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**COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION II**

IN RE THE PERSONAL RESTRAINT OF

Robert R. Williams,

Petitioner.

**PETITIONER'S REPLY TO RESPONSE TO PERSONAL
RESTRAINT PETITION**

WASHINGTON INNOCENCE PROJECT
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I. INTRODUCTION

The Washington State Department of Corrections (DOC) housed Mr. Williams, a 77-year-old, black, wheelchair dependent, medically vulnerable person, with three other men in a 200 square-foot dry (no plumbing) cell in the Coyote Ridge Corrections Center (CRCC). Before the viral outbreak at CRCC, DOC failed to act on Mr. Williams' multiple requests to transfer him to the CRCC Sage Unit where elderly and infirm individuals reside, and it denied his referral for Extraordinary Medical Placement despite finding he met the medical criteria for placement. After the viral outbreak, it **waited for two days** to quarantine the living units of COVID-19 positive and symptomatic individuals. During the delayed quarantine, DOC deprived Mr. Williams of basic needs such as humane toileting options. After Mr. Williams contracted COVID-19, DOC treated him with a drug known to cause adverse cardiac events.

DOC violated its constitutional duty to guarantee Robert R. Williams' safety by failing to take reasonable measures to protect him and creating inhumane conditions of confinement. The violation is ongoing and can only be remedied by releasing Mr. Williams to home detention under his sister's care, until a COVID-19 vaccine is available.

II. STATEMENT OF ADDITIONAL RELEVANT FACTS

Mr. Williams' conditions of confinement have dramatically changed since he filed his Personal Restraint Petition (PRP) on May 15, 2020. At that time, three staff members at CRCC, but no incarcerated persons, had contracted COVID-19.¹ To date, 45 CRCC staff and 112 incarcerated people, including Mr. Williams, have contracted the virus.² Two incarcerated persons who contracted the virus at CRCC have died.³

A. DOC failed to take adequate measures to protect Mr. Williams.

Mr. Williams lost his ability to engage in Activities of Daily Living (ADL) when a 2010 stroke left him dependent on a wheelchair and largely immobilized on his right side.⁴ Before contracting COVID-19 while in DOC custody, Mr. Williams relied on therapy aids to push his wheelchair and complete other ADL tasks.⁵ Hospital staff who treated Mr. Williams after he contracted COVID-19 at CRCC determined he now needs at least one person to assist him with ADL tasks.⁶

¹ Opening Brief at 1.

² Wash. St. Dep't of Corrections, *COVID-19 Data* (June 25, 2020) <https://www.doc.wa.gov/corrections/covid-19/data.htm#confirmed>.

³ *Id.*

⁴ Opening Brief, App. 1 (R. Williams' Decl.) ¶ 8.

⁵ *Id.* ¶ 10.

⁶ Resp. at 32.

After visiting Mr. Williams at CRCC in December of 2019, his legal team began advocating to have him moved back into the Sage Unit.⁷ Sage is a “special housing unit[] within DOC facilities where elderly and/or infirm individuals reside.”⁸ At the beginning of April, after the pandemic sent Washington state into a shelter-in-place, the legal team expressed its concerns that Mr. Williams’ age and medical vulnerabilities, as well as “living in a cell with three other men” with no “soap in his cell or a mask” put him at risk and made him more susceptible to the virus.⁹

Mr. Williams’ legal team also sought to protect Mr. Williams from COVID-19 by seeking Extraordinary Medical Placement (EMP) so he could shelter in home detention with his sister Angie Williams.¹⁰ EMP is an avenue for release under RCW 9.94A.728(1)(c)(i), granting incarcerated people release if (1) a serious medical condition exists; (2) the referred person poses a low threat to public safety because of physical incapacitation due to age or the medical condition; and (3) granting release would result in cost savings to the state. RCW 9.94A.728(1)(c)(i).

⁷ Ex. 1, Att. C (Vial Decl.) ¶¶ 10–15.

⁸ Resp. at 18.

⁹ *Id.* ¶ 25.

¹⁰ Ex. 1, Att. D (Campbell-Harris Decl.) ¶ 8.

The EMP request was filed on April 14, 2020.¹¹ DOC denied the EMP request on May 7, 2020.¹² In doing so, it stated:

For the purposes of EMP, incapacitation is defined as having a medical condition that renders the offender permanently unable or unlikely to engage in activities of daily living without assistance, to perform gainful employment, and participate in criminal behavior.

Although you currently meet the medical criteria, your case has been reviewed by the community screening committee and based on the above community safety criteria; it was determined that you do not qualify at this time.¹³

Mr. Williams is a 77-year-old wheelchair dependent black man who has lost mobility in his right side, has weakened motor skills, and has denigrated vision.¹⁴ DOC did not expound upon how someone who meets the medical criteria of physical incapacitation could still pose a danger to the community.

B. DOC exposed Mr. Williams to harm by failing to immediately quarantine units of COVID-19 positive and symptomatic individuals, creating inhumane conditions when it finally imposed quarantine, and conducting inadequate testing.

In response to “numerous concerns” regarding the DOC response to COVID-19, the Office of the Corrections Ombuds (OCO) conducted

¹¹ *Id.* at ¶ 9.

¹² Ex. 1, Att. F (EMP Denial Letter).

¹³ *Id.*

¹⁴ Opening Brief at 1, 8.

two visits to the CRCC.¹⁵ OCO's first visit to CRCC took place on May 15, 2020, before Mr. Williams contracted COVID-19 while in DOC custody.¹⁶ The day before the visit, CRCC reported its first COVID-19 positive case involving an incarcerated individual.¹⁷ That person was transferred to Airway Heights Corrections Center (AHCC) and additional symptomatic individuals were transferred to AHCC after OCO's visit.¹⁸ However, CRCC staff waited two days to quarantine the units where both the first and later symptomatic individuals resided.¹⁹ OCO is conducting a review of CCRC's delayed response to the first outbreak of COVID-19 within the prison and DOC has initiated an "internal 'fact-finding' exercise."²⁰ As of this date, neither report has been made public.

Mr. Williams lived in the I Unit at CRCC.²¹ He believes people who were transferred to AHCC in mid-May were also from I Unit, which

¹⁵ The OCO is an independent, impartial public office promoting positive changes in Washington state corrections by, among other things, "[i]nvestigating complaints related to incarcerated persons' health, safety, welfare, and rights." *See* Office of the Corrections Ombuds, <https://oco.wa.gov/> (last visited June 22, 2020).

¹⁶ Ex. 1, Att. A (May 15, 2020 OCO Report).

¹⁷ *Id.* at 1.

¹⁸ *Id.*

¹⁹ *Id.* OCO also observed individuals wearing face coverings below their noses and incarcerated persons without face coverings in the yard. *Id.* at 1, 3. In CRCC's kitchen office, DOC and Correctional Industry staff congregated without wearing face coverings, "including after OCO staff introduced herself." *Id.* at 3. Conversations with individuals serving as tier representatives confirmed concerns about contact tracing and that units did not have enough rags to sufficiently clean. *Id.* at 5. The hand sanitizer receptacles in each unit were empty. *Id.* at 3, 4.

²⁰ *Id.* at 1–2.

²¹ Ex. 1, Att. F (R. Williams Supp. Decl.) ¶ 16.

was not shut down while people were being transferred.²² DOC did not remove Mr. Williams from I Unit until he later contracted COVID-19.²³

After DOC waited two days to quarantine the units of COVID-19 positive and symptomatic individuals, rates of infection skyrocketed. On June 12, 2020 (after Mr. Williams contracted COVID-19), OCO visited to observe the facility's response to the rapid increase of COVID-19 cases.²⁴ There were then 74 positive incarcerated people, 30 positive staff members, 21 incarcerated people in isolation, and 1,856 on quarantine.²⁵

Conditions were bleak. People reported having “no choice but to urinate and defecate in their various food storage containers . . . due to a lack of readily available use of the bathrooms in . . . dry cells (no plumbing) and infrequent bathroom trips.”²⁶ Incarcerated individuals reported extreme emotional and mental stress because of “lockdown constraints, fear, and lack of communication.”²⁷ A number of staff pulled the OCO representative aside to express concerns about whether the aging population at CRCC were getting their needs met.²⁸

²² *Id.* ¶ 16–17.

²³ *Id.* ¶ 18.

²⁴ Ex. 1, Att. B (June 12, 2020 OCO Report).

²⁵ *Id.* at 1.

²⁶ *Id.* at 2.

²⁷ *Id.*

²⁸ *Id.* at 3.

Mr. Williams' experience is in line with the OCO findings. His cell did not have a sink or toilet, and he was not allowed to use the bathroom when he needed because of lockdown constraints.²⁹ He was given a bottle to urinate in because it was difficult for him to get his wheelchair through his cell door to go to the ADA latrine.³⁰ His bottle would often become full and he was forced to wait until he was allowed to leave his cell to empty it.³¹ As a result, he soiled himself in his cell on multiple occasions.³² When he was able to make it to the latrine, he often could not use it in time because people were lined up and non-disabled people were using the ADA latrine.³³

DOC also initially ignored OCO's recommendation to universally test all incarcerated individuals and staff at all Washington state prisons.³⁴ On June 18, 2020, after Mr. Williams contracted COVID-19, DOC said it would test all CRCC staff and all people incarcerated in the CRCC Medium Security Complex.³⁵ Initial test results were staggering. As of

²⁹ Ex. 1, Att. F (R. Williams. Supp. Decl.) ¶¶ 13, 19.

³⁰ *Id.* ¶ 19.

³¹ *Id.*

³² *Id.* ¶ 21.

³³ *Id.* ¶ 20.

³⁴ *Id.*

³⁵ Resp. Ex. 2 (Martin Decl.) Att. B at 32.

June 14, 2020, 74 of the 114 incarcerated persons tested at CCRC had COVID-19; a positivity rate of more than 60 percent.³⁶

Mr. Williams' illness was only discovered because his therapy aid noticed he wasn't feeling or looking well after Mr. Williams had taken yet another fall.³⁷ The therapy aid got someone from the CRCC medical unit to examine Mr. Williams.³⁸ On June 8, 2020, Mr. Williams was transferred to the CRCC Intensive Management Unit.³⁹ The following day, he was sent to Kadlec Hospital and tested positive for COVID-19.⁴⁰

C. DOC's COVID-19 treatment exposed Mr. Williams to risk.

Part of DOC's COVID-19 treatment for Mr. Williams included administering hydroxychloroquine,⁴¹ despite known concerns about the drug's potentially damaging side effects on patients' hearts. Mr. Williams suffers from Type 2 diabetes and high blood pressure.⁴² Both conditions can lead to other health problems such as heart disease.⁴³ On April 24,

³⁶ Arielle Dreher, The Spokesman-Review, *'It's a real concern for us': Spokane health officer worried about local impact of Coyote Ridge's spike in virus cases* (June 13, 2020), available at: <https://www.spokesman.com/stories/2020/jun/12/its-a-real-concern-for-us-spokane-health-officer-w/>.

³⁷ Ex. 1, Att. F (R. Williams. Supp. Decl.) ¶ 22.

³⁸ *Id.*

³⁹ Resp. Ex. 1 (Cherrie Melby Decl.); Att. A at 6.

⁴⁰ Resp. Ex. 3 (Dr. Frank Longano Decl.) ¶ 7; Att. B.

⁴¹ Resp. at 30.

⁴² Resp. Ex. 3 (Dr. Frank Longano Decl.) ¶ 5.

⁴³ *Type 2 Diabetes*, Mayo Clinic, <https://www.mayoclinic.org/diseases-conditions/type-2-diabetes/symptoms-causes/syc-20351193> (last visited June 21, 2020); *High Blood Pressure (Hypertension)*, Mayo Clinic <https://www.mayoclinic.org/diseases->

2020, the U.S. Food and Drug Administration (FDA) issued a press release describing the known side effects of hydroxychloroquine, including “serious and potentially life-threatening heart rhythm problems.”⁴⁴ It encouraged health care providers to consider these risks before prescribing the drug to treat COVID-19.⁴⁵ On June 15, 2020, the FDA revoked emergency authorization of hydroxychloroquine as a treatment for COVID-19.⁴⁶ Its review of multiple studies showed the drug is unlikely to provide any protection against the coronavirus.⁴⁷ Moreover, the FDA found there were “ongoing serious cardiac adverse events and other potential serious side effects” associated with the drug’s usage.⁴⁸

D. Mr. Williams’ current conditions of confinement.

Mr. Williams is currently housed at the AHCC infirmary.⁴⁹ He is in a room that resembles a cell with a single bed.⁵⁰ He is able to sit up and

[conditions/high-blood-pressure/symptoms-causes/syc-20373410](#) (last visited June 21, 2020).

⁴⁴ FDA News Release, *Coronavirus (COVID-19) Update: FDA Reiterates Importance of Close Patient Supervision for ‘Off-Label’ Use of Antimalarial Drugs to Mitigate Known Risks, Including Heart Rhythm Problems* (April 24, 2020) available at: <https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-reiterates-importance-close-patient-supervision-label-use> (last visited June 25, 2020).

⁴⁵ *Id.*

⁴⁶ FDA News Release, *Coronavirus (COVID-19) Update: FDA Revokes Emergency Use Authorization for Chloroquine and Hydroxychloroquine* (June 15, 2020) available at: <https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-revokes-emergency-use-authorization-chloroquine-and>.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Resp. Ex. 3 (Dr. Frank Longano Decl.) ¶ 9.

⁵⁰ Ex. 1, Att. F (R. Williams. Supp. Decl.) ¶ 2.

use his wheelchair to go to the latrine located about ten feet from his bed.⁵¹ However, he needs the assistance of at least one person to complete other ADL tasks.⁵² Meals delivered to his cell are often cold by the time he receives them.⁵³ Mr. Williams reports his condition is not improving and he feels very bad. He is experiencing extreme fatigue at all hours and describes: “My body tenses up on me. I am never able to relax.”⁵⁴ He is receiving daily medication but does not know what it is.⁵⁵ Nobody gives him any information and he does not know what will happen to him once he leaves the infirmary at AHCC.⁵⁶

Even if Mr. Williams continues to recover from the COVID-19 infection he contracted while in DOC custody, it is possible he could contract the virus again. A recent study found protective proteins made in response to a COVID-19 infection may last only two to three months.⁵⁷

III. ARGUMENT

DOC has demonstrated it is unable to provide adequate conditions of confinement to Mr. Williams. When prisons fail to fulfill their obligations

⁵¹ *Id.* ¶¶ 5–6.

⁵² *Resp.* at 32.

⁵³ Ex. 1, Att. F (R. Williams. Supp. Decl.) ¶ 7.

⁵⁴ *Id.* ¶ 8.

⁵⁵ *Id.* ¶ 9.

⁵⁶ *Id.* ¶ 10.

⁵⁷ Quan-Xin Long et al., *Clinical and immunological assessment of asymptomatic SARS-CoV-2 infections*, *Nature Medicine* (June 18, 2020), available at <https://www.nature.com/articles/s41591-020-0965-6>.

to adequately care for the people they house, “courts have a responsibility to remedy the resulting [constitutional] violation.” *Brown v. Plata*, 536 U.S. 493, 511, 131 S. Ct. 1910, 179 L. Ed.2d 969 (2011). DOC’s ongoing confinement of Mr. Williams violates the Eighth Amendment of the Federal Constitution and article I, section 14 of the Washington State Constitution. The Court should remedy these violations by ordering Mr. Williams be released to home confinement to ensure he receives adequate care going forward.

A. DOC’s confinement of Mr. Williams violates the Eighth Amendment.

DOC cannot provide Mr. Williams safe confinement conditions without vaccinating him against COVID-19. Because no vaccine exists, home confinement is the only effective remedy to provide him reasonably safe living conditions. DOC’s failure to take reasonable measures to protect Mr. Williams amounts to deliberate indifference in violation of the Eighth Amendment. *See Farmer v. Brennan*, 511 U.S. 825, 832, 114 S. Ct. 1970, 128 L. Ed.2d 811 (1994) (prison officials “must ensure that inmates receive adequate food, clothing, shelter, and medical care, and must take reasonable measures to guarantee the safety of inmates”).

While DOC’s failure to release Mr. Williams to home confinement shows deliberate indifference on its own, it has also explicitly failed to

take reasonable measures to protect Mr. Williams in at least five other ways: (1) failing to transfer him to the Sage Unit before the viral outbreak; (2) failing to immediately quarantine his unit after the viral outbreak; (3) creating inhumane conditions of confinement during the quarantine which exposed him to serious harm; (4) treating him with a drug known to cause heart issues after he contracted COVID-19; and (5) refusing to grant his request for Extraordinary Medical Placement.

1. Refusing to Transfer Mr. Williams to Sage Unit

Sage had zero COVID-19 infections as of June 19, 2020.⁵⁸

However, instead of heeding requests to move Mr. Williams to Sage, DOC kept him locked in a 200 square-foot dry cell with three other people, in a unit with the worst prison COVID-19 outbreaks in the state, waiting days before implementing any serious quarantine measures to protect his life.

Mr. Williams was not moved from his unit until he contracted COVID-19. If kept in DOC's custody, Mr. Williams will "return to a general population unit,"⁵⁹ where he would face inhumane living conditions as well as the possibility of contracting the virus again. DOC's failure to protect Mr. Williams—someone it knew to be medically

⁵⁸ Resp. at 28.

⁵⁹ Resp. at 33.

vulnerable—by moving him to a safer unit was unreasonable and amounts to deliberate indifference.

2. Failure to Immediately Quarantine Units After Virus was Detected

DOC delayed by two days the quarantine of CRCC units of the first COVID-19 positive and other symptomatic individuals. The virus is highly contagious and spreads when respiratory droplets from an infected person are inhaled or touched through person-to-person contact.⁶⁰

Allowing COVID-19 to spread unchecked for two days throughout the CRCC facility, including Mr. Williams' unit, is an egregious and inexcusable manifestation of DOC's deliberate indifference.

3. Creating Inhumane Conditions During the Quarantine

When DOC officials finally quarantined Mr. Williams' unit after the viral outbreak, he was still sharing a cell with three other individuals. To make matters worse, DOC moved new people into his cell, despite the high risk these exposed individuals posed to him.⁶¹ The Centers for Disease Control (CDC) specifically cautions against this sort of exposure for high-risk individuals.⁶²

⁶⁰ Opening Brief at 6.

