



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1100

April 27, 2023

Ms. Erin L. Lennon
Clerk, Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929
E-mail: supreme@courts.wa.gov

RE: Proposed Amendment to RAP 10.10

Ms. Lennon:

The Department of Corrections (DOC) was asked to provide its position on a proposed change to RAP 10.10 and the protentional impacts this change would have on the DOC, incarcerated individuals, and employees.

Our position is that we support the requirements for all incarcerated individuals to be provided access to their case files. However, the DOC must balance the ability of individuals to access the courts while ensuring the safety and security of incarcerated individuals, employees, the corrections facility, and the general public.

The DOC understands the proposed changes to RAP 10.10 would require a criminal defense attorney, if requested, to mail a copy of the complete record of a criminal trial to the incarcerated client. This record could include graphic/sexual images of adults and/or minors and could also include sensitive, personal information about victims. These proposed changes do not appear to consider the potential negative impacts this change could have on the DOC, incarcerated individuals, and victims whose information/images may be included in those records.

The proposed changes to RAP 10.10 have the potential to create safety and security concerns in the DOC corrections facilities. If graphic or sexually explicit material were allowed to be sent in through the DOC legal mail process in violation of the DOC policies, the DOC believes these materials would place incarcerated individuals at an increased risk. These risks include but are not limited to:

1. Strong-arming and threats of physical harm for individuals receiving legal documents that include graphic/sexual images/written depictions.

"Working Together for SAFER Communities"

2. The selling of graphic/sexual images/written depictions not authorized for possession by individuals.
3. Possession of descriptions of sex offenses and sexually explicit materials could interfere with the individual's rehabilitation and participation in mandatory programs like Sex Offender Treatment and Assessment Programming.
4. Incarcerated individuals engaging in 'paper checking' or using the information to learn various details about other incarcerated individuals' crimes of conviction

Given these and other concerns, the DOC is concerned about the proposed changes to RAP 10.10 and would ask these changes not to be adopted without further discussions. The DOC welcomes further conversations about ways such concerns could be addressed in DOC policies and practices.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sean Murphy', with a stylized, looping design.

Sean Murphy, Deputy Secretary
Department of Corrections

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: WA Supreme Court | DOC Response re: RAP 10.10
Date: Friday, April 28, 2023 8:50:09 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[DOC Response Letter - RAP 10.10.pdf](#)
Importance: High

From: Murphy, Sean M. (DOC) <sean.murphy@doc1.wa.gov>
Sent: Friday, April 28, 2023 8:48 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Murphy, Sean M. (DOC) <sean.murphy@doc1.wa.gov>; Strange, Cheryl (DOC) <cheryl.strange@doc1.wa.gov>; Edwards, J. Scott (DOC) <jsedwards@DOC1.WA.GOV>; Fithian, Tomas P. (DOC) <tpfithian@DOC1.WA.GOV>; Feulner, Tim J. (ATG) <tim.feulner@atg.wa.gov>
Subject: WA Supreme Court | DOC Response re: RAP 10.10
Importance: High

External Email Warning! This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Dear Ms. Lennon:

Please see the attached letter in regards to the proposed change to RAP 10.10 and the protentional impacts this change would have on the Department of Corrections incarcerated individuals, and employees.

Thank you for your consideration.

Sincerely,

Sean Murphy
Deputy Secretary, MPA, ACHE
Washington State Department of Corrections
(360) 725-8650 sean.murphy@doc1.wa.gov

