



WASHINGTON STATE

Department of Corrections

Resolution Program Manual

Washington State Department of Corrections

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Introduction to the Resolution Program

Purpose

The Department of Corrections' Resolution Program is an unbiased, internal resolution and appeal system that promotes effective communication between employees/contract staff/volunteers and individuals under the Department's jurisdiction in an effort to resolve concerns at the lowest possible level.

In order to facilitate a positive, prosocial environment, the Resolution Program was developed with the intent of reducing violence and providing employees/contract staff/volunteers and the individual with an example of appropriate and equitable behavior.

Philosophy

The Resolution Program offers access to a process which allows for meaningful communication and resolution of concerns to produce a fair and just conclusion. It offers a collaborative and expeditious approach to fair and appropriate solutions to a wide variety of conflicting situations.

The Resolution Program is an open forum through which individuals can seek administrative remedies to their concerns and open up communication.

This manual explains how and when an individual can access the Resolution Program and provides employees/contract staff/volunteers with information and direction needed to support the Resolution Program locally.

The Resolution Program

Provides for the Department:

- A management tool for administrators to be informed of developing trends and specific concerns so they can be addressed in a timely manner
- A means to reduce conflict between individuals and the Department
- Administrative remedies to avoid unnecessary burden on courts

Provides for the individual:

- A voice in policies and procedures
- An avenue for every individual to have their resolutions heard and resolved in a professional manner
- An administrative, formal review and resolution process when a quick, or informal, resolution is not applicable
- Fair and prompt decisions or actions in response to concerns

Changes to Policy, Procedure, and Practice

The Resolution Specialist is the first point of contact in addressing important concerns. Resolution Specialists consult with employees/contract staff of all job classes and submit recommendations to the proper authority when changes to policies, procedures, or practices are warranted. Resolution Specialists are also tasked with advising individuals when change is not warranted and explain the reason(s) for the decision in their response.

Structure of the Resolution Program

Level Structure

Level 0: This is the informal resolution stage. A Resolution Specialist will:

- Determine if the Resolution Request is acceptable or not (following guidelines outlined in this manual)
- Send the Resolution Request back for more information or rewrite if necessary
- May attempt to informally resolve the concern or promote accepted concerns for a Level I review (Individuals have the option to appeal the informal resolution)

Level I: First formal review and the response is provided by the facility Resolution Program (Resolution Specialists can respond at Level 0 and Level I)

Level II: Second formal review and the response is provided by the Superintendent/Community Corrections Supervisor/Field Administrator/designee or Health Services Administrator for medical-related resolutions

Level III: Third and final formal review and the response is provided by the Deputy Secretary/designee. It will be assigned for review by a Headquarters Resolution Specialist. This is the Department's last level of review, thus exhausting the individual's formal administrative remedy.

Health Services Concerns (Medical, Dental, or Mental Health)

All Level 0 concerns regarding a health services issue will be screened by the facility Resolution Specialist and either accepted as a review or sent to the Health Services Manager 1 (HSM1) for review in an attempt at an informal resolution. If unable to informally resolve at Level 0 within the established timeframe, the concern will be accepted and assigned to the HSM1 as a Level I review. The HSM1 can respond to the Level 0 and review the Level I.

Concerns regarding a health services issue will not be sent back for a rewrite, deemed not accepted, or withdrawn unless they are reviewed by the Resolution Program Manager and written approval has been given.

The HSM1 is responsible to review or assign the review to a qualified health services employee. The HSM1 will review all Level I reviews prior to submitting them to the facility Resolution Program. The review will provide a process to quickly evaluate concerns, ensure critical situations are reviewed by employees with the appropriate expertise or authority to resolve, and provide timely responsiveness to health services-related complaints.

Level II reviews will be completed by the Health Services Manager 2, Health Services Manager 3, or Facility Medical Director. Completed reviews and responses will be reviewed and signed by the Health Services Appointing Authority or the Health Services Administrator.

Level III reviews will be reviewed by a Headquarters Health Services employee and reviewed and signed by the Health Services Administrative Deputy Director.

Timeframes

Specific timeframes are set at each level to ensure prompt response to Resolution Requests. The entire resolution process from initiating Level I to completion of Level III can be completed within 90 working days. However, the process can take longer than 90 days in some cases due to rewrites, mail delays, or complicated reviews. It is the responsibility of both the employee assigned to the review and the individual to ensure Resolution Requests, appeals, and responses occur within established timeframes.

Initial Resolution Request	Submit within 20 working days from the date of the incident. <i>(90 days if individual transferred and the concern is regarding missing property or accounting)</i>
Level 0 Response from Resolution Specialist	10 working days of the date receipt
All Rewrite Requests	Within 5 working days of receipt of Resolution Specialist response, unless specified otherwise by the Resolution Specialist for circumstances that require more time.
Level I Response	Within 15 working days of the Resolution Specialist formally initiating a Level I resolution by issuing a typed copy of concern. This indicates the review has been assigned and starts the review and timeline.
Appeal to Level II	Within 5 working days of receipt of Level I response.
Level II Response	Within 15 working days of the Resolution Specialist formally initiating a Level II resolution by issuing a typed copy of concern.
Appeal to Level III	Within 5 working days of receipt of Level II response.
Level III Response	Within 15 working days of the date the appeal is received by the facility Resolution Program once a typed copy is issued.

Informal Resolutions

A resolution begins with respectful communication. At times, you can find a resolution to your concerns quickly by opening lines of communication with the persons involved.

An informal resolution of the conflict is preferable to pursuing a formal resolution. This means individuals are expected to participate in problem-solving by seeking the earliest possible resolution by talking to the persons involved, and/or submitting kites, letters, kiosk messages, etc. However, an informal resolution is not required prior to filing a Resolution Request.

Individuals have 20 working days after an incident to file a Resolution Request. Individuals should let the Resolution Specialist know what steps they took to resolve the issue themselves and what responses they received.