⁶¹ Ex. 1, Att. F. (R. Williams Supp. Decl.) ¶ 14.

⁶² CDC, *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19 in Correctional and Detention Facilities)* stating: "Ideally, [people at higher risk of severe illness from COVID-19] should not be cohorted with other infected individuals. If cohorting is unavoidable, make *all possible* accommodations to prevent transmission of

The confinement conditions created by DOC’s delayed quarantine were inhumane. Mr. Williams was locked inside a dry cell with no running water and no toilet for the four men inside. Mr. Williams was not routinely allowed outside his cell to use the bathroom; DOC provided him a bottle to urinate in and the bottle often got full. As a result, he urinated on himself on multiple occasions. DOC’s deprivation of Mr. Williams’ basic human needs is “repugnant to the Eighth Amendment” and “incompatible with the evolving standards of decency that mark the progress of a maturing society.” *Estelle v. Gamble*, 429 U.S. 97, 102, 97 S. Ct. 285, 50 L. Ed.2d 251 (1976) (internal quotations omitted).

4. Denying Mr. Williams’ Right to Adequate Medical Treatment

DOC claims Mr. Williams’ level of care “is likely much higher than most individuals in the community who test positive for COVID-19.”⁶³ However, one of the drugs Mr. Williams received while in DOC custody—hydroxychloroquine—has “show[n] no benefit for decreasing the likelihood of death or speeding recovery” from COVID-19.⁶⁴ Courts

other infectious disease to the higher-risk individuals.” (emphasis added), available at <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html> (last visited June 25, 2020).

⁶³ Resp. at 41.

⁶⁴ FDA News Release, *FDA cautions against use of hydroxychloroquine or chloroquine for COVID-19 outside of the hospital setting or a clinical trial due to risk of heart rhythm problems* (June 15, 2020), available at: <https://www.fda.gov/drugs/drug-safety-and-availability/fda-cautions-against-use-hydroxychloroquine-or-chloroquine-covid-19-outside-hospital-setting-or> (last visited June 25, 2020).

have recognized treating an incarcerated person with ineffective medication may demonstrate deliberate indifference. *See Darrah v. Krisher*, 865 F.3d 361, 369 (6th Cir. 2017) (reversing a summary judgment order because a jury should decide whether prison officials acted with deliberate indifference by continuing to treat an incarcerated person’s medical condition with ineffective medication).

The most effective treatment—social distancing—was, and is still, being denied to Mr. Williams. Federal district courts have recognized that “the *only* way to slow the spread of the virus is to practice social distancing.” *United States v. Kess*, No. ELH-14-480, 2020 WL 3268093, at *5 (D. Md. June 17, 2020) (emphasis added) (internal quotations omitted). It is already impossible for incarcerated individuals to social distance due the inherent nature of prisons, and that problem is exacerbated for geriatric prisoners who are wheelchair-bound. The only constitutional medical treatment DOC can provide is release so Mr. Williams can social distance at his sister’s home, with the support of committed re-entry services.⁶⁵

⁶⁵ *See* Ex. 1, Att. G (After Innocence June 25, 2020 Letter). After Innocence, a nonprofit providing re-entry assistance to formerly incarcerated persons, will assist Mr. Williams to obtain resources such health care and other social services.

5. Failure to Grant Extraordinary Medical Placement

Mr. Williams sought home confinement through DOC's administrative channels, filing an extraordinary medical placement request on April 14, 2020. His request was denied on May 7, 2020. Despite acknowledging Mr. Williams' age, medical vulnerabilities, and disability, DOC found Mr. Williams—a black man—to be a threat to society, even though he is dependent on a wheelchair, cannot engage in ADLs without at least one person's assistance, and has weakened motor skills and denigrated eyesight.

DOC's failure to grant EMP, opting instead to keep Mr. Williams locked down with other individuals in inhumane conditions—a choice which did, in fact, lead to his contracting COVID-19—amounts to deliberate indifference. “[C]hoosing inevitably inadequate measures to the exclusion of a plainly superior one constitutes deliberate indifference.” *Martinez-Brooks v. Easter*, No. 3:20-cv-00569 (MPS), 2020 WL 2405350, at *23 (D. Conn. May 12, 2020) (citations omitted). DOC's failure to act pursuant to its statutory authority to release Mr. Williams is a violation of the Eighth Amendment. *See id.* (finding Warden's “failure to make prompt, broader use” of the authority to release vulnerable individuals to home confinement could constitute deliberate indifference).

Anything less than home confinement reflects deliberate indifference because Mr. Williams cannot social distance in DOC's care. *Cf. Kess*, 2020 WL 3268093, at *5. Had DOC granted EMP, Mr. Williams would not have contracted COVID-19 in its custody. Even if he recovers from his COVID-19 infection, "it is uncertain whether [an individual] can contract COVID-19 more than once, and the potential long-term effects of the illness are still undetermined." *United States v. Williams*, No. 19-cr-134-PWG, 2020 WL 3073320, at *4 (D. Md. June 10, 2020).

6. Mr. Williams' case is factually distinguishable from the cases relied upon by DOC.

DOC's response to the pandemic is unreasonable when viewed specifically in relation to Mr. Williams and constitutes an Eighth Amendment violation. DOC's reliance on *Colvin v. Inslee* is inapposite. First, the decision was limited to "the record presented," which included general policies across DOC facilities rather than facts specific to an individual incarcerated person like Mr. Williams. *Colvin v. Inslee*, No. 98317-8, slip op. at 1–2 (Apr. 23, 2020). Second, circumstances have significantly changed since the decision. The pandemic has spread throughout CRCC, causing two deaths within the incarcerated population. Finally, Mr. Williams is a seventy-seven-year-old, wheelchair-bound black man with Type 2 diabetes and hypertension, making his case unique.

Nor is *Matter of Pauley*, No. 81370-6-I, 2020 WL 3265574 (2020) analogous to Mr. Williams' situation. Pauley is only 61 years-old and has no underlying health issues. *Id.* at *4. Mr. Williams is far more susceptible to COVID-19. And Pauley was not confined at CRCC, which has seen increases in cases by the day since *Matter of Pauley* was decided.

As long as DOC keeps Mr. Williams in its facilities, he cannot safely social distance to prevent further COVID complications. That makes home confinement with his sister the only effective remedy to protect him. Anything less amounts to deliberate indifference to Mr. Williams' safety and his life.

B. Mr. Williams' conditions of confinement violate Washington's cruel punishment clause.

DOC's failure to transfer Mr. Williams to Sage or offer him any increased protections to accommodate his disabilities when COVID-19 began to spread violates Washington's cruel punishment provision. It allowed Mr. Williams immutable traits—his disabilities, age, and health conditions—to increase the severity of his sentence and render it disproportionate.

1. Washington's cruel punishment provision is more protective than its federal counterpart and *Gunwall* supports expanding increased protectiveness to the conditions of confinement context.

The Washington Supreme Court has interpreted article I, section 14 to offer greater protection than the Eighth Amendment. *See State v.*

Fain, 94 Wn.2d, 387, 391–94, 617 P.2d 720 (1980); *State v. Bartholomew*, 101 Wn.2d 631, 639, 683 P.2d 1079 (1984); *State v. Bassett*, 192 Wn.2d 67, 82, 428 P.3d 343 (2018). DOC correctly notes the Court has yet to address the issue of whether Washington’s cruel punishment provision provides greater protection than the Eighth Amendment in the context of confinement conditions. Contrary to DOC’s assertions, a *Gunwall* analysis supports finding article I, section 14 more protective than the Eighth Amendment in this new context.

a. Factors One and Two: Plain Language, Differences Between State and Federal Provisions

The DOC asserts “the mere use of the word “cruel,” rather than “cruel and unusual” is insufficient to show the drafters intended to provide broader protection.”⁶⁶ DOC’s analysis of *Gunwall* factors one and two ignores the weight of Washington Supreme Court authority holding the provision provides greater protection. While the textual difference may not itself be sufficient to show greater protectiveness, the Washington Supreme Court’s interpretation of that textual difference is.

b. Factor Three: State Constitutional and Common Law History

State constitutional and common law history suggest the Washington Constitution’s cruel punishment provision provides greater protection in

⁶⁶ Resp. at 44.

the prison conditions context than the Eighth Amendment. The fact that there is no case applying the provision to prison conditions illuminates why a *Gunwall* analysis is needed. *See, e.g., Blomstrom v. Tripp*, 189 Wn.2d 379, 399–403, 402 P.3d 831 (2017) (applying *Gunwall* to decide article I, section 7 is more protective than its federal counterpart in the new context of pretrial detainees’ privacy rights). As noted above, the Washington Supreme Court has repeatedly demonstrated its willingness to offer more protection under Washington’s cruel punishment provision than is available under the federal cruel and unusual punishment clause.

DOC relies on *Woods v. Burton*, 8 Wn. App. 13, 503 P.2d 1079 (1972) to support a claim that Washington’s standard is equivalent to the federal conditions of confinement standard.⁶⁷ However, *Woods* predates the 1976 enunciation of the federal deliberate indifference standard by approximately four years. *See Estelle v. Gamble*, 429 U.S. at 97 (introducing the deliberate indifference standard in federal conditions of confinement claims).

Even if this Court were to focus on *Woods*’ “common thread” of “deprivation of human dignity by conditions primarily related to sanitation and hygiene” in applying article I, section 14, DOC violated those

⁶⁷ Resp. at 45.

conditions. It failed to offer Mr. Williams reasonable access to sanitation and hygiene to protect him from the virus. While DOC asserts it offered its incarcerated population “free soap” and access to hand washing facilities, it housed Mr. Williams in a dry cell where he was unable to access hand washing facilities without a therapy aid. Mr. Williams had to urinate into a bottle DOC provided and repeatedly soiled himself during the quarantine. DOC’s actions and inactions constitute a deprivation of human dignity related to sanitation and hygiene.

c. Factor Four: Pre-Existing State Law

After disputing it has a duty to recognize the individual health and safety needs of each person it incarcerates, DOC asserts it “put in place additional precautions for the units housing vulnerable populations,” but ignores the fact that it never allowed Mr. Williams to live in those units.⁶⁸ DOC then asserts it “allowed individuals such as Williams to request to self-quarantine if they choose,” but gave no indication Mr. Williams had notice of this right.⁶⁹ DOC further asserts “it is providing face masks, soap, cleaning products, and other hygiene items free of charge,” but again fails to recognize it denied Mr. Williams a mask on three separate

⁶⁸ Resp. at 46.

⁶⁹ *Id.*

occasions and housed him in a dry cell where he could not access hand washing units without a therapy aid.⁷⁰

In countering Mr. Williams’ use of the Washington Law Against Discrimination, DOC asserts it “is not discriminating in its response to COVID-19” but rather “[i]t is the virus itself that has disproportionately affected certain populations in the community for a variety of complex factors beyond the scope of this litigation.”⁷¹ Mr. Williams does not attempt to hold the DOC responsible for the fact COVID-19 has disproportionately affected certain populations in the community. He claims instead that DOC’s actions and inactions discriminated against him based on his disabilities. DOC was fully aware of Mr. Williams’ disabilities and the increased threat that COVID-19 posed to persons with those disabilities but failed to offer reasonable protection for Mr. Williams that would accommodate those disabilities.

d. Factors Five and Six: Structural Differences Between State and Federal Constitutions and Matters of State and Local Concern

DOC concedes factor five favors resolving the cruel punishment claim on Washington constitutional grounds.⁷² However, it asserts the issue is a national one because prisons everywhere are tasked with

⁷⁰ *Id.*; Opening Brief, App. 2 (R. Williams Supplemental Decl.) ¶¶ 2, 4.

⁷¹ Resp. at 46–47.

⁷² Resp. at 47.

maintaining constitutional conditions of confinement and COVID-19 is affecting prisons nationwide.⁷³ In *Woods v. Burton*, the court explained that “treatment or discipline of prisoners in penal institutions” is “the responsibility of those in charge of the prison itself and those officers, both state and local, who are given supervisory powers.” 8 Wn. App. at 16. The fact that other jurisdictions may share a common mandate to maintain constitutional conditions of confinement does not undermine Washington’s duty to do so within its own correctional facilities.

2. Mr. Williams’ continued incarceration during the COVID-19 pandemic results in disproportionate punishment.

DOC asserts “the terms of [Mr.] Williams’ sentence have not changed.”⁷⁴ While the length of his sentence remains the same, the severity of his sentence has changed dramatically in a manner not contemplated at his sentencing. COVID-19 materially changed the conditions of Mr. Williams’ confinement and rendered his sentence unconstitutionally disproportionate. *See United States v. Mel*, No. TDC-18-0571, 2020 WL 2041674, at *3 (D. Md. Apr. 28, 2020) (“The fact that Mel has been incarcerated at FCI-Danbury during a serious outbreak of COVID-19 inside the facility sufficiently increased the severity of the sentence beyond what was originally anticipated that the purposes of

⁷³ *Id.*

⁷⁴ Resp. at 49.

sentencing are fully met even with the two-week reduction. Indeed, the actual severity of the sentence as a result of the COVID-19 outbreak exceeds what the Court anticipated at the time of sentencing.”).

Mr. Williams’ conditions of confinement impermissibly allow his age, race, and disabilities to increase the risk of his re-contracting a virus that can lead to serious organ damage or death. The COVID-19 outbreak at DOC constitutes a material change in circumstance rendering his sentence disproportionate and cruel under article I, section 14.

D. Release is the only appropriate remedy.

This PRP is a proper avenue to obtain the requested relief. When personal restraint petitioners show the conditions of their confinement are unlawful, the court has the power to “grant appropriate relief” to remedy the unconstitutional conditions. RAP 16.4(a). Because DOC is unable to protect Mr. Williams within its facilities, release to home confinement is the only remedy that would appropriately address the unlawful conditions of his confinement until a vaccine is available to him.

Mr. Williams is not required to file another action to seek release. Any alternate avenues of relief would be time-consuming and are inadequate given the urgency of this pandemic. In *Colvin v. Inslee*, four justices would have converted the petitioners’ request for immediate release into a PRP and would have released them under that mechanism.

No. 98317-8 (Apr. 10, 2020). And other courts have held release is a necessary remedy to protect medically vulnerable individuals. *See, e.g., Cameron v. Bouchard*, No. 20-10949, 2020 WL 2569868, at *24 (E.D. Mich. May 21, 2020) (“home confinement or early release is the only reasonable response to this unprecedented and deadly pandemic”); *Martinez-Brooks*, 2020 WL 2405350, at *23 (transfer to home confinement or compassionate release is “the only viable measure by which the safety of highly vulnerable inmates can be reasonable assured”).

The Court should order Mr. Williams’ immediate release from his current confinement, which is unlawful under the Washington and federal constitutions.

IV. CONCLUSION

For the reasons illustrated above, this Court should find that DOC is violating its constitutional duty to Mr. Williams under federal and state law, grant his PRP and release him to home confinement until a COVID-19 vaccine is developed.

In the alternative, Mr. Williams asks the Court to appoint counsel, order discovery and an evidentiary hearing to resolve any factual disputes about his unlawful restraint, and order Mr. Williams’ release to home confinement pursuant to his RAP 16.15(b) motion pending determination of his PRP.

Respectfully submitted this 26th day of June, 2020.

WASHINGTON INNOCENCE PROJECT

/s/Jacqueline McMurtrie

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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing Petitioner's Reply to Response to Personal Restraint Petition with the Clerk of the Court, which will send notice of such filing to:

HALEY BEACH, WSBA #44731
Haley.Beach@atg.wa.gov

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 25th day of June, 2020 in Seattle, Washington.



Jacqueline McMurtrie, WSBA No. 13587

EXHIBIT 1

NO. 54629-9-II

COURT OF APPEALS FOR THE STATE OF WASHINGTON

DIVISION II

In re the Personal Restraint Petition of:

ROBERT R. WILLIAMS,

Petitioner.

DECLARATION OF
JACQUELINE
McMURTRIE

I, JACQUELINE McMURTRIE, make the following declaration:

1. I am an attorney of record for Petitioner Robert R. Williams in this matter. I have personal knowledge of the following events regarding the above referenced case.
2. Attached to this declaration as Attachment A, is a true and correct copy of a report issued by the Office of the Corrections Ombuds (OCO) after it conducted a monitoring visit to Coyote Ridge Corrections Center (CRCC) on May 15, 2020.
3. Attached to this declaration as Attachment B, is a true and correct copy of a report issued by the OCO after it conducted a monitoring visit to CRCC on June 12, 2020.

ATTACHMENT A

**OCO Monitoring Visit to Coyote Ridge Corrections Center
Conducted by Caitlin Robertson, Assistant Ombuds—Eastern Division**

Background

- The Office of the Corrections Ombuds (OCO) received numerous concerns regarding the Department of Correction's (DOC) response to COVID-19. Additionally, OCO received several requests to enter DOC facilities and perform monitoring visits. For the above reasons, on May 15, 2020, OCO Assistant Ombuds Caitlin Robertson conducted a monitoring visit to Coyote Ridge Corrections Center (CRCC). The purpose of the visit was to observe CRCC's response to COVID-19.

Executive Summary/ Key Findings

- Throughout the OCO monitoring visit, interactions between DOC staff and incarcerated individuals, among DOC staff, and within the incarcerated population appeared normal. The facility appeared clean and orderly. Porters were observed cleaning throughout the facility with Germicidal Detergent spray bottles; spray bottles and rags were observed widely available throughout the facility.
- OCO staff observed a very high level of compliance with DOC staff wearing face coverings (personal fabric cloth coverings, surgical masks, etc.), as well as, a very high level of compliance with the incarcerated population wearing face coverings (various types of fabric cloth coverings, DOC provided surgical masks, and DOC provided bandanas).
 - On more than one occasion, OCO observed individual DOC and CI Staff and incarcerated individuals wearing face coverings low, with their nose visible; moving face coverings down when speaking; and wearing face coverings around neck.
 - OCO staff observed multiple individuals (DOC and CI Staff and incarcerated individuals) adjusting face coverings to a more correct placement after OCO staff identified herself.
- The day prior to the CRCC monitoring visit, CRCC experienced its first COVID-positive case involving an incarcerated individual. The individual was transported from CRCC to AHCC due to the higher risk nature of the individual and the better ability of AHCC to care for the individual, including increased medical facilities on-site and closer distance to a hospital. Subsequent to OCO's visit, DOC made the decision to transfer additional individuals who were symptomatic from CRCC to AHCC. CRCC staff also were delayed by two days in placing on quarantine the units from which both the first and later symptomatic individuals came. CRCC staff acknowledged that this was a "learning experience" and that they had since tightened their protocols. [**NOTE: Since drafting**

this monitoring report, OCO has initiated a review of CRCC’s actions in response to the first positive case and DOC has initiated an internal “fact-finding” exercise as well. OCO will produce a public report once OCO’s review is completed.]

