



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY  
**DEPARTMENT WIDE**  
OFFENDER MANUAL

REVISED DATE  
2/8/17

PAGE NUMBER  
1 of 6

NUMBER  
**DOC 140.500**

**POLICY**

TITLE

**OMBUDS**

**REVIEW/REVISION HISTORY:**

Effective: 2/7/17  
Revised: 2/8/17

**SUMMARY OF REVISION/REVIEW:**


Added IV.B.2.a. that the Ombuds may publically release a report that includes Department response/lack of response to a substantiated concern/complaint

**APPROVED:**

Signature on file

\_\_\_\_\_  
**JODY BECKER-GREEN**, Secretary  
Department of Corrections

2/8/2017  
\_\_\_\_\_  
Date Signed

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**REFERENCES:**


DOC 100.100 is hereby incorporated into this policy; [DOC 280.510 Public Disclosure of Records](#); [DOC 450.100 Mail for Prison Offenders](#); [DOC 450.110 Mail for Work Release Offenders](#); [DOC 550.100 Offender Grievance Program](#)

**POLICY:**

- I. The Ombuds serves as a resource for concerned citizens, individuals under the Department’s jurisdiction, and their families to submit a concern/complaint of:
  - A. Non-compliance of Department policies, Washington Administrative Code (WAC), and state or federal laws that have not been satisfactorily addressed through lower-level processes or appeals, and
  - B. The endangered health or safety of an individual under the jurisdiction of the Department or a visitor to a Department facility.
- II. The Ombuds will not serve as a resource for employees, contract staff, or volunteers who should submit concerns/complaints through their chain of command per Department procedures.
- III. The Department will facilitate the Ombuds working independently to address/investigate complaints in an impartial, non-biased, and fair manner. Employees, contract staff, and volunteers will cooperate fully with requests from the Ombuds in a timely manner to include providing documentation, access to resources, and participating in interviews.

**DIRECTIVE:**

- I. General Requirements
  - A. Individuals must attempt to resolve complaints at the lowest level possible (e.g., contact appropriate employees, grievance/appeal process) before submitting a concern/complaint to the Ombuds.
    1. If an incarcerated individual is under imminent danger of serious physical injury or harm, and s/he believes the Department has not properly considered his/her emergency grievance, the complaint may be submitted to the Ombuds at the same time an emergency grievance appeal is submitted per DOC 550.100 Offender Grievance Program.
  - B. The Ombuds may initiate an investigation for any reason including any concern/complaint received or perceived issue regarding the Department’s procedures with impact to individuals under the Department’s jurisdiction.

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C. The Ombuds does not represent an additional step in the exhaustion process for the purposes of initiating litigation.

## II. General Responsibilities


A. Department facilities will allow access to the Ombuds to include entrance, records, and documentation s/he determines to be necessary to conduct an investigation.

B. The Ombuds will:


1. Upon receipt of a concern/complaint, assign a case number and notify the sender in writing within 5 business days that it was received.
2. Notify the sender when more time is required to address the concern/complaint or if the matter is not valid including the reason(s) and alternative resources, if applicable.
3. Review concerns/complaints to determine if an investigation needs to be opened.
4. When possible, attempt to address and resolve concerns/complaints informally and in a timely manner. Unless an investigation or recommendation requires more time, matters should be addressed and resolved within 90 days.
5. Maintain a tracking system to ensure concerns/complaints are addressed and resolved.
6. Maintain the Ombuds database to document case numbers, investigations, correspondence, recommendations, resolutions, and relative documentation.
7. Provide an annual report to the Secretary, Deputy Secretary, and the Director of Executive Policy including the number and types of concerns/complaints received and a summary of results and recommendations made.
  - a. The annual report will be posted to the Department's website and in facility libraries.

## III. Submitting a Concern/Complaint

A. Concerns/Complaints will be documented on DOC 05-830 Ombuds Review Request and submitted with any relevant documentation to the Ombuds.

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1. Facilities will ensure DOC 05-830 Ombuds Review Request is available as follows:
    - a. Prison visit rooms and libraries,
    - b. Work Release common areas, and
    - c. Field Office waiting rooms.
  2. Mail to/from individuals housed in a Prison/Work Release and the Ombuds will be processed as legal mail per DOC 450.100 Mail for Prison Offenders or DOC 450.110 Mail for Work Release Offenders.
- B. The Ombuds will decline concerns/complaints or terminate an investigation if the matter:
1. Or a substantially similar matter is under or comes under litigation.
  2. Concerns decisions or recommendations issued by the Indeterminate Sentencing Review Board.
- C. The Ombuds may decline to investigate a concern/complaint when:
1. Adequate information is not provided.
  2. The matter, or one substantially similar, from the same individual has been previously addressed.
  3. It is not provided in a timely manner, making it difficult or impossible to investigate.
  4. It has been determined that no violation of a specific statute, WAC, or policy has occurred.
  5. The Ombuds has no jurisdiction to address the matter.
  6. The individual did not attempt to resolve the matter at an available lower level before contacting the Ombuds.
- IV. Resolution and Recommendations
- A. At the conclusion of an investigation, the Ombuds may determine that:
1. There is insufficient evidence to make a determination,
  2. The concern/complaint is substantiated as having merit, or
  3. The concern/complaint has no merit or could not be substantiated.

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B. When a concern/complaint is substantiated, the Ombuds may issue a written recommendation, including action that can be initiated to resolve the matter, to the Secretary/designee.

1. If a response is not received by the Ombuds within 30 days, the recommendation will be considered accepted.
2. If the Secretary/designee disagrees with the recommendation, the Ombuds will be provided with a written response including the reason and/or alternative suggestions.
  - a. The Ombuds may publically release a report that includes Department response/lack of response to a substantiated concern/complaint.
3. The Ombuds will be notified when a corrective action plan has been created to address a substantiated complaint and updated monthly on its status until it has been closed.
4. If the Ombuds perceives that an accepted recommendation was not implemented, s/he may reopen an investigation to address the matter.

V. Confidentiality

A. The Ombuds will take reasonable steps to maintain confidentiality and will not voluntarily disclose personal or identifying information unless:

1. It is necessary for an investigation or resolution of a concern/complaint.
2. It is necessary to address an imminent risk of serious harm to an individual or security of a facility.
3. Criminal acts are uncovered during an investigation.
4. When disclosure is mandated by law per DOC 280.510 Public Disclosure of Records.

**DEFINITIONS:**

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

**ATTACHMENTS:**

None



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**DOC FORMS:**

[DOC 05-830 Ombuds Review Request](#)