



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
MONROE CORRECTIONAL COMPLEX
P.O. Box 777 • Monroe, Washington 98272-0777 • (360) 794-2600
FAX (360) 794-2569

October 12, 2011

Jose Briones
[REDACTED]

RE: Letter of Reprimand

Mr. Briones:

Notification of Disciplinary Action This letter is to officially reprimand you for your misconduct on January 29, 2011. This disciplinary action is in accordance with Washington Administrative Code (WAC) 357-40, Discipline.

Misconduct This disciplinary action is for the following misconduct while performing your duties as a Correctional Lieutenant at the Washington State Reformatory Unit (WSRU) of Monroe Correctional Complex:

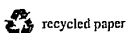
- On January 29, 2011, you inaccurately documented that staff and visitors were accounted for during a missing offender emergency.
- On January 29, 2011, you inaccurately documented that notification was made to perimeter staff, and that the perimeter had been reinforced, during a missing offender emergency.

Investigation Workplace Investigator Cindy Greenslitt completed a fair and thorough investigation into this matter. A copy of the report, which describes these charges in detail, was provided to you on July 25, 2011.

Pre-disciplinary Meeting I held a pre-disciplinary meeting with you on July 27, 2011. Also present was James Bennett, Human Resources Consultant. At this meeting, we discussed the investigation and the allegations brought against you. During the meeting, you admitted the following:

- 1) The investigative report submitted by Investigator Greenslitt dated July 13, 2011, was accurate; however, you said that you did not intentionally falsify any documents indicating that staff and visitors

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were accounted for, nor did you purposefully fail to notify perimeter staff to reinforce the perimeter on January 29, 2011.

- 2) The Initial Emergency Checklist dated January 29, 2011, signed and initialed by you, states that the required action under "Isolate and Contain," *Account for staff and visitors,* " was completed at 2120 hours.
- 3) Prior to you taking command from Lieutenant Rodney Shimogawa on January 29, 2011, you were under the impression that the initial phase, to account for staff, perimeter notification and perimeter reinforcement, had been completed.
- 4) When you took command from Lieutenant Rodney Shimogawa on January 29, 2011, you were under the impression that Office Jayme Biendl had departed the facility because her assigned shift ended at 2100 hours.

Awareness of Standards

Your behavior was in violation of your WSRU Shift Lieutenant Post Orders (Attachment 1), which state in part:

Zone of Control: The Shift Lieutenant is responsible for all security functions, buildings, and structures of the Washington State Reformatory Unit. The Shift Lieutenant is the WSRU Initial Incident Commander during emergency situations/incidents.

Additionally, as Incident Commander, when you did not ensure and verify information prior to signing off on it, you violated DOC Policy 410.050 Emergency Management Plan, which states in part:

DIRECTIVE:

VIII. Phases of Response

- A. The Incident commander will manage the incident from a remote, secure location. The Incident Commander will use the attached Emergency Checklists to ensure the following phases of response are implemented during an emergency:
 1. Detect and Notify
 - c. Using available resources, the Incident Commander will ensure verification of the situation if there is any question about the nature, extent, or validity of the emergency.

Your actions were also in violation of the Department Expectations and CORE Competencies outlined in the Department of Corrections **Employee Handbook**, specifically, Safety, Accountability, Judgment and Problem Solving, and Communication. These policies, post orders, and expectations communicate the importance of safety, accountability, and proper emergency management. By your actions, you failed to adhere to these requirements and expectations.

You were aware of these policies and expectations. On January 8, 2003, you signed an Acknowledgement of Receipt of the Employee Handbook and agreed to become familiar with and have thorough knowledge and understanding of its contents. (Attachment 2)

**Determination
of Sanction**

When determining that this discipline was appropriate, I reviewed your previous work history, length of service, training provided, and previous disciplinary actions.

As Incident Commander on January 29, 2011, your failure to properly account for staff is very concerning and was a contributing factor in the extended time period between when Offender Byron S. was located in the Chapel and when it was discovered that Correctional Officer Jayme Biendl was unaccounted for. Your failure to verify your admitted "impressions" and "assumptions" of what had occurred prior to your shift affected the safety and security of the institution and will not be tolerated. In addition, the fact that you signed off on documents, that you did not personally have knowledge of, is irresponsible and unacceptable, especially for one in your position of leadership.

When you assumed the duties of a Washington Management Service (WMS) employee, with it came the expectations of the Department that as a WMS manager you would demonstrate the highest standards of behavior, integrity, ethics, character, judgment, professionalism and leadership in carrying out your extremely significant duties and responsibilities. Also with that appointment came the expectation that you would perform your duties within the scope of agency policy and that you would demonstrate and model appropriate behavior for your subordinates to emulate.

Washington Administrative Code 357-58-005, "**What is the key role and accountability for Washington management service in state government?**" states, in part:

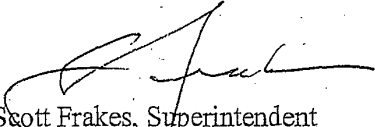
State managers are expected to personally commit to demonstrating excellent leadership competencies....Also, it is essential that agency leaders hold their managers accountable for properly leading and managing their human resources – their employees.

Accordingly, I have determined that this Letter of Reprimand is the appropriate level of discipline. This disciplinary action is intended to impress upon you the gravity of your misconduct and provide you with sufficient incentive to correct your behavior.

**Future
Expectations**

In the future, it is my expectation that you will seek to meet and/or exceed the expectations of a Washington Management Service employee. You are to be the role model for others to emulate and model. It is also my expectation that you embrace the Department's Core Competencies for all staff and use them as a road-map in your day to day performance as a leader and corrections professional at the Monroe Correctional Complex and the Department of Corrections. As Correctional Lieutenant and Incident Commander, you are to ensure that all emergency management plans are followed entirely and properly.

I expect that you will henceforth adhere to policies, directives, and direction given to you by the Department of Corrections. Any further misconduct on your part may result in further disciplinary action, up to and including discharge.



Scott Frakes, Superintendent
Monroe Correctional Complex

SF/sl

cc: Donna Haley, Human Resources Director
Labor Relations

Personnel File (including investigation)

Washington State Department of Corrections – Division of Prisons

Post Orders for WSRU Shift Lieutenant

Your Radio Call Sign: King 201

Direct Chain of Command: - Captain (Phone# 2754, Radio K 03)

Indirect Chain of Command: - Associate Superintendent (Phone# 2605, Radio - King 02)

EMERGENCY: Telephone - 2333, Radio - WSRU Base

Read and be knowledgeable of your Post Manual

Zone of Control: The Shift Lieutenant is responsible for all security functions, buildings, and structures of the Washington State Reformatory Unit. The Shift Lieutenant is the WSRU Initial Incident Commander during emergency situations/incidents. During a facility-wide emergency serves as the MCC Initial Incident Commander. QRST response to MSU will be from WSRU. Be familiar with the DOC 410 series of policies covering Emergency Response. Be knowledgeable of National Incident Management System (NIMS) and the Incident Command System (ICS).

Key Control: Check out key ring [redacted] from [redacted]. Be knowledgeable of MCC 420.250, Key Control. Review and sign the restricted and emergency key logs in [redacted] daily.

Use of Firearms, Chemical Agents, Restraints and/or Physical Force: One set of handcuffs is assigned to this post. Ensure only qualified personnel are assigned to armed posts, ensure only qualified personnel use chemical agents (i.e. OC), the E.I.D., and specialty impact weapons/munitions. Ensure staff assigned to the Quick Response Strike Team are trained in the use of force. Be familiar with DOC 410.200 Use of Force, 410.230 Use of Deadly Force, 420.250 Use of Restraints, and 420.255 Emergency Restraint Chair.

Movement Procedures: Offender movement is controlled by the institution movement schedule, and will be announced by main control. The Shift Lieutenant must authorize other group offender movement. Any movement at other times will be done through the pass system. Ensure that movement is halted for any significant event, and that the unit is locked down in the event that a [redacted] Response is activated. Direct the Sergeants to ensure that sufficient staff are available to supervise movement. Be familiar with proper offender escort methods.

Search Procedures: You will routinely monitor and ensure that random searches are conducted of offenders, packages, closets, and any or all other items within, entering or leaving your zone of control. Weekly checks of oncoming shifts will be conducted to monitor staff allowable items. You are responsible for monthly common area searches utilizing the following designation: **Shift One Lt.** (Shop Building 4, EFV compound, Yard - electronic search); **Shift One RDO Lt.** (Education Bldg. 1, Ed. Bldg. 2, Chapel); **Shift Two Lt.** (Hobby Shop, Fieldhouse, Shop Bldg. 2); **Shift Two RDO Lt.** (Inmate Kitchen, Basement); **Shift Three Lt.** (PAB, Shop Bldg. 3, Steam Tunnel); **Shift Three RDO Lt.** (Shop Bldg. 1)

Count Procedures: The Shift Lieutenant will observe officer count procedures on their assigned shift at least once per month and document in area logbook. Initiate formal counts at [redacted] and [redacted] hours. Informal Counts may be conducted at your discretion to ensure strict accounting of all offenders assigned to WSRU. Direct Sergeants to observe count on a regular basis. The Shift Lieutenant will formally clear all WSRU formal counts. The Shift Lieutenant will ensure compliance with all aspects of MCC 420.150, Counts.