The Resolution Specialist may look at an individual's concern and try to answer questions, suggest other processes available, or take action themselves in an attempt to informally resolve the concern. A formal interview is not required when attempting an informal resolution. If the individual does not feel their concern has been resolved, they can appeal the response by submitting a new Resolution Request and include the same Log ID number on the informal response.

Accepted/Not Accepted Concerns

Accepted Concerns

Only incidents, policies, or practices which personally affect the individual can be submitted. This includes actions by employees, contract staff, volunteers, and other individuals under the Department's jurisdiction. An individual can submit a Resolution Request on a variety of topics. This includes but is not limited to:

- Department policies, rules, and procedures
- Application, or lack of application, of policies, rules, and procedures
- Actions of Department employees, contract staff, or volunteers
- Actions of other individuals under the Department's jurisdiction
- Retaliation against an individual under the Department's jurisdiction for good faith participation in the Resolution Program
- Personal safety
- Physical plant conditions
- Health Services
- Accounts
- Sentence structure and records
- Food Services
- Religious Program
- Law firms and/or attorneys contracting with the Department to provide legal assistance to individuals under the Department's jurisdiction
- On behalf of a disabled visitor who is unable to pursue the concern with the Superintendent/designee by telephone or mail. The visitor must be on the individual's visit list and the concern must focus solely on some aspect of that disability.
- If a response provided by a Resolution Program review is not honored or completed (This is not considered a repeat concern)

Concerns Not Accepted

There are 3 categories of concerns that Resolution Specialists will not accept. This includes issues/incidents with an established appeals/review process, concerns regarding matters outside Department/facility jurisdiction, or those due to program restrictions.

Concerns regarding health services will not be deemed 'not accepted' unless they are reviewed by the Resolution Program Manager and written approval has been given.

Concerns Not Accepted – Appeals/Review Process

Individuals cannot submit a Resolution Request on concerns that have a Department-approved formal review and/or appeals process. Individuals are directed to follow the correct review/appeals process to resolve those concerns or allow the review process to take place. This includes, but is not limited to:

- Mail rejection
- Visiting denials
- Property rejection
- Public disclosure requests/denials for information
- Infractions/sanctions/disciplinary hearing actions or employees/contract staff involved in the process, as they can be adjudicated through the disciplinary process in accordance with WAC
- Behavior Observation Entries
- Care Review Committee decisions
- Accommodation Status Request decisions
- Medical records review/change request
- Administrative investigation (e.g., employee Just Cause investigation, Prison Rape Elimination Act (PREA) investigation)
- Use of force incidents
- An alleged inadequate resolution review or response (Individuals can express such concerns in their appeal)
- The Resolution Specialist's decision that a Resolution Request will not be accepted (Not accepted determinations can be appealed directly to the Resolution Program Manager by the individual)
- Classification, Facility Risk Management Team (FRMT), disciplinary, and community release referral decisions
- Multiple Disciplinary Team (MDT) decisions
- Release plan denials
- Transfers and bed/cell assignments
- Intensive Management Status (IMS) assignment
- Segregation placement
- End of Sentence Review Committee and risk management decisions, community custody violation hearings, court testimony, or Work/Training Release termination committee actions and decisions
- Indeterminate Sentence Review Board (ISRB) decisions
- Case manager recommendations to a Hearing Officer
- Special conditions imposed by a case manager in accordance with Department policy
- Department-imposed conditions

Concerns Not Accepted – Outside Jurisdiction

Only concerns of Department-related incidents, policies, or practices over which the Department has jurisdiction can be submitted. Outside jurisdiction concerns include, but is not limited to:

- State and federal law (includes Washington Administrative Code (WAC) and Revised Code of Washington (RCW))
- Concerns at a facility in which an individual has never been confined or assigned
- Court-ordered pre-sentence reports
- Court decisions
- Concerns with employees/contract staff/volunteers outside of the individual's assigned facility/office
- Decisions made by the Department of Enterprise Services Risk Management Division regarding the disposition of tort claims
- Prison compact
- Actions of persons outside the jurisdiction of the facility/office
- City/county jail policies, procedures, or other matters while housed in a Department facility (Individuals serving Department-sanctioned time in a city or county jail must follow the resolution process of that facility)
- Department of Natural Resources (DNR) policies and procedures
- The Office of Corrections Ombuds (OCO) actions or decisions

NOTE: Resolution Specialists can refer DNR Resolution Requests to the local DNR administrator. A formal investigation by the Department can only be pursued against DNR staff in the most extreme cases such as alleged physical abuse or sexual harassment. Formal investigations will be completed jointly by the Superintendent/designee and the DNR local administrator. Corrective actions against DNR staff are the responsibility of DNR administrators. Resolution Specialists will discuss such concerns with the Resolution Program Manager prior to initiating any formal investigation against DNR staff.

Concerns Not Accepted – Program Restrictions

The following Resolution Requests will not be accepted:

- Concerns based on speculation or hearsay information (third-party information or what someone heard)
- Actions or incidents that have not occurred yet
- Concerns filed beyond 20 days from the date of the incident
- When an individual has 5 active resolutions (This can be exceeded for medical concerns once reviewed by the Resolution Program Manager)
- Duplicate Resolution Requests about the same concern (Once a concern or incident has had a Resolution Request submitted and a response has been provided, the administrative remedy has been exhausted)
- Appealing to the next level when a response has not been provided for their current level of review
- The decision to infract an individual for a rule violation and/or place an individual on temporary program suspension for abuse by quantity
- If a contractor's review or internal process is still in progress or has not been attempted
- If a contractor has a grievance, arbitration, or review process
- Class action request, for example using terms such as "we," "us," "our," or "the incarcerated population".
- Concerns which have been previously administratively withdrawn

- Issues, incidents, policies, or practices which do not personally affect the individual
- Issues or incidents that are being investigated outside of the Resolution Program through another established process (e.g., Human Resources Just Cause investigation, PREA investigation)
- The Resolution Specialist's decision to send a Resolution Request back for a rewrite

Appeal of Not Accepted Determination

An individual can appeal a Resolution Specialist's decision to not accept a Resolution Request by submitting an appeal to the Resolution Specialist who will forward it to the Resolution Program Manager. The appeal must contain the individual's committed name, DOC number, and the Log ID number of the original Resolution Request. Individuals on community supervision can mail their appeals to the Resolution Program Manager or submit them to the Community Corrections Supervisor who will forward them to the Resolution Program Manager.

