



STATE OF WASHINGTON

OFFICE OF THE CORRECTIONS OMBUDS

2700 Evergreen Parkway NW • Olympia, Washington 98505 • (360) 664-4749

July 27, 2020


Steve Sinclair, Secretary
Department of Corrections (DOC)

Office of the Corrections Ombuds (OCO) Systemic Issue Report

Attached is the official report regarding OCO's work to resolve complaints regarding mattresses used by incarcerated individuals within DOC. We appreciate the opportunity to work collaboratively with DOC to amend current policies and practices to better ensure that all incarcerated persons' rights are protected while they are within state confinement.

Any member of the public who wishes to report a concern to OCO is welcome to contact the office at (360) 664-4749 or at the address above. All concerns are logged into the OCO database and used as part of its overall reporting to policymakers and analysis of issues within DOC.

Sincerely,


Joanna Carns
Director

cc: Governor Inslee

**REPORT PREPARED BY
JOANNA CARNS, OCO DIRECTOR
MATTHIAS GYDÉ, ASSISTANT OMBUDS – WESTERN DIVISION**

Summary of Complaint/Concern

The Office of the Corrections Ombuds (OCO) met with a group of external community stakeholders in August 2019 to establish strategic priorities for OCO's systemic issue work in 2020. The group selected five issues for OCO's work, for which OCO agreed to dedicate time and resources. Mattresses was one of the five selected strategic priorities for OCO.

In addition, throughout its first year of operation, OCO received several complaints from incarcerated individuals, family members, local and statewide family councils, and concerned citizenry regarding the mattresses that the Department of Corrections (DOC) provides to those in its custody. The complaints included the following:

- The mattresses overall are of poor quality, and they quickly break down and flatten to an inch in width, leaving incarcerated people to feel as though they are sleeping directly on the metal bunk.
- The poor quality of the mattresses negatively impacts incarcerated persons' health by causing back problems and other health concerns, and lack of sleep negatively impacts people's ability to meaningfully participate in programming and prosocial activities.
- Persons with special health or physical needs are not supplied with an option for a better quality mattress that could ease their condition.

OCO Statutory Authority

- Per RCW 43.06C.005, OCO was created to assist in strengthening procedures and practices that lessen the possibility of actions occurring within DOC that may adversely impact the health, safety, welfare, and rehabilitation of incarcerated persons, and that will effectively reduce the exposure of DOC to litigation.

OCO Actions

- OCO reviewed DOC policies and procedures surrounding mattresses, obtained feedback from incarcerated individuals and family members of incarcerated individuals,¹ met several times with Correctional Industries (CI) and other DOC staff and toured the mattress manufacturing facility at Coyote Ridge Corrections Center (CRCC).

¹ OCO in particular thanks Byron Coates, Dave Bullard, and Julie Winkler who served on a preliminary workgroup to research mattress issues and develop recommendations.

OCO Findings

- First, OCO affirms the complaints that DOC mattresses compress over time to half their original size. As one example, the following photo, taken in a randomly selected cell on February 19, 2020 at Airway Heights Corrections Center, is illustrative of the compression of the DOC mattress over time:



In the above photo, the top mattress was produced in March 2018 and the bottom was produced in April 2019. In a separate review of mattresses conducted by CRCC staff, they found that the mattresses issued since May of 2019 lost about half of their original thickness within 4-6 months. For many individuals, this compression is the primary source of the concern as it feels to them that they are sleeping directly on the metal bunk and they state that it exacerbates back problems and other medical concerns.² More photos of mattresses are provided in the appendix.

- The compression of the mattress is likely due to the low/poor density of DOC mattresses, which is generally considered to be of the lowest grade.
 - The industry standard for assessing the quality, comfort, and durability of mattresses is measured by density in lbs./cu ft. The mattresses currently supplied by DOC have a density of 1.5 lbs./cu ft. for a four inch mattress at a cost of approximately \$60 each, and 1.25 lbs./cu ft. for a six inch mattress at a cost of approximately \$93 each.

² OCO notes that it does not have proof of a direct connection between the poor mattresses and the medical concerns of the incarcerated population, but also notes that this would be almost impossible to prove. Many incarcerated individuals have alleged such a connection.