ATTACHMENT # _____
PAGE 1 OF 1

Post Operations: You are responsible for direct supervision of the Shift Sgt, Zone Sgt, Hospital Sgt, Kitchen Sgt. and the Main Control Sgt. The Shift Lieutenant will monitor and ensure compliance with all DOC policies and MCC Operational Memorandums. Routinely tour all posts in your zone of control, and ensure staff is knowledgeable in their duties and responsibilities. Each Lieutenant is responsible to complete the following tasks monthly: Review and sign ERP manual one; Conduct a tabletop emergency response drill and submit documentation to the Captain; Conduct a functional emergency response drill, same topic as tabletop, and submit documentation to the Captain; Conduct a perimeter security inspection and submit documentation to the Captain; Ensure QRST training, and readiness. Each Lieutenant is responsible as needed to complete the following tasks daily: Roster/Shift Summary

WSRU Shift Lieutenant

4

Jose Briones
Employee Name (Please Print)

ACKNOWLEDGEMENT OF RECEIPT OF DOC EMPLOYEE HANDBOOK

I acknowledge receipt of the June 2002 Washington State Department of Corrections Employee Handbook and agree to become familiar with and have thorough knowledge and understanding of the contents.

J.A. Briones
Employee Signature

01-08-2003
Date

Original – Personnel File

ATTACHMENT # 2
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STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
MONROE CORRECTIONAL COMPLEX
P.O. Box 777 • Monroe, Washington 98272-0777 • (360) 794-2600
FAX (360) 794-2569

October 12, 2011

Rodney Shimogawa
[REDACTED]

RE: Letter of Reprimand

Mr. Shimogawa:

Notification of Disciplinary Action This letter is to officially reprimand you for your misconduct on January 29, 2011. This disciplinary action is in accordance with Washington Administrative Code (WAC) 357-40, Discipline.

Misconduct This disciplinary action is for the following misconduct while performing your duties as a Correctional Lieutenant at the Washington State Reformatory Unit (WSRU) of Monroe Correctional Complex:

- On January 29, 2011, you failed to account for staff and visitors during a missing offender emergency.
- On January 29, 2011, you failed to notify perimeter staff and/or reinforce the perimeter during a missing offender emergency.

Investigation Workplace Investigator Cindy Greenslitt completed a fair and thorough investigation into this matter. A copy of the report, which describes these charges in detail, was provided to you on July 25, 2011.

Pre-disciplinary Meeting I held a pre-disciplinary meeting with you on August 8, 2011. Also present was James Bennett, Human Resources Consultant. At this meeting, we discussed the investigation and the allegations brought against you. During the meeting, you admitted the following:

- 1) That on January 29, 2011, you failed to account for staff, visitors, and offenders.
- 2) That on January 29, 2011, you failed to notify perimeter staff and/or reinforce the perimeter during a missing offender emergency.

“ Working Together for SAFE Communities ”

Awareness of Standards Your behavior was in violation of your WSRU Shift Lieutenant Post Orders (Attachment 1), which state in part:

Zone of Control: The Shift Lieutenant is responsible for all security functions, buildings, and structures of the Washington State Reformatory Unit. The Shift Lieutenant is the WSRU Initial Incident Commander during emergency situations/incidents.

Additionally, as Incident Commander, when you failed to follow the Emergency Checklists, you violated DOC Policy 410.050 Emergency Management Plan, which states in part:

DIRECTIVE:

VIII. Phases of Response

- A. The Incident commander will manage the incident from a remote, secure location. The Incident Commander will use the attached Emergency Checklists to ensure the following phases of response are implemented during an emergency:

Your actions were also in violation of the Department Expectations and CORE Competencies outlined in the Department of Corrections **Employee Handbook**, specifically, Safety, Accountability, Judgment and Problem Solving, and Communication. These policies, post orders, and expectations communicate the importance of safety, accountability, and proper emergency management. By your actions, you failed to adhere to these requirements and expectations.

You were aware of these policies and expectations. On January 10, 2006, you signed an Acknowledgement of Receipt of the Employee Handbook and agreed to become familiar with and have thorough knowledge and understanding of its contents. (Attachment 2)

Determination of Sanction When determining that this discipline was appropriate, I reviewed your previous work history, length of service, training provided, and previous disciplinary actions.

As Incident Commander on January 29, 2011, your failure to properly account for staff is very concerning and was a contributing factor in the extended time period between when Offender Byron S. was located in the Chapel and when it was discovered that Correctional Officer Jayme Biendl was unaccounted for. Your failure to notify the perimeter staff and/or reinforce the perimeter when an offender was missing negatively impacted the safety and security of the institution and will not be tolerated.

When you assumed the duties of a Washington Management Service (WMS) employee, with it came the expectations of the Department that as a WMS manager you would demonstrate the highest standards of behavior, integrity, ethics, character, judgment, professionalism and leadership in carrying out your extremely significant duties and responsibilities. Also with that appointment came the expectation that you would perform your duties within the scope of agency policy and that you would demonstrate and model appropriate behavior for your subordinates to emulate.

Washington Administrative Code 357-58-005, "What is the key role and accountability for Washington management service in state government?" states, in part:

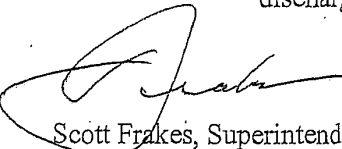
State managers are expected to personally commit to demonstrating excellent leadership competencies....Also, it is essential that agency leaders hold their managers accountable for properly leading and managing their human resources – their employees.

Accordingly, I have determined that this Letter of Reprimand is the appropriate level of discipline. This disciplinary action is intended to impress upon you the gravity of your misconduct and provide you with sufficient incentive to correct your behavior.

**Future
Expectations**

In the future, it is my expectation that you will seek to meet and/or exceed the expectations of your position and to be a role model for others to emulate and model. It is also my expectation that you embrace the Department's Core Competencies for all staff and use them as a road-map in your day to day performance as a leader and corrections professional at the Monroe Correctional Complex and the Department of Corrections.

I expect that you will henceforth adhere to policies, directives, and direction given to you by the Department of Corrections. Any further misconduct on your part may result in further disciplinary action, up to and including discharge.



Scott Frakes, Superintendent
Monroe Correctional Complex

SF/sl

cc: Donna Haley, Human Resources Director
Labor Relations

Personnel File (including investigation)

Washington State Department of Corrections – Division of Prisons

Post Orders for WSRU Shift Lieutenant

Your Radio Call Sign: King 201

Direct Chain of Command: - Captain (Phone# 2754, Radio K 03)

Indirect Chain of Command: - Associate Superintendent (Phone# 2605, Radio - King 02)

EMERGENCY: Telephone - 2333, Radio – WSRU Base

Read and be knowledgeable of your Post Manual

Zone of Control: The Shift Lieutenant is responsible for all security functions, buildings, and structures of the Washington State Reformatory Unit. The Shift Lieutenant is the WSRU Initial Incident Commander during emergency situations/incidents. During a facility-wide emergency serves as the MCC Initial Incident Commander. QRST response to MSU will be from WSRU. Be familiar with the DOC 410 series of policies covering Emergency Response. Be knowledgeable of National Incident Management System (NIMS) and the Incident Command System (ICS).

Key Control: Check out key ring [REDACTED] from [REDACTED]. Be knowledgeable of MCC 420.250, Key Control. Review and sign the restricted and emergency key logs in [REDACTED] daily.

Use of Firearms, Chemical Agents, Restraints and/or Physical Force: One set of handcuffs is assigned to this post. Ensure only qualified personnel are assigned to armed posts, ensure only qualified personnel use chemical agents (i.e. OC), the E.I.D., and specialty impact weapons/munitions. Ensure staff assigned to the Quick Response Strike Team are trained in the use of force. Be familiar with DOC 410.200 Use of Force, 410.230 Use of Deadly Force, 420.250 Use of Restraints, and 420.255 Emergency Restraint Chair.

Movement Procedures: Offender movement is controlled by the institution movement schedule, and will be announced by main control. The Shift Lieutenant must authorize other group offender movement. Any movement at other times will be done through the pass system. Ensure that movement is halted for any significant event, and that the unit is locked down in the event that a [REDACTED] Response is activated. Direct the Sergeants to ensure that sufficient staff are available to supervise movement. Be familiar with proper offender escort methods.

Search Procedures: You will routinely monitor and ensure that random searches are conducted of offenders, packages, closets, and any or all other items within, entering or leaving your zone of control. Weekly checks of oncoming shifts will be conducted to monitor staff allowable items. You are responsible for monthly common area searches utilizing the following designation: **Shift One Lt.** (Shop Building 4, EFV compound, Yard - electronic search); **Shift One RDO Lt.** (Education Bldg. 1, Ed. Bldg. 2, Chapel); **Shift Two Lt.** (Hobby Shop, Fieldhouse, Shop Bldg. 2); **Shift Two RDO Lt.** (Inmate Kitchen, Basement); **Shift Three Lt.** (PAB, Shop Bldg. 3, Steam Tunnel); **Shift Three RDO Lt.** (Shop Bldg. 1)

Count Procedures: The Shift Lieutenant will observe officer count procedures on their assigned shift at least once per month and document in area logbook. Initiate formal counts at [REDACTED] and [REDACTED] hours. Informal Counts may be conducted at your discretion to ensure strict accounting of all offenders assigned to WSRU. Direct Sergeants to observe count on a regular basis. The Shift Lieutenant will formally clear all WSRU formal counts. The Shift Lieutenant will ensure compliance with all aspects of MCC 420.150, Counts.

