

### **Has the court issued a decision yet?**

Yes, on July 23, 2020, the Washington Supreme Court issued its opinion in *Colvin v. Inslee*. The Court previously issued a brief, one-page order in this case on April 23, 2020, denying our clients' petition asking the Court to order the Governor and the Department of Corrections (DOC) to protect individuals incarcerated in the state prisons from the risk of COVID-19. The opinion can be found here: <https://columbialegal.org/wp-content/uploads/2020/08/Colvin-v-Inslee-Courts-Opinion.pdf>.

Prior to the issuance of the opinion, the Petitioners attempted to get the court to reevaluate its April 23 decision. On June 23, because of the significant change in circumstances occurring at DOC since the April 23 order, including the widespread COVID outbreak at Coyote Ridge Corrections Center (CRCC), the Petitioners filed a motion with the court to submit additional evidence. The hope was that the Court would accept this evidence, reevaluate its earlier decision, and appoint an expert to investigate and report back to the Court on DOC's response to the outbreak at CRCC.

On July 10, 2020, the Court entered an order denying this motion. Columbia Legal Services (CLS) is evaluating all potential next steps and will continue to advocate to protect people in DOC from further spread of COVID-19.

### **What was the relief that we hoped the Court would grant our clients and the other people living in prisons in Washington?**

We asked the Court to release individuals in these categories: 1) people who are 50 years of age or older, 2) people who have a medical condition that makes them particularly vulnerable to COVID-19, and 3) people within 18 months of their earned early release date. We acknowledged to the Court that there may be individuals in these categories who may not be able to be released, but the science shows that DOC needs to release a large number of people to protect those at high risk of harm from COVID-19 and to allow everyone who will remain in DOC custody to live in safe conditions that will allow them to engage in appropriate physical distancing and hygienic practices.

We continue to be concerned that DOC is resorting to prison-wide lockdowns and/or the widespread use of solitary confinement to respond to COVID-19. We believe that neither lockdowns nor wide-spread solitary confinement are appropriate steps for DOC to take. Instead, it's essential that DOC continue releasing people in order to create space to social distance within its facilities.



## Will the state continue to release more people?

Unfortunately, this is a question we generally cannot answer. We do not believe that the releases that occurred in April are sufficient to protect people in DOC facilities from COVID-19. We also have more questions than answers about the list of people who were released or scheduled for release. For example, we do not know how many people were already scheduled for release or what prisons these individuals were released from.

We do not know if the State intends to release more individuals. As these are all State decisions, we do not know the details of their conversations or the criteria they have come up with for determining release. We also do not have capacity at CLS to look into each individual's situation, as our resources are dedicated to the maximization of our expertise in systemic advocacy. As best we can, we will continue trying to share other resources for the pursuit of individualized needs.

What we do know is that the State's release plan will not resolve the problem of COVID-19 in DOC facilities. The State's actions impacted around 950 individuals, and we know that is nowhere near the number of releases needed to ensure the health and safety of the roughly 17,000 people locked up in DOC facilities. We also do not agree with the State's plan to limit release to specific types or classes of convictions; our lawsuit made no such distinction.



## Now that the *Colvin* case is over, what's next?

CLS is still evaluating how we will continue to advocate for individuals incarcerated in DOC facilities who are at risk from the spread of COVID-19. If you have particular information that you think we should have about COVID-19 in DOC facilities, please email Alex Bergstrom at [alex.bergstrom@columbialegal.org](mailto:alex.bergstrom@columbialegal.org). We cannot guarantee that we will use your information, but we will follow up with you if we need to request additional information.

If you are currently in custody, you can try to reach us by phone or mail:

1. Our confidential collect call line is: 206-382-3399. **At this time, due to capacity issues, we are not able to take a high volume of calls. Therefore, the collect line is only being used for calls that we have scheduled with people in the prison or to respond to serious emergencies.** Writing to us remains your best option for receiving a response. And, if we need to follow up with you to schedule a call based on your letter, we will do so.
2. If you write to us via U.S. postal mail (**label the envelope "Legal Mail"**), send your correspondence to: Columbia Legal Services, 101 Yesler Way, Suite 300, Seattle, WA 98104. Please include your name and DOC # and any information you would like for us to know about your current situation. As

noted above, we currently have capacity issues due to how must operate during the pandemic, so it may take us a few weeks to reply.



### **Is there anything I can provide that could help figure out next steps?**

We have been so grateful for all the information and stories you have shared. If someone you know in prison tests positive for COVID-19 and DOC is not properly reporting or treating it, please try to have them contact us directly by writing to us.

At this point, we are limited in our ability to respond and will not be able to provide an answer to every individual's question. However, it is always helpful to have information from people who are directly impacted by DOC's practices.

We are particularly concerned about the any outbreaks happening at DOC facilities. For example, Coyote Ridge Corrections Center, as of September 8, 2020, has 233 incarcerated individuals and 73 staff who have tested positive for COVID-19. At the Washington State Penitentiary, 136 cases among people in prison have been confirmed. **Keep in mind that the Collect line we operate is specifically set up to be used by people who are incarcerated or detained, and as noted above, at this time is only being used for scheduled calls. We ask that family and friends on the outside correspond through email to keep the Collect line open. You can email Alex Bergstrom at [alex.bergstrom@columbialegal.org](mailto:alex.bergstrom@columbialegal.org).**



### **I'm worried that my loved one will face retaliation if they speak out against DOC's handling of the pandemic. Is there any way to protect them?**

If your loved one has faced retaliation related to DOC's coronavirus response, please contact us and do your best to have your loved one connect with us via mail, and we will respond by mail or by scheduling a call to speak with your loved one. We have heard many stories already about retaliation and we have committed to responding individually to those situations in any way available to us.



### **Is there any way that I can help with the effort to get DOC and the Governor to begin releasing people and taking other essential public health steps to keep people incarcerated in Washington's prisons safe from COVID-19?**

There is a lot of great work being done to try to protect your loved ones inside. The lawsuit was meant to support the larger community organizing efforts taking place around the state. If you are a family member or loved one looking to connect, you can reach out to the Covid19 Mutual Aid – Seattle network on Facebook or through email at [covid19mutualaidsea@gmail.com](mailto:covid19mutualaidsea@gmail.com). They are working on public campaigns, media, community support, and more. Please feel free to share other networks with us.



## What are the current number of positive cases for COVID-19 in DOC?

At this point, our only “official” source of information on confirmed cases is through DOC’s website. Information that DOC is publicly providing regarding testing can be found at <https://doc.wa.gov/corrections/covid-19/data.htm#confirmed>.

**Anything else?** CLS is committed to advocating for the health and safety of everyone impacted by the novel Corona Virus, from people who are currently incarcerated in DOC to people working the agricultural fields across the state. Our efforts will always follow the lead of the latest facts and science available. Given our global reality, we will not entertain any ideas that seek less, or no, mask use. We also will not respond to any statements about the Corona Virus being a hoax.

We have limited resources and time, so we thank you for your understanding.