- Densities of 1.5 lbs./cu ft. are considered to be of the lowest grade of mattresses by external standards.³ Density is directly related to durability and the lower the density, the more quickly that the mattress will break down and sag.
- The durability of the mattress is also related to the weight of the person utilizing the mattress. Higher weight persons (generally identified as 200+ lbs) generally need higher density mattresses.⁴ OCO does not have data on the weight of DOC individuals, but it may be that many individuals in the male institutions meet or exceed this higher weight.
- OCO also notes that the storage of the mattresses may impact compression. As evidenced in a photo in the Appendix, mattresses are sometimes stacked on top of each other, which would cause additional compression.
- OCO finds that the purchasing and replacement of mattresses is not consistent or standardized.
 - Mattresses with a density of 1.5 lbs./cu ft. are recommended for replacement after five years,⁵ which matches CI's current warranty. However, there is no system currently in place to ensure that a mattress is rotated out after five years.
 - No established criteria exists for when a mattress is appropriate for replacement. Currently, the main criteria appears to be whether there are significant signs of rips, tears, wear, or otherwise destruction of the outer cover. However, this does not take into account the compression of the mattresses, which is the incarcerated population's chief concern.
 - Mattress purchases are not a separate line item but made within each institution's budget. Individual Superintendents have the discretion to decide when and how many mattresses to purchase. The Superintendents in turn often delegate that task to lower level staff. Often, it is up to the incarcerated individuals to notify staff that they need a replacement; however, without established criteria, it is unknown how either incarcerated individuals or staff make the decision to replace a mattress.

³ MattressHelp.org identifies a low density mattress as anything 3 lbs or lower. See <https://mattresshelp.org/mattress-density-guide/>; SleepAdvisor.org also identifies a low density mattress as anything 3 lbs or under. See <https://www.sleepadvisor.org/memory-foam-density-guide/>

⁴ As an example, an analysis of mattresses conducted by a CRCC employee in furtherance of this report, found that one individual had a mattress issued in October 2019 that had compressed down to a resting measurement of approximately 1-3/4in., or a loss of 4 1/4in off its original measurement. This individual weighs around 320 lbs. A second mattress from the same unit and issued about the same time had lost only about 1/2 inch off its original size. It was utilized by an individual who weighs around 180 lbs.

⁵ See, e.g., <https://mattresshelp.org/mattress-density-guide/>

- No established process or training exists for facility staff to return a mattress to CI under warranty; despite the concerns received by OCO, CI reported that it has never had a mattress returned to it within warranty.⁶
- Individual Superintendents have the discretion to purchase either a four inch or a six inch mattress and it is unclear how that decision is made or based on what criteria.⁷
- OCO finds that there are currently no alternatives offered for persons who may need a better quality mattress due to age, injury, muscular condition, etc. Further, there is a great deal of confusion between facilities and DOC Headquarters as to whether and how incarcerated individuals could receive better quality mattresses based on medical need or a second mattress (in lieu of destruction).
 - OCO learned that all incarcerated persons are supplied with the same mattress regardless of their age or physical condition.
 - Both DOC staff and incarcerated individuals relayed different opinions and understandings of whether health services staff could issue a Health Status Report (HSR) to allow for incarcerated individuals with medical conditions to receive a better quality mattress.
 - DOC staff across facilities and Headquarters relayed different understandings as to whether incarcerated individuals could have a second mattress (for example, at the point of replacement, rather than taking the older mattress for destruction, it could be left with the individual, who could put a new mattress on top for an additional layer of padding).
 - Incarcerated individuals are not allowed to purchase a better quality mattress even if they or their family personally pays for it. DOC relayed that they do not allow for purchases of specialty mattresses due to concerns about how to properly manage it as an individual's property and potential financial liability for damage due to cell searches, transfers, etc.

Outcomes

- DOC explored sourcing a higher density (1.8 lbs/cu. ft.) mattress and conducted a pilot study at Stafford Creek Correctional Center's IMU to receive feedback from the incarcerated as to the higher density mattress. The cost per mattress is \$102 for a four inch mattress.

⁶ CI's warranty for mattresses lasts five years.

⁷ The women's facilities and the camps purchase the six inch and the major male institutions purchase the four inch. Headquarters have anecdotally stated that the mattresses at the major male institutions are frequently damaged either due to misuse by the incarcerated population or by staff in searching for contraband and that it therefore did not make sense to purchase a more expensive mattress.

Recommendations

- DOC should immediately begin purchasing higher density mattresses, prioritizing institutional areas such as infirmaries or the Sage unit that house older/infirm populations.
- DOC and CI should create a system for mattress replacement and/or return under warranty that is made known to both staff and the incarcerated, including:
 - Clear criteria for replacement, including at a minimum condition of the outer cover and compression of the foam; and
 - Clear criteria and process for returning a mattress under warranty.
- DOC and CI should consider requiring staff to indelibly mark a mattress with the date that the mattress goes into use in a way that does not violate the mattress cover warranty.
- Clear direction should be given to DOC staff regarding appropriate storage of mattresses to prevent compression when not in use.
- DOC should consider creating a standardized line item for mattress purchases that is separate from institutional budgets to allow for more consistent purchasing and better monitoring of mattress replacement.
- DOC should create a system that would allow for the use of a second mattress by certain qualified individuals. (For example, any individual over the age of 60 or who meets certain weight or medical condition requirements could be placed on a waitlist and any mattress that would otherwise be destroyed/replaced but that does not have obvious rips or tears to its outer cover could be redistributed to persons on the waitlist.)