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PAGE _____ OF _____

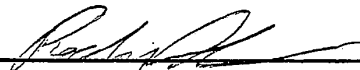
Post Operations: You are responsible for direct supervision of the Shift Sgt, Zone Sgt, Hospital Sgt, Kitchen Sgt. and the Main Control Sgt. The Shift Lieutenant will monitor and ensure compliance with all DOC policies and MCC Operational Memorandums. Routinely tour all posts in your zone of control, and ensure staff is knowledgeable in their duties and responsibilities. Each Lieutenant is responsible to complete the following tasks **monthly:** Review and sign ERP manual one; Conduct a tabletop emergency response drill and submit documentation to the Captain; Conduct a functional emergency response drill, same topic as tabletop, and submit documentation to the Captain; Conduct a perimeter security inspection and submit documentation to the Captain; Ensure QRST training, and readiness. Each Lieutenant is responsible as needed to complete the following tasks **daily:** Roster/Shift Summary

WSRU Shift Lieutenant

Rodney Shimogawa
Employee Name (Please Print)

ACKNOWLEDGEMENT OF RECEIPT OF DOC EMPLOYEE HANDBOOK

I acknowledge receipt of the June 2002 Washington State Department of Corrections Employee Handbook and agree to become familiar with and have a thorough knowledge and understanding of the contents.

 1/10/06
Employee
Signature

Original--Personnel File

ATTACHMENT # 2
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9/18/02



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
MONROE CORRECTIONAL COMPLEX
P.O. Box 777 • Monroe, Washington 98272-0777 • (360) 794-2600
FAX (360) 794-2569

PERSONAL AND CONFIDENTIAL DELIVERY

October 25, 2011

Christopher Johnson
[REDACTED]

Mr. Johnson:

Notification of Disciplinary Action This is official notification that I am demoting you from your Corrections and Custody Officer 3 (Sergeant) position #BM79 to a Corrections and Custody Officer 2 position, effective October 26, 2011. This disciplinary action is being taken pursuant to Article 8 of the Collective Bargaining Agreement between the State of Washington and Teamsters Local Union 117.

Misconduct This disciplinary action is for the following misconduct:

For the period of November 2010, through July 9, 2011, you failed to take appropriate action, or to take action as directed by your chain of command, when you became aware that Corrections and Custody Officer 2 David Young was habitually outside of his assigned zone of control, Zone 3, including during offender movement. Specifically:

- As the Shift Sergeant for Third (3rd) shift at WSR, you received multiple reports from other Correctional Officers regarding Officer Young repeatedly not being in his zone of control and standing for movement. Additionally, you received multiple reports from Lieutenant Rodney Shimogawa regarding the R&M's, including Officer Young, not being in their assigned zone and post during movements. You failed to address this behavior or take appropriate action.
- Since December on 2010, you received multiple reports from Sergeant Jimmy Fletcher surrounding Officer Young repeatedly not being in his assigned zone and post for movement. Sergeant Fletcher also notified you about other situations surrounding Officer Young's poor security practices. Again, you failed to address this behavior or take appropriate action.

" Working Together for SAFE Communities"

- Lieutenant Shimogawa directed you to document Officer Young's unacceptable performance, which you failed to do.
- You were given a Directive by your supervisor, Lieutenant Kenneth Hellman, to look into the allegation that Officer Young was failing to be in his assigned zone and if true you needed to fix it. You failed to follow his direction or take appropriate action.
- Officer Young's supervisor, Sergeant Fredrick Crabtree reported you never informed him of any ongoing performance issues with Officer Young.

Investigation Workplace Investigator Tim Birley completed a fair and thorough investigation into this matter. A copy of the report, which described these charges in detail, was provided to you on August 18, 2011.

Pre-disciplinary Meeting I scheduled a pre-disciplinary meeting with you for August 23, 2011. Teamsters Business Representative Sarena Davis provided notice on August 22, 2011, stating that you would not be attending the pre-disciplinary meeting in person nor would you respond in writing.

Awareness of Standards Your behavior violated DOC Policy 400.200 Post Orders and Post Logs (**Restricted Policy**), Performance Expectations set by your Supervisor signed and dated by you on March 25, 2010, Department Expectations and CORE Competencies outlined in the Employee Handbook. Specifically, Safety, Accountability, Judgment and Problem Solving, Communication and Ethics and Integrity. In June of 2002, you received and signed an acknowledgement of receipt of the DOC Employee Handbook and agreed to become familiar with and have a thorough knowledge and understanding of its contents. (Attachment #1)

On July 12, 1999, you received and signed a New Employee Checklist, acknowledging that you understood your responsibility to familiarize yourself with the local institution/office policies and procedures, DOC policies and procedures, pertinent post orders, the duties described in your classification questionnaire and the expectations of your work unit. (Attachment #2)

As a Shift Sergeant for three (3) years and prior to that, a Response and Movement (R & M) Officer, you are familiar with the policies and procedures surrounding offender movements and the importance of R&M Officers to be in their assigned zones to monitor these movements.

The Department provides for the safety and security of staff, offenders, and visitors by establishing movement procedures in which the Response and Movement Officers are responsible for being in assigned zones during offender movements. It was your responsibility to deal promptly with performance problems by working with staff to diagnose problems, develop solutions, monitor progress, and take effective action when the situation warranted.

Multiple staff, peers, and supervisors informed you about Correctional Officer David Young's continued ongoing performance issues. You failed to take appropriate action, even after being directed by both Lieutenant Shimogawa and Lieutenant Hellman to do so.

**Determination
of Sanction**

When determining that this discipline was appropriate, I reviewed your previous work history, length of service, training provided, and previous disciplinary actions. I found no prior disciplinary history on file. However, your failure to effectively manage your shift and follow the directives of one or more supervisors to address Officer David Young's performance issues, and continued failure to be in his assigned zone during offender movements, is irresponsible and very disconcerting.

Your failure to address multiple reports of Officer David Young's failure to maintain a security mindset and his repeated failure to be in his assigned zone of control, especially on January 29, 2011, is disturbing to me and contributed to the fact that offenders were not being closely monitored during the 2030 hours recall movement. Your failure as a supervisor to ensure staff were in their proper locations may have been a contributing factor in extending the period of time before it was noticed that Correctional Officer Jayme Biendl had not been accounted for.

You were given clear directives from both Lieutenant Shimogawa and Lieutenant Hellman to address and document Officer Young's unacceptable behavior and you failed to follow their directives. Your poor decision as a Shift Sergeant affected the safety and security of the facility and put the Department at risk.

As a Correctional Sergeant, you are responsible to serve as a role model and follow institution and department policy. Other staff should look to you for leadership and direction. Rather than setting an example of diligence and trustworthiness, you neglected your responsibilities as a supervisor and failed to progressively address and document Officer Young's inappropriate behavior.

Accordingly, I have determined that demoting you to Corrections and Custody Officer 2 is the appropriate level of discipline. I have lost faith in your ability to effectively perform supervisory duties and adequately manage staff under your direct supervision. It is my hope that removing you from a supervisory role will convey to you the seriousness with which I view your offense, prevent reoccurrence, deter others, and maintain respect for our agencies role of supervisors and monitoring offender movement. Further, this disciplinary action is intended to impress upon you the gravity of your misconduct and provide you with sufficient incentive to correct your behavior.

**Future
Expectations**

I take this incident very seriously. I will not tolerate your disregard for direction provided to you by the Department of Corrections.

I expect that you will henceforth adhere to policies, directives and direction given to you by the Department of Corrections. Any further misconduct on your part may result in further disciplinary action, up to and including discharge.

Appeal Rights Under the provisions of Article 9 of the Collective Bargaining Agreement, you may appeal this discipline.



Scott Frakes, Superintendent
Monroe Correctional Complex

cc: Donna Haley, Human Resources Director
Labor Relations
Payroll (first paragraph only)
Personnel File (including investigation)

CHRIS JOHNSON
Employee Name (Please Print)

ACKNOWLEDGEMENT OF RECEIPT OF DOC EMPLOYEE HANDBOOK

I acknowledge receipt of the June 2002 Washington State Department of Corrections Employee Handbook and agree to become familiar with and have a thorough knowledge and understanding of the contents.

CHRIS JOHNSON CHRIS JOHNSON
Employee
Signature

Original--Personnel File

Attachment
1

DEPARTMENT OF CORRECTIONS

NEW EMPLOYEE CHECKLIST

NAME CHRISTOPHER W. JOHNSON DATE 7/12/99 POSITION CO

OFFICE/INSTITUTION W.S.R. SUPERVISOR _____

1. STATEWIDE ACKNOWLEDGMENTS

A. RECEIPT OF HANDBOOK: I acknowledge receipt of the Employee Handbook, Washington State Department of Corrections, and agree to become familiar with and have a thorough knowledge and understanding of the contents. Handbook Reprinted 6/93

Employee Signature *Chris Johnson* DATE 7/12/99

B. PERSONNEL POLICY DIRECTIVE ACKNOWLEDGEMENT: I have reviewed and understand that I am responsible for knowing and following the Department of Corrections' Personnel Policy Directives. I was told where the Department Policy Directive Manual is kept and realize that I am expected to be familiar with the manual and to keep current on policy directives. If I have any questions, I understand that I am to contact my supervisor or my personnel officer.

Employee Signature *Chris Johnson* DATE 7-12-99

CONFLICT OF INTEREST DECLARATION: I am not currently related to or residing with any employee of the State who is in my supervisory chain of command or in an adult relationship over or below me. I understand that I must report to my supervisor in writing any current or potential conflict of interest in accordance with the laws of the State of Washington, and local institution/office policies/procedures.

Employee Signature *Chris Johnson* DATE 7-12-99

2. FIELD LOCATION ACKNOWLEDGEMENTS

A. CORRECTIONS ACADEMY: All Correctional Officers will be required to attend the Washington State Criminal Justice Training Commission (CJTC) Corrections Officers Academy, and all Correctional Counselors and Community Corrections Officers will be required to attend the CJTC Correctional Services Academy. I understand that a passing score from the CJTC Academy is required for continued employment. The academies are normally scheduled for a two-week period for counselors and a four-week academy for Correctional Officers. Classes are conducted Monday through Friday, 8:00 a.m. to 5:00 p.m. I understand that, subsequent to the training and/or institution/office training, I will be assigned to my permanent schedule of either day, swing, graveyard, or turnaround shifts with any 2-day period scheduled off.