- The Medium Security Complex (MSC) has undergone a variety of modifications to allow for greater social distancing, including incarcerated individuals residing in extended family visit units (EFV), the visitation room, education rooms, and the library. With the exception of two incarcerated individuals, everyone the OCO staff spoke with said their temporary space was okay and some stated it was much better than their original unit.
- After attending the Main Tier Rep Meeting, OCO staff met with the Tier Reps without DOC staff present. Most of the Tier Rep Meeting with DOC staff, and without, centered around the COVID-19 positive incarcerated individual and questions about contact tracing, how he became ill, and next steps. Tier Reps expressed frustration about the lack of quality and consistency of JPay and GTL phones and the laundry service.

Statutory Authority

- Per RCW 43.06C.050, OCO has “reasonable access” to all state correctional facilities in order to monitor compliance with respect to the rights and safety of incarcerated individuals.

Observations

Entrance

- At the main entrance of CRCC, OCO staff was asked screening questions, one by one. After answering no to all questions, temperature was taken by DOC staff. After passing the temperature check, the day’s dot sticker was placed on ID badge. At the time of entrance, OCO staff was the only person screened. However, on subsequent entrances, OCO observed DOC entrance staff performing screening procedures and checking badges for today’s sticker. All DOC staff were observed wearing face coverings and the staff persons taking temperatures were wearing gloves and standing behind a clear barrier (Appendix A, Photo A). DOC staff explained that during shift changes, some screening staff will stand behind clear barriers and, if needed, other staff will don gowns and conduct staff screenings. OCO staff verbally reviewed screened out policies with DOC staff and visibly reviewed CRCC’s “screened out” log book (Appendix A, Photo B).

Main Facility

- OCO observed COVID-19 posted DOC memos, health-safety information posters, and reminders to staff and incarcerated population throughout the facility. DOC staff were observed wearing face coverings and additional PPEs throughout the facility, both inside and outside of buildings (Appendix A, Photo C).

C Unit- A Pod

- Upon entering C Unit, DOC staff were observed passing out two boxed soap to each incarcerated individual (Appendix A, Photo D). When asked, an incarcerated person stated that soap and water were available in the restrooms and that they are cleaning the unit as needed. OCO staff observed porters cleaning the unit with Germicidal Detergent spray bottles and rags (Appendix A, Photo E). DOC staff stated that incarcerated individuals are allowed to sit two to a table and that staff monitor for compliance. All phones were available to be used at the same time (Appendix A, Photo F). Incarcerated individuals stated that the GTL phones do not work well from 5:00-8:45 p.m. When asked to clarify, they said that the line either goes dead or starts to crackle. A phone call was successfully completed to the OCO Hotline. Hand sanitizer was no longer available in the unit; the newly installed metal receptacle was empty.

G Unit- Veteran's Pod

- Inside the unit, both COVID-19 and OCO posters were visible in the dayroom. The unit appeared clean and all DOC staff and incarcerated individuals were observed wearing face coverings inside the unit (Appendix A, Photo G). However, some incarcerated individuals were observed not wearing face coverings while working out in the outside open-air area. Inside the unit, incarcerated individuals were observed sitting two a table in clusters and no porters were observed cleaning. When asked, DOC staff said that porters had just finished cleaning and were on a break. OCO staff observed a porter bringing a verification slip to be signed by DOC staff and the individual confirmed that he had just finished his cleaning shift. Hand sanitizer was no longer available in the unit; the newly installed metal receptacle was empty.

Kitchen Area

- Upon entering the dining facility, incarcerated individuals were observed sitting two to a table, while on a break from their kitchen work. In the kitchen area, most incarcerated individuals were observed wearing face coverings (Appendix A, Photo H). DOC staff and CI staff were observed congregating inside an office. Not all employees were wearing their face coverings inside the office, including after OCO staff introduced herself. Multiple cleaning products were observed, including Germicidal Detergent spray bottles and pH Neutral Floor Cleaner. The current food delivery system is one blind feeding with a hot breakfast and a frozen boat for lunch and the second blind feeding of the day, a hot dinner.

Medical Clinic

- OCO staff observed all DOC staff wearing face coverings and other PPEs. The custody staff monitor physical distancing and only allow four incarcerated individuals at a time in the waiting area, the remainder wait outside (Appendix A, Photo I). Medical staff stated that sick call times take priority and all other call outs are staggered. The pill line is called down by unit and the call outs are staggered to allow

for more spacing. The custody staff said that a larger waiting area would help to provide for greater spacing. When asked, the medical staff said that one individual was on medical isolation in the clinic. OCO staff looked in the isolation cell; however, the room was dark and the individual was unable to be easily observed.

Medium Security Complex (MSC)

Sage- East

- Operated under an ongoing protective separation, Sage-East houses incarcerated individuals with complex medical conditions. Prior to entering the unit, OCO staff walked through multiple layers of large plastic tarps (which act as a barrier), washed hands, sprayed down shoes with Germicidal Detergent, and donned a medical mask and gloves (Appendix A, Photo J). The unit appeared clean and all restrooms had soap and water and cleaning products available. Staff were observed wearing face coverings. In order to limit unnecessary contact, OCO staff did not interact with any incarcerated individuals in the unit.

Sage- West

- Inside the unit, COVID-19 posters were visible; however, OCO posters were not. Soap and water were available, hand sanitizer was not. OCO staff toured the bunk room, with the top bunks removed to reduce population numbers (Appendix A, Photo K) and a wing with two people to a room. Incarcerated individuals were observed in close proximity to one another, both inside and outside the unit. While inside, all incarcerated individuals and DOC staff were observed wearing their face coverings and most while outside (Appendix A, Photo L). The phone banks include a temporary barrier to allow for more phones to be used at the same time (Appendix A, Photo M). A phone call was successfully completed to the OCO Hotline. A group of incarcerated individuals stated a concern that the plastic barriers between to the two sides of Sage Unit may not be sufficient enough to protect both populations. Their suggested remedy was increased releases. Again, frustration was expressed regarding JPay, Wi-Fi, and GTL phones.

Willow – Temporary Housing

- OCO staff toured multiple temporary housing spaces in education rooms, the library, and the visiting area of the MSC. The dayroom includes both a place to congregate, with a maximum of 10 people at a time, and individual sleeping areas (Appendix A, Photo N). Individuals were observed sleeping in cots, playing cards, watching television, and preparing meals (Appendix A, Photo O). Nearly all incarcerated individuals said that the temporary space was okay. Some pointed to the large televisions and an initial choice of their room configuration as a benefit. The MSC's extended family visit cabins (EFVs) are being used as temporary living units, for up to three individuals per unit. OCO toured both units and found them clean with Germicidal Detergent spray available in both. Two current residents stated that they

liked their EFV and that it did not really feel like prison. DOC staff stated that the individuals, temporarily housed in the EFVs, were selected based on multiple criteria. One EFV inhabitant had recently been released, leaving one unit with only two individuals (Appendix A, Photo P).

Intensive Management Unit (IMU)

- The day prior to the CRCC monitoring visit, CRCC experienced its first COVID-positive case involving an incarcerated individual. The individual was transported from CRCC to AHCC due to the higher risk nature of the individual and the better ability of AHCC to care for the individual, including increased medical facilities on-site and closer distance to a hospital. Subsequent to OCO's visit, DOC made the decision to transfer additional individuals who were symptomatic from CRCC to AHCC. CRCC staff also were delayed by two days in placing on quarantine the units from which both the first and later symptomatic individuals came. CRCC staff acknowledged that this was a "learning experience" and that they had since tightened their protocols.
- OCO staff observed nine individuals in medical quarantine in the Intensive Management Unit (IMU). Seven of the nine chose to answer OCO staff's questions. Of the seven, three communicated that they were in IMU as a result of contact tracing; two were in IMU based on infractions, as well as being observed for COVID-19; and all seven confirmed being tested for COVID-19. Several reported that they were symptomatic; as stated above, OCO staff spoke to the individuals prior to their transfer to AHCC. One individual stated that he received a negative test, the remaining six did not know the results of their test. All seven stated that they had showered one time, that their cells were clean upon arrival, and that they had been able to send one communication to a family member or friend. OCO staff observed the IMU cell where the incarcerated individual, who tested positive for COVID-19 was housed, prior to transfer to AHCC (Appendix A, Photos Q, R, and S).

Tier Rep Meetings (Main)

- OCO staff attended the Main campus Tier Rep Meeting. Individuals sat widely spaced in a large circle. Most of the conversation centered around the recent news of a positive COVID-19 incarcerated person at CRCC. As most Tier Reps knew which unit was impacted, specific questions regarding the contact tracing were asked. Associate Superintendent Sawyer provided clear information without breaching confidentiality. Many Tier Reps expressed concern that it seemed to be unknown as to how the individual contracted COVID-19. Tier Reps expressed frustration with the quality of laundry bags and the subsequent missed laundry times and lost laundry because of the bags. Specifically, complaints were voiced about allegedly poor quality material for the current laundry bags. Many Tier Reps voiced frustration that their units did not have enough rags to sufficiently clean. DOC staff agreed to follow up on the rags and laundry bags.

- After the regular meeting, OCO staff met alone with the Tier Rep group. Questions again centered around the contact tracing and concerns that not all DOC staff are consistently wearing face coverings. Many Tier Reps asked about the status of visitation and if/when it would return. OCO staff asked all Tier Reps to summarize the general attitude of their unit in a short phrase. The answers by unit were: B: varies and all bad; C: varies; D: tension; E: tension; F: getting tight and brewing; G: varies and frustration; H: getting tenser; and I: bad. As a follow-up, OCO staff stated that on that morning's CRCC's LFC phone conference, family members used the term lockdown to describe CRCC's current status. OCO staff asked if the Tier Reps felt like CRCC was on a lockdown. The general response was no, it did not feel like a lockdown to the incarcerated individuals.

Appendix A

Photos

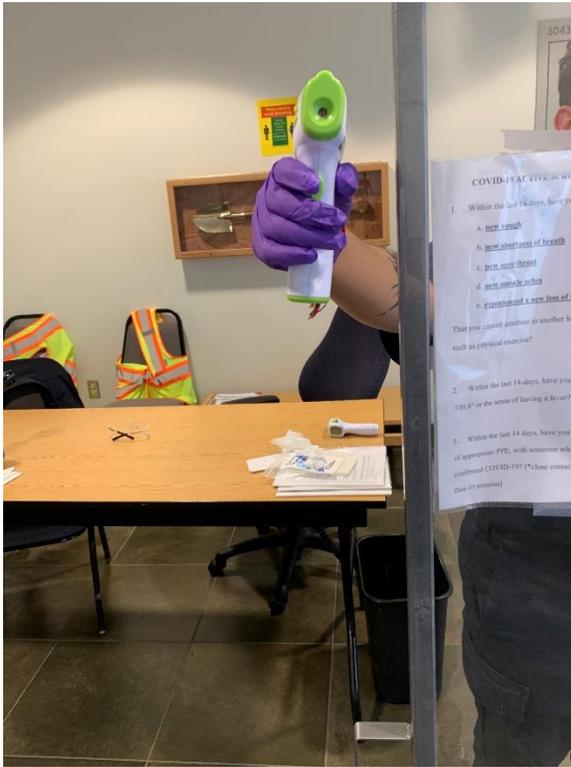


Photo A

Description: Entry DOC staff with screening questions, touchless temperature gun, and standing behind protective barrier.

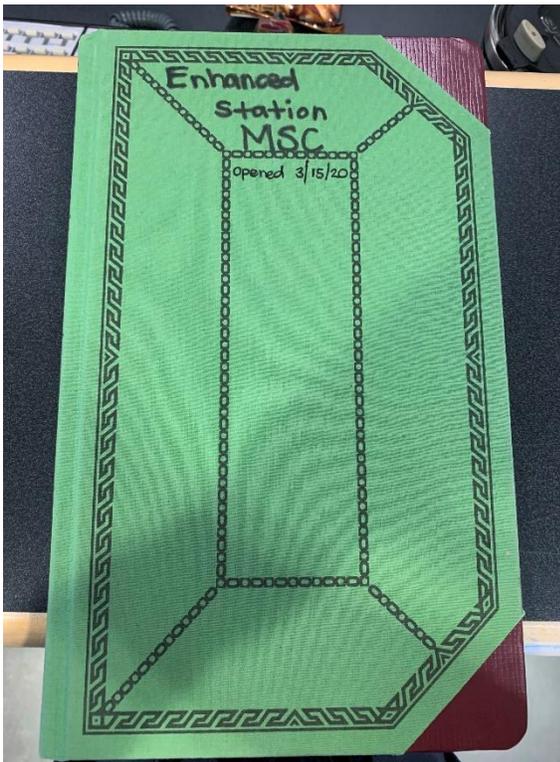


Photo B

Description: Main entrance Log Book containing detailed information for staff screened out based on COVID-19 screening process.

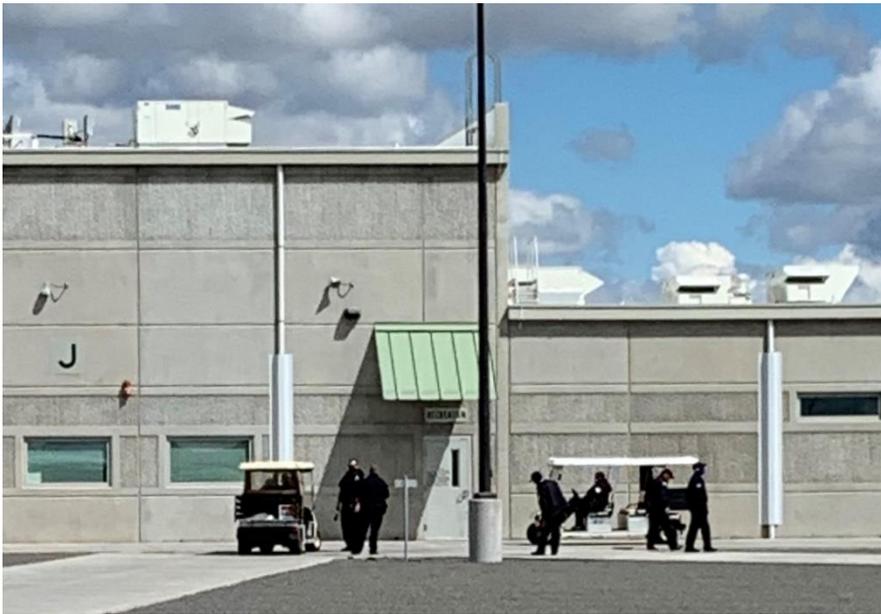


Photo C

Description: DOC Staff observed wearing PPEs while outside.



Photo D

Description: DOC staff passing out two bars of soap to incarcerated individuals in C Unit.



Photo E

Description: Germicidal Detergent spray bottles available in C Unit.



Photo F

Description: C Unit dayroom phones.



Photo G

Description: Incarcerated individuals wearing face covering inside G Unit.



Photo H

Description: Incarcerated individual wearing face covering while working in the kitchen.



Photo I

Description: Sign stating only four in the medical clinic waiting room at one time.



Photo J

Description: Entrance to Sage East, with PPE and hand washing station.



Photo K

Description: Sage West, top bunks removed for greater physical distancing.



Photo L

Description: DOC Staff and incarcerated individuals wearing face coverings while outside in the MSC.



Photo M

Description: Temporary barrier at phone banks in Sage West, to allow for more phone to be used at the same time.



Photo N

Description: Willow Unit, temporary housing in MSC visiting area.



Photo O

Description: Willow Unit with cots in the MSC library.



Photo P

Description: MSC's EFVs used as part of Willow Unit's temporary housing.



Photo Q

Description: IMU, OCO staff visited with incarcerated individuals housed in medical isolation.



Photo R

Description: Former IMU cell of COVID-19 positive tested incarcerated individual.



Photo S

Description: IMU medical isolation cell, incarcerated individual stepped out of the frame and gave permission to photograph.

Appendix B

Monitoring Visit Checklists

Entry *Main*

| Questions | Answer | Comments |
|--|--|---|
| 1. Does DOC staff take your temperature? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 2. Does DOC staff log the temperature? <i>above 100.4 - Log Book - screened out</i> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Note: Ask to see the log, ask whether all incoming personnel are similarly screened |
| 3. Are staff cleansing the thermometer between uses? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | <i>w/wipe</i> |
| 4. Does DOC staff ask screening questions? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 5. Is DOC staff wearing appropriate PPE (gown, gloves, surgical mask, eye protector)? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Ask if they're changing the PPE between screens |
| Additional Notes <i>gowns don when not behind barrier - Shift changes.</i> | | |

Clinic

| Questions | Answer | Comments |
|---|--|---|
| 1. Is social distancing being maintained in the waiting area? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | <i>Maintained 6 feet apart Custody Staff</i> |
| 2. Is social distancing being maintained in the pill line? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | <i>Call down by unit - Quick -</i> |
| 3. Are incarcerated individuals all wearing masks? | Yes <input type="checkbox"/> No <input type="checkbox"/> | <i>- did not see any</i> |
| 4. Is DOC staff wearing masks and other PPE? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 5. (Ask staff) Have sick call times been staggered or have staff taken other measures to reduce potential infection occurring within the clinic? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | <i>Sick are priority The rest called @ 4 e a hr</i> |
| Additional Notes <i>Custody Staff maintain space - Larger waiting Room would help B/c only 12m @ call out/ Home 4 inside - rest outside</i> | | |

★ 1 person in medical isolation ★ - Nurse confirmed - COVID tracking stat.