APPENDIX

Photo A: Example of a newer, good condition, 4 inch mattress



Photo B: example of a mattress in poor repair, which has been removed from use.



Photo C: another example of disrepair



Photo D: stack of mattresses to be issued





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October 1, 2020

Joanna Carns
 Office of Corrections Ombuds
 2700 Evergreen Parkway NW
 Olympia, WA 98505

Dear Ms. Carns:

The Washington Department of Corrections appreciates the opportunity to respond to the OCO Report on the ‘work to resolve complaints regarding mattresses used by incarcerated individuals within DOC’ completed by the Office of Corrections Ombuds.

| Recommendation | Response |
|---|---|
| <p>DOC should immediately begin purchasing higher density mattresses, prioritizing institutional areas such as infirmaries or the Sage unit that house older/infirm populations.</p> | <p>Corrections is working through an implementation plan of upgrading mattresses in correctional facilities. Currently there are mattresses that have been selected and sent for testing at an outside testing facility for safety compatibility, including fire resistance and durability. The independent testing results should be completed in the first part of October.</p> <p>After the completion of the mattress analysis, the budget will be reviewed to ensure the agency is appropriately able to allocate funding for the implementation of these higher quality mattresses.</p> |
| <p>DOC and CI should create a system for mattress replacement and/or return under warranty that is made known to both staff and the incarcerated, including:</p> <ul style="list-style-type: none"> • Clear criteria for replacement, including at a minimum condition of the outer cover and compression of the foam; and | <p>Corrections agrees that a tracking system for mattress replacement should be utilized. Correctional Industries has created a system where an identifier code will be added to the manufacturing tag of each mattress. The code will be logged into the newly developed tracking system along with the manufacturing and shipping dates of the mattress. The</p> |

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| <ul style="list-style-type: none"> • Clear criteria and process for returning a mattress under warranty. | <p>shipping date will be the effective date of start for the warranty. (EXHIBIT A)</p> <p>To ensure this can be effectively tracked, a directive has been sent from the assistant secretary for prisons to all superintendents stating that facilities are no longer to order mattresses in excess of immediate need. Mattresses will be ordered on an as-needed basis and a limited number of mattresses will be allowed on site for storage to best preserve the mattress warranty. (EXHIBIT B)</p> |
| <p>DOC and CI should consider requiring staff to indelibly mark a mattress with the date that the mattress goes into use in a way that does not violate the mattress cover warranty.</p> | <p>DOC agrees with the recommendation. Each mattress will now have a serial number added to the manufacturer tag for tracking purposes. The serial number is also a cross-referenced data point in the described tracking system.</p> |
| <p>Clear direction should be given to DOC staff regarding appropriate storage of mattresses to prevent compression when not in use.</p> | <p>The assistant secretary for prisons sent a memo to all superintendents clearly defining the storage requirements for any mattresses that have been purchased and are being stored in a correctional facility. Moving forward, mattresses will be ordered on an as-needed basis and a limited number of mattresses will be allowed on site for storage to best preserve the mattress warranty. (EXHIBIT B)</p> |
| <p>DOC should consider creating a standardized line item for mattress purchases that is separate from institutional budgets to allow for more consistent</p> | <p>Corrections considered the recommendation and the goal of the recommendation, which was to address over-purchasing mattresses, which were then surplus stored due to a lack of</p> |

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| <p>purchasing and better monitoring of mattress replacement.</p> | <p>immediate need and led to a breakdown in the mattress compression. In turn, Corrections has limited the number of mattresses that can be purchased and stored in each facility, making the purchase a more intentional and identifiable action by a facility.</p> |
| <p>DOC should create a system that would allow for the use of a second mattress by certain qualified individuals. (For example, any individual over the age of 60 or who meets certain weight or medical condition requirements could be placed on a waitlist and any mattress that would otherwise be destroyed/replaced but that does not have obvious rips or tears to its outer cover could be redistributed to persons on the waitlist.)</p> | <p>Health Services will continue through the Health Status Report (HSR) process to determine the need for a second mattress being issued to individuals. Beyond the HSR process, there is no standard system in place to allow a second mattress. By upgrading the mattress density and warranty replacement, Corrections hopes to alleviate the need for a second mattress, unless deemed medically appropriate.</p> |

The information provided by the OCO was useful to ensure the Department of Corrections is doing everything it can to ensure an incarcerated person’s time in the agency’s facilities is a fair and safe space for all incarcerated individuals.

We also appreciate your team’s understanding of the unique processes across facilities and the addition of policies and procedures being put in place to address them. We are working towards proactivity and improving quality assurance processes throughout the department. Moving forward, Washington Department of Corrections will continue to collaborate with the Office of the Corrections Ombuds to implement additional policies, procedures, and security measures to continue to improve the facility operations.

Sincerely,

Steve Sinclair, Secretary
 Washington Department of Corrections

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The full DOC response with attachments is provided on oco.wa.gov.