Employee Signature *Chris Johnson* DATE 7-12-99

Final: Personnel File

:\WP51\FORMS\NEW_EMPL.CKL

Attachment

NAME CHESTER PIERCE V. TOLSON

B. FIREARMS QUALIFICATIONS: All Department of Corrections employees who may be assigned or issued firearms shall successfully complete the firearms training and familiarization course conducted by the Department and will be qualified at least annually. Failure to successfully pass this requirement may result in separation or inability to continue in my assignment or work.

Employee Signature [Signature] DATE 7-12-99

C. FOOD HANDLERS PERMIT: Employees whose duties involve the preparation and/or handling of unpackaged or unwrapped foods are required to maintain a current Food and Beverage Service Workers Permit. I understand that this permit is necessary for continued employment and must be obtained at my expense within 30 days from the date of initial employment. I understand that employees assigned to food service areas may be inspected daily by designated personnel for visual signs of illness, infections or obvious skin lesions, etc., on hands, arms, face and neck and that I may be relieved from duty and required to furnish a medical certificate if these signs are observed on my person.

Employee Signature [Signature] DATE 7-12-99

D. COMMUNITY CORRECTIONS USE OF FIREARMS: I understand that I may bear and use firearms while acting as an agent of the Department of Corrections only with prior written permission of the Director of Community Services and that I must be qualified in their use to receive such authorization. I understand that a weapons permit is required to carry a concealed weapon. I have reviewed and understand DOC Policy Directive 420.200 and Division of Community Services Directive 145.

Employee Signature [Signature] DATE 7-12-99

E. EMPLOYEE LICENSURE: All Department of Corrections Employees whose positions require that they be licensed, i.e., Registered Nurses, Nurse Practitioners, LPN's, Dentists, Psychologists, etc., must submit a current license to practice upon employment with the Department. I understand that it is my responsibility to provide my employer's Personnel office a current copy of my license each time it is renewed and that this licensure is necessary for continued employment.

Employee Signature [Signature] DATE 7-12-99

Original: Personnel File

NAME: CHRIS JOHNSON

PERSONNEL/PAYROLL FORMS TO BE COMPLETED

- CUT Personnel Questionnaire (Blue)
- CUT IRCA Form (Copy of Identification)
- CUT W-4 Form
- CUT Acknowledgement of Search
- CUT Employee Emergency Card (yellow)
- CUT Authorization to Release Information
- CUT Applicant Criminal Conviction Disclosure Form
- CUT Employee Permanent Record (Retirement), form and booklet
- CUT Medical/Dental/LTD/Life Insurance Forms/Booklets
- CUT Intermittent Staff - Informational Letter (if applicable)

PERSONNEL MATERIALS PROVIDED TO EMPLOYEE
(PJ FASE INITIAL UPON RECEIPT)

- CUT Electronic Funds Transfer Form (Direct Deposit) Memo 12/91
- CUT Payroll Dates
- CUT Union Contract
- CUT Nationwide Home/Auto Insurance
- CUT Employee Advisory Information

EMPLOYEE SIGNATURE *Chris Johnson* DATE 7-12-99

REVIEWER SIGNATURE _____ DATE _____

Original: Employee Personnel File

pdated 8/94

NAME: C. H. L. J. HARRIS

PAGE 4

I understand that it is my responsibility to familiarize myself with the local institution/office policies and procedures, DOC policies and procedures, pertinent post orders, the duties described in my classification questionnaire and the expectations of my work unit.

I understand that the above is not intended to be inclusive but to ensure that basic information is provided.

Employee Signature: [Signature] DATE 7-12-99

TOPICS COVERED BY PERSONNEL/PAYROLL OFFICE

- CVJ Paycheck (when, where, overtime, auto deposit, paydays) (leave and types explained on pay check and according to policy)
- CVJ Mandatory deductions: OASI, FICA, Retirement, Union, Medical Aid
- CVJ Performance Evaluation Process
- CVJ Accident Reporting, L&I Claims, Workers Compensation, Assault Legislation.
- CVJ Intra-Institutional Transfer Requests (Article 9, Transfers, Institution Collective Bargaining Agreement).
- CVJ Recruitment Announcements/Applications (promotional opportunities, local list versus DOP registers).
- CVJ State employment registers
- CVJ Locale of Revised Code of Washington, Washington Administrative Code, Departmental Policies, and difference of policies.
- CVJ Executive Order 91-06 Prohibiting Discrimination and Establishing Affirmative Action and Work Place Diversity Policy
- CVJ DMB 250.001 - Procedures for Reporting State Employee Misconduct (Whistleblower)
- CVJ Internal Discrimination Complaint Procedure 87-018
- CVJ DOC Policy Number 100.500 Non Discrimination

The above initialed topics have been reviewed with me.

Employee Signature [Signature] Date 7-12-99

Reviewer's Signature _____ Date _____

Original: Personnel File
updated 10/94



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
MONROE CORRECTIONAL COMPLEX
P.O. Box 777 • Monroe, Washington 98272-0777 • (360) 794-2600
FAX (360) 794-2569
AMMENDED LETTER

October 14, 2011

Brenda Fredricks
[REDACTED]

Ms. Fredricks:

Notification of Disciplinary Action This is official notification that I am issuing you a Letter of Reprimand. This disciplinary action is being taken pursuant to Article 8 of the Collective Bargaining Agreement between the State of Washington and Teamsters Local Union 117.

Misconduct This disciplinary action is for the following misconduct:

On January 29, 2011, you failed to do a complete search of the Washington State Reformatory Unit (WSRU) Program and Activities Building (PAB) before declaring it clear.

Investigation Workplace Investigator Jennifer Piukkula completed a fair and thorough investigation into this matter. A copy of the report, which described these charges in detail, was provided to you on August 17, 2011.

On or about April 1, 2011, a Critical Incident Review (CIR) surrounding the death of Officer Jayme Biendl on January 29, 2011 at the Monroe Correctional Complex was conducted by a team from the Washington State Department of Corrections (DOC). Information was provided by the CIR Team to DOC Management. The CIR Team noted that you were instructed to search the PAB and Chapel for a missing offender at or around 2114 hrs on January 29, 2011. While enroute to the Chapel you encountered Officers Waheithner and Maynard. It was reported that you asked for their assistance in checking the PAB and Chapel.

The CIR Team noted that Officer Wahlthner disclosed to the interview panel (CIR Team) that when he met up with you on the breezeway, you told him you were concerned that you locked Offender B. Scherf #287281 in the PAB earlier in the evening, possibly during the 2030 hr recall period.

"Working Together for SAFE Communities"

The CIR Team noted that you disclosed to the interview panel (CIR Team) that you did not search several rooms in the PAB on January 29, 2011 because "they were dark and you were nervous thinking an inmate would jump out at you."

During an investigative interview with Workplace Investigator Jennifer Piukkula on June 23, 2011, you were informed that the CIR Team noted your admission to their interview panel on or about April 1, 2011, when you stated that you did not search "several rooms" in the PAB "because they were dark and you were nervous an inmate would jump out at you." You responded "Well...yes, but I was talking about rooms that we didn't use--offenders weren't able to access those rooms, so why would I search them? I don't think I even had keys to those rooms. This is what happened....I started searching the building, yes I was a little scared...I was creeping a long and talking to myself, saying stuff like, "I hope no one is hiding in here" as I searched the rooms. The lights were off and no one is with me, so yeah, I was a little scared. The area is U-shaped, so you have to start at one end and go all the way to the other. The law library is a little creepy...you have to go in back of the room and there are books piled up and it's dark because the offenders shut the lights out when they leave. There are rooms in the back that are not used. I didn't look in those or search those because no one had access to them. Those are the rooms I was probably talking about."

During an investigative interview with Workplace Investigator Jennifer Piukkula on June 23, 2011, you admitted that you did not sign the PAB post orders on January 29, 2011, or any other time.

During an investigative interview with Workplace Investigator Jennifer Piukkula on June 23, 2011, you admitted that on January 29, 2011, you did not search the rooms in the back of the PAB, near the law library nor did you check the door handles of those rooms to ensure they were locked.

During an investigative interview with Workplace Investigator Jennifer Piukkula on June 23, 2011, Officer Samuel Wahleithner stated on January 29, 2011, you approached him and Officer Maynard and stated that you may have locked the missing inmate in the PAB.

During an investigative interview with Workplace Investigator Jennifer Piukkula on June 23, 2011, Officer Charles Maynard stated that when he and Officer Wahleithner met up with you on the breezeway on January 29, 2011, you stated that you may have locked an offender in the PAB.

Pre-disciplinary Meeting A pre-disciplinary meeting was scheduled with you on August 23, 2011. Teamsters Business Representative Sarena Davis notified Superintendent Frakes on August 22, 2011, that you would not be attending the pre-disciplinary meeting in person nor would you respond in writing which was an option provided to you in your pre-disciplinary letter.

Awareness of Standards Your behavior violated DOC Policy 420.320 *Search of Facilities*, Monroe Correctional Complex Operational Memorandum MCC 420.155 *Callout Systems*, DOC Policy 400.200 *Post Orders and Post Logs (Restricted Policy)*, MCC Programs and Activity Building (PAB) Officer Post Orders **(Restricted)**, Performance Expectations set by your Supervisor signed and dated by you on November 4, 2009, Department Expectations and CORE Competencies outlined in the Department of Corrections Employee Handbook. Specifically, Safety, Accountability, Judgment and Problem Solving, Communication and Ethics and Integrity.