Regular Housing Unit: C unit - medium - A Pool

| Questions | Answer | Comments |
|---|--|--|
| 1. Are posters/flyers posted with information regarding COVID-19, symptoms, and how to report? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Different languages? |
| 2. Is the OCO poster/flyer posted? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 3. Does the housing unit appear clean? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 4. Are there any current maintenance concerns (e.g. broken sinks)? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| 5. Are incarcerated porters observed cleaning the unit? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Ask: How often do you clean? The whole time |
| 6. What type of chemicals/disinfectants are incarcerated porters using to clean the housing unit? | | germicidal spray |
| 7. Is soap and water available on the housing unit? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | saw soap handed out |
| 8. Is hand sanitizer available on the housing unit? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Boo yes - NO Hand sanitizer |
| 9. Are incarcerated individuals maintaining six feet of distance in the sleeping area? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | 2 in cell - not possible |
| 10. If dormitory/bunk sleeping area, are individuals sleeping head to foot? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | N/A |
| 11. Are incarcerated individuals maintaining six feet of distance in the dayroom area? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | not really 2 @ a time @ tables |
| 12. Are incarcerated individuals maintaining six feet of distance at the phones and kiosks? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | all phones used @ same time |
| 13. Are incarcerated individuals all wearing masks? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | most |
| 14. Are staff maintaining six feet of distance? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | not really |
| 15. Are staff all wearing masks and any additional PPE? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |

Unit - April

| | | |
|---|--|------------------------------|
| 16. Are interactions between staff and incarcerated individuals tense? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Describe. |
| 17. Is there a room near the housing unit to evaluate persons with COVID-19 symptoms? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Describe. take to medical |

Additional Notes

ERTL phone after 5 cuts of
jaws lead or 1/2 get
Static

✓ olo phone worked

Regular Housing Unit: Gunit - Veterans

| Questions | Answer | Comments |
|---|--|---|
| 1. Are posters/flyers posted with information regarding COVID-19, symptoms, and how to report? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Different languages? Spanish |
| 2. Is the OCO poster/flyer posted? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 3. Does the housing unit appear clean? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 4. Are there any current maintenance concerns (e.g. broken sinks)? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| 5. Are incarcerated porters observed cleaning the unit? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Ask: How often do you clean? Came in @ Break - Just finished |
| 6. What type of chemicals/disinfectants are incarcerated porters using to clean the housing unit? | | Saw green spray bottles |
| 7. Is soap and water available on the housing unit? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 8. Is hand sanitizer available on the housing unit? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Box - no sanitizer |
| 9. Are incarcerated individuals maintaining six feet of distance in the sleeping area? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | not possible |
| 10. If dormitory/bunk sleeping area, are individuals sleeping head to foot? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | n/a |
| 11. Are incarcerated individuals maintaining six feet of distance in the dayroom area? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | 2 @ a table |
| 12. Are incarcerated individuals maintaining six feet of distance at the phones and kiosks? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Phones can all be used @ same time |
| 13. Are incarcerated individuals all wearing masks? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | inside yes outside no - working out |
| 14. Are staff maintaining six feet of distance? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 15. Are staff all wearing masks and any additional PPE? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | masks |

61 unit - veterans

| | | |
|---|--|----------------------------|
| 16. Are interactions between staff and incarcerated individuals tense? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Describe. Calm |
| 17. Is there a room near the housing unit to evaluate persons with COVID-19 symptoms? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Describe. Medical go to |

Additional Notes

✓ able to call OCO - yes

gTL bad after 5

* saw books being downloaded
on J player

* a no one said one week old
ε, no wifi

Kitchen/Dining Area

Main - CI kitchen
- spoke w/ food services manager

| Questions | Answer | Comments |
|--|---|--|
| 1. Are posters/flyers posted with information regarding COVID-19, symptoms, and how to report? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Different languages? Spanish |
| 2. Is the OCO poster/flyer posted? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| 3. Does the kitchen/dining area appear clean? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 4. Are incarcerated persons observed cleaning the dining area? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Ask: How often do you clean? as needed - frequently |
| 5. What type of chemicals/disinfectants are incarcerated porters using to clean? | | Hepastat handles ^{as staff change} tablets Disinfectant |
| 6. Is soap and water available for incarcerated workers in the kitchen area? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Sanitizer tables is Floor = pH Neutral ^{btwn people} |
| 7. Is hand sanitizer available in the dining/kitchen area? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| 8. Are incarcerated individuals maintaining six feet of distance in the dining area? | Yes <input type="checkbox"/> No <input type="checkbox"/> | - 2 @ a table during break |
| 9. Are mealtimes staggered to better enable social distancing? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | 2 Hot & 1 cold lunch |
| 10. Are incarcerated individuals all wearing masks? | Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> | mostly - more than 50/50 |
| 11. Are staff maintaining six feet of physical distance from other staff and incarcerated individuals? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | - congregating in office |
| 12. Are staff all wearing masks and any additional PPE? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | - not @ start. Some spoke to me w/ mask down |
| 13. Are interactions between staff and incarcerated individuals tense? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Describe. Friendly Banter / Respectful |
| Additional Notes | | |
| Food not being served when observing | | |

- 1 Hot Breakfast & frozen lunch } lunch break
- 1 Hot Dinner -

Regular Housing Unit: SAGE - ASSISTANT - east -

| Questions | Answer | Comments |
|---|--|---|
| 1. Are posters/flyers posted with information regarding COVID-19, symptoms, and how to report? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Different languages? Spanish |
| 2. Is the OCO poster/flyer posted? | Yes <input type="checkbox"/> No <input type="checkbox"/> | did not see - |
| 3. Does the housing unit appear clean? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 4. Are there any current maintenance concerns (e.g. broken sinks)? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| 5. Are incarcerated porters observed cleaning the unit? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Ask: How often do you clean? as needed |
| 6. What type of chemicals/disinfectants are incarcerated porters using to clean the housing unit? | | germicidal spray Bottle |
| 7. Is soap and water available on the housing unit? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 8. Is hand sanitizer available on the housing unit? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| 9. Are incarcerated individuals maintaining six feet of distance in the sleeping area? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | 2 & 1 to a room not possible |
| 10. If dormitory/bunk sleeping area, are individuals sleeping head to foot? | Yes <input type="checkbox"/> No <input type="checkbox"/> | n/a |
| 11. Are incarcerated individuals maintaining six feet of distance in the dayroom area? | Yes <input type="checkbox"/> No <input type="checkbox"/> | -no one in dayroom |
| 12. Are incarcerated individuals maintaining six feet of distance at the phones and kiosks? | Yes <input type="checkbox"/> No <input type="checkbox"/> | -no one @ phonebank |
| 13. Are incarcerated individuals all wearing masks? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | etc - in their own rooms, in Bed |
| 14. Are staff maintaining six feet of distance? | Yes <input type="checkbox"/> No <input type="checkbox"/> | -mostly |
| 15. Are staff all wearing masks and any additional PPE? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Some gowns, gloves. |

Stage east

| | | |
|---|--|---|
| 16. Are interactions between staff and incarcerated individuals tense? | Yes <input type="checkbox"/> No <input type="checkbox"/> | Describe. Did not witness any interaction. everyone in Room-a-lon |
| 17. Is there a room near the housing unit to evaluate persons with COVID-19 symptoms? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Describe. The whole place seems like a Medical Facility |

Additional Notes

— OCO phone works

Regular Housing Unit: Sage west

| Questions | Answer | Comments |
|---|--|--------------------------------------|
| 1. Are posters/flyers posted with information regarding COVID-19, symptoms, and how to report? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Different languages? Spanish |
| 2. Is the OCO poster/flyer posted? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| 3. Does the housing unit appear clean? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 4. Are there any current maintenance concerns (e.g. broken sinks)? | Yes <input type="checkbox"/> No <input type="checkbox"/> | ? |
| 5. Are incarcerated porters observed cleaning the unit? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Ask: How often do you clean? |
| 6. What type of chemicals/disinfectants are incarcerated porters using to clean the housing unit? | | germicial Detergent Spray Bottles |
| 7. Is soap and water available on the housing unit? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 8. Is hand sanitizer available on the housing unit? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| 9. Are incarcerated individuals maintaining six feet of distance in the sleeping area? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Not really possible in dorm |
| 10. If dormitory/bunk sleeping area, are individuals sleeping head to foot? | Yes <input type="checkbox"/> No <input type="checkbox"/> | mostly \neq TOP Bunk removed |
| 11. Are incarcerated individuals maintaining six feet of distance in the dayroom area? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | But spread out |
| 12. Are incarcerated individuals maintaining six feet of distance at the phones and kiosks? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Temporary barriers installed |
| 13. Are incarcerated individuals all wearing masks? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 14. Are staff maintaining six feet of distance? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | mostly |
| 15. Are staff all wearing masks and any additional PPE? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | mask- |

Sage west

| | | |
|---|--|----------------------------------|
| 16. Are interactions between staff and incarcerated individuals tense? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Describe. Fairly calm |
| 17. Is there a room near the housing unit to evaluate persons with COVID-19 symptoms? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Describe. Medical clinic near |

Additional Notes

Interaction als rabbit

Inc/Individuals outside → Plastic ~~Barrier~~ NOT enough.
↳ Release more people

↳ WiFi doesn't work everywhere

↳ What ab Family visits?

*Spoke ab utilizing generame
Process so that
OCO can see data

✓ OCO phone yes

Regular Housing Unit: Willow - MSC

| Questions | Answer | Comments |
|---|--|--|
| 1. Are posters/flyers posted with information regarding COVID-19, symptoms, and how to report? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Different languages? Spanish |
| 2. Is the OCO poster/flyer posted? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 3. Does the housing unit appear clean? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 4. Are there any current maintenance concerns (e.g. broken sinks)? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| 5. Are incarcerated porters observed cleaning the unit? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Ask: How often do you clean? |
| 6. What type of chemicals/disinfectants are incarcerated porters using to clean the housing unit? | | germicidal detergent just have to ask |
| 7. Is soap and water available on the housing unit? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 8. Is hand sanitizer available on the housing unit? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| 9. Are incarcerated individuals maintaining six feet of distance in the sleeping area? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Some - not exactly 6 feet but spaced out |
| 10. If dormitory/bunk sleeping area, are individuals sleeping head to foot? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Depends |
| 11. Are incarcerated individuals maintaining six feet of distance in the dayroom area? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | only 10 allowed in Day Room @ one time |
| 12. Are incarcerated individuals maintaining six feet of distance at the phones and kiosks? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | NO phones in Willow outside phone all day |
| 13. Are incarcerated individuals all wearing masks? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 14. Are staff maintaining six feet of distance? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Congregated in their area |
| 15. Are staff all wearing masks and any additional PPE? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |

Willow MSC

| | | |
|---|--|---|
| 16. Are interactions between staff and incarcerated individuals tense? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Describe. Respectful |
| 17. Is there a room near the housing unit to evaluate persons with COVID-19 symptoms? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Describe. medical next door |

Additional Notes

Showers & JPay
Back in regular unit.

JPay players don't
work/connect in
Willow

even the
2 who said
they didn't
like Willow -
Back & forth
respectful

EFU → not like a
prison

↳ to a cabin

- Big Televisions throughout

- Patrol Room - volunteered to Willow
& got to pick "Roomies"



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1110

May 29, 2020

Joanna Carns
Office of Corrections Ombuds
PO Box 43113
Olympia, WA 98504

Dear Ms. Carns:

The Washington Department of Corrections appreciates the opportunity to respond to the 'OCO Monitoring Visit to Coyote Ridge Corrections Center' completed by the Office of Corrections Ombuds (OCO).

The Department of Corrections takes very seriously the health and safety of the incarcerated population and staff in the Washington state correctional facilities. The agency appreciates the opportunity to have your staff tour the Coyote Ridge Corrections Center and evaluate the facility's implementation of the protocols and procedures, especially cleaning and communication tools, put in place to respond to the COVID-19 pandemic. The information provided by the OCO was useful to ensure the Department of Corrections is doing everything it can to ensure an incarcerated individuals health and safety while incarcerated, especially during the COVID-19 pandemic.

We also appreciate your team's understanding of the unique implementation across facilities and the addition of policies and procedures being put in place to protect our populations. The facility will continue to remind staff and the incarcerated of the importance of wearing their face coverings at all times, has purchased and issued new cleaning rags, and will continue to implement any further precautionary measures as the COVID-19 pandemic progresses. The facility has recently ordered approximately 2500 new laundry bags that we hope will address the concerns related to laundry being lost. Moving forward, Washington Department of Corrections will continue to collaborate with the Office of the Corrections Ombuds on any future quality assurance visits.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Sinclair".

Steve Sinclair, Secretary
Washington Department of Corrections

"Working Together for SAFER Communities"

ATTACHMENT B

**OCO Follow-up Monitoring Visit to Coyote Ridge Corrections Center
Conducted by LaQuesha Turner— Early Resolution Ombuds and Race Equity Specialist
June 12, 2020**

Background

- The Office of the Corrections Ombuds (OCO) received numerous concerns regarding the Department of Correction's (DOC) response to COVID-19. Additionally, OCO received several requests to enter DOC facilities and perform monitoring visits. After the previous monitoring visit, there was a rapid increase of COVID-19 cases, implementation of restricted movement and elevated concerns from the community. For the above reasons, on June 12, 2020, LaQuesha Turner, OCO Early Resolution Ombuds and Race Equity Specialist, conducted a brief monitoring visit to Coyote Ridge Corrections Center. The purpose of the visit was to observe CRCC's response to the COVID-19 outbreak.

Statutory Authority

- Per RCW 43.06C.050, OCO has "reasonable access" to all state correctional facilities in order to monitor compliance with respect to the health, rights, safety and welfare of incarcerated individuals.

Executive Summary/Key Findings

- At the time of this visit there were 74 positive incarcerated people, 30 positive staff members, 21 incarcerated people in isolation, and 1,856 on quarantine. OCO staff visited every Tier Representative available and multiple other incarcerated people in medium and minimum units (B, C, D, E, F, and G). Also, OCO staff interviewed incarcerated people housed in segregation, where COVID-19 positive incarcerated people are held.
- Prior to the visit, OCO staff were informed that incarcerated people at minimum and medium levels of custody were released throughout the day from their cells every two hours, as part of the new lockdown procedure. During this time, incarcerated people were able to make calls to their family members, shower, play a board game, socialize, and warm up food. Upon arrival to the facility, OCO staff was informed of minor disturbances that had taken place in G-unit and F-unit as a result of a more restrictive lockdown procedure and lack of bathroom access in dry cells. The new lockdown procedure was a rotation of 20 minutes out of cell every other day and additional bathroom breaks when staff were able to assist outside of their new operational duties, such as preparing and serving meals.
 - OCO spoke with the four men placed in segregation following the breaking of their window in F-unit. It was explained that one of the four roommates desperately had to use the restroom and the doors were locked. Allegedly, when staff refused to allow him to use the restroom, this turned into a verbal argument. The incarcerated person waited until he could no longer, then he threw a lock at the window,

knowing someone would respond. OC (oleo capsicum/pepper spray) was released into the room, which reportedly contained two persons with asthma. At this time, this concern is still under review.

- OCO intended to visit the individuals placed in segregation after the incident resulting in damage of the doors in G-unit, which required a locksmith to open. Unfortunately, during the time of the visit to segregation, there were two medical responses which took priority and OCO did not visit the individuals.
- OCO was informed on several occasions that the population had no choice but to urinate and defecate in their various food storage containers. This was reportedly due to a lack of readily available use of the bathrooms in minimum units, which are dry cells (no plumbing) and infrequent bathroom trips.
 - OCO observed the process used to notify staff of a need to use the facilities—the population slips paper through the door and waits for staff to respond. OCO asked staff about how long this process normally takes. The initial question did not yield a clear answer from staff, but later OCO was informed “as often as possible” and not long after the signal was seen.
- Throughout the OCO monitoring visit, there were no negative interactions observed between DOC staff and incarcerated individuals. The overall atmosphere among DOC staff was calm under pressure, the pressure likely a result of the reduction in staff because of contraction of COVID-19 and trying to maintain a safe environment using an abundance of caution. More than once in various units we heard staff saying “we’re all in this together.”
- The overall atmosphere of the incarcerated individuals was extremely stressed emotionally and mentally. This was due to the lockdown constraints, fear, and lack of communication. In every unit OCO staff visited, there was talk of rioting, something “brewing,” and push back. One incarcerated person noted, “I’ve been on lockdown for over a month, I know I’m strong and encourage others to do the right thing regardless of what they do to us, but I’m breaking mentally and if they don’t do something quick, those still small voices will fade.” There were other concerns shared about lack of legal access, needing cultural and religious practices, communication, and food quality.
 - Concerns regarding legal access and interrupted legal calls were shared with Unit Supervisors to address with staff before OCO’s departure from that unit. The Superintendent also informed us that he has been monitoring the list of those needing legal access, to ensure it is followed through during the lockdown.

- The population informed OCO that consistent communication with them on COVID-19 concerns, less strict constraints, and a phasing down could quell some of the tension. Addressing these concerns might help reduce the widely expressed threat of a riot.

Conclusion/ Areas of Opportunity

- OCO recognizes the extreme stress that DOC staff is under at CRCC at this time. CRCC has received assistance from other facilities to aid in medical staffing, cooking, safety, and cell front deliveries of food and medications. Every staff member was concerned and eager to keep everyone within the facility safe. A few staff members pulled OCO aside expressing a genuine concern for those in their care. These concerns were regarding the transfer of COVID-positive individuals and the impact on the institutional environment, some of the aging population getting their various needs met, and concerns about not wanting to see anyone die from COVID-19. There was an expression of needing more resources including mental health staff available 24 hours a day. The following are areas of opportunity, several of which DOC is in the process of addressing:
 - Extend the time out of the cells-- at the conclusion of the second observation visit, DOC increased the daily time out of cells from 20 minutes to 30 minutes for everyone. DOC also informed us that they are looking for more efficiencies moving forward.
 - Rapidly create a system to respond in the case of a medical emergency, as all cells do not have alarm systems and there are fewer chances of direct immediate communication with staff.
 - Ensure a timely response for use of bathroom facilities. For those with medical conditions that may require more trips to the facilities, create a non-HIPAA-violating process for quicker responses. DOC has placed more staff in the dry cell units to ensure timely access to bathroom facilities.
 - Increase mental health staff availability.
 - Provide in-cell activities and entertainment including televisions. DOC administration acknowledged that these additions are ways to quell some of the tension and boredom expressed by the population. DOC is looking into additional options.
 - Increase communication with the incarcerated population regarding changes at the facility.
 - Create the availability to practice cultural and religious activities, without interruption from cellmates, and in an environment that allows for unrestricted expression of their beliefs.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1110

June 19, 2020

Joanna Carns
Office of Corrections Ombuds
PO Box 43113
Olympia, WA 98504

Dear Ms. Carns:

The Washington Department of Corrections appreciates the opportunity to respond to the 'OCO Rapid Monitoring Visit to Coyote Ridge Corrections Center' completed by the Office of Corrections Ombuds (OCO).

