REVIEW/REVISION HISTORY:

Effective: 5/1/94
Revised: 3/25/99
Revised: 8/27/01
Revised: 7/31/06
Reviewed: 7/31/07
Revised: 7/23/08
Revised: 8/16/10
Revised: 6/25/12
Revised: 7/6/15

SUMMARY OF REVISION/REVIEW:

I.C. and III.C. - Adjusted approving authority
I.C.1.e. - Adjusted language for clarification
I.C.1.f. - Removed unnecessary language

APPROVED:

Signature on file

BERNARD WARNER, Secretary
Department of Corrections

5/30/15 Date Signed
REFERENCES:

DOC 100.100 is hereby incorporated into this policy; RCW 4.92; DOC 550.100 Offender Grievance Program

POLICY:

I. All offender tort claims alleging personal property damage/loss must be filed by the offender 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 not be made by any agency or department of state government other than 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 offenders are responsible for complying with Department policy and operational memorandums related to handling offender 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 are cautioned to refrain from discussing tort claims, except with appropriate staff assigned to investigate the claims.

   C. Each Superintendent and the Work Release/Residential Program 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 SF 210 Standard Tort Claim Form Packet is available to offenders upon request.

         c. Ensure DOC 05-100 Tort Claim Log is maintained.
d. When a tort claim is received from the DES Risk Management Division, assign an appropriate employee who is not a party to investigate the claim.

e. Ensure tort claim investigations are initiated and completed within 14 working days.

f. Review investigative reports and make appropriate recommendations to facility management.

g. 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 Grievance Coordinator and Legal Liaison Officer.

II. Processing of Tort Claims

A. Offenders will complete SF 210 Standard 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 Offender Personal Property Claim Investigation Report when assigning an investigation.

2. Assign an employee to investigate the tort claim as quickly as possible. Employees involved in the allegations will not be assigned as investigators.

B. The investigator should:
1. Contact and interview individuals involved in the claim, unless there is no 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 Offender Personal Property Claim Investigation Report to the Tort Claim Manager for review.

   C. The Tort Claim Manager will forward the report to the Superintendent or Work Release/Residential Program Administrator for approval.

   D. The report will be sent to the DES Risk Management Division within 14 working days of receipt of the claim, unless an extension is 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 Offender Personal Property Claim Investigation Report