On May 12, 1992, you received and signed an acknowledgement of receipt of the New Employee Checklist and agreed to familiarize yourself with the local institution/office policies and procedures, DOC policies and procedures, pertinent post orders, the duties described in my classification questionnaire and the expectations of my work unit. (Attachment #1)

On May 27, 2003, you received and signed an acknowledgement of receipt of the DOC Employee Handbook and agreed to become familiar with and have thorough knowledge and understanding of the contents. (Attachment #2)

Determination of Sanction When determining that this discipline was appropriate, I reviewed your previous work history, length of service, training provided, and previous disciplinary actions. In reviewing your personnel file, I found the following:

- On October 16, 2006, you received a Reduction in Salary for failing to report legal citations.
- On November 16, 2005, you received a Letter of Counseling for refusing to perform mandatory overtime.
- On April 12, 1996, you received a letter for writing an untruthful, misleading and inaccurate memo.

Your failure to do a complete search of the Programs and Activities Building (PAB) before declaring it clear on January 29, 2011, was unacceptable.

It should be noted that this reckless and dangerous behavior on your part affected the safety and security of the institution. You have a duty and responsibility to follow agency policies and procedures.

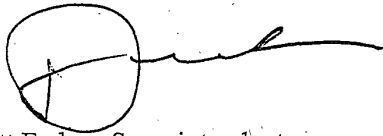
I have determined a Letter of Reprimand is the appropriate level of discipline. This disciplinary action is intended to impress upon you the gravity of your misconduct and provide you with sufficient incentive to correct your behavior. Your personnel file reflects your continued lack of good judgment.

**Future
Expectations**

I take this incident very seriously. I will not tolerate your disregard for direction provided to you by the Department of Corrections.

I expect that you will henceforth adhere to policies, directives and direction given to you by the Department of Corrections. Any further misconduct on your part may result in further disciplinary action, up to and including discharge.

Appeal Rights Under the provisions of Article 9 of the Collective Bargaining Agreement, you may appeal this discipline.



Scott Frakes, Superintendent
Monroe Correctional Complex

cc: Donna Haley, Human Resources Director
Labor Relations
Personnel File (including investigation)

DEPARTMENT OF CORRECTIONS

NEW EMPLOYEE CHECKLIST

NAME Fredericks, Brenda F. DATE 5-11-92 POSITION C/O

OFFICE/INSTITUTION WSP SUPERVISOR _____

STATEWIDE ACKNOWLEDGMENTS

RECEIPT OF HANDBOOK: I acknowledge receipt of the Employee Handbook, Washington State Department of Corrections, and agree to become familiar with and have a thorough knowledge and understanding of the contents. DOP 1/88 / DOC 3/88

Employee Signature Brenda Fredericks DATE 5-11-92

PERSONNEL POLICY DIRECTIVE ACKNOWLEDGEMENT: I have reviewed and understand that I am responsible for knowing and following the Department of Corrections' Personnel Policy Directives. I was told where the Department Policy Directive Manual is kept and realize that I am expected to be familiar with the manual and to keep current on policy directives. If I have any questions, I understand that I am to contact my supervisor or my personnel officer.

Employee Signature Brenda Fredericks DATE 5-12-92

CONFLICT OF INTEREST DECLARATION: I am not currently related to or residing with any employee of the State who is in my supervisory chain of command or in an adult relationship over or below me. I understand that I must report to my supervisor in writing any current or potential conflict of interest in accordance with the laws of the State of Washington, and local institution/office policies/procedures.

Employee Signature Brenda Fredericks DATE 5-11-92

FIELD LOCATION ACKNOWLEDGEMENTS

CORRECTIONS ACADEMY: All Correctional Officers will be required to attend the Washington State Criminal Justice Training Commission (CJTC) Corrections Officers Academy, and all Correctional Counselors and Community Corrections Officers will be required to attend the Services Academy. I understand that a passing score for is required for continued employment. The academies are for a two-week period for counselors and a four-Correctional Officers. Classes are conducted Monday thru a.m. to 5:00 p.m. I understand that, subsequent to this institution/office training, I will be assigned to my of either day, swing, graveyard, or turnaround shifts will scheduled off.

Attachment #1

Employee Signature Brenda Fredericks DATE 5-11-92

Original: Personnel File
Employee

6/90

NAME _____

B. FIREARMS QUALIFICATIONS: All Department of Corrections employees who may be assigned or issued firearms shall successfully complete the firearms training and familiarization course conducted by the Department and will be qualified at least annually. Failure to successfully pass this requirement may result in separation or inability to continue in my assignment or work.

Employee Signature Brenda Fiodrich DATE 5-11-92

C. FOOD HANDLERS PERMIT: Employees whose duties involve the preparation and/or handling of unpackaged or unwrapped foods are required to maintain a current Food and Beverage Service Workers Permit. I understand that this permit is necessary for continued employment and must be obtained at my expense within 30 days from the date of initial employment. I understand that employees assigned to food service areas may be inspected daily by designated personnel for visual signs of illness, infections or obvious skin lesions, etc., on hands, arms, face and neck and that I may be relieved from duty and required to furnish a medical certificate if these signs are observed on my person.

Employee Signature _____ DATE _____

D. COMMUNITY CORRECTIONS USE OF FIREARMS: I understand that I may bear and use firearms while acting as an agent of the Department of Corrections only with prior written permission of the Director of Community Services and that I must be qualified in their use to receive such authorization. I understand that a weapons permit is required to carry a concealed weapon. I have reviewed and understand DOC Policy Directive 420.200 and Division of Community Services Directive 145.

Employee Signature _____ DATE _____

E. EMPLOYEE LICENSURE: All Department of Corrections Employees whose positions require that they be licensed, i.e., Registered Nurses, Nurse Practitioners, LPN's, Dentists, Psychologists, etc., must submit a current license to practice upon employment with the Department. I understand that it is my responsibility to provide my employer's Personnel office a current copy of my license each time it is renewed and that this licensure is necessary for continued employment.

Employee Signature _____ DATE _____

Original: Personnel File
cc: Employee

6/90

PERSONNEL/PAYROLL FORMS TO BE COMPLETED

- Application
- Felony Record Disclosure
- Release of Information
- Acknowledgement of Search
- DOC New Hire Report
- IRCA Form W4
- Personnel Questionnaire
- Employee I.D./Emergency Card
- Medical/Dental Booklet and Enrollment Form
- LTD Pamphlet and Enrollment Form
- Life Insurance Booklet and Enrollment Form(s)
- American Family Life's Supplemental Cancer Expense & Intensive Care Insurance Programs Info
- Employee Permanent Record Form and Retirement Booklet
- Intermittent Staff - Informational Letter (if applicable)

PERSONNEL/PAYROLL MATERIALS PROVIDED TO/DISCUSSED WITH EMPLOYEE

- Orientation Schedule
- Collective Bargaining Agreement
- List of Stewards, officers, Union/Management Committee members
- Whistleblower Procedure
- Secretary's Statement on Affirmative Action
- Internal Discrimination
- Non-Discrimination Policy 100.500
- Equal Employment/Affirmative Action Policy 810.005
- Sexual Harrassment Policy 853.025
- Drug-Free Work Place Policy 859.005
- Appointment letter, including status, classification, starting salary & date, length of probation, PID, benefits
- Payroll dates list
- "Join Us" (WA State Employees Credit Union)
- Deferred Compensation Information
- Nationwide Automobile Insurance pamphlet
- Nationwide Homeowners Insurance pamphlet
- Employee Advisory Service pamphlet
- Reasonable Accommodation Policy

The above checked topics have been reviewed with me.

Employee Signature Branda Friedrichs Date 5-11-92

Original: Employee Personnel File
cc: Employee

18

NAME: _____

I understand that it is my responsibility to familiarize myself with the local institution/office policies and procedures, DOC policies and procedures, pertinent post orders, the duties described in my classification questionnaire and the expectations of my work unit.

I understand that the above is not intended to be inclusive but to ensure that basic information is provided.

Employee Signature: Brenda Fredericks DATE 5-12-92

TOPICS COVERED BY PERSONNEL/PAYROLL OFFICE

- Paycheck (when, where, overtime, auto deposit, paydates) (leave and types explained on pay check and according to policy)
- Mandatory deductions: OASI, FICA, Retirement, Union, Medical Aid
- Copy of Classification Questionnaire Position Number _____
- Performance Evaluation Process
- Accident Reporting, L&I Claims, Workers Compensation, Assault Legislation.
- Intra-Institutional Transfer Requests (Article 9, Transfers, Institution Collective Bargaining Agreement).
- Role of Personnel Office, handout available
- Recruitment Announcements/Applications (promotional opportunities, local list versus DOP registers).
- State employment registers
- Affirmative Action/Non-discrimination/Sexual Harassment
- Locale of Revised Code of Washington, Washington Administrative Code, Departmental Policies, and difference of policies.

The above initialed topics have been reviewed with me.