The Resolution Program Manager will either uphold the Resolution Specialist's decision or reverse it and refer the Resolution Request back to the Resolution Specialist for further processing. This review will only determine if the concern will be accepted or not, not the merits of the issue. The appeal response cannot be appealed and repeat Resolution Requests on the concern will not be processed.

NOTE: Items mailed to the Resolution Program Manager are NOT considered legal mail.

Resolution Request – Rewrites

Resolution Request Rewrites

The request for rewriting is between the Resolution Specialist and the individual. It cannot be appealed to the Resolution Program Manager.

The individual must follow the Resolution Specialist's direction on a rewrite request. Any rewrite submission must contain the individual's committed name, DOC number, and the Log ID number of the original Resolution Request.

If an individual fails to follow rewrite instructions on 2 consecutive requests, the Resolution Specialist will interview the individual to assist them in writing the Resolution Request. If the individual refuses to follow the third set of rewrite instructions after being interviewed or is beyond the rewrite due date at any stage, the Resolution Specialist will administratively withdraw the concern.

Concerns regarding a health services issue will not be sent back for a rewrite unless they are reviewed by the Resolution Program Manager and written approval has been given.

Resolution Specialists will return a Resolution Request with directions to rewrite when:

- The request does not fit in the allowed space of one DOC 05-165 Resolution Request form
- Resolution Request forms are available and the individual submitted the request on something other than a DOC 05-165 Resolution Request form
- The concern is not a simple, straight-forward statement
- The request contains excessive citations of law or legal terminology
- Resolution Request is not signed or dated
- The request contains profane language (except when used as a direct quote) or derogatory and/or abusive language (Resolution Specialists can ask once to remove the language; if refused, the concern will be reviewed as written to determine if it will be accepted or not)
- The appeal is different than the original concern in the Resolution Request
- If there are additional people named in an appeal that are not named in the initial Resolution Request
- Multiple requests submitted at the same time regarding the same issue or incident will be assigned one Log ID number and the Resolution Specialist will return copies of each form with instructions to rewrite into one simple, clear and concise Resolution Request
- There is more than one concern/incident listed in the Resolution Request
- The concern is unclear and more information is necessary
- If there is a concern that would be accepted written in with a concern that would not be accepted
- The request does not contain the individual's committed name and/or DOC number
- The request does not contain the Log ID number for an appeal or rewrite submission

Resolution Determination and Finalization

Determination and Finalization

The Resolution Specialist/Resolution Program Manager will determine if the Resolution Request will be accepted.

If informal resolution is not possible, or if it is appealed and the request is accepted to a Level I review, the Resolution Specialist will type the Resolution Request on DOC 05-166 Level I Resolution Response. This indicates the review has been assigned and starts the review and timeline.

Responses will be sent to the individual at each level within the established timeframes set on page 5 of this manual.

If the individual disagrees with a response at Level 0–II, they may file an appeal within the timeframes on page 5 of this manual.

Formal, typed concerns and appeals will be accurate reproductions of the handwritten Resolution Request/appeal submitted by the individual. Spelling and grammatical errors can be corrected on the typed copy by Resolution Specialist if the corrections do not change the meaning or intent of statements made. Individuals can direct concerns about typing errors in a formal resolution request/appeal to the facility Resolution Specialist by sending a kite or kiosk message, including the resolution Log ID number, and identifying the discrepancies.

Emergency Resolution Request

Emergency Resolution Request Procedure

Emergency Resolution Requests are those that the resolution would be too late if handled through routine administrative or resolution channels and meet one of the following criteria:

1. Involve a potentially serious threat to the life or health of an individual or employee/contract staff/volunteer, or
2. Relate to severe pain being suffered by the individual, or
3. Involve a potential threat to the orderly operation of a facility

NOTE: An Emergency Resolution Request is not required for an individual to declare a *medical* emergency.

NOTE: Individuals in a Work/Training Release setting are encouraged to use the established emergency protocols when addressing medically emergent concerns.

For emergency concerns not related to Health Services

1. The individual will give the Resolution Request marked Emergency to any employee/contract staff and inform them they have an emergency concern. Please

- note, if the form is placed in the resolution box, it will be processed as a routine request.
2. Employees/contract staff will note the time and date received at the top of the form
 3. The Resolution Specialist or Shift Commander will be immediately notified of the concern
 4. The Resolution Specialist/Shift Commander will provide the individual a written response to the concern within one hour of being notified
 5. The response must clearly state the decision (whether the concern is emergent or not), note any action taken, note the time and date the decision was made, and provide the name of the employee/contract staff that made the decision on the form
 6. A copy of the response will be delivered to the individual
 7. The original form will be forwarded to the facility Resolution Program for review

For Health Services-related emergency concerns (Medical, Dental, or Mental Health)