The Department of Corrections takes very seriously the health and safety of the incarcerated population and staff in the Washington state correctional facilities. The agency appreciates the opportunity to have your staff tour the Coyote Ridge Corrections Center and evaluate the facility's implementation of the protocols and procedures, especially cleaning and communication tools, put in place to respond to the COVID-19 pandemic. The information provided by the OCO was useful to ensure the Department of Corrections is doing everything it can to ensure an incarcerated individuals health and safety while incarcerated, especially during the COVID-19 pandemic.

| OCO Recommendation | DOC Response |
|---|--|
| Extend the time out of the cell—at the conclusion of the second observation visit, DOC increased the daily time out of cells from 20 minutes to 30 minutes for everyone. DOC also informed us that they are looking for more efficiencies moving forward. | The facility was able to increase the out of cell time for all incarcerated individuals from 20 minutes to 30 minutes per day. This is still the protocol that is being followed. As the response to the COVID-19 pandemic continues, the department will continue to implement updated protocols and precautionary measures to ensure the health and safety of the staff and the incarcerated population in the Washington correctional facilities. |
| Rapidly create a system to respond in the case of a medical emergency, as all cells do not have alarm systems and there are fewer chances of direct immediate communication with staff. | The facility has increased staffing levels on every tier to accommodate for being available to respond to incarcerated individuals requests. Those individuals who are on quarantine status do have the |

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| | |
|--|---|
| | <p>ability to open the cell door and call for a staff member at any time, as the doors are no longer double locked. All individuals have a cell mate and would have the ability to open the door and call for help in the event an individual needed immediate attention. For those individuals who are in units that are not able to open the door at any time, there is an informal flagging system that has been used where an individual can flag down a staff member by waving an item in front of their cell. Additionally, a staff member is doing routine cell checks every 15 minutes for all housing units.</p> |
| <p>Ensure a timely response for use of bathroom facilities. For those with medical conditions that may require more trips to the facilities, create a non-HIPAA-violating process for quicker responses. DOC has placed more staff in the dry cell units to ensure timely access to bathroom facilities.</p> | <p>Every individual that is not able to open their cell door at any time, is being routinely checked on every 15 minutes. If an individual has a need to use the restroom, within 15 minutes a staff member will be able to allow the individual to use the restroom during their routine checks, or can be flagged down if it is an emergent need. For individuals who have the ability to open their cell doors, an individual can open their door and request to use the restroom and a staff member will allow the individual to use the restroom.</p> |
| <p>Increase mental health staff availability.</p> | <p>The department has mental health staff on call and available at all times. Mental health staff are assigned to a specific living unit and are making rounds to do mental health checks twice daily during the business week. In the event mental health resources are needed after hours, there are staff available on-call to respond immediately. Mental health is continuing to provide resources to the population to ensure their mental health needs are</p> |



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| | |
|---|--|
| | continuing to be met. |
| Provide in-cell activities and entertainment including televisions. DOC administration acknowledged that these additions are ways to quell some of the tension and boredom expressed by the population. DOC is looking into additional options. | The facility was able to purchase TV's (112) for all cells that did not previously have them. These are currently being deployed to all units. All individuals who own JPay players are able to take them as their property. All units have books, cards, games, and puzzles that are available for use. Additionally, recreation staff have created in-cell exercise packets to encourage incarcerated individuals to participate in in-cell exercise activities. The facility will continue to explore additional ways to quell the tension and boredom. |
| Increase communication with the incarcerated population regarding changes at the facility. | The facility is communicating with the population on a frequent basis. All information is being printed and provided to each cell individually by staff. Additionally, Superintendent Uttecht created a video that was shared on the local facility TV channel reminding incarcerated individuals about the necessity to follow the COVID-19 precautionary protocols that are being implemented, to include a request for the incarcerated person to come forward if they are sick. |
| Create the availability to practice cultural and religious activities, without interruption from cellmates, and in an environment that allows for unrestricted expression of their beliefs. | Each individual has the ability, within reason, to practice their religious and cultural beliefs. Even while confined in a cell, they are free to exercise their religion, while the agency maintains the safety and security of the facility in maintaining restricted movement. The facility does have two chaplains that work a variety of scheduled shifts and are available to walk around and provide religious support as available. Currently, the facility is under a restricted movement that will not allow for |



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practicing of cultural and religious activities, without interruption from cell mates, in an environment that allows for unrestricted expression of their beliefs.

We also appreciate your team's understanding of the unique implementation across facilities and the addition of policies and procedures being put in place to protect our populations. Moving forward, Washington Department of Corrections will continue to collaborate with the Office of the Corrections Ombuds on any future quality assurance visits.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Sinclair".

Steve Sinclair, Secretary
Washington Department of Corrections

ATTACHMENT C

No. 54629-9-II

**COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION II**

IN RE THE PERSONAL RESTRAINT OF

Robert R. Williams,

Petitioner.

DECLARATION OF TIERNEY E. VIAL

WASHINGTON INNOCENCE PROJECT
Jacqueline McMurtrie, WSBA No. 13587
Kaylan L. Lovrovich, WSBA No. 55609
4293 Memorial Way N.E.
Seattle, WA 98195-0001
(206) 543-5780

Dayton L. Campbell-Harris, Law Student
Tierney Vial, Law Student

Attorneys for Petitioner

I, Tierney E. Vial, declare under penalty of perjury under the laws of the State of Washington that the following statements are true and correct to my best knowledge and belief:

Relationship to Mr. Williams' case

1. I began working on post-conviction relief for Mr. Williams in September of 2019 as part of the Washington Innocence Project Clinic at the University of Washington School of Law where I am a student.
2. Mr. Williams has always maintained his innocence. After reviewing Mr. Williams' case, our clinic team determined that we could seek post-conviction DNA testing for a host of items collected at the crime scene that were never tested.

December visit to Coyote Ridge Corrections Center

3. In December of 2019, I and the rest of Mr. Williams' legal team (Dayton Campbell-Harris, Kaylan Lovrovich, Jacqueline McMurtrie) drove to Coyote Ridge Corrections Center (CRCC) to interview Mr. Williams.
4. We had approval from CRCC for the date and time of our visit well ahead of time, but when we arrived, there were a series of

problems. First, after waiting for around a half hour, correctional staff brought us the wrong man.

5. I informed a correctional officer of the mistake and inquired about Mr. Williams' whereabouts. After checking her computer and making a call, she told me that Mr. Williams refused to come unless his "pusher" could attend the meeting with him. After conferring with my clinic team, I told the correctional officer that we would need to explain to Mr. Williams that the attorney client privilege would be implicated with a third party present, but that we would love to meet him all the same. I asked her to please ask Mr. Williams to come.
6. Approximately twenty more minutes passed until Mr. Williams finally arrived being pushed in his wheelchair by his therapy aid. After exchanging greetings, the therapy aid promptly left the room. Mr. Williams explained that he had tried to tell correctional officers that he couldn't get to our meeting unless they sent someone to push his wheelchair, and that he had never demanded to have his "pusher" actually attend the meeting.
7. Throughout our discussion of his legal case, Mr. Williams adamantly affirmed his innocence and gave us permission to pursue DNA testing. He told us to "test everything."

8. When we asked him about his health and how he was doing generally in CCRC, what he shared was concerning. He told us that he wasn't getting the support he needed with his disabilities in the general population unit. He shared that since a major stroke in 2010, his health had been in steep decline. He had fallen many times trying to complete tasks without the help of therapy aids and injured himself frequently. He shared that he had been moved back to the general population unit from the Sage Unit some months earlier and he didn't know why. We asked him if he wanted to return to Sage, and he said he very much would. He had more people to help him there and more medical support.
9. We assured Mr. Williams that in addition to working on a post-conviction DNA motion, we would look into why he had been moved from Sage to the general population unit and would advocate having him moved back there. He was very thankful.

Advocacy efforts to get Mr. Williams more support in CRCC

10. I began trying to get ahold of someone at CRCC to speak about Mr. Williams' transfer from the Sage Unit and inquire about getting more support for his disabilities in January and February of 2020. I left a voicemail at CRCC's health services number (509 544 3549) on January 15. I called that number again on February 5

but could not get through to anyone. I also called the main office phone (509 543 5800) on February 5 and spoke to an employee who told me he would ask someone there to call me back. I called the main office line again on February 11 and again asked to have someone who could discuss Mr. Williams' case call me back.

11. Jeremy Turner called me back on February 12, 2020 and left me a voicemail acknowledging that he understood I was inquiring about Mr. Williams' transfer from Sage back to a "rigor unit" and inviting me to call back.

12. On February 14, I spoke with Mr. Turner and he shared that Mr. Williams had been moved from Sage to general population in June of 2019. He said he could not give me any details, but that Mr. Williams' security rating was generally higher than what was the norm for Sage and that there was concern about potential behavior issues. I shared my concerns about Mr. Williams not getting adequate support in general population and asked if there was any way to have him moved back to Sage. Mr. Turner said that he would look into it and raise the issue with Dr. Fletcher and see if the issue could be discussed at the regular prison medical conference call.

13. I also shared my concern about Mr. Williams' ability to call his legal team given that he cannot dial a phone because of his physical limitations and his being very hard of hearing. Mr. Turner said that Mr. Williams could seek out the help of the ADA coordinator at CRCC to see if there was some accommodation for this. I asked whether Mr. Williams knew this, and Mr. Turner said that he would pass on my concerns Mr. Williams' counselor, Holly Kirwin, and that she could inform Mr. Williams.
14. I called Jeremy Turner back on February 21 to check in on whether Mr. Williams had been moved to Sage. Mr. Turner said that had not yet happened, and that he couldn't give me specifics as to why not but reassured me that he had asked Dr. Fletcher about the potential transfer.
15. On March 4, I called Ms. Kirwin and left her a voicemail explaining who I was and asking her to return my call. I also called Jeremy Turner on March 4 but he did not pick up the call.

Shift in Advocacy when Coronavirus Pandemic Broke

16. In March, when the Coronavirus pandemic sent Washington State into shelter-in-place and more news broke about the increased dangers of the virus in prison settings, we shifted our advocacy to

trying to establish communication with Mr. Williams and trying to get him some protection in DOC from the virus.

17. On March 31, 2020 I left voicemails for Mr. Turner and Ms. Kirwin asking for a call back and reiterating my concerns about the lack of support in the general population unit for Mr. Williams.
18. On April 1, 2020, Jeremy Westphal, a counselor at Coyote Ridge, called me back. He noted that Mr. Turner had informed him of my concerns and told me that Ms. Kirwin had been out of office and that they had a skeleton staff in the counseling office due to COVID-19 concerns. He said he had spoken about my concerns with Mr. Williams and that he would also relay them to Ms. Kirwin when she returned.
19. In this April 1 phone call, I also expressed concern about Mr. Williams' safety from COVID-19. Mr. Westphal said that he could not share any details with me about CRCC's preparedness to combat the virus apart from what was already on the DOC webpage. He offered to set up a call with Mr. Williams for myself and Mr. Williams' legal team so that we could speak with Mr. Williams.
20. On April 7, I emailed Mr. Westphal to set up a phone call. Mr. Westphal arranged it for April 9. He allowed Mr. Williams to

make the call from his office and assisted him by dialing the lead attorney's number. *See Att. 1.*

21. I emailed Mr. Westphal on April 9, 2020, after our conversation with Mr. Williams to thank him and to ask if we could have a regular weekly call with Mr. Williams for the next couple of months. *See Att. 1.*
22. On April 13, 2020, I received an email reply from Lori Wonders, CRCC's legal liaison officer. She said that Mr. Westphal had extended us a "onetime courtesy" by arranging the previous week's call with Mr. Williams and that Mr. Williams would need to use the offender phones or U.S. Postal Service to communicate with his legal team. *See Att. 2.*
23. In the morning of April 14, 2020, Mr. Westphal responded by email that "it [would] be passed on" to Mr. Williams that we'd like him to call us that Wednesday in the afternoon. *See Att. 2.*
24. I replied by email later in the morning of April 14, 2020, to Ms. Wonders and Mr. Westphal explaining the unique challenges that Mr. Williams' disabilities pose to regular modes of communication. Namely, that Mr. Williams is wheelchair bound which restricts his ability to access offender phones, and that he could not dial a phone with his disabilities. Additionally, I

explained he can no longer read or write. I said that we “would love to connect with the ADA coordinator and find a solution that best enables him to call us” and asked whether it would be possible “for someone to wheel him to the regular legal phone booth and dial our number (206-543-5780) at 2:30 on Wednesday afternoons” as a solution. *See* Att. 2.

25. In that same email, I expressed that we were asking for weekly calls because we were concerned about Mr. Williams' well-being due to the COVID-19 outbreak in the Washington prisons and at CRCC. I wrote that his age and “underlying serious medical conditions (diabetes, hypertension, and disabilities caused by a 2010 stroke) make him more vulnerable than others to the virus. He is living in a cell with three other men and does not have soap in his cell or a mask. Because of these conditions, we plan to seek legal action on his behalf.” *See* Att. 2.
26. On April 14, 2020, we also applied for Extraordinary Medical Placement for Mr. Williams pursuant to RCW 9.94A.728.
27. On April 15, 2020, Mr. Westphal replied to my email that he would assist Mr. Williams to make a call from his office “for a maximum of fifteen minutes.” *See* Att. 3.

28. After speaking with Mr. Williams on April 15, I replied to Mr. Westphal's email thanking him and informing him that Mr. Williams had told us could not fit into the offender phones in his wheelchair. I asked to speak with Mr. Williams the following week. *See Att. 3.*
29. On April 20, 2020, Mr. Westphal informed us that Mr. Williams' counselor Holly Kirwin had returned to work and that we should coordinate with her for a phone call with Mr. Williams. He also sent me visitation forms to request a legal visit. He had informed me that CRCC was allowing legal visits for a maximum of three people in an email on April 15. *See Att. 4.*
30. On April 20, I replied to Ms. Kirwin informing her of the reasons why Mr. Williams could not use the regular offender phones and requesting that he be allowed to call us from her office. She responded that afternoon that she would "continue to use the OA's office that is here that I was instructed to do" and that Wednesdays in the afternoon would be fine. *See Att. 4.*
31. On April 27, 2020 I emailed both Ms. Kirwin and Mr. Westphal requesting a phone call with Mr. Williams on Wednesday 29. Ms. Kirwin replied on April 28, 2020 that she would assist Mr. Williams with the call. *See Att. 5.*

32. I emailed Ms. Kirwin on Monday May 4, 2020, Monday May 11, 2020, and Monday May 18, 2020 asking for her to assist Mr. Williams make calls on Wednesday of each respective week. She acquiesced each time and we spoke with Mr. Williams each of those weeks. *See* Att. 6, Att. 7.
33. On May 11, 2020 we gave notice to Secretary Sinclair, Superintendent Uttecht, and Mr. Timothy Lang (Chief Director of the Corrections Division of the Washington State Office of the Attorney General) that we planned to file a personal restraint petition challenging the conditions of confinement amid the COVID-19 outbreak at Coyote Ridge for Mr. Williams considering his vulnerable health and disabilities. We also gave notice we would seek expedited review of our RAP 16.15(b) motion requesting that Mr. Williams be immediately released from custody pending determination of the petition by the Supreme Court.
34. On May 15, 2020 we filed a personal restraint petition for Mr. Williams in the Washington Supreme Court challenging the conditions of confinement. We also filed a motion for accelerated review of our motion that he be released pending adjudication of his conditions of confinement claims. We filed a Statement of

Finances, asking the Court to waive fees because Mr. Williams is indigent. All filings were served electronically by the Clerk of the Court to Timothy Lang (Chief Director of the Corrections Division of the Washington State Office of the Attorney General) at tim.lang@atg.wa.gov.

35. On May 18, 2020 we electronically served a copy of our motion for release and motion for accelerated review on Secretary Sinclair, Superintendent Uttecht, and Mr. Lang. We noted that since our filing, there had been a confirmed case of COVID among the incarcerated population at CRCC.

Lockdown at Coyote Ridge and cut-off of communications

36. On Tuesday May 26, 2020, I again emailed Ms. Kirwin asking to speak with Mr. Williams at the regular time the following day. *See* Att. 8.
37. She responded on May 27, 2020 in the morning that “So we can accommodate but please be aware our situation here has changed. Due to the new standards phone calls have to be limited to 8 minutes.” *See* Att. 8.
38. I replied thanking her, and we spoke with Mr. Williams for eight minutes. He informed us that CRCC was in a lockdown. He said it would be difficult to sign the Verification form we’d sent him

because he no longer had access to his therapy aids so he wasn't sure if anyone could read it to him. *See* Att. 8.

39. I emailed Ms. Kirwin after our call. After salutations, I wrote the following message: "Thank you again for assisting Mr. Williams with his call today, we appreciate it. Mr. Williams mentioned that although he received his legal mail from us, his regular therapy aids are unable to assist him with reading and signing the paperwork due to lockdown. We appreciate that this is a difficult time at Coyote Ridge and that the lockdown is for everyone's safety. We wanted to reach out to see if we could find a solution to help Mr. Williams get his paperwork signed as it is required by the court. We would be happy to read the paperwork to him over the phone, but that would require a lengthier phone call. Please let us know what would be a workable solution and if we can be of any assistance. I've copied his legal team on this email." *See* Att. 9.
40. Ms. Kirwin responded on May 29, 2020 writing: "I was advised that due to the lockdown what we can do is facilitate a phone call so that someone can go over the paperwork with him. Please let me know what day you are thinking so that we can get that scheduled and get him on the call out for that." *See* Att. 9.

41. After conferring with the rest of our legal team, I responded on June 1, 2020 asking whether we could have a phone call with Mr. Williams on June 3rd at 10am. *See* Att. 9.
42. I did not receive a response to that email. I followed up on June 2, 2020 with an email inquiring whether we could have a phone call with Mr. Williams on June 3. *See* Att. 9. I also left Ms. Kirwin a voicemail on June 3. She did not return my email or call.
43. Despite not getting to speak with Mr. Williams, we received his signed verification form in the mail on June 2, 2020.

DATED this 26th day of June, 2020 at Seattle, Washington.