Employee Signature Brenda Fredericks Date 5-12-92

Reviewer's Signature _____ Date _____

Original: Personnel File
cc: Employee

9

DEPARTMENT OF CORRECTIONS - NEW EMPLOYEE CHECKLIST

Name Frederico Branda WSR
 Page 5

Section D. Topics Discussed with Employee by Supervisor/Training Manager or Personnel Officer

(S= Supervisor; T = Training Manager; P = Personnel Office)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Hours of work, breaks, meal | <input checked="" type="checkbox"/> Job expectations |
| <input checked="" type="checkbox"/> Attendance, punctuality, reporting of absences | <input checked="" type="checkbox"/> Post-Trauma Response Program |
| <input checked="" type="checkbox"/> Chain of Command, organizational structure | <input checked="" type="checkbox"/> Supervisor's expectations |
| <input checked="" type="checkbox"/> Unit procedures/schedules/roles | <input checked="" type="checkbox"/> Confidentiality |
| <input checked="" type="checkbox"/> Collective Bargaining Agreement (Union presentation) | <input checked="" type="checkbox"/> Personal Conduct/Appearance/Uniforms |
| ☒ Workload Standards | <input checked="" type="checkbox"/> Inmate/client relationships |
| <input checked="" type="checkbox"/> Safety: Accident reporting, alarm systems, evacuation, fire extinguishers, emergency response plan, hostage policy, lifting, Hazcom | <input checked="" type="checkbox"/> Post Orders |
| <input checked="" type="checkbox"/> Media/Legislative Contacts | <input checked="" type="checkbox"/> Computer Terminal Use Procedures |
| ☒ Records/Public Disclosure | <input checked="" type="checkbox"/> Security: Searches, controlled access points, non-client visitor procedures, client movement, operation of door locks, key control, parking, personal valuables, etc. |
| ☒ Victim/Witness Notification | <input checked="" type="checkbox"/> Report writing |
| <input checked="" type="checkbox"/> WAC 137-28: Prisons - Discipline (or WAC 137-56: Community Residential Programs, Work/Training Release) Copy received | <input checked="" type="checkbox"/> Classification system/inmate processing |
| <input checked="" type="checkbox"/> Supplies/equipment; requisition procedures | <input checked="" type="checkbox"/> Cultural Awareness, race relations |
| <input checked="" type="checkbox"/> Communications; Use of SCAN, off-SCAN, inmate use, radios, etc. | <input checked="" type="checkbox"/> Credit Union Presentation |
| ☒ Inmate Grievance Procedure | <input checked="" type="checkbox"/> Deferred Compensation Presentation |
| <input checked="" type="checkbox"/> Copy Received | <input checked="" type="checkbox"/> Mail Procedure |
| | <input checked="" type="checkbox"/> Use of State Resources |
| | <input checked="" type="checkbox"/> Aids Training |
| | <input checked="" type="checkbox"/> Local policies/procedures |
| | <input checked="" type="checkbox"/> Nationwide Insurance Presentation |

The following has been completed:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Tour | <input checked="" type="checkbox"/> Weapons Qualification |
| <input checked="" type="checkbox"/> Fingerprinting and I.D. | <input checked="" type="checkbox"/> CPR/First-Aid Training |

The above-checked items have been discussed with me:

Employee Signature Branda Frederico Date 5-15-92

Supervisor Signature _____ Training Manager Signature J. L... Personnel Officer Signature _____

Original: Personnel File
 cc: Employee

FREDRICKS, Brenda
Employee Name (Please Print)

ACKNOWLEDGEMENT OF RECEIPT OF DOC EMPLOYEE HANDBOOK

I acknowledge receipt of the June 2002 Washington State Department of Corrections Employee Handbook and agree to become familiar with and have a thorough knowledge and understanding of the contents.

B. Fredricks
Employee Signature

5-27-03
Date

Attachment
#2

Original--Personnel File

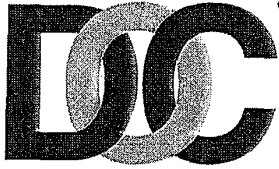
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Working Together for Safe Communities



Washington State
DEPARTMENT OF CORRECTIONS

EMPLOYEE HANDBOOK

DECEMBER 2008

CORE COMPETENCIES FOR ALL EMPLOYEES

Effective employees are our greatest asset. To ensure we are recruiting the best candidates to fill the various types of positions we have, DOC developed a set of core competencies that apply to all staff regardless of the position. These competencies - which address safety, respect, courtesy, dependability, accountability, judgment, problem solving, leadership, communication, relationship building, ethics, and integrity - are included on all position descriptions and employee evaluations (also known as Performance Development Plans or PDPs) are based upon an employee's performance in these categories.

Safety [4-APP-3B]

Complies with all safety regulations and understands why they are important. Performs work in a safe manner at all times, including while operating a vehicle or working offsite. Maintains an organized work area, free of hazards. Reports unsafe conditions promptly. Maintains and uses personal protective equipment, where required. Attends all required safety and health training. Seeks guidance from supervisor.

Treats Others with Respect and Courtesy

Consistently treats everyone with respect and courtesy, even when the other person is discourteous or unreasonable. Actively seeks feedback from customers and others s/he interacts with on the quality of service they provide. Demonstrates an ability to place himself/herself in the position of our customers. Listens fully to, is respectful of, and understands others' needs, concerns, and opinions.

Dependability

Reports to work every day and on time. Is fully prepared and conforms to assigned work hours and schedule. Notifies supervisor immediately when unexpected problems cause absence, lateness, or the need to leave early. Provides adequate notice for planned leave and ensures workload is managed.

Accountability

Gets the job done. Meets all deadlines or lets supervisor know immediately when deadlines might not be met and recommends alternatives. Works on tasks in order of importance. Makes sure all parts of a job are completed in full. Without making excuses, accepts personal responsibility for the quality and timeliness of his or her work and keeps commitments. Acknowledges and corrects mistakes. Asks for feedback on his/her performance from work team members and supervisor and makes efforts to improve. Explains how the work team's actions make a real difference in meeting the needs of clients, customers, and fellow employees.

Judgment and Problem Solving

Makes timely decisions based on the best information at hand. Can describe the factors that were considered in making a decision and their relative importance. Identifies and considers alternatives before making a decision. Seeks advice from others. Considers the impact of decisions on co-workers, clientele, and other program areas. Solves problems effectively.

Leadership

Creates an environment in which people can be successful. Personally exhibits excitement, enthusiasm, and commitment to the group's mission while linking every day work to agency mission. Sees and takes advantage of the potential in people, opportunities and events. Takes appropriate risks to improve performance or reach a challenging goal. Knows when to compromise and when to take a stand. Willing to responsibly challenge the status quo when necessary. Actively seeks new ideas and opportunities to improve.

Communication [4-APP-1D-01] [4-APP-1D-02]

Presents ideas effectively, clearly, and concisely in formal and informal situations. Listens well and asks good questions. Communicates well in writing. Keeps supervisor and co-workers informed. Shares complete and accurate information with others. Actively resolves conflicts and demonstrates effective conflict management skills.

Relationship Building

Builds and maintains effective networks of contacts that are useful in achieving work-related goals. Builds voluntary cooperation through credibility, expertise, influence, and persuasion. Goes out of one's way to establish effective working relationships. Demonstrates an ability to build effective relationships and partnerships.

Ethics and Integrity [4-APP-3C]

Earns the trust, respect, and confidence of stakeholders and co-workers through consistent honesty, forthrightness, and professionalism in all interactions. Respects and maintains confidentiality. Tells the truth and is honest in all dealings. Earns the trust of others by consistently being an exemplary role model. Keeps promises and commitments made to others; meets goals and deadlines. Avoids inappropriate situations and actions which result in and/or present the appearance of impropriety. Adheres to appropriate and effective core values/beliefs and acts in accordance with those values at all times. Demonstrates ethical behavior and teaches its importance to others. Does not misrepresent self or use one's position for personal gain. Uses public resources appropriately.

Additional Core Competencies have been identified for all Supervisors and Managers to include:

People Management

Meets regularly with each employee to set and clarify expectations, provide feedback, and coaching. Uses formal and informal methods to monitor and track each employee's performance. Distinguishes between high and low performers, and recognizes and rewards results for high performers. Actively works to identify and retain talent. Deals promptly with performance problems by working with staff to diagnose problems, develop solutions, and monitor progress. Has the knowledge and will to take effective action with employees when performance coaching efforts fail and situation warrants. Attempts to discover what motivates each employee and uses that knowledge to benefit both the individual and the organization. Identifies employees' development needs and provides meaningful development opportunities. Conducts quality performance appraisals on time. Assists with professional development and planning.

Managing for Results

Establishes performance expectations and goals for his/her team that are specific and measurable and accepts personal responsibility for results. Assures that each member of his or her team has the resources and tools to meet performance expectations. Meets regularly with team and talks about team performance and ways to improve.

CODE OF ETHICS [4-4069] [4-APP-3C-02]

High moral and ethical standards among correctional employees are essential for the success of the Department's programs. DOC subscribes to a code of unflinching honesty, respect for dignity and individuality of human beings, and a commitment to professional and compassionate service.

Department policy 800.010 Ethics provides direction to employees to assist them in making appropriate choices, acting in a manner that demonstrates high ethical standards, and complying with provisions of the State Ethics Law, Chapter 42.52 RCW, Ethics in Public Service.

DEPARTMENT EXPECTATIONS

As an employee of the Department, you will have many things to learn, not the least of which will be the expectations of your supervisor, your co-workers, and the agency as a whole. To assist you with this responsibility, the following is a list of *some* departmental expectations to be familiarized with.

