner.

Contrary to what Deputy Director Cotton asserts, WA DOC has not shared information on its work with the Vera Institute with the Statewide Family Council in an appropriate or timely manner. As the Office of Corrections Ombuds 2019 Annual Report notes, WA DOC has a habit of operating in a siloed, compartmentalized manner that shuts out relevant stakeholders, both within and outside of its own organizational chart. While WA DOC may find it inconvenient or even undesirable for families of prisoners to share their experiences and knowledge of WA DOC solitary confinement practices directly with the Vera Institute at Restrictive Housing Steering Committee meetings, it is crucial to public safety and broader well-being of Washington state communities that they be allowed to do so. As Carpenter and Kennedy note in *Managing Public Disputes: A Practical Guide for Professionals in Government, Business and Citizen's Groups*—the standard textbook on best practices for government agencies collaborating with citizens, and a book that Prisons Division Deputy Director Scott Russell so thoughtfully obtained in 2018 at the request of a Statewide Family Council member—government agency efforts that exclude key stakeholders from collaborative meetings are doomed to fail, to waste taxpayer money, and to create unnecessary barriers to implementation of needed projects and reforms. In the context of a prison system, excluding key stakeholders also presents a security risk, not only due to inevitable stakeholder discontent, but also due to WA DOC depriving itself of the opportunity to learn what prisoners and their families know about countless small and subtle ways current WA DOC staff practices in Intensive Management Units exacerbate prisoner mental health issues and aggression in ways that compromise staff safety and long-term public safety goals.

We request that WA DOC establish a proactive, inclusive avenue for the Statewide Family Council to participate in collaborative efforts to reform WA DOC solitary confinement practices, and that WA DOC establish transparent and timely communication with the Statewide Family Council on its work with the Vera Institute. Thank you for considering our request.

Sincerely,

Suzanne Cook, *SFC Co-Chair*
Loretta Pedersen, *SFC Secretary*
Karen Casey, *WSP LFC*
LTC Byron Coates, *MCC LFC*
Jeff Conner, *MCC visitor*
Felix D'Allesandro, *MCC rep to SFC*
Wendy Dubinsky, *WSP rep to SFC*
Michelle Foxx, *MCC LFC*
Yoshi Garcia, *AHCC rep to SFC*
Kathy Lorton, *WSP LFC*
Dave Bullard, *MCC LFC*
Jody Bullard, *MCC LFC*
Susan Cooksey, *SCCC LFC*

Laurie Dawson, *WCCW LFC*
Heather Dockery, *SCCC LFC*
Noreen Light, *SCCC LFC*
Chelsea Moore, *MCC visitor*
Joanne Pfeiffer, *MCC LFC*
Lynda Powers, *WCCW LFC*
Cindy Robinson, *WCCW LFC*
Diane Sifres, *SCCC LFC*
Melody Simle, *loved one in Community Corrections*
Dora "Duaa-Rahemaah" Williams, *WCC rep to SFC*
Carol Welch, *MCC LFC*
Julie Winkler, *OCC rep to SFC*
Linda Wojciechowski, *WCCW LFC*

cc: Julie Martin, *WA DOC Deputy Secretary*
Robert Herzog, *WA DOC Assistant Secretary*
Jeremy Barclay, *WA DOC Engagement and Outreach Director*
Scott Russell, *WA DOC Prisons Deputy Director, Command A*
Jeneva Cotton, *WA DOC Prisons Deputy Director, Command B*
Tomas Fithian, *WA DOC Prisons Deputy Director, Command C*

Tim Thrasher, *WA DOC Mission Housing Administrator*
Representative Strom Peterson, *21st Legislative District*
Senator Jeannie Darneille, *27th Legislative District*
Senator Claire Wilson, *30th Legislative District*
Representative Roger Goodman, *45th Legislative District*
Representative Lauren Davis, *32nd Legislative District*
Senator Bob Hasegawa, *11th Legislative District*
Sonja Hallum, *Governor's Office Senior Policy Advisor, Public Safety*
Joanna Carns, *Office of Corrections Ombuds*
Elena Vanko, *The Vera Institute*
Rachael Seevers, *Disability Rights WA*
Nick Allen, *Columbia Legal Services*
Nancy Talner, *ACLU of Washington*
Jaime Hawk, *ACLU of Washington*
Dr. Katherine Beckett, *University of Washington Law, Societies & Justice*
Dr. Steve Herbert, *University of Washington Law, Societies & Justice*
Dr. Megan Ming Francis, *University of Washington Law, Societies & Justice*
Dr. Dan Berger, *UW Bothell School of Interdisciplinary Arts & Sciences*
Dr. Christopher Beasley, *UW Tacoma School of Interdisciplinary Arts & Sciences*
Christopher Poulos, *Washington Statewide Reentry Council Executive Director*
Joseph O'Sullivan, *The Seattle Times*
Austin Jenkins, *The Northwest News Network*
Mike Baker, *The New York Times*

Appendix: WA DOC Vera Briefing

Vera Briefing

Partnership with WADOC and the Vera Institute of Justice's new initiative, "Safe Prisons, Safe Communities: From isolation to Dignity and Wellness Behind Bars."

We are one of two corrections departments Vera is partnering with to provide technical assistance over the next 18 months. The goal of the overall partnership will be to help WADOC design and implement innovative reforms that build on the department's past efforts, in order to achieve additional, significant progress in safely reducing the use of restrictive housing, working towards becoming a national model in restrictive housing reform.

Overarching Goals:

- Eliminating the use of restrictive housing in response to non-violent, low-level behaviors, and for particularly vulnerable populations—including youth under 18 and people with serious mental illness.
- Significantly reducing the length of time people spend in restrictive housing, moving towards a long-term goal of ending prolonged restrictive housing.
- Improving conditions in restrictive housing units, including but not limited to a less isolated environment, additional out-of-cell time, opportunities for meaningful human contact, and access to programs and services.
- Addressing any racial and ethnic disparities present in the use of restrictive housing.
- At least a 20 percent decrease in the department's total restrictive housing population by the end of the partnership in September 2020, putting the department on the path to reach a long-term goal of reducing the population in restrictive housing by at least 50 percent in the next four years.

Status of Project:

- ✓ Kicked off project – May 13, 2019 at Evergreen State College
- ✓ Communication with DOC (HQ, facility leadership, selection of facility staff) – May – July 2019
- ✓ Communication with external stakeholders (Ombuds, DRW) initial was June 2019 and is ongoing.
- ✓ Implementation structure set-up (RHSC and sub-committees) May-July 2019
- ✓ Finalization of Memo of Understanding -- September 2019

- ✓ A WADOC Restrictive Housing Guiding Principles document has been completed – September 2019
- ✓ Restrictive Housing Steering Committee (RHSC) Facility Sub Committees have formed and are meeting to implement reforms.
- ✓ VERA has observed MAX committee, Direct Release Committee and several other RH staff activities.
- ✓ VERA has participated in three RHSC and is aware of the departments numerous competing resources (capacity, violators, transgender etc..)
- ✓ VERA is very interested in the results DOC process and has been provided information.
- ✓ RH data points are being evaluated and enhanced as needed.
- ✓ An initial 16 month work plan has been approved.
- ✓ VERA has reviewed the Restrictive Housing Policies, they are currently with the Policy Office.