Tierney E. Vial



Tierney Vial <vialt@uw.edu>

April 8 Legal Phone Call with Robert Williams DOC# 722679

12 messages

Tierney Vial <vialt@uw.edu>

Tue, Apr 7, 2020 at 3:36 PM

To: jkwestphal@doc1.wa.gov

Cc: Jackie McMurtrie <jackiem@uw.edu>, Kaylan Lovrovich <kaylanl@uw.edu>, "Dayton L. Campbell-Harris" <campbed@uw.edu>

Dear Jeremy,

I hope you are well and doing alright all things considered. We spoke on the phone last week about Robert Williams and you kindly offered to ask him to call his attorney when necessary considering his inability to read or write emails.

Robert's legal team would love to speak to him tomorrow, April 8, if possible. His legal team includes myself, Jacqueline McMurtrie, Kaylan Lovrovich, and Dayton Campbell-Harris. I have copied his legal team on this email.

If it would work for Robert to call his lead attorney Jacqueline McMurtrie tomorrow at some point between 1:30- 3:30 that would be wonderful. The phone number his dialer should dial is 206-543-5780.

If he is unavailable tomorrow, we will look into his legal team's availability this next week and get right back to you.

Thank you again for all your help. We are looking forward to speaking to Robert and hope you all are well at Coyote Ridge.

Best regards,

Tierney, Dayton, Jacqueline and Kaylan

Westphal, Jeremy K. (DOC) <jkwestphal@doc1.wa.gov>

Wed, Apr 8, 2020 at 9:25 AM

To: Tierney Vial <vialt@uw.edu>

[Would please be possible to get more notice?](#)

[Quoted text hidden]

Tierney Vial <vialt@uw.edu>

Wed, Apr 8, 2020 at 9:32 AM

To: "Westphal, Jeremy K. (DOC)" <jkwestphal@doc1.wa.gov>

Hey Jeremy,

Of course, if today won't work we understand. Would it be helpful to give you some availability for next week? I can ask the team and get right back to you.

Hope you are well and doing alright over there,

Best regards,

Tierney

[Quoted text hidden]

Westphal, Jeremy K. (DOC) <jkwestphal@doc1.wa.gov>

Wed, Apr 8, 2020 at 10:38 AM

To: Tierney Vial <vialt@uw.edu>

[It is early enough in the day that I can make the arrangements for tomorrow still. Would you like the 1330 to 1400 time frame?](#)

[Quoted text hidden]

Tierney Vial <vialt@uw.edu>
To: "Westphal, Jeremy K. (DOC)" <jkwestphal@doc1.wa.gov>

Wed, Apr 8, 2020 at 10:57 AM

Thank you for the offer! I'm checking with his team right now and will get right back to you.

Best regards,

Tierney
[Quoted text hidden]

Tierney Vial <vialt@uw.edu>
To: "Westphal, Jeremy K. (DOC)" <jkwestphal@doc1.wa.gov>
Cc: Jackie McMurtrie <jackiem@uw.edu>, "Dayton L. Campbell-Harris" <campbed@uw.edu>, Kaylan Lovrovich <kaylanl@uw.edu>

Wed, Apr 8, 2020 at 11:32 AM

Hey Jeremy,

Tomorrow works great for us, we are free from 13:00- 14:00, so 13:30 or earlier works just fine. The phone number his dialer should dial is 206-543-5780.

Thank you for all your help on this! I've Cc'd his legal team on this email to notify them of the time.

Best,

Tierney Vial, Dayton Campbell-Harris, Jacqueline McMurtrie, and Kaylan Lovrovich
[Quoted text hidden]

Tierney Vial <vialt@uw.edu>
To: "Westphal, Jeremy K. (DOC)" <jkwestphal@doc1.wa.gov>
Cc: Jackie McMurtrie <jackiem@uw.edu>, "Dayton L. Campbell-Harris" <campbed@uw.edu>, Kaylan Lovrovich <kaylanl@uw.edu>

Wed, Apr 8, 2020 at 11:37 AM

And just to confirm the date of the call - we are talking about a call tomorrow, April 9th, at some point between 13:00-14:00. Apologies if I've misunderstood!

[Quoted text hidden]

Westphal, Jeremy K. (DOC) <jkwestphal@doc1.wa.gov>
To: Tierney Vial <vialt@uw.edu>
Cc: Jackie McMurtrie <jackiem@uw.edu>, "Dayton L. Campbell-Harris" <campbed@uw.edu>, Kaylan Lovrovich <kaylanl@uw.edu>

Wed, Apr 8, 2020 at 11:41 AM

Perfect! I will write him a note, place him on our scheduler (call out), and send the unit staff a calendar reminder to allow it.

[Quoted text hidden]

Tierney Vial <vialt@uw.edu>
To: "Westphal, Jeremy K. (DOC)" <jkwestphal@doc1.wa.gov>
Cc: Jackie McMurtrie <jackiem@uw.edu>, "Dayton L. Campbell-Harris" <campbed@uw.edu>, Kaylan Lovrovich <kaylanl@uw.edu>

Wed, Apr 8, 2020 at 11:47 AM

Great, thank you so much Jeremy! We look forward to a call tomorrow April 9, sometime between 13:00-14:00 from Robert.

Take care and hope you are well!

Best regards,

Tierney

[Quoted text hidden]

Tierney Vial <vialt@uw.edu>

Thu, Apr 9, 2020 at 3:37 PM

To: "Westphal, Jeremy K. (DOC)" <jkwestphal@doc1.wa.gov>

Cc: Jackie McMurtrie <jackiem@uw.edu>, "Dayton L. Campbell-Harris" <campbed@uw.edu>, Kaylan Lovrovich <kaylanl@uw.edu>

Dear Jeremy,

I hope you are well. Thank you so much for coordinating the call with Robert today. It was hugely helpful to speak with him and it all went smoothly on our end.

Robert's legal team will be meeting every Wednesday at 2:30 to work on his case. For the next couple of months we'll need to check in with him regularly, so we'd love to have him join us for these weekly meetings. We told him this today and he is willing to meet weekly. Would Wednesdays at 2:30 work for you all to dial for him? It will be the same phone number: 206-543-5780.

Thank you again. I've included his legal team on this email in case you have any questions.

Best wishes for the rest of your week and the coming weekend.

Sincerely,

Tierney

[Quoted text hidden]

Jackie McMurtrie <jackiem@uw.edu>

Thu, Apr 9, 2020 at 4:39 PM

To: Tierney Vial <vialt@uw.edu>, "Dayton L. Campbell-Harris" <campbed@uw.edu>, Kaylan Lovrovich <kaylanl@uw.edu>

Dear Team Williams:

I drafted a memo of our phone conversation. Please feel free to add to and edit the draft.

\\Saturn\Dept\Clinics\IPNW\Teach\Clients\Williams, Robert R (From IPNY)\Notes & Memos\2020-04-09 Phone Call with Williams.docx

Great work today!

Jackie

[Quoted text hidden]

Tierney Vial <vialt@uw.edu>

Thu, Apr 9, 2020 at 4:43 PM

To: Jackie McMurtrie <jackiem@uw.edu>

Thanks Jackie!

[Quoted text hidden]



Tierney Vial <vialt@uw.edu>

Robert Williams DOC# 722679

3 messages

Wonders, Lori S. (DOC) <lswonders@doc1.wa.gov>

Mon, Apr 13, 2020 at 1:55 PM

To: "vialt@uw.edu" <vialt@uw.edu>

Cc: "jackiem@uw.edu" <jackiem@uw.edu>, "campbed@uw.edu" <campbed@uw.edu>, "kaylanl@uw.edu" <kaylanl@uw.edu>, "Westphal, Jeremy K. (DOC)" <jkwestphal@doc1.wa.gov>, "Leigh, Mark D. (DOC)" <mdleigh@doc1.wa.gov>

Hello! I am the Legal Liaison Officer (LLO) for our facility. Counselor Westphal shared your email, requesting weekly telephone calls with Mr. Williams and his attorneys.

As you can imagine, our Counselors have various responsibilities which include classification and release planning. When a Counselor is asked to facilitate a phone call, that call takes place in their office and due to the access to an outside line, computer and other documents in their office, the Counselor must be present during the entire duration of the call. This requires the Counselor to often rearrange their schedule to make this accommodation. In addition, because Counselors have anywhere between 60-80 offenders on their caseloads, we attempt to limit the amount of telephone calls they facilitate for offender court appearances. This includes limiting calls for cases involving an offender's sentence, conditions of confinement or civil rights as required under our policy and US Supreme Court decisions on legal access for offenders. Counselors should not be facilitating telephone calls between offenders and their attorneys. Offenders have access to the offender telephones or legal phone booth to communicate with their attorneys.

I understand that Mr. Westphal assisted with your request last week to speak with Mr. Williams utilizing DOC resources. Counselor Westphal allowed a onetime courtesy accommodation to allow the use of his office/phone for you to speak with Mr. Williams. Please make arrangements with Mr. Williams to communicate with you utilizing the offender phones or the United States Postal Services in the future.

Thank you for your cooperation!

Lori Wonders, AA4

Legal Liaison Officer

Public Information Officer

Coyote Ridge Corrections Center

(509) 543-5820

From: Westphal, Jeremy K. (DOC)**Sent:** Monday, April 13, 2020 12:16 PM

To: Leigh, Mark D. (DOC) <mdleigh@DOC1.WA.GOV>; Wonders, Lori S. (DOC) <lswonders@DOC1.WA.GOV>
Subject: FW: April 8 Legal Phone Call with Robert Williams DOC# 722679

Please read carefully. We are being asked for a weekly commitment to use a staff phone and have staff dial for a couple of months.

From: Tierney Vial [<mailto:vialt@uw.edu>]
Sent: Thursday, April 9, 2020 3:37 PM
To: Westphal, Jeremy K. (DOC) <jkwestphal@DOC1.WA.GOV>
Cc: Jackie McMurtrie <jackiem@uw.edu>; Dayton L. Campbell-Harris <campbed@uw.edu>; Kaylan Lovrovich <kaylanl@uw.edu>
Subject: Re: April 8 Legal Phone Call with Robert Williams DOC# 722679

Dear Jeremy,

I hope you are well. Thank you so much for coordinating the call with Robert today. It was hugely helpful to speak with him and it all went smoothly on our end.

Robert's legal team will be meeting every Wednesday at 2:30 to work on his case. For the next couple of months we'll need to check in with him regularly, so we'd love to have him join us for these weekly meetings. We told him this today and he is willing to meet weekly. Would Wednesdays at 2:30 work for you all to dial for him? It will be the same phone number: 206-543-5780.

Thank you again. I've included his legal team on this email in case you have any questions.

Best wishes for the rest of your week and the coming weekend.

Sincerely,

Tierney

On Wed, Apr 8, 2020 at 11:47 AM Tierney Vial <vialt@uw.edu> wrote:

Great, thank you so much Jeremy! We look forward to a call tomorrow April 9, sometime between 13:00-14:00 from Robert.

Take care and hope you are well!

Best regards,

Tierney

On Wed, Apr 8, 2020 at 11:43 AM Westphal, Jeremy K. (DOC) <jkwestphal@doc1.wa.gov> wrote:

Perfect! I will write him a note, place him on our scheduler (call out), and send the unit staff a calendar reminder to allow it.

From: Tierney Vial [<mailto:vialt@uw.edu>]
Sent: Wednesday, April 8, 2020 11:38 AM

To: Westphal, Jeremy K. (DOC) <jkwestphal@DOC1.WA.GOV>
Cc: Jackie McMurtrie <jackiem@uw.edu>; Dayton L. Campbell-Harris <campbed@uw.edu>; Kaylan Lovrovich <kaylanl@uw.edu>
Subject: Re: April 8 Legal Phone Call with Robert Williams DOC# 722679

And just to confirm the date of the call - we are talking about a call tomorrow, April 9th, at some point between 13:00-14:00. Apologies if I've misunderstood!

On Wed, Apr 8, 2020 at 11:32 AM Tierney Vial <vialt@uw.edu> wrote:

Hey Jeremy,

Tomorrow works great for us, we are free from 13:00- 14:00, so 13:30 or earlier works just fine. The phone number his dialer should dial is 206-543-5780.

Thank you for all your help on this! I've Cc'd his legal team on this email to notify them of the time.

Best,

Tierney Vial, Dayton Campbell-Harris, Jacqueline McMurtrie, and Kaylan Lovrovich

On Wed, Apr 8, 2020 at 10:57 AM Tierney Vial <vialt@uw.edu> wrote:

Thank you for the offer! I'm checking with his team right now and will get right back to you.

Best regards,

Tierney

On Wed, Apr 8, 2020 at 10:39 AM Westphal, Jeremy K. (DOC) <jkwestphal@doc1.wa.gov> wrote:

It is early enough in the day that I can make the arrangements for tomorrow still. Would you like the 1330 to 1400 time frame?

From: Tierney Vial [mailto:vialt@uw.edu]

Sent: Wednesday, April 8, 2020 9:33 AM

To: Westphal, Jeremy K. (DOC) <jkwestphal@DOC1.WA.GOV>

Subject: Re: April 8 Legal Phone Call with Robert Williams DOC# 722679

Hey Jeremy,

Of course, if today won't work we understand. Would it be helpful to give you some availability for next week? I can ask the team and get right back to you.

Hope you are well and doing alright over there,

Best regards,

Tierney

On Wed, Apr 8, 2020 at 9:28 AM Westphal, Jeremy K. (DOC) <jkwestphal@doc1.wa.gov> wrote:

Would please be possible to get more notice?

From: Tierney Vial [mailto:vialt@uw.edu]
Sent: Tuesday, April 7, 2020 3:37 PM
To: Westphal, Jeremy K. (DOC) <jkwestphal@DOC1.WA.GOV>
Cc: Jackie McMurtrie <jackiem@uw.edu>; Kaylan Lovrovich <kaylanl@uw.edu>; Dayton L. Campbell-Harris <campbed@uw.edu>
Subject: April 8 Legal Phone Call with Robert Williams DOC# 722679

Dear Jeremy,

I hope you are well and doing alright all things considered. We spoke on the phone last week about Robert Williams and you kindly offered to ask him to call his attorney when necessary considering his inability to read or write emails.

Robert's legal team would love to speak to him tomorrow, April 8, if possible. His legal team includes myself, Jacqueline McMurtrie, Kaylan Lovrovich, and Dayton Campbell-Harris. I have copied his legal team on this email.

If it would work for Robert to call his lead attorney Jacqueline McMurtrie tomorrow at some point between 1:30- 3:30 that would be wonderful. The phone number his dialer should dial is 206-543-5780.

If he is unavailable tomorrow, we will look into his legal team's availability this next week and get right back to you.

Thank you again for all your help. We are looking forward to speaking to Robert and hope you all are well at Coyote Ridge.

Best regards,

Tierney, Dayton, Jacqueline and Kaylan

Westphal, Jeremy K. (DOC) <jkwestphal@doc1.wa.gov>

Tue, Apr 14, 2020 at 7:09 AM

To: "vialt@uw.edu" <vialt@uw.edu>

Cc: "Leigh, Mark D. (DOC)" <mdleigh@doc1.wa.gov>, "Wonders, Lori S. (DOC)" <lswonders@doc1.wa.gov>

It will be passed on to Mr. Williams that you are requesting that he call you on Wednesdays at 2:30 PM at (206)543-5780.

[Quoted text hidden]

Tierney Vial <vialt@uw.edu>

Tue, Apr 14, 2020 at 11:30 AM

To: "Westphal, Jeremy K. (DOC)" <jkwestphal@doc1.wa.gov>, lswonders@doc1.wa.gov, mdleigh@doc1.wa.gov

Cc: Jackie McMurtrie <jackiem@uw.edu>, "Dayton L. Campbell-Harris" <campbed@uw.edu>, Kaylan Lovrovich <kaylanl@uw.edu>

Dear Ms. Wonders and Mr. Westphal,

Thank you for your emails and attention to Mr. William's case. We hope you are both well and healthy in these trying times.

Mr. Westphal while we are grateful for your help, we understand you are quite busy and would be happy to have some alternative in place for Mr. Williams to contact us. Mr. Williams has numerous disabilities, including an inability to type or read emails, an inability to dial a phone number, and he is wheelchair-bound.

Given those facts, we would love to connect with the ADA coordinator and find a solution that best enables him to call us. If it is possible for someone to wheel him to the regular legal phone booth and dial our number (206-543-5780) at 2:30 on Wednesday afternoons perhaps that could be a solution?

We are asking for weekly calls because we are concerned about Mr. Williams' well-being due to the COVID-19 outbreak in the WA prisons and at AHCC. His age (78 years-old) and underlying serious medical conditions (diabetes, hypertension, and disabilities caused by a 2010 stroke) make him more vulnerable than others to the virus. He is living in a cell with three other men and does not have soap in his cell or a mask. Because of these conditions, we plan to seek legal action on his behalf.

If it would be helpful to speak on the phone please feel free to call me (Tierney Vial) at 206-450-9306.

Thank you and best wishes for your week,

Tierney Vial, Dayton Campbell-Harris, Jacqueline McMurtrie, Kaylan Lovrovich

[Quoted text hidden]



Tierney Vial <vialt@uw.edu>

722679 Williams

3 messages

Westphal, Jeremy K. (DOC) <jkwestphal@doc1.wa.gov>

Wed, Apr 15, 2020 at 1:01 PM

To: Tierney Vial <vialt@uw.edu>

Cc: "Leigh, Mark D. (DOC)" <mdleigh@doc1.wa.gov>, "Wonders, Lori S. (DOC)" <lswonders@doc1.wa.gov>

I have informed Mr. Williams that I will assist with the phone for a maximum duration of fifteen minutes. I have been informed that professional visits are still allowed with a maximum of three visitors. Would you like the paper work for them?

Tierney Vial <vialt@uw.edu>

Wed, Apr 15, 2020 at 1:18 PM

To: "Westphal, Jeremy K. (DOC)" <jkwestphal@doc1.wa.gov>

Cc: "Leigh, Mark D. (DOC)" <mdleigh@doc1.wa.gov>, "Wonders, Lori S. (DOC)" <lswonders@doc1.wa.gov>

Hey Jeremy,

Thanks for the email and for assisting Robert today. I've forwarded this question to the rest of the legal team and we'll get right back to you.

