



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON/REENTRY
FACILITY/SPANISH MANUAL

REVISION DATE
9/7/21

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DOC 120.500

POLICY

TITLE
TORT CLAIMS BY INCARCERATED INDIVIDUALS

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Reviewed only. No content changes.


APPROVED:

Signature on file

CHERYL STRANGE, Secretary
Department of Corrections

11/9/22

Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 4.92](#)

POLICY:

- I. All incarcerated individual tort claims alleging personal property damage/loss must be filed by the individual with the Washington State Department of Enterprise Services (DES) Risk Management Division. The Department does not assume responsibility for filing claims with the DES Risk Management Division.
- II. Payment of claims and judgments arising out of tortious conduct will only be made by the DES Risk Management Division. The DES Risk Management Division will authorize and direct the payment of monies from available fund resources.

DIRECTIVE:

- I. Responsibility
 - A. Employees, contract staff, volunteers, and incarcerated individuals are responsible for complying with Department policy and operational memorandums related to handling an individual's personal property.
 - B. Tort claim investigations are requested by the DES Risk Management Division and should be considered non-disclosable Privileged Work Product prepared in anticipation of litigation. Department employees, contract staff, and volunteers will cooperate with tort claim investigations and should only discuss tort claims with appropriate employees assigned to investigate the claims.
 - C. Each Superintendent and the Reentry Center Administrator will assign an employee responsible for managing facility tort claims.
 1. The Tort Claim Manager will:
 - a. Develop a procedure for processing tort claims.
 - b. Ensure [Washington State SF 210 Tort Claim Form Packet](#) is available to individuals upon request.
 - c. Ensure DOC 05-100 Tort Claim Log is maintained.
 - d. Ensure tort claim investigations are initiated and completed within 30 business days.

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- e. Review investigative reports and make appropriate recommendations to facility management.
 - f. If the investigation reveals another facility's involvement, ensure that a copy of the claim and any relevant investigation details are sent to that facility and the DES Risk Management Division.
2. In Prisons, the Tort Claim Manager will ensure coordination with the facility's Resolution Specialist and Legal Liaison Officer.

II. Processing of Tort Claims

- A. Individuals will complete Washington State SF 210 Tort Claim Form Packet and mail it to the DES Risk Management Division address noted on the form.
- B. Upon receipt, the DES Risk Management Division will review the claim and assign it to the appropriate office for investigation.
 1. Claims will be sent to the Tort Claim Manager electronically. The Tort Claim Manager is responsible for downloading claims within the designated timeframes.
 2. Non-property tort claims will be managed by the DES Risk Management Division.

III. Investigating Claims

- A. The Tort Claim Manager will:
 1. Initiate DOC 05-785 Personal Property Claim Investigation Report when assigning an investigation.
 2. Assign an employee who is not involved in the allegations to investigate the tort claim as quickly as possible.
- B. The investigator will:
 1. Contact and interview individuals with concrete evidence linking them to the claim. An explanation should be provided when named witnesses are not contacted.
 2. Review all related documentation.
 3. Submit DOC 05-785 Personal Property Claim Investigation Report to the Tort Claim Manager for review.

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- C. The Tort Claim Manager will forward the investigation report to the Superintendent or Reentry Center Administrator for approval.
- D. The investigation report will be sent to the DES Risk Management Division within 30 business days of receipt of the claim. An extension may be granted due to special circumstances.

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

None

DOC FORMS:

DOC 05-100 Tort Claim Log

DOC 05-785 Personal Property Claim Investigation Report