As an employee of the Department of Corrections, you will be expected to:

- Positively represent Washington State government to everyone you meet. You are our best public relations agent;
- Dress appropriately for your job classification and duties. Clothing may not have mottos, logos, or advertisements that may be offensive or in conflict with the goals/values of the Department;
- Be eligible to possess a firearm (for custody staff within prisons) in accordance with federal and state laws; [4-APP-3B-01]
- Adhere to the confidentiality requirements of any information you have access to in the workplace;

- Wear issued uniforms only as authorized;
- Be a good citizen, obey laws while on and off duty. Your conduct off duty may reflect on your fitness for duty;
- Treat fellow staff with dignity and respect;
- Be impartial, understanding, and respectful to offenders;
- Serve offenders with appropriate concern for their welfare and with no purpose of personal gain;
- Report all personal contact with offenders, their families, or known associates outside your job in accordance with Department procedures;
- Report through the proper chain of command any corrupt or unethical behavior that could affect an offender or the Department's integrity;
- Remain constantly alert in all situations;
- Remain at your job/post until properly relieved and/or the end of your shift, whichever comes later, if you are custody staff;
- Obtain appropriate permission before removing any state property from state premises;
- Conduct yourself and perform your duties safely; and
- Smoke only in designated smoking areas. [4-APP-26-01]

It is also important as a new employee that you understand some of the specific prohibitions that the Department must enforce. You are not allowed to:

- Discriminate against any offender, employee, prospective employee, contract staff, or volunteer on the basis of race, color, religion, gender, sexual orientation, age, creed, national origin, marital status, veteran status, or disability;
- Use profanity or inflammatory remarks with offenders or individuals with whom you work;
- Report to work under the influence of alcohol or drugs; [4-APP-3C-01]
- Traffic or bring any article of contraband into an institution, facility, or office;
- Barter or make personal deals with offenders, offender families, or visitors;
- Engage in personal relationships with offenders, their family members, or close personal associates; the Department has established guidelines consistent with the Prison Rape Elimination Act of 2003 and has zero tolerance relating to sexual assault/rape of offenders and staff sexual misconduct; such relationships with offenders that include sexual contact may be a felony under state law and may be referred for prosecution;
- Accept, maintain, or disburse funds of offenders except as authorized by your supervisor and Department regulations;
- Transmit messages for offenders outside the approved communication channels;
- Assist or in any way counsel an offender in the preparation of writs, appeals, or petitions for executive clemency;
- Accept any gifts rewards, or gratuities from any source except as authorized by Department policy

800.010 Ethics;

- Sleep or give the appearance of sleeping on duty;
- Have anyone substitute for you on a duty assignment without prior supervisory permission;
- Leave keys in unattended vehicles or any unsecured location;
- Use state equipment/supplies for personal use, gain, or profit;
- Destroy state property unless expressly permitted by your supervisor;
- Use or possess firearms on duty, unless authorized by the Department;
- Use your state position to influence any vendor or representative doing business with the Department; and
- Engage in verbal assaults, threatening behavior, or physical assaults against staff, offenders, or the public.

COMMUNICATION AND PUBLIC INFORMATION [4-4020] [4-APP-3A-31]

The Communications Department develops and disseminates information regarding the Department, manages the Department Intranet site titled *insideDOC*, and administers initiatives intended to enhance public understanding.

DOC's Intranet site titled *insideDOC* <<http://insideDOC/usercontents/>> provides easy access to basic tools and information to include Department policy, forms, training information, current news, and announcements of importance to staff.

STAFF RECOGNITION

The Department celebrates exceptional staff in many ways including an Annual Agency Award program. Staff are nominated for various awards which include Valor Award, Petrine Marciniak Inspirational Award, Secretary's Leadership Award, Diversity Award, Community Service Award, Health Services Staff of the Year Award, Community Partnership Team Award, Team Excellence Award, Employee of the Year Award, Support Staff of the Year Award, Supervisor of the Year Award, Counselor of the Year Award, Community Corrections Officer of the Year Award, Correctional Officer of the Year Award, and Volunteer of the Year Award. All Department staff are eligible.

National Correctional Officers' Week (typically the first week of May) festivities include honoring Correctional Officers and Community Corrections Officers for outstanding performance during the year.

The third Friday in May is designated Corrections Pride Day. Events and activities are organized and held throughout the state that celebrate and honor all agency staff.

For further information, please refer to Department policy 860.200 Recognition Program.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
MONROE CORRECTIONAL COMPLEX
P.O. Box 777 • Monroe, Washington 98272-0777 • (360) 794-2600
FAX (360) 794-2569
PERSONAL AND CONFIDENTIAL DELIVERY

October 25, 2011

George Lyons
[REDACTED]

Mr. Lyons:

Notification of Disciplinary Action This is your official notification of your discharge from position # CV99 as a Corrections and Custody Officer 2, effective immediately. This disciplinary action is being taken pursuant to Article 8 of the Collective Bargaining Agreement (CBA) between the State of Washington and Teamsters Local Union #117.

Misconduct This disciplinary action is for the following misconduct:

1. On January 29, 2011, you falsely logged that the Chapel cleared at 2045 hours (8:45 p.m.) (Case #04-023-11-3107)
 - A. On or about April 1, 2011, a Critical Incident Review (CIR) surrounding the death of Officer Jayme Biendl on January 29, 2011, at the Monroe Correctional Complex was conducted by a team from the Washington State Department of Corrections (DOC). The CIR team noted that you stated you did not remember how the Chapel Officer that night (Jayme Biendl) announced her "all clear." It was reported that you stated that normally she (Biendl) would radio the announcement but sometimes she (Biendl) would wave at you from the front of the Chapel (indicating all clear) and then return inside to conduct her security check prior to closing the Chapel and exiting Zone 3.
 - B. The just cause investigation conducted by DOC Investigators revealed by way of your own statements during your investigatory interviews on May 24, 2011, and June 29, 2011, and radio call transmissions from January 29, 2011, that you did not receive notification from Officer Biendl on January 29, 2011, indicating

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the Chapel was cleared after the 2030 offender recall movement, and that you failed to verify with Officer Biendl the Chapel was clear of all offenders on January 29, 2011, prior to documenting it as clear in the Tower 9 logbook.

- C. During your June 29, 2011, investigatory interview when asked about your previous interview on May 24, 2011, in which you stated that a closed gate meant the Chapel was clear, you responded, "If I didn't watch her close the gate, I would check on her. I would wait at the window till she came out. I'd wait till she came out of the Chapel. I saw her close the gate so I had no worries that night." However, despite what you entered in the logbook Officer Biendl did not close the gate, did not make notification that the Chapel was clear, and you did not follow up with her to account for the fact that her area was clear of offenders after the 2030 recall movement.
2. You provided inconsistent answers to questions asked of you during a Department of Corrections (DOC) investigation. (Case #06-028-11-3107)
 - A. During two separate investigatory interviews with DOC Investigators, May 24 and June 29, 2011, you claimed to see Officer Biendl exit the Chapel, close the gate, and return to the Chapel. You initially stated you logged the Chapel as clear upon seeing Officer Biendl close the gate and return to the Chapel building. You then revised your account of when you logged the Chapel as clear indicating you saw Officer Biendl exit the Chapel and close the gate, but logged the Chapel as clear upon receiving radio notification from another Officer that Zone 3 was clear. However, by your own admission that radio notification occurred at 2035, 10 minutes prior to the time you logged the Chapel as clear in the logbook.
 - B. During your second investigatory interview on June 29, 2011, when asked if you observed the gate area in front of the Chapel the entire time offenders were on the breezeway you responded, "Yes, I watched the offenders, but not exclusively. Biendl cleared the Chapel pretty quickly and when she shut the gate I moved on to viewing other areas." Then, at the conclusion of your second investigatory interview with DOC Investigators on June 29, 2011, you stated, "I am not 100 percent positive that I can accurately say that I saw Jayme (Biendl) shut the gate that night. I can't honestly say that she did."

3. You provided inconsistent answers to questions asked of you during an investigation by external law enforcement agencies. (Case #06-028-11-3107)

C. On January 31, 2011, Lieutenant Rodney Shimogawa was interviewed by Detective Paul Ryan of the Monroe Police Department. During the interview he stated on January 30, 2011, he asked you if you recalled Officer Jayme Biendl calling in secure. He said, you responded to the best of your knowledge Officer Biendl did call in secure. Lieutenant Shimogawa also reported that you said Biendl's normal routine is when she calls in clear, she's at the entry of the Chapel, she'll go inside the Chapel after she calls in clear and secure, grab her lunch box and wrap up the day and leave. He also reported that you stated to him, from your recollection all areas called in secure.

D. You submitted an incident report dated May 13, 2011, to the Monroe Police Department, which stated, "At approximately 2031 I observed C/O Biendl finished letting the offenders out of the Chapel close the gate and return to the Chapel building."

E. On May 19, 2011, during an interview with MPD detectives, you stated, "At 2030 main control announced recall over the radio. You opened the return gates from the out areas, yard, PAB, Chapel, and Field House. I watched the returning inmates at about 2131. Biendl had let out what I believe to be the last inmate and closed her gate and went back into the building. And at that point I wrote down her building was cleared." This statement is contradictory to what you wrote in the incident report you submitted to MPD just six (6) days earlier.

Investigation Workplace Investigators Tim Birley, and Tammy Gwin-Cork, completed a fair and thorough investigation into this matter. A copy of the reports, which describe these charges in detail, was provided to you on August 22, 2011.

Pre-disciplinary Meeting A pre-disciplinary meeting was scheduled with you on August 23, 2011. Teamsters Business Representative Sarena Davis sent notice on August 22, 2011, stating you would not be attending the pre-disciplinary meeting in person or responding in writing.

Awareness of Standards

Your behavior violated DOC Policy 400.200 *Post Orders and Post Logs (Restricted Policy)* and MCC WSRU Towers Post Orders (**Restricted**). These policies and post orders provide specific guidance on reviewing post orders, staff and offender accountability requirements including offender movement periods, and making thorough and accurate logbook entries. Including continual monitoring of all areas within your zone of control. Your actions on January 29, 2011, of failing to verify with Officer Biendl the Chapel building was clear of all offenders at the conclusion of the 2030 offender movement and making a false entry in the logbook that indicated the Chapel cleared at 2045, which was approximately 13 minutes after Offender Byron S. re-entered the Chapel undetected and attacked Officer Biendl, were not consistent with the above-listed requirements.

