



## STATE OF WASHINGTON

March 19, 2021

Amy Crewdson, Staff Attorney  
Tony Gonzalez, Staff Attorney  
Laurel Simonsen, Staff Attorney  
Columbia Legal Services  
101 Yesler Way, Suite 300  
Seattle, Washington 98104

RE: Letter to Governor Jay Inslee, Department of Health, and Department of Corrections dated March 9, 2021

Dear Amy, Tony, and Laurel:

Thank you for reaching out with your concerns regarding the state's COVID-19 vaccine distribution plan. We understand that our vaccine prioritization guidance may have raised questions. We also recognize the need for all Washingtonians to get timely access to the vaccine.

Unfortunately, because of limited vaccine supply to date, there has not been enough to offer it to everyone and we have had to make difficult decisions about who to offer the vaccine to first. Our approach to vaccine prioritization focuses first on protecting people most impacted by COVID-19, as this is what has been keeping Washington in an emergency state. This is necessary to protect the community, decrease hospitalizations and reduce the overwhelming burden on our healthcare systems.

Because there is not enough vaccine for everyone right now, we are working to balance everyone's needs using [the principles and criteria in our vaccine prioritization guidance](#). Ultimately, once supply allows, our goal is to ensure all people in Washington State can access the COVID-19 vaccine.

Please find below responses to the specific concerns you raised:

**1. All individuals in DOC custody must immediately be offered the COVID-19 vaccine.**

The Department of Health (DOH) and the Governor's Office developed Washington's framework for vaccine allocation and prioritization through an ongoing, robust public process. The framework balances federal guidance with the unique needs of our state and seeks to address health inequities that stem from historical injustices.

DOH utilized 3 waves of community engagement over a 4-month period in creating a phased approach for delivering vaccine to individuals and communities in Washington. In total, we talked with 568 people and received 18,000 responses to a survey. You can read the full report [here](#). More information about the engagement process can be found on the DOH [website](#).

The biggest challenge hindering the vaccine rollout has been and continues to be severely constrained vaccine supply coming into the state. To clarify, we are currently receiving less than 350,000 doses per week (includes both first and second doses) and the current tiers of eligibility include over 2.5 million individuals. Ideally, if we had sufficient vaccine, we could open up access and vaccinate many more Washingtonians more quickly.

We are hopeful that vaccine supply will increase as the new administration continues to take action to prioritize vaccine distribution and new vaccine candidates are on the horizon. To this end, President Biden announced late last week that all adults will be eligible for the vaccine beginning May 1, 2021.

Additionally, Governor Inslee announced the timelines for the remaining tiers in Phase 1B to become eligible for vaccine, and some populations were moved up into Phase 1b tier 2 which includes all staff in correctional facilities.

- On March 11, 2021, the Governor announced that Phase 1B Tier2 individuals are eligible beginning March 17, 2021.
- On March 18, 2021, the Governor announced the remaining eligibility tiers of Phase 1B (Tiers 3 & 4) will begin March 31, 2021.

Tiers 3 and 4 include individuals in congregate living settings, including all individuals in correctional facilities. Guidance on eligibility is available on our [website](#), and the latest timeline for eligibility can be found [here](#).

**2. The Department of Health and Department of Corrections must immediately create a vaccine education and distribution plan that provides accurate information about the vaccine and is responsive to the environment of distrust and historical abuse of people who are incarcerated by both medical and carceral authorities.**

Beginning in the middle of December 2020, before any vaccines had been approved by the FDA, the Department of Corrections (DOC) began providing information to incarcerated individuals about the COVID-19 vaccines. Additionally, DOC conducted a survey in its facilities to determine individual's readiness to receive the vaccine. The following communications are publicly available on the DOC website:

- [December 16, 2020 Memo to Incarcerated Individuals on Vaccine Questionnaire and Information](#)
- [December 22, 2020 Memo to Incarcerated Individuals COVID-19 Vaccine Information and Update](#)
- [February 2, 2020 Memo to Incarcerated Individuals COVID-19 Vaccine – Phase 1B1](#)  
Included with this memo provided to incarcerated individuals:
  - [Vaccine Frequently Asked Questions](#) available on the Corrections' website
  - The [English DOH 348-785 Publication \(pdf\)](#) and [Spanish DOH 348-785 Publication \(pdf\)](#) copies of *Washington's COVID-19 Vaccine Phases (DOH 348-785, R 1/18/21)*, produced by the Department of Health

- February 19, 2020 Memo to Incarcerated Individuals COVID-19 Vaccine – Expanded Phase 1A Prioritization, which included:
  - A hard copy of vaccine frequently asked questions on the Corrections’ website, Vaccine Frequently Asked Questions for Incarcerated Individuals and Staff

DOC also gathered sample questions from incarcerated individuals, which were used to inform a filmed presentation with a virologist from the University of Washington. DOC is finalizing and preparing to show the presentation to all incarcerated individuals in its prison facilities.