Best regards,

Tierney

[Quoted text hidden]

Tierney Vial <vialt@uw.edu>

Wed, Apr 15, 2020 at 4:04 PM

To: "Westphal, Jeremy K. (DOC)" <jkwestphal@doc1.wa.gov>

Cc: "Leigh, Mark D. (DOC)" <mdleigh@doc1.wa.gov>, "Wonders, Lori S. (DOC)" <lswonders@doc1.wa.gov>, Jackie McMurtrie <jackiem@uw.edu>, "Dayton L. Campbell-Harris" <campbed@uw.edu>, Kaylan Lovrovich <kaylanl@uw.edu>

Dear Mr. Westphal,

Thank you again for assisting Robert this afternoon. I've spoken with the rest of his legal team and we'd love to go ahead and get started on the paperwork for a legal visit. We'll be having another meeting this coming Wednesday, April 22 at 2:30 in the afternoon and would love to check in with Robert again. We asked him to please ask to call us at that time at the 206-543-5780 number. We let him know that he might not be calling us from his counselor's office. He did advise us that he is unable to fit his wheelchair in the legal phone booths and is unable to stand in them. Would it work to have him call from your or Ms. Curwin's office this coming week for a brief check-in? We'd truly appreciate it.

We'll be sending him some paperwork and asked him to send us some records. He affirmed that his therapy aid could help him with this since he is unable to read or write with his disabilities. He is aware of what he needs to send, but we'd be happy to clarify anything if it's unclear.

Best wishes for the rest of your week and thank you again for your assistance. Please feel free to call me (Tierney Vial) at 206 450 9306 with any questions.

Sincerely,

Tierney Vial, Dayton Campell-Harris, Jacqueline McMurtrie, Kaylan Lovrovich

[Quoted text hidden]



Tierney Vial <vialt@uw.edu>

Professional Visit

4 messages

Westphal, Jeremy K. (DOC) <jkwestphal@doc1.wa.gov>

Mon, Apr 20, 2020 at 9:28 AM

To: Tierney Vial <vialt@uw.edu>

Cc: "Kirwin, Holly L. (DOC)" <hlkirwin@doc1.wa.gov>, "Wonders, Lori S. (DOC)" <lswonders@doc1.wa.gov>

Here are the forms to request an attorney visit. My availability will be hit and miss this week so I ask that you deal with CC2 Kirwin in relation to Mr. Williams.

Thank You,
CC3 Westphal
(509)544-3527

2 attachments

 **DOC 21-489 Facility Guest Access.docx**
37K

 **DOC 05-370 NCIC.docx**
40K

Tierney Vial <vialt@uw.edu>

Mon, Apr 20, 2020 at 9:44 AM

To: "Westphal, Jeremy K. (DOC)" <jkwestphal@doc1.wa.gov>

Cc: "Kirwin, Holly L. (DOC)" <hlkirwin@doc1.wa.gov>, "Wonders, Lori S. (DOC)" <lswonders@doc1.wa.gov>, "Dayton L. Campbell-Harris" <campbed@uw.edu>, Jackie McMurtrie <jackiem@uw.edu>, Kaylan Lovrovich <kaylanl@uw.edu>

Thank you Mr. Westphal, we truly appreciate all your help.

Ms. Kirwin, I hope you are well and enjoyed your weekend. Nice to make your acquaintance (albeit over email). Mr. Williams advised us that he is unable to fit his wheelchair in the legal phone booths and is unable to stand in them. Due to his disabilities, he is also unable to dial on his own. Would it work to have him call his legal team (Cc'd on this email) from your office this Wednesday at 2:30 (or really anytime from 2-3) for a brief check-in with his legal team? We'd truly appreciate it. His legal team asked him to please request to call us at that time at 206-543-5780 (his lead attorney's office number). If that time doesn't work but you have other availability Wednesday or any other day this week, please let us know and we will make that work.

We sent him some paperwork last week and asked him to send us some records. He affirmed that his therapy aid could help him with this since he is unable to read or write with his disabilities. He is aware of what he needs to send, but we'd be happy to clarify anything if it's unclear.

Best wishes for the rest of your week and thank you for your assistance. Please feel free to call me (Tierney Vial) at 206 450 9306 with any questions.

Sincerely,

Tierney Vial, Dayton Campell-Harris, Jacqueline McMurtrie, Kaylan Lovrovich

[Quoted text hidden]

Kirwin, Holly L. (DOC) <hlkirwin@doc1.wa.gov>

Mon, Apr 20, 2020 at 1:16 PM

To: Tierney Vial <vialt@uw.edu>

We will continue to use the OA's office that is here that I was instructed to do. Wednesday at 2:30 works just fine.

Have a wonderful day and stay safe. 😊

Holly Kirwin

[Quoted text hidden]

Tierney Vial <vialt@uw.edu>

Mon, Apr 20, 2020 at 1:24 PM

To: "Kirwin, Holly L. (DOC)" <hlkirwin@doc1.wa.gov>

Cc: Jackie McMurtrie <jackiem@uw.edu>, Kaylan Lovrovich <kaylanl@uw.edu>, "Dayton L. Campbell-Harris" <campbed@uw.edu>

Thank you so much Ms. Kirwin, we appreciate it! I've copied his legal team on this email for scheduling purposes.

Best regards,

Tierney Vial

[Quoted text hidden]



Tierney Vial <vialt@uw.edu>

Meeting with Robert this Wednesday at 2:30

3 messages

Tierney Vial <vialt@uw.edu>

Mon, Apr 27, 2020 at 4:52 PM

To: "Kirwin, Holly L. (DOC)" <hlkirwin@doc1.wa.gov>

Cc: Jackie McMurtrie <jackiem@uw.edu>, "Dayton L. Campbell-Harris" <campbed@uw.edu>, Kaylan Lovrovich <kaylanl@uw.edu>, "Westphal, Jeremy K. (DOC)" <jkwestphal@doc1.wa.gov>

Dear Ms. Kirwin and Mr. Westphal,

We hope you are both well and had a restful weekend. We are working intently on Mr. Williams' case, and it would be hugely helpful to speak to him Wednesday at 2:30 if either of you are able to assist him with dialing his attorney's number: 206-543-5780. If that day or time doesn't work, please let us know some times that do and we will work something out.

Thank you again for all your assistance, we truly appreciate it.

Best regards,

Tierney Vial, Dayton Campbell-Harris, Jacqueline McMurtrie, and Kaylan Lovrovich

Kirwin, Holly L. (DOC) <hlkirwin@doc1.wa.gov>

Tue, Apr 28, 2020 at 9:38 AM

To: Tierney Vial <vialt@uw.edu>

I will be more than happy to help him.

[Quoted text hidden]

Tierney Vial <vialt@uw.edu>

Tue, Apr 28, 2020 at 1:30 PM

To: "Kirwin, Holly L. (DOC)" <hlkirwin@doc1.wa.gov>

Cc: Jackie McMurtrie <jackiem@uw.edu>, "Dayton L. Campbell-Harris" <campbed@uw.edu>, Kaylan Lovrovich <kaylanl@uw.edu>

Thank you so much Ms. Kirwin, we appreciate it. I've Cc'd his legal team on this email for scheduling purposes.

Best regards,

Tierney Vial, Dayton Campbell-Harris, Jacqueline McMurtrie, and Kaylan Lovrovich

[Quoted text hidden]



Tierney Vial <vialt@uw.edu>

Call with Mr. Williams 2:30 Wednesday

6 messages

Tierney Vial <vialt@uw.edu> Mon, May 4, 2020 at 2:31 PM

To: "Kirwin, Holly L. (DOC)" <hlkirwin@doc1.wa.gov>

Cc: Jackie McMurtrie <jackiem@uw.edu>, "Dayton L. Campbell-Harris" <campbed@uw.edu>, Kaylan Lovrovich <kaylanl@uw.edu>

Dear Ms. Kirwin,

We hope you are well and had a restful weekend. We are making progress on Mr. Williams' case, and it would be wonderful to speak to him Wednesday at 2:30 if you are able to assist him with dialing his attorney's number: 206-543-5780. If that day or time doesn't work, please let us know some times that do and we will find another. I have Cc'd his legal team on this email as well for scheduling purposes.

Thank you again for all your assistance, we truly appreciate it.

Best regards,

Tierney Vial, Dayton Campbell-Harris, Jacqueline McMurtrie, and Kaylan Lovrovich

Kirwin, Holly L. (DOC) <hlkirwin@doc1.wa.gov> Mon, May 4, 2020 at 2:34 PM

To: Tierney Vial <vialt@uw.edu>

That will work

[Quoted text hidden]

Tierney Vial <vialt@uw.edu> Mon, May 4, 2020 at 2:46 PM

To: "Kirwin, Holly L. (DOC)" <hlkirwin@doc1.wa.gov>

Thank you Ms. Kirwin! We appreciate it.

[Quoted text hidden]

Tierney Vial <vialt@uw.edu> Mon, May 11, 2020 at 4:26 PM

To: "Kirwin, Holly L. (DOC)" <hlkirwin@doc1.wa.gov>

Good afternoon Ms. Kirwin,

We hope you are well and enjoyed your weekend. Would it work with your schedule to assist Mr. Williams in calling his attorney this Wednesday afternoon at 2:30? If not we will check in about different times that might work for you. We truly appreciate your help.

Thank you for your consideration,

Sincerely,

Tierney Vial

[Quoted text hidden]

Kirwin, Holly L. (DOC) <hlkirwin@doc1.wa.gov> Tue, May 12, 2020 at 7:26 AM

To: Tierney Vial <vialt@uw.edu>

2:30 on Wednesday will work 😊 Have a wonderful day

Holly Kirwin

[Quoted text hidden]

Tierney Vial <vialt@uw.edu>
To: "Kirwin, Holly L. (DOC)" <hlkirwin@doc1.wa.gov>

Tue, May 12, 2020 at 7:59 AM

Thanks so much!

Tierney Vial
[Quoted text hidden]



Tierney Vial <vialt@uw.edu>

Call with Mr. Williams Wednesday 2:30

3 messages

Tierney Vial <vialt@uw.edu>

Mon, May 18, 2020 at 12:20 PM

To: "Kirwin, Holly L. (DOC)" <hlkirwin@doc1.wa.gov>

Cc: Jackie McMurtrie <jackiem@uw.edu>, "Dayton L. Campbell-Harris" <campbed@uw.edu>, Kaylan Lovrovich <kaylanl@uw.edu>

Dear Ms. Kirwin,

We hope you are well and had a good weekend. Would it be possible to speak to Mr. Williams Wednesday at 2:30? If you are able to assist him with dialing his attorney's number (206-543-5780) at that time that would be much appreciated. If that day or time doesn't work, please let us know and we will find another. I have Cc'd his legal team on this email as well for scheduling purposes.

Thank you again for all your assistance, we truly appreciate it.

Best regards,

Tierney Vial, Dayton Campbell-Harris, Jacqueline McMurtrie, and Kaylan Lovrovich

Kirwin, Holly L. (DOC) <hlkirwin@doc1.wa.gov>

Tue, May 19, 2020 at 7:21 AM

To: Tierney Vial <vialt@uw.edu>

Yes Wednesday at 2:30 works.

[Quoted text hidden]

Tierney Vial <vialt@uw.edu>

Tue, May 19, 2020 at 8:03 AM

To: "Kirwin, Holly L. (DOC)" <hlkirwin@doc1.wa.gov>

Thank you Ms. Kirwin!

Sincerely,

Tierney Vial

[Quoted text hidden]



Tierney Vial <vialt@uw.edu>

Call with Robert at 2:30 Wednesday May 26

3 messages

Tierney Vial <vialt@uw.edu>

Tue, May 26, 2020 at 5:28 PM

To: "Kirwin, Holly L. (DOC)" <hlkirwin@doc1.wa.gov>

Dear Ms. Kirwin,

I hope you are well. If it works for your schedule tomorrow, Wednesday May 26, to have Mr. Williams call his attorney at 2:30 that would be wonderful. I apologize for the late notice, if that time won't work please let us know some times that are convenient for you and we'll make one of those work.

Best Regards,

Tierney Vial

Kirwin, Holly L. (DOC) <hlkirwin@doc1.wa.gov>

Wed, May 27, 2020 at 9:40 AM

To: Tierney Vial <vialt@uw.edu>

So we can accommodate but please be aware our situation here has changed. Due to the new standards phone calls have to be limited to 8 minutes.

[Quoted text hidden]

Tierney Vial <vialt@uw.edu>

Wed, May 27, 2020 at 10:11 AM

To: "Kirwin, Holly L. (DOC)" <hlkirwin@doc1.wa.gov>

Thank you for letting us know and for accommodating us. We appreciate it.

Best regards,

Tierney

[Quoted text hidden]



Tierney Vial <vialt@uw.edu>

Assistance for Mr. William's paperwork

4 messages

Tierney Vial <vialt@uw.edu>

Wed, May 27, 2020 at 6:21 PM

To: "Kirwin, Holly L. (DOC)" <hlkirwin@doc1.wa.gov>

Cc: Jackie McMurtrie <jackiem@uw.edu>, "Dayton L. Campbell-Harris" <campbed@uw.edu>, Kaylan Lovrovich <kaylanl@uw.edu>

Dear Ms. Kirwin,

Thank you again for assisting Mr. Williams with his call today, we appreciate it. Mr. Williams mentioned that although he received his legal mail from us, his regular therapy aids are unable to assist him with reading and signing the paperwork due to lockdown. We appreciate that this is a difficult time at Coyote Ridge and that the lockdown is for everyone's safety. We wanted to reach out to see if we could find a solution to help Mr. Williams get his paperwork signed as it is required by the court. We would be happy to read the paperwork to him over the phone, but that would require a lengthier phone call. Please let us know what would be a workable solution and if we can be of any assistance. I've copied his legal team on this email.

Thank you again for all of your help.

Sincerely,

Tierney Vial, Dayton Campbell-Harris, Jacqueline McMurtrie, Kaylan Lovrovich

Kirwin, Holly L. (DOC) <hlkirwin@doc1.wa.gov>

Fri, May 29, 2020 at 8:16 AM

To: Tierney Vial <vialt@uw.edu>

Good morning,

I was advised that due to the lockdown what we can do is facilitate a phone call so that someone can go over the paperwork with him. Please let me know what day you are thinking so that we can get that scheduled and get him on the call out for that.

Thank you

Holly Kirwin

[Quoted text hidden]

Tierney Vial <vialt@uw.edu>

Mon, Jun 1, 2020 at 9:58 AM

To: "Kirwin, Holly L. (DOC)" <hlkirwin@doc1.wa.gov>

Cc: "Dayton L. Campbell-Harris" <campbed@uw.edu>, Jackie McMurtrie <jackiem@uw.edu>, Kaylan Lovrovich <kaylanl@uw.edu>

Dear Ms. Kirwin,

I hope you are well. Thank you for your email. Would Wednesday, June 3 at 10am work for a phone call?

Thank you, we appreciate your help.

Sincerely,

Tierney Vial, Dayton Campbell-Harris, Jacqueline McMurtrie, and Kaylan Lovrovich

[Quoted text hidden]

Tierney Vial <vialt@uw.edu>

Tue, Jun 2, 2020 at 2:43 PM

To: "Kirwin, Holly L. (DOC)" <hlkirwin@doc1.wa.gov>

Dear Ms. Kirwin,

Just checking in about tomorrow's call. Will 10 am work for you?

Thank you,

Tierney Vial

[Quoted text hidden]

ATTACHMENT D

No. 54629-9-II

**COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION II**

IN RE THE PERSONAL RESTRAINT OF

Robert R. Williams,

Petitioner.

DECLARATION OF DAYTON L. CAMPBELL-HARRIS

WASHINGTON INNOCENCE PROJECT
Jacqueline McMurtrie, WSBA No. 13587
Kaylan L. Lovrovich, WSBA No. 55609
4293 Memorial Way N.E.
Seattle, WA 98195-0001
(206) 543-5780

Dayton L. Campbell-Harris, Law Student
Tierney Vial, Law Student

Attorneys for Petitioner

I, Dayton L. Campbell-Harris, declare under penalty of perjury under the laws of the State of Washington that the following statements are true and correct to my best knowledge and belief:

Relationship with Mr. Williams' Case

1. Beginning in September, 2019, I started working on post-conviction relief for Mr. Williams as a student in the Washington Innocence Project Clinic at the University of Washington School of Law.
2. Throughout the Fall of 2019, our clinic team reviewed Mr. Williams' case. After consulting with him in December 2019, we decided to seek post-conviction DNA testing on different items that were collected from the crime scene, but that were never tested. Mr. Williams has always maintained his innocence.

Extraordinary Medical Placement Request

3. As the global COVID-19 pandemic began to sweep across the United States, Mr. Williams' legal team began exploring expedited avenues for release. After visiting him in December 2019, it was clear that his age, disability, and medical vulnerability made him deeply susceptible to experience extreme COVID-19 complications while in DOC custody.

4. Since Mr. Williams is in multiple high-risk COVID-19 categories, and because he is seventy-seven years old and wheelchair-bound, his legal team began exploring his eligibility for Extraordinary Medical Placement (“EMP”).
5. I contacted Mr. Williams’ sister, Angie Williams, to inquire about whether she could take care of Mr. Williams if he is released to home confinement.
6. After Ms. Williams confirmed that she could in fact, care for Mr. Williams upon his release, I called Beth Lindenman on April 13, 2020. I asked Ms. Lindenman how we could refer Mr. Williams for EMP.
7. Ms. Lindenman informed me that she simply needed the name and Department of Corrections’ number of the person being referred and then she would imitate the EMP referral process.
8. On April 14, 2020, I formally submitted the EMP referral for Mr. Williams by email. *See* Att. 1. I never heard from Ms. Lindenman again.

EMP Denial

9. On May 7, 2020, DOC rejected Mr. Williams’ EMP referral. *See* Att. 2.

10. DOC claimed that, although Mr. Williams met the medical criteria for EMP release, the community screening committee did not find that he posed a low risk to the community.
11. Mr. Williams is wheelchair-bound, seventy-seven-years-old, requires a pusher to move his wheelchair more than a few feet, and he cannot complete basic tasks on his own, like getting in bed.
12. DOC cited no specific criteria or reasons that explained why Mr. Williams poses a threat to the community.
13. Although I submitted the EMP request to Beth Lindenman, I never received a copy of the denial letter from her.