1. The individual will provide the written Emergency Resolution Request to any employee/contract staff and inform them they have a medical emergency concern. Please note, if the form is placed in the resolution box, it will be processed as a routine request.
2. The employee/contract staff will note the time and date the Resolution Request was received at the top of the Resolution Request form
3. The Resolution Specialist or Shift Commander will be immediately notified of the concern and will ensure the timelines outlined in this process are met
4. Health Services where the individual is currently housed will be notified of the individual's medical concern
5. The concern will be assessed by an onsite licensed on-duty Health Services employee/contract staff. This will include the individual being evaluated in person.
6. The licensed on-duty Health Services employee/contract staff will respond to the emergency concern in writing within one hour of submission. The response must clearly state if the concern meets the definition of an emergency, note any action taken, note the time and date the decision was made, and provide the name of the employee/contract staff that made the decision on the form.
7. A copy of the response will be provided to the individual
8. The individual may appeal a non-emergent determination by Health Services. The appeal will be reviewed by the on-call Health Care Provider with input from the Facility Medical Director or Health Services Duty Officer if after business hours. The appeal must be filed within one hour of receipt of the non-emergent determination. The Superintendent/designee will be informed of the emergency medical appeal and the decision will be made by the Health Care Provider.
9. The original form and any appeal will be forwarded to the facility Resolution Specialist for review

If Deemed Non-Emergent

The Resolution Request will then be processed through normal resolution channels.

If Deemed Emergent

Steps will be taken to ensure the health and welfare of all individuals and employees/contract staff/volunteers involved in the incident. The incident will be resolved by the most proficient, lawful, and reasonable means possible.

The Resolution Request response will indicate that the emergent concern has been resolved, and include the name and signature of the employee/contract staff, date, and time of the completion of the Resolution Request. The Resolution Request will be considered informally resolved.

False Emergency Resolution Requests

Individuals who declare false emergencies to employees/contract staff/volunteers can result in the issuance of a serious infraction (742 - Establishing a pattern of creating false emergencies by feigning illness or injury and/or 558 - Interfering with staff members, medical personnel, firefighters, or law enforcement personnel in the performance of their duties) as outlined in WAC 137-25-030.

Resolution Request with a Suicidal or Self-Injurious Statement

If an individual reports self-injury or suicidal ideation in a Resolution Request that was not submitted as an emergency complaint, the Resolution Specialist will follow DOC 630.550 Suicide Prevention and Response. The Resolution Specialist will immediately contact a facility mental health or medical provider for an in-person suicide prevention assessment of the individual and initiate DOC 13-420 Request for Mental Health Assessment. If a mental health or medical provider is not immediately available, the Resolution Specialist will notify the Shift Commander to implement the proper suicide prevention protocol outlined in DOC 630.550 Suicide Prevention and Response. The steps taken will be documented. The Resolution Request will be processed to address the issue of concern listed in the request. *All follow-up care resulting from a self-injury disclosure by an incarcerated individual will be performed by a facility mental health or medical provider.*

For individuals in a Work/Training Release setting, the Resolution Specialist will follow the established emergency protocols when addressing reports of self-injury or suicidal ideation.

Resolution Levels and Levels of Review

Resolution Level Breakdown

Level 0:

- Resolution Specialist determines if the Resolution Request will be accepted or not
- Resolution Request may be sent back for more information (rewrite); or
- Resolution Specialist may attempt to informally resolve (Individual may appeal the informal resolution)
- Resolution Request may be accepted as Level I review

Level I:

- The handwritten concern is transcribed onto DOC 05-166 Level I Resolution Response
- Copy sent to individual
- Assigned to an employee/contract staff (Resolution Specialist may respond at Level 0 and Level I)
- Once the review is complete, the Resolution Specialist issues the formal response

Level II:

- If Level I response is appealed, the appeal is reviewed by Resolution Specialist
- The handwritten concern is transcribed onto DOC 05-168 Level II Resolution Response
- Copy sent to individual

- Assigned to an employee/contract staff (A Resolution Specialist that responded at Level I cannot review a Level II)
- Once the review is complete, the Superintendent or Health Services Administrator issues a formal response

Level III:

- Appeal reviewed/accepted/transcribed onto DOC 05-169 Level III Resolution Response and sent to Headquarters Resolution Program Unit
- Assigned for review by Resolution Program Manager/designee
- Once the review is complete, the Deputy Secretary/designee issues the formal response
- This is the Department's final level of review and cannot be appealed

Levels of Review

The individual will be issued a response at each level. The individual may submit an appeal if the individual does not agree with a response. A Level III response is the Department's final response and cannot be appealed.

The Resolution Specialist or assigned employee/contract staff will:

- Review the instructions
- Review local policies and procedures as necessary
- Review Department policies, Operational Memorandums (OMs), WAC, and RCW as necessary
- Review inventories, daily logs, medical records, etc., as necessary
- Interview resource staff (e.g., doctors, supervisors, Religious Coordinators) for additional perspective as necessary
- Interview individuals and/or witnesses as appropriate

Individuals will have an in-person interview at least once during the resolution process and prior to Level III. Resolution Specialists can mandate interviews at any or every level for Level 0–II reviews.

If an individual has transferred or been released, a Resolution Specialist or the assigned employee/ contract staff will arrange an interview by telephone or other means. Written statements may be accepted in place of an in-person interview.

Resolution Review Process

Review

An employee/contract staff will be assigned by the Resolution Specialist/designee for Levels I–II or the Resolution Program Manager/designee for Level III. Resolution reviews will be assigned to the employee/contract staff with supervisory authority over the person(s) or area of the facility/office listed in the resolution. This type of assignment ensures accountability of employees/contract staff during reviews and the ability to make appropriate changes when needed. Reviews will not be assigned to an employee/contract staff who is involved or identified in the Resolution Request. A suitable replacement will be assigned to the review if this occurs. Resolution Specialists can review any Level I or Level II Resolution Request. Once the assigned employee/contract staff has completed a review, they may not review again

for the same Resolution Request. A Resolution Specialist who responded at Level 0 and/or Level I cannot review a Level II resolution.

If at any time during the resolution process the individual refuses to be interviewed or refuses to participate in an interview, the resolution or appeal will be administratively withdrawn. The employee/contract staff will document any refusal to participate or be interviewed and forward to the Resolution Specialist.