Additionally, Corrections shares guidance from the Centers for Disease Control with prisons to either post publicly for incarcerated individuals to view, or to provide to health services to share with individuals who express concern. Some of the posters disseminated have been:

- COVID-19 Vaccines (Eng)
- COVID-19 Vaccines (SP)
- Journey of a COVID-19 vaccine
- All of our tools
- Why get vaccinated?

The Department of Corrections continues to work with DOH and its enrolled providers to offer vaccine to its employees and incarcerated individuals that are currently eligible under the state’s phased approach to vaccine allocation and prioritization. This collaboration to ensure access to the vaccine includes:

- DOH and DOC working together to enroll DOC sites as COVID-19 vaccine providers early in the response to ensure they were set-up to receive vaccine.
- DOH and DOC have met every two weeks since November to coordinate on vaccine needs for phase eligible staff and incarcerated individuals. DOH also shares information to help DOC plan for future phases. DOC uses these meetings to advocate for their vaccine needs for incarcerated population and staff. DOH and DOC also use these meetings to communicate about any obstacles or issues with vaccine orders.
- DOH started supplying vaccine to DOC when Moderna vaccine became available in week 2 (December 22). In aggregate across DOC facilities, DOH supplied 8,900 doses through week 14 (vaccines available the week of March 15).
- DOH and DOC are currently working to prepare for Phase 1B Tier 2 opening March 17, 2021, and planning to support DOC vaccine order needs.

See: [PRESS RELEASE Corrections Receives Limited COVID-19 Vaccine for Prioritized Patients and Staff | Washington State Department of Corrections.](#)

### **3. DOC must create a plan to protect individuals in their custody from correctional staff who refuse to be vaccinated.**

DOC updates its infection control protocols as new information and resources become available. The protocols contain the agency guidelines focused on screening, testing and prevention of infection in its facilities.

Amy Crewdson, Tony Gonzalez, and Laurel Simonsen

March 19, 2021

Page 4

On [September 17, 2020](#), DOC issued an all staff memo updating its guidance on COVID-19 Return to Work Criteria and Guidance.

On [November 6, 2020](#), DOC issued a directive requiring all department staff, contract staff, and persons entering all department locations, to wear surgical masks. Subsequent memos regarding the use of appropriate PPE were released on [December 31, 2020](#), and [February 25, 2021](#), with further guidance to staff and incarcerated individuals.

Most recently, the protocols were updated to mandate and require all incarcerated individuals and staff to wear surgical masks.

DOC continues to screen and serial test staff entering all facilities. More specifics on DOC's current infection control efforts are contained in its [Screening-Testing-Infection-Control Guidelines](#).

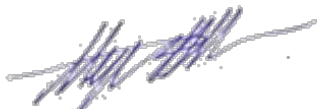
Again, we understand the concerns raised by you on behalf of the people in the custody of the Department of Corrections in its facilities and we appreciate you taking the time to provide feedback on the state's COVID-19 vaccine distribution plan. The Department of Corrections and the Department of Health are committed to continue working together with the Office of the Governor and other stakeholders in an effort to distribute and administer vaccines in a way that is safe and timely for the people of Washington.

We are hopeful that as supply coming into the state increases, more Washingtonians will be able to access the vaccine. Our goal is to vaccinate as many Washingtonians as quickly and equitably as possible.

Sincerely,



Umair A. Shah, MD, MPH  
Secretary of Health  
Washington State Department of Health



Stephen Sinclair  
Secretary  
Washington State Department of Corrections

cc: Sonja Hallum, Senior Policy Advisor for Public Safety, Office of the Governor  
Molly Voris, Special Advisor for Pandemic Health Response, Office of the Governor  
Eric Sonju, Senior Assistant Attorney General, Office of the Attorney General  
Julie Martin, Deputy Secretary, Department of Corrections  
Dan Johnson, Assistant Secretary of Health Services Division, Department of Corrections  
Melena Thompson, Executive Policy Office Director, Department of Corrections  
Jessica Todorovich, Chief of Staff, Department of Health  
Kelly Cooper, Policy Director, Department of Health  
Lacy Fehrenbach, Deputy Secretary for COVID Response, Department of Health  
Michele Roberts, Executive Sponsor for COVID-19 Vaccine, Department of Health