Receiving the EMP Denial Letter

14. On June 17, 2020, I received a call from Cara M. Hernandez, a Social Worker at Coyote Ridge Corrections Center.
15. I asked Ms. Hernandez whether she had the EMP Denial Letter. She informed me that she did, but that she was not authorized to release the letter to me. I asked whether she could send it to Angie Williams, and she said that she would have to double check, before confirming. I gave Ms. Hernandez the email address for Angie Williams.
16. On June 24, 2020, Ms. Williams shared Mr. Williams' EMP denial letter with me.

17. There is no avenue for appeal illustrated on the EMP denial letter.

DATED this 25th day of June, 2020 at Osoyoos, British Columbia.

A handwritten signature in black ink, appearing to read "Dayton L. Campbell-Harris". The signature is written in a cursive style with some capital letters.

Dayton L. Campbell-Harris

Kaylan Lovrovich

From: Dayton Campbell-Harris <campbed@uw.edu>
Sent: Thursday, June 25, 2020 4:07 PM
To: Kaylan Lovrovich
Subject: Fwd: EMP Referral Questions

Follow Up Flag: Follow Up
Flag Status: Flagged

----- Forwarded message -----

From: **Dayton Campbell-Harris** <campbed@uw.edu>
Date: Tue, Apr 14, 2020 at 11:04 AM
Subject: Re: EMP Referral Questions
To: Lindenman, Beth A. (DOC) <balindenman@doc1.wa.gov>
CC: Tierney Vial <vialt@uw.edu>

Good Morning, Beth!

Thank you for your prompt response. I appreciate you walking me through the EMP referral process on the phone earlier today. The referred person is Robert R. Williams, and his DOC# is 722679. He has a family that wishes to care for him upon release since he is 78 years old with medical complications and wheelchair-bound. Please let me know if there is other information that I can provide to help you initiate the EMP referral process! Should we come across more information, we will certainly pass them along to you as well.

Warmly,
Dayton

On Mon, Apr 13, 2020 at 11:29 AM Lindenman, Beth A. (DOC) <balindenman@doc1.wa.gov> wrote:

Hello Dayton:

There is nothing that is required to be submitted for a referral for an EMP screening. I simply need the name and DOC# of the person being referred and I will initiate the process. The facility will then be tasked with compiling the necessary documentation and facilitating the screening. If there is any documentation you wish to submit to be placed in the packet for review, simply email it to me and I will make sure it is included. I am happy to call and speak to you if you would like any further information.

Thank you,

Beth

Beth Lindenman, MBA, COC

Health Services Contracts, Claims and Benefits Manager

EMP Coordinator

WA State Department of Corrections

7345 Linderson Way SW, Tumwater, WA 98501

PO Box 41107, Olympia, WA 98504-1107

Phone: 360.725.8234 Cell: 360.810-1335 Fax: 360.586.1320

Beth.Lindenman@DOC.WA.GOV

From: Dayton Campbell-Harris [mailto:campbed@uw.edu]
Sent: Monday, April 13, 2020 10:52 AM
To: Lindenman, Beth A. (DOC) <balindenman@DOC1.WA.GOV>
Cc: Tierney Vial <vialt@uw.edu>
Subject: EMP Referral Questions

Good Morning, Beth!

I hope that you are doing well and staying healthy during these unprecedented times! My name is Dayton Campbell-Harris and copied on this email is my friend Tierney Vial for awareness. I was referred to you by the WA DOC Health Services hotline for questions concerning Extraordinary Medical Placement ('EMP').

We were wondering if you can walk us through the process of referring an individual for EMP. More specifically, we are curious about what needs to be sent your way for the evaluation (i.e., a specific application form, sworn statements, doctor's note, etc). I am also happy to discuss this matter over the phone if that would be easier on your end.

Please let me know what works best for you to relay this information. I look forward to speaking with you soon and learning more about the EMP referral process!

Sincerely,

Dayton Campbell-Harris | J.D. Candidate 2021

University of Washington School of Law

Editor-in-Chief-Elect | [*Washington International Law Journal*](#)

M: (425) 516-8400

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Dayton Campbell-Harris | J.D. Candidate 2021

University of Washington School of Law

Editor-in-Chief-Elect | [*Washington International Law Journal*](#)

M: (425) 516-8400

--

Dayton Campbell-Harris | J.D. Candidate 2021

University of Washington School of Law

Editor-in-Chief | [*Washington International Law Journal*](#)

M: (425) 516-8400



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
HEALTH SERVICES DIVISION
P. O. Box 41123 Tumwater, Washington 98504-1143
Tel (360) 725-8700 - FAX (360) 586-9060

May 7, 2020

Robert Williams DOC#722679
Coyote Ridge Corrections Center
CRCC-I/IA021L
PO Box 769
Connell, WA 99326

Dear Mr. Williams,

I am writing in response to your referral for consideration of Extraordinary Medical Placement (EMP). RCW9.94A728(1)(c)(i) has very specific criteria for EMP. The RCW specifically states:

“The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

- (A) The offender has a medical condition that is serious and is expected to require costly care or treatment;*
- (B) The offender poses a low risk to the community because he or she is currently physically incapacitated due to age or the medical condition or is expected to be so at the time of release; and*
- (C) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.”*

For the purposes of EMP, incapacitation is defined as having a medical condition that renders the offender permanently unable or unlikely to engage in activities of daily living without assistance, to perform gainful employment, and participate in criminal behavior.

Although you currently meet the medical criteria, your case has been reviewed by the community screening committee and based on the above community safety criteria; it was determined that you do not qualify at this time.

Sincerely,

Beth Lindenman

Beth Lindenman
EMP Coordinator

cc Jeffrey Uttecht, Superintendent
Tim Taylor, Health Services Manager
Dale Fetroe, MD, Facility Medical Director
Ronna Cole, Regional Health Services Administrator, Command C
Tom Fithian, Deputy Director, Prisons Command C
Joiann Miller, Classifications & Case Management
Classification Unit for Scanning

“Working Together for SAFE Communities”

ATTACHMENT E



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
HEALTH SERVICES DIVISION

P. O. Box 41123 Tumwater, Washington 98504-1143
Tel (360) 725-8700 - FAX (360) 586-9060

May 7, 2020

Robert Williams DOC#722679
Coyote Ridge Corrections Center
CRCC-I/IA021L
PO Box 769
Connell, WA 99326

Dear Mr. Williams,

I am writing in response to your referral for consideration of Extraordinary Medical Placement (EMP). RCW9.94A728(1)(c)(i) has very specific criteria for EMP. The RCW specifically states:

“The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

- (A) The offender has a medical condition that is serious and is expected to require costly care or treatment;*
- (B) The offender poses a low risk to the community because he or she is currently physically incapacitated due to age or the medical condition or is expected to be so at the time of release; and*
- (C) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.”*

For the purposes of EMP, incapacitation is defined as having a medical condition that renders the offender permanently unable or unlikely to engage in activities of daily living without assistance, to perform gainful employment, and participate in criminal behavior.

Although you currently meet the medical criteria, your case has been reviewed by the community screening committee and based on the above community safety criteria; it was determined that you do not qualify at this time.

Sincerely,

Beth Lindenman

Beth Lindenman
EMP Coordinator

cc Jeffrey Uttecht, Superintendent
Tim Taylor, Health Services Manager
Dale Fetroe, MD, Facility Medical Director
Ronna Cole, Regional Health Services Administrator, Command C
Tom Fithian, Deputy Director, Prisons Command C
Joiann Miller, Classifications & Case Management
Classification Unit for Scanning

“Working Together for SAFE Communities”

ATTACHMENT F

No. 54629-9-II

**COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION II**

IN RE THE PERSONAL RESTRAINT OF

Robert R. Williams,

Petitioner.

SUPPLEMENTAL DECLARATION OF ROBERT R. WILLIAMS

WASHINGTON INNOCENCE PROJECT
Jacqueline McMurtrie, WSBA No. 13587
Kaylan L. Lovrovich, WSBA No. 55609
4293 Memorial Way N.E.
Seattle, WA 98195-0001
(206) 543-5780

Dayton L. Campbell-Harris, Law Student
Tierney Vial, Law Student

Attorneys for Petitioner

I, Robert Rufus Williams, declare under penalty of perjury under the laws of the State of Washington that the following statements are true and correct to my best knowledge and belief:

Conditions at Airway Heights

1. I am at the infirmary at Airway Heights.
2. I am in a room that looks like a cell, with a single bed.
3. When people come to take care of me, they are in masks and protective gear.
4. To make calls, the prison officials bring a phone to my room.
5. I am able to sit up everyday and look outside the window.
6. I am able to get into a wheelchair by myself to use the latrine, which is ten feet from my bed.
7. The staff at Airway Heights bring me cold meals.

Health Conditions

8. I am tired all the time. My body tenses up on me. I am never able to relax.
9. I am on medications, but I do not know what they are.
10. Staff has not told me what their plans are once I leave the infirmary.

//

Conditions at Coyote Ridge

11. There were four people in my cell at Coyote Ridge before quarantine.
12. Two people in my cell were in wheelchairs, two were not. I was one of those men in a wheelchair.
13. The cell had no plumbing.
14. Before the whole facility was quarantined, prison officials moved someone into my cell from quarantine. He was not in a wheelchair.
15. The cell next to me also had someone moved into it from quarantine.
16. My cell was in the I Unit. I believe that all of the people who were sent to Airway Heights in mid-May with the virus were from I Unit.
17. Even when people were being moved to Airway Heights, I Unit was not shut down.
18. I was staying in I Unit while COVID spread through that part of CRCC.
19. I was not allowed out to use the bathroom when I needed to during the quarantine. I had to urinate in a bottle. Sometimes the bottle got full. I was given bottle because it was hard for me to get out my cell door to get to the ADA latrine.

20. Even when I was allowed out to use the latrine, there were lines to use it so I could not use it in time anyway. There was also non-handicapped the ADA latrine.
21. I repeatedly urinated on myself in my cell.
22. My pusher realized that I had COVID-19 because I did not look or feel so good, and I had fallen. My pusher then got someone from medical to take care of me.
23. My pusher, or therapy aide, was the person who took care of me at Coyote Ridge.
24. After I became sick, prison officials moved me to IMU.
25. I remember being at Kadlec hospital.

I am unable to sign this document as it was prepared in Seattle, Washington, but I have had it read to me over the telephone and authorize Jacqueline McMurtrie to sign it on my behalf.

DATED this 24th day of June, 2020 at Seattle, Washington.

/s/ Jacqueline McMurtrie

Robert Rufus Williams, by Jacqueline McMurtrie, WSBA #13587

**CERTIFICATION RE AUTHORIZATION TO SIGN ON BEHALF
OF ROBERT R. WILLIAMS**

I, Jacqueline McMurtrie, declare under penalty of perjury under the laws of the State of Washington:

1. I am counsel for Mr. Williams in this action.
2. Due to shortened time, and limitations on access to Mr. Williams because he is currently COVID-19 positive and quarantined at the Airway Heights Correction Center infirmary, I was unable to obtain a physical signature from Mr. Williams for this declaration.
3. I personally spoke with Mr. Williams on June 24, 2020.
4. At the conclusion of the call, the contents of the supplemental declaration were read to him, and he stated to me that he believed the contents to be true and correct, and authorized me to sign the declaration on his behalf.

DATED this 24th day of June, 2020 at Seattle, Washington.

A handwritten signature in black ink, appearing to read 'J. McMurtrie', is centered on the page.

Jacqueline McMurtrie, WSBA #13587

ATTACHEMENT G

After Innocence

www.after-innocence.org

415-307-3386

June 25, 2020

Court of Appeals, Division II
950 Broadway #300
Tacoma, WA 98402

RE: Post-Release Support for Robert Williams

To Whom it May Concern:

I write in support of the Motion for Release for Robert Williams, and to assure you that our organization will make substantial re-entry support available to him immediately upon release.

I am the director of After Innocence, an Oakland-based non-profit organization that provides free re-entry assistance to individuals who were convicted and imprisoned for crimes they did not commit. Our clients include exonerees – individuals released after their convictions were overturned and the charges against them dismissed – and also those released from prison without a formal exoneration, but who have been represented by our partner organizations, such as the Washington Innocence Project.

We focus our re-entry work on ensuring access to health care, social services and public benefits, as well as free legal services to assist with post-release problems. Since 2015, we have brought this assistance help to 17 individuals in Washington, and more than 70 individuals nationwide.

Because we do this work entirely by phone, our ability to provide this support directly to our clients has continued without interruption during the COVID-19 crisis, although with much greater difficulty.

In particular, we stand ready to provide Mr. Williams start-to-finish help with the following:

- obtaining a photo ID and stimulus money (we have substantial experience doing this during the pandemic);
- enrolling in whatever health care he is eligible for, and – critically – helping him make good use of that health care;
- coordinating pro bono assistance for any legal or bureaucratic issues; and
- connecting to social services in his community.

We hope to have the opportunity to assist Mr. Williams in the coming days.

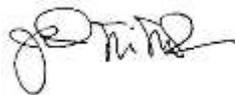
Thank you,


Jon Eldan
Executive Director
After Innocence
415-307-3386
jon@after-innocence.org

4. Attached to this declaration as Attachment C, is a true and correct copy of a declaration executed by Tierney Vial.
5. Attached to this declaration as Attachment D, a true and correct copy of a declaration executed by Dayton L. Campbell-Harris
6. Attached to this declaration as Attachment E, is a true and correct copy of a May 7, 2020 letter from the Washington State Department of Corrections denying Mr. Williams' referral for consideration of Extraordinary Medical Placement.
7. Attached to this declaration as Attachment F, is a true and correct copy of a declaration executed by Robert R. Williams.
8. Attached to this declaration as Attachment G, is a true and correct copy of a June 25, 2020 letter from Jon Eldan, Executive Director of After Innocence.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 25th day of June, 2020 in Seattle, Washington.



Jacqueline McMurtrie, WSBA No. 13587

WASHINGTON INNOCENCE PROJECT CLINIC

June 26, 2020 - 3:04 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 54629-9
Appellate Court Case Title: Personal Restraint Petition of Robert R. Williams
Superior Court Case Number: 07-1-03073-7

The following documents have been uploaded:

- 546299_Briefs_20200626150222D2169804_6469.pdf
This File Contains:
Briefs - Petitioners Reply
The Original File Name was R Williams Reply to Response to PRP .pdf

A copy of the uploaded files will be sent to:

- haley.beach@atg.wa.gov
- kaylanl@uw.edu

Comments:

Sender Name: Jackie McMurtrie - Email: jackiem@uw.edu

Address:

4293 MEMORIAL WAY NORTHEAST

SEATTLE, WA, 98195-0001

Phone: 206-543-5780

Note: The Filing Id is 20200626150222D2169804

FILED
Court of Appeals
Division II
State of Washington
6/29/2020 8:34 AM

Court of Appeals No. 54629-9-II

**COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II**

IN RE THE PERSONAL RESTRAINT OF

Robert R. Williams

Petitioner.

**ERRATA TO PETITIONER'S REPLY TO RESPONSE IN
SUPPORT OF PERSONAL RESTRAINT PETITION**

Jacqueline McMurtrie, WSBA No. 13587
Kaylan L. Lovrovich, WSBA No. 55609
4293 Memorial Way N.E.
Seattle, WA 98195-0001
(206) 543-5780

Dayton L. Campbell-Harris, Law Student
Tierney Vial, Law Student

Attorneys for Petitioner

Respondent, by and through counsel Jacqueline McMurtrie, provides notice of errata and correction to the Petitioner's Reply to Response to Personal Restraint Petition:

P. 1: lines 13–14, [After Mr. Williams contracted COVID-19, DOC treated him with a drug known to cause adverse cardiac events.] should read [After Mr. Williams contracted COVID-19, he was treated with a drug known to cause adverse cardiac events while in DOC custody at a community hospital.]

P. 8: line 9 [**C. DOC's COVID-19 treatment exposed Mr. Williams to risk.**] should read [**C. Mr. Williams received COVID-19 treatment, while in DOC custody, which exposed him to risk.**]

P. 8: lines 10–12, [Part of DOC's COVID-19 treatment for Mr. Williams included administering hydroxychloroquine,⁴¹ despite known concerns about the drug's potentially damaging side effects on patients' hearts.] should read, [Part of the COVID-19 treatment Mr. Williams received while in DOC custody included hydroxychloroquine,⁴¹ despite known concerns about the drug's potentially damaging side effects on patients' hearts.]

P. 8: n 41, [Resp. at 30.] should read [Resp. at 30. The community hospital administering the drug was part of "DOC's clinical care of patients with suspected or confirmed COVID-19." *Id.* at 9; *see also West*

v. Atkins, 487 U.S. 42, 56, 108 S. Ct. 2250, 101 L. Ed.2d 40 (1988)

(“Contracting out prison medical care does not relieve the State of its constitutional duty to provide adequate medical treatment to those in its custody, and it does not deprive the State’s prisoners of the means to vindicate their Eighth Amendment rights.”.)]

P. 12: lines 5–6, [(4) treating him with a drug known to cause heart issues after he contracted COVID-19] should read [(4) providing clinical care which included treating him with a drug known to cause heart issues after he contracted COVID-19].

Respectfully submitted this 29th day of June, 2020.

WASHINGTON INNOCENCE PROJECT

A handwritten signature in black ink, appearing to read "Jackie M. Williams", with a stylized flourish at the end.

Attorney for Robert R. Williams, WSBA No. 13587
jackiem@uw.edu

CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing Notice of Errata of
Petitioner's Reply to Response to Personal Restraint Petition with the
Clerk of the Court, which will send notice of such filing to:

HALEY BEACH, WSBA #44731
Haley.Beach@atg.wa.gov

I certify under penalty of perjury under the laws of the state of
Washington that the foregoing is true and correct.



June 29, 2020

Date and Place

Jacqueline McMurtrie

WASHINGTON INNOCENCE PROJECT CLINIC

June 29, 2020 - 8:34 AM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 54629-9
Appellate Court Case Title: Personal Restraint Petition of Robert R. Williams
Superior Court Case Number: 07-1-03073-7

The following documents have been uploaded:

- 546299_Briefs_20200629083236D2825976_7033.pdf
This File Contains:
Briefs - Errata
The Original File Name was R Williams Reply Notice of Errata.pdf

A copy of the uploaded files will be sent to:

- haley.beach@atg.wa.gov
- kaylanl@uw.edu

Comments:

Sender Name: Jackie McMurtrie - Email: jackiem@uw.edu

Address:

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SEATTLE, WA, 98195-0001

Phone: 206-543-5780

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