If the individual does not show up for a scheduled callout/interview, it will be documented and rescheduled one time. If the individual does not show up for the second time, the resolution or appeal will be administratively withdrawn.

If a Federal Court inquires as to whether an individual has exhausted administrative remedies through the resolution procedure, and the individual has refused to be interviewed, refused to provide physical evidence, and/or refused to divulge the names of potential witnesses, a negative response to the court will be issued.

Employee Conduct

If during the course of any review the Resolution Specialist finds the action(s) identified by the individual is found to have merit and *could result in disciplinary action* against the employee/contract staff, the Superintendent/Community Corrections Supervisor/Field Administrator will be notified and determine if an administrative review will be initiated. If this occurs, the Resolution Request will be administratively withdrawn. The formal response will state, *"During this review, it was found that your concern may have merit. An administrative investigation is being conducted on this allegation outside of the Resolution Program. An administrative investigation is an approved formal review process. The Resolution Program does not review issues with established formal review processes. As a result, your concern has been administratively withdrawn."*

The individual will be informed of an administrative investigation's outcome (i.e., substantiated, unfounded, or unsubstantiated allegation) by correspondence. Specific information regarding the action taken, or to be taken, against an employee/contract staff is confidential and cannot be divulged.

If *during the Level 0 review* it is determined an administrative investigation is in process on the issue or concern identified, the Resolution Request will not be accepted.

If during the course of a review it is discovered that another administrative investigation is in progress on the issue or concern identified, the review will be ended and the Resolution Request will be administratively withdrawn. A formal response will be issued to inform the individual of this action.

Prison Rape Elimination Act (PREA) Reports Involving Sexual Assault, Sexual Abuse, Sexual Harassment, or Staff Sexual Misconduct

The Department maintains a zero tolerance policy with regard to sexual assault, sexual abuse, sexual harassment, and staff sexual misconduct. An individual can report a PREA incident by submitting a Resolution Request per DOC 490.800 Prison Rape Elimination Act (PREA) Prevention and Reporting. The request will be forwarded immediately to the applicable authority per the PREA Reporting Process attached to DOC 490.850 Prison Rape Elimination Act (PREA) Response.

NOTE: *PREA response procedures and investigations supersede the Resolution Program. Allegations or investigations involving sexual assault, sexual abuse, sexual harassment, and staff sexual misconduct will not be accepted or reviewed through the Resolution Program. PREA allegations are not subject to the informal resolution process and there is no time limitation for reporting a PREA incident.*

Any future Resolution Requests concerning the incident or investigation will be processed per the PREA policy. For confidentiality purposes, Resolution Requests that are forwarded will be treated as correspondence and not entered into OMNI or given a Log ID number.

If the information provided does not include allegations that fall within the definition of prohibited behavior per the PREA policy, the individual can pursue the concern through the Resolution Program. The individual can submit a new Resolution Request outlining their concern and provide their written response from the PREA Compliance Manager/Work Release Administrator/designee for verification. The Resolution Specialist will then process the concern as a new Resolution Request.

Review Elements

The assigned employee/contract staff is responsible for providing a written report containing the following elements:

- Name of employee/contract staff
- Name(s) of person(s) interviewed and date(s), time(s), and location(s) of interviews
- Synopsis of the interview(s)
- Citation of documents consulted (policy number, WAC, RCW, etc.)
- Evidence found to substantiate or refute the individual's allegations
- Conclusions of the review
- Suggested response

Response Elements

The resolution will be answered in writing on the appropriate form for each level of review. The response will:

- Address the concern noted in the resolution request
- Give the name of the assigned employee/contract staff
- Specify names of witnesses interviewed and/or resources consulted (sources of confidential information will not be disclosed)
- Cite policy, WAC, or RCW (when necessary)
- State evidence found or note an inability to find evidence
- Include a clear statement of findings and give the reason(s) for the decision (substantiated, unsubstantiated, or unfounded)

NOTE: Level I responses will be provided by the Resolution Specialist. Level II responses will be provided by the Superintendent or Field Administrator, with the exception of Health Services responses. Health Services Level II formal responses will be provided by a Headquarters Health Services Administrator.

All completed Resolution Program forms, including review documents, will be entered into the electronic file. Video evidence will be sent to and maintained by the Headquarters Resolution Program Unit.

Contractor Review/Resolution Requests

Resolution Specialists are authorized to waive the normal 20 working day filing timeframe in which to submit a Resolution Request if the individual presents documentation of their attempt to resolve a conflict through a contractor. However, if the contractor has an established grievance, arbitration, or review process, the individual is required to follow that process to resolve their issues. Resolution Requests that fall under this category will not be accepted.

Extensions, Appeals, and Program Limits

Extensions

When an employee/contract staff cannot meet a response due date, the Resolution Specialist will send the individual DOC 05-171 Notification of Time Extension stating the number of days added, the new due date, and the reason for the extension.

Time extensions limits

Level I extensions are limited to 10 working days. If the Level I review cannot be completed within the extension timeframe, it will be promoted to Level II.

Level II extensions are limited to 20 working days. If the Level II review cannot be completed within the extension timeframe, the Resolution Specialist will request approval from the Resolution Program Manager/designee for a secondary extension.

Excessive use of time extension notifications can be cause for audit by the Resolution Program Unit/Regional Administrator/Superintendent/facility/office supervisor as necessary to determine the underlying cause. The authority to issue time extension notifications will not be abused at any resolution level.

Appeals Process

Individuals can appeal Level 0, Level I, and Level II responses by completing a new DOC 05-165 Resolution Request with the assigned Log ID number and checking the appeal box.

Individuals can state why the previous response was not accepted, thereby establishing a rationale for the appeal and the basis for further review. Appeals must address the same concern as the initial resolution. New or additional information regarding the original concern can be given, but new concerns cannot be added. If new concerns are included, resolutions will be returned to be rewritten.

While a rationale for the appeal is preferred, general statements such as "I appeal" or "Appeal to next level" or an exact restatement of the original resolution are sufficient. Individuals must sign and date the appeal.

Resolution Program Limits

Individuals may have 5 active Resolution Requests at one time. These include active reviews, rewrites, appeals, and new concerns. Medical concerns can be accepted over this limit with approval by the Resolution Program Manager.

If an individual submits additional Resolution Requests or appeals past the allowable amount, the Resolution Specialist will not accept them. If an individual files multiple requests at the

same time that will put them over the 5 active concerns, they will not be accepted and all will be sent back to the individual. At that time, the individual may submit in writing their selection of which concern(s) they want to withdraw and which one(s) to process. Individuals can make 5 withdraws of formal reviews or Resolution Requests per calendar year to allow for new requests to be processed.

Intentional abuse of the resolution process undermines the process and interferes with the goals of the program. The Resolution Specialist will issue a courtesy reminder when abuse of the system is suspected and/or ongoing. Abuse is defined as submitting more than the maximum number of resolution requests. Persistent abuse of the program guidelines may result in the individual being issued an infraction for interfering with the duties of an employee/contract staff/volunteer.

Resolution Request Form, Writing, Remedies

Completing the Form

The entire concern must fit in the description section of one DOC 05-165 Resolution Request. This must be a simple, straightforward statement of concern. While the Washington Administrative Code (WAC) can be referenced, citations of the Revised Code of Washington (RCW) provisions or case law are inappropriate. Resolution Requests that contain legal language/terminology will not be accepted and returned to the individual to be rewritten.

The concern must identify how the action/incident affects the individual. The individual must submit the Resolution Request on their own behalf. The individual cannot submit a Resolution Request on behalf of another individual. Terms such as “we,” “us,” “our,” or “the incarcerated population” indicates a Class Action request and will not be accepted.

The concern must state what happened or what was said. If there is physical evidence to support an individual’s concern, the individual is required to provide it. The individual can retain the evidence, but the Resolution Specialist or assigned employee/contract staff must be allowed to photocopy it, take photographs of it, etc. so that the evidence can be evaluated at each resolution level. Refusal to produce physical evidence, or refusal to let the Resolution Specialist or assigned employee/contract staff reproduce it in some fashion, can be grounds for administrative withdrawal of the Resolution Request. The assigned employee/contract staff must document such refusals and forward the documentation to the facility Resolution Specialist. Concerns based on speculation which have not occurred or hearsay information (third-party information or what someone said they heard) will not be accepted. The individual can include a suggested remedy, but it is not required.

If the individual has potential witnesses, they must be identified on the Resolution Request. If the identity of a witness(es) becomes known after the individual submits the form, the name(s) must be provided to the facility Resolution Specialist in writing. If an individual alleges to have witnesses to an incident but refuses to identify those witnesses, the Resolution Specialist will administratively withdraw the Resolution Request or resolution.

The individual must sign and date the form. A signature is required on the initial Resolution Request or appeal unless the individual does not know how to write or is physically unable to.

If a signature is not on the original Resolution Request, it will not be processed and will be returned to the individual for signature. The Resolution Request must:

- Identify the specific incident/action that occurred
- Identify the specific written policy or procedure
- Identify the lack of a specific written policy or procedure
- Identify a local practice or application of a policy or procedure which the individual believes is not in compliance with policy
- Name of all individuals involved
- Date and approximate time of the incident
- Location of incident

Resolution Request Writing

In the written Resolution Request, individuals must provide all information related to the issue. If necessary, the Resolution Specialist can assist individuals in preparing accurate and complete Resolution Requests.

- Use DOC 05-165 Resolution Request when submitting a Resolution Request or an appeal
- When Resolution Request forms are not available, individuals may use 8 ½" x 11" paper. Resolution Specialists will return Resolution Requests if they are written on paper that is any other size
- Resolution Specialists will not accept Resolution Requests written on DOC 21-473 Kite or kiosk message

Resolution Remedies Available

Administrative remedies available through the Resolution Program include, but are not limited to:

- Correction of records
- Administrative actions
- Change in a local or Department policy or practice

Accessing the Resolution Policy, Procedure, and Forms

DOC 550.100 Resolution Program outlines the requirements and responsibilities of the Resolution Program. The policy can be accessed in the Offender Manual at facilities and at www.doc.wa.gov.

Resolution Specialists will ensure the most current forms are available to all individuals and that assistance is provided to individuals who are not capable of filling out forms for themselves.

Copies of the Resolution Program Manual will be maintained in the library and law library of each Prison, in Work/Training Releases, each Field Office, and other locations as outlined in the Operational Memorandum (OM).

Individuals will receive an orientation about the Resolution Program and the resolution process upon arrival at the facility/office, including the opportunity to have questions answered orally.

Resolution Forms

- DOC 05-165 Resolution Request (used by the individual to submit initial concern and appeals)
- DOC 05-165S Resolution Request (Spanish)
- DOC 05-166 Level I Resolution Response (typed formal complaint and response)
- DOC 05-168 Level II Resolution Response (typed formal complaint and response)
- DOC 05-169 Level III Resolution Response (typed formal complaint and response)
- DOC 05-171 Notification of Time Extension
- DOC 05-172 Notification of Determination of False Emergency
- DOC 05-173 Notification of Abuse by Quantity
- DOC 05-174 Notification of Temporary Suspension
- DOC 05-311 Resolution Review Report

Additional Program Information

Retaliation

Employee/Contract staff/Volunteer

Filing a Resolution Request is a legally protected activity. Retaliation occurs when an adverse action is taken against an individual because of that individual's engagement in a legally protected activity. Employees/contract staff/volunteers will not take any retaliatory action against individuals.

Incarcerated Individuals

Retaliatory use of the resolution process by an individual against an employee/contract staff/volunteer can result in the issuance of serious infraction 552 "Causing an innocent person to be penalized or preceded against by providing false information" outlined in WAC 137-25-030.

Resolution Request Containing Threats

If an individual submits a Resolution Request which contains a direct threat to the life or safety of any person, the Resolution Specialist will initiate the disciplinary process.

The individual will also be notified of the infraction in the resolution response. The individual can submit a rewrite if they remove the threatening language. Resolution Requests containing direct threats from individuals on community supervision must be reported to the supervising case manager.

Correspondence

The Resolution Program Manager/designee must respond to individual correspondence mailed to the Headquarters Resolution Program Unit within 30 business days. If the Resolution Program Manager/designee cannot respond within that timeframe, they can notify the individual that the correspondence has been received and they will respond as soon as possible. Correspondence for the Resolution Program Manager can be mailed to:

Department of Corrections
Resolution Program Unit
Attn: Resolution Program Manager
PO Box 41129
Tumwater, WA 98501-1129

Confidentiality

Resolution Requests and resolutions will not be discussed or shared with employees/contract staff/volunteers or individuals not actively involved in the resolution unless there are safety/security concerns. Superintendents have the final authority and the oversight of their facility Resolution Program which authorizes them to have access to all Resolution Program materials. Resolution Specialists are required to keep resolution documents in a locked area.

Resolution Program documents, records, reports, and other information will be provided in response to a Public Records Act request and through litigation discovery. These documents are subject to the provisions of Chapter 137-08 WAC Public Records - Disclosure.

Disclosure

Individuals will not be given review reports and written testimony from employees/ contract staff/volunteers or other individuals. Such documents often contain sensitive information regarding the security of the facility, disciplinary actions taken with employees/ contract staff, or statements by other individuals which, if known, could lead to retaliation.

Resolution Program documents will not be placed in central files EXCEPT when they are part of an infraction packet.

Employees/contract staff/volunteers are allowed to read the initial Resolution Request during the interview with the assigned employee/contract staff. They will not be provided copies of the resolution or the review report for their personal retention, but they can be informed of the outcome of a resolution that involves them by contacting the facility Resolution Program once the review is completed.

Employees/contract staff/volunteers participating in the disposition of a resolution will have access to records essential to the resolution. DOC 640.020 Health Records Management authorizes access to an individual's health record as necessary to resolve health services Resolution Requests. Such access does not require the individual's prior written approval. To the extent possible, however, resolutions about health services-related concerns can be reviewed by Health Services employees/contract staff that already have access to those records.

Resolution Request Submission

Prison and Work/Training Release facilities will provide conveniently located resolution boxes for individuals to submit Resolution Requests. Resolution Specialists maintain the only keys to resolution boxes. High security or high-risk areas of a facility (e.g., segregation or intensive management) do not need to provide resolution boxes. When resolution boxes are not available, individuals can request envelopes for their Resolution Requests. Resolution Specialists will return a copy showing the status of the Resolution Request and the assigned Resolution Log ID number.

Transfers or Releases from Supervision

If the Resolution Request was started prior to transfer or date of release, the resolution process remains at the facility/office.

If an individual has been transferred and wishes to file a Resolution Request or appeal with the Resolution Program at a previous facility, they can submit a Resolution Request to the Resolution Specialist at their current facility and it will be forwarded to their previous facility. Property or funds concerns must be submitted within 90 days of the transfer. All other concerns must be submitted within 20 working days from the date of the incident. The appeal timeframe remains at 5 days from receipt of the response.

Community Supervision

Individuals on community supervision will complete DOC 05-165 Resolution Request available at the local Field Office or at www.doc.wa.gov and submit it to the Community Corrections Supervisor who will forward it to the Resolution Program Manager.

Violators

If an individual has returned to Prison for violating their community supervision, all concerns regarding their community supervision will be forwarded to Headquarters for processing. Any concerns regarding the facility will be addressed by the facility Resolution Program. The individual's case manager will be the point of contact for communication to and from the Resolution Program Unit upon release.

When a violator leaves a facility during an active review and is placed on warrant status, failure to report status, or is arrested and confined to a jail, the Resolution Request will be administratively withdrawn due to unavailability.

Tort Claim Process

Individuals may file a tort claim and a Resolution Request regarding a concern at the same time. However, individuals are encouraged to seek a remedy through the resolution system in an effort to resolve concerns, especially those regarding personal property, prior to initiating a tort claim. Please note, the Resolution Program does not provide monetary awards.

The Resolution Specialist and local Tort Claim Manager can coordinate related reviews to avoid duplication of effort. All Resolution Requests that allege the Department's responsibility for the loss, damage, or destruction of personal property will be thoroughly reviewed and documented.

Tort claims are filed with the Washington State Department of Enterprise Services (DES) Risk Management Division. Investigations are provided to the Risk Management Division for final action. When an investigation fails to substantiate allegations regarding personal property, the response can cite the evidence or lack of evidence used to make the decision and recommend the individual appeal to the next level if there is intent to file a tort claim. Tort claims must be filed per DOC 120.500 Tort Claims by Incarcerated Individuals.

Individuals are not required to exhaust the resolution process prior to filing a tort claim.

Processing Americans with Disabilities Act (ADA) Concerns

Per DOC 690.400 Individuals with Disabilities, facilities will develop a process to ensure employees/contract staff receive updated information regarding the specific needs of individuals with disabilities.

The Resolution Program has accommodation protocols to comply with ADA requirements to provide assistance to individuals to use the program.

Identified individuals with a documented ADA concern desiring to use the Resolution Program may gain assistance in the following ways:

- Using an Access Assistant to write for them
- Requesting via kite to their Resolution Specialist for assistance writing the Resolution Request
- Request to use a cassette tape recorder to record the Resolution Request
- Other accommodations that have been approved via the Accommodation Review Committee and/or the ADA Compliance Manager

If an individual is requesting to record the concern, the Resolution Specialist will provide the cassette tape and recorder and will facilitate the recording. The Resolution Specialist will type the concern, process, and write the determination on the Resolution Request. The Resolution Specialist will meet with the individual and read the typed concern. The individual will initial or sign the form to indicate it is accurate. The Resolution Specialist will then explain their determination of informally resolved, rewrite, not accepted, or accepted to the individual. The Resolution Specialist will have a recorder available at the meeting in case the individual wishes to appeal the determination.

The resolution will follow the processing timeframes outlined in this manual. However, at the end of each response level, the individual will be placed on call-out to discuss the findings and given the opportunity to appeal using a cassette tape and recorder.

Note:

- All cassette tapes will be assigned a Log ID number and will include the name of the individual, date recorded, and date typed. It will remain on-site for 6 months, then be forwarded to Headquarters for the 6 years retention requirement.
- If this resource is needed by an individual at the Work/Training Release setting, the Community Corrections Supervisor will contact the Headquarters Resolution Program Unit who will send the cassette tape and recorder to the facility to provide to the individual.

Document Requests

Individuals will make requests for resolution documents through public disclosure. Individuals will not be provided any resolution document by the facility Resolution Specialist besides the original resolution response.

The Department of Corrections, DES Risk Management Division, and Office of the Attorney General can use resolution documents in the investigation and resolution of tort claims. Requests for documents to process tort claims by these departments can be made in writing/email to the Resolution Program Manager.

Requests for documents by the Attorney General's Office will go to the Legal Liaison Office and then the facility Resolution Program to provide the requested information.

Requests for documents by the Office of Corrections Ombuds (OCO) will be made directly from OCO to the Resolution Specialist.

Litigation

The intent of the Resolution Program is to assist individuals in resolving concerns at the lowest level to reduce the burden of litigation on the courts.

Assistant Attorney General Requests for Resolution Information

When the Department receives notice of litigation filed against the agency, the Department must assist Assistant Attorney General (AAG) Divisions in preparing the Department's legal defense.

AAG Divisions can request that the Resolution Program provide copies of resolution documents or other information deemed essential to a case. AAG staff can make initial requests by telephone, followed by a written request and accompanied by a copy of the

litigation, if necessary. The request can specify the documents needed and establish a due date.

AAG staff must send all requests to the Resolution Program Manager, not the facility Resolution Specialist, who will review the request and coordinate the gathering of resolution information. If the request is extremely burdensome on time, the Resolution Program Manager will discuss the matter with the AAG assigned to the case.

Definitions

Abuse by Quantity: Submitting additional resolution requests or appeals which would take the total active concerns past 5 or submitting repeated requests on the same issue. A determination of abuse will be based solely on the quantity of Resolution Requests submitted.

Adverse Action: Means to threaten, report a negative action on, or discriminate against someone in a manner that affects livelihood, privileges, conditions of supervision, conditions of release, and/or conditions of incarceration.

Appeal: Submission of a Resolution Request for processing to a higher level of review when the individual is dissatisfied with the response at a lower level.

Appeal of Not Accepted Determination: A Resolution Specialist's decision that a Resolution Request will not be accepted can be appealed to the Resolution Program Manager for review. The review will only determine if the concern will be accepted or not, not the merits of the issue. The Resolution Program Manager can uphold the Resolution Specialist's decision or reverse it, causing a formal resolution to be initiated.

Community Corrections Supervisor: An employee directly responsible for the operational oversight of a Work/Training Release or Field Office.

Field Office: An office from which individuals in the area on community supervision status are supervised.

Emergency Resolution Request: Requests that involve a potentially serious threat to the life or health of an individual or employee/contract staff/volunteer, severe pain being suffered by the individual, or involving a potential threat to the orderly operation of a facility, and its resolution would be too late if handled through routine administrative or resolution channels.

Field Administrator: An employee responsible for the operational oversight of multiple Field Offices.

Informal Resolution: The suggested remedy is met, the individual agrees to a different resolution, the Resolution Specialist provides an answer to the question(s) posed, suggests other processes available, or takes action themselves in an attempt to informally resolve the concern.

Log ID Number: A unique 8 digit number assigned to a specific Resolution Request and subsequent paperwork associated with that request.

RCW: Revised Code of Washington

Regional Administrator: An employee responsible for the operational oversight of a geographical area of Field Offices/Community Justice Centers.

Resolution Program Manager: The employee under the supervision of the Assistant Secretary of Prisons/designee who has statewide responsibility for the Resolution Program.

Resolution Request: Written notification on the authorized form DOC 05-165 Resolution Request from an individual to the Resolution Specialist that details a specific issue or action negatively affecting the individual.

Resolution Response: The answer given by the Resolution Specialist to the individual. It can be informal at Level 0 as a rewrite or informal resolution or it can be a typed formal response in appeal decisions from the Resolution Program Manager, and Level I – Level III responses.

Resolution Specialist: Employee/contract staff who is appointed by the Superintendent/Community Corrections Supervisor for the operation of local resolution procedures and compliance with DOC 550.100 Resolution Program and the Resolution Program Manual.

Retaliation: An adverse action taken against a person because of that person's engagement in a legally protected activity.

Superintendent: A person directly responsible for the operational oversight of a Prison.

Substantiated Allegation: There is evidence to support and prove the truth of the claim.

Unfounded Allegation: Irrefutable evidence that the allegation is not based in fact.

Unsubstantiated Allegation: The accusation, or the defense of the accused, is not supported or proven by the evidence.

Threatening Resolution Request: A Resolution Request or appeal in which the individual directly threatens the life or safety of any person or to the orderly operation of a facility.

WAC: Washington Administrative Code