Your actions were also in violation of DOC Policy 800.010 *Ethics, Performance Expectations* set by your Supervisor signed and dated by you on March 4, 2010, and Department Expectations and CORE Competencies outlined in the Department of Corrections Employee Handbook relative to Safety, Accountability, Judgment and Problem Solving, Communication, and Ethics and Integrity. These policies and expectations communicate the importance of safety, accountability, good judgment, and integrity. By making a false entry in the Tower 9 logbook indicating you received notification the Chapel was clear when it was not, and providing multiple conflicting statements during the course of this investigation and to MPD detectives, you failed to adhere to these expectations.

You were aware of these policies. On January 4, 2008, you received and signed an Acknowledgement of Receipt (Attachment #1), and agreed to become familiar with and have thorough knowledge and understanding of the contents of the Department of Corrections *Employee Handbook*. Your signature also acknowledged your understanding of your "responsibility to be continually familiar with the above local institution/office policies, procedures, and field instructions, DOC policies and procedures, pertinent post orders, the duties described in my classification questionnaire or Washington Management Service position description form and the expectations of my work unit."

Determination of Sanction

When determining that this discipline was appropriate, I reviewed your previous work history, length of service, training provided, and previous disciplinary actions. I found no prior disciplinary history on file over the course of your three (3) year career with DOC. However, your actions on January 29, 2011, when you failed to verify the Chapel was clear of offenders and falsely logged it as clear at 2045, and your subsequent failure to fully and honestly answer all relevant and material questions asked of you during both a Department investigation and an outside law enforcement investigation cannot be overlooked.

By failing to adhere to your post requirements to accurately monitor offender movement, you did not verify with Officer Biendl by radio, phone, or other means that the Chapel area was clear of all offenders after the 2030 offender recall movement. Additionally, the logbook entry you made indicates the Chapel cleared at 2045; you admitted you documented in the logbook that the Chapel was clear based on your own assumption and not proper verification. Your failure severely compromised an essential safeguard put in place by the Department in order to observe, monitor, and account for offenders during movement periods. It was during the 2030 offender recall movement, approximately 13 minutes prior to the time you documented the Chapel cleared in the logbook, that Offender Byron S. exited the Chapel and was able to turn around, go back through and close the gate, and re-enter the Chapel without detection where he proceeded to attack and murder Officer Biendl. You also failed to verify that Officer Biendl departed the Chapel at the conclusion of her scheduled shift at 2100 hours, which contributed to the delay in discovering she was unaccounted for.

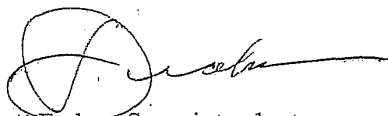
Additionally, you provided inconsistent and apparently untruthful statements regarding your actions on January 29, 2011, to DOC investigators throughout the course of the investigation. Further, you provided conflicting statements to MPD detectives regarding your account of events on January 29, 2011, which were also in conflict with what you reported to DOC Investigators throughout the course of this investigation.

As a custody staff member, you are the foundation for the preservation of the safety and security of those under the Department's supervision, your fellow co-workers, and ultimately the public for which we serve. Your complacency and blatant disregard for your responsibilities as outlined in the Department's policies, procedures, post orders, and expectations put others within the confines of the Monroe Correctional Complex at unnecessary risk, and provided Offender Byron S. with a greater opportunity to reenter and remain in the Chapel without immediate detection. Your choice to enter information in the Tower 9 logbook, which is a legal document, based on assumption and not proper verification is unconscionable and contrary to your responsibilities as a correctional professional.

Your negligence, poor judgment, and dishonesty are unacceptable behaviors that cannot and will not be tolerated. Your disregard for the Department's policies, procedures, and other security measures and your lack of truthfulness about your actions on January 29, 2011, has caused irreparable harm to your credibility and my faith in you as a correctional professional and in your ability to adequately and effectively perform your duties. Your actions on January 29, 2011, were complacent and negligent. Furthermore, were untruthful on multiple occasions throughout the investigation and were not fully forthcoming about your actions, or lack of actions, until conflicting

evidence, including your own statements, was presented to you. I cannot trust that you will not engage in this type of negligence and deceitful behavior again, and I am unwilling to risk that you will fall back into a pattern of complacency and compromise fundamental accountability procedures in the future. Accordingly, I have determined discharge is the appropriate level of discipline.

Appeal Rights Under the provisions of Article 9 of the Collective Bargaining Agreement, you may appeal this discipline.



Scott Frakes, Superintendent
Monroe Correctional Complex

cc: Donna Haley, Human Resources Director
Labor Relations
Payroll (first paragraph only)
Personnel File (including investigation)



NEW EMPLOYEE POLICY ACKNOWLEDGEMENT

- a. **Employee Handbook:** I acknowledge receipt of the Washington State Department of Corrections (DOC) Employee Handbook, (P 070) and agree to become familiar with and have a thorough knowledge and understanding of the contents.
- b. **Human Resources Policies and Directives:** I acknowledge receipt of a summary of DOC Human Resources Policies and Directives and understand that I am responsible for knowing and following the DOC Human Resources Policies and Directives.
- c. **Workplace Diversity Policies and Directives:** I acknowledge receipt of the DOC Policy 100.500 Non-Discrimination; DOC Policy 810.005 Equal Employment Opportunity/Affirmative Action; DOC Policy 850.625 Sexual Harassment; DOC Policy 840.100 Reasonable Accommodation Policy and DOC Policy 840.150 Internal Discrimination Complaint Policy and form.
- d. **Smoking:** I am aware that smoking is prohibited within all DOC indoor employee work and break areas, state vehicles and other areas as may be designated.
- e. **Statement of Risk:** I understand that I will be working with offenders in a stressful, potentially hazardous situation.
- f. **Training:** I understand that I am required to attend and successfully complete, within the first six months of my appointment, new employee training and other training specific to my job class. Where Correctional Worker CORE is provided, all newly hired staff are required to attend.
- g. **Acknowledgement of Search:** Washington State Law prohibits the trafficking of contraband with inmates of adult correctional facilities. Employees and their automobiles are subject to search when there is reasonable suspicion as determined by the superintendent or designee to believe criminal action has occurred, is occurring, or is imminent. I understand that as an employee, I have the option to either be searched or immediately leave the institution. I also understand that if I opt to leave without being searched, I may be subject to disciplinary action up to and including dismissal.
- h. **Corrections Academy:** All Correctional Officers and Corrections Mental Health Counselor 1's are required to attend the Washington State Criminal Justice Training Commission's (CJTC) Correctional Officers Academy, and all Correctional Counselors, Community Corrections Officers and other Corrections Mental Health Counselors are required to attend the CJTC Adult Services Academy. I understand a passing score from the CJTC Academy is required for continued employment. The academies are normally scheduled Monday through Friday, 8:00 a.m. to 5:00 p.m. NOT APPLICABLE
- i. **Firearms Qualifications:** All DOC employees who may be assigned or issued firearms shall successfully complete the firearms training and familiarization course conducted by the Department and will be qualified at least annually. Failure to successfully pass this requirement may result in separation or inability to continue in my assignment or work. NOT APPLICABLE
- j. **Community Corrections Use of Firearms:** I understand that I may request to carry a firearm while acting as an agent of the Department of Corrections and must be granted prior written permission from the designated department head. I must be qualified in the use of these firearms to receive such authorization. I understand that a weapons permit is required to carry a concealed weapon. I have reviewed, understand, and agree to comply with DOC Policy Directive 420.200 and Division of Community Corrections Directive 145. NOT APPLICABLE
- k. **Employee Licensure:** Employees whose positions require that they be professionally licensed i.e., Registered Nurses, Nurse Practitioners, LPN's, Dentists, Psychologists, Pharmacists etc., **MUST** submit a current license to practice upon employment with the Department. I understand that it is my responsibility to provide my supervisor a current copy of my license each time it is renewed and that this licensure is necessary for continued employment. I understand that I will bear all necessary and associated costs to maintain licensure. NOT APPLICABLE

Attachment
1

3

- l. Food Handler's Permit: I understand that a current Food and Beverage Service Worker permit is necessary for continued employment if my duties include preparation and/or handling of unpackaged unwrapped foods. This permit must be obtained at my expense within 30 days from the date of initial employment. I understand that employees who are assigned to food service areas may be inspected daily by designated personnel for visual signs of illness, infections, or obvious skin lesions, etc., on hands, arms, face, and neck and that I may be relieved from duty and required to furnish a medical certificate if these signs are observed on my person. NOT APPLICABLE
- m. Alcohol and Controlled Substances Testing for Safety-Sensitive Employees (CDL Drivers): I acknowledge receipt of DOC Policy 810.010. Alcohol and Controlled Substance Testing for Safety Sensitive Employees (CDL Drivers). I also acknowledge receipt of educational materials covering alcohol and controlled substance misuse, their effects in the work place, rehabilitation services available, and the identity of the person(s) designated by DOC to answer questions about these materials. NOT APPLICABLE
- n. Additional materials received in my orientation packet:

- Collective Bargaining Agreement (CBA)
- Drug And Alcohol Free Workplace (856.400) 850.150
- Employee Advisory Service Pamphlet
- Employee Development and Performance Plan
- Employee Relationships /Contact with offenders (850.030)
- ~~Telephone Directory (850.450)~~
- Protecting Your Personal Information (P185)
- Sexual Harassment (850.625)
- Employee Safety and Infection Control Handbook: (DOC P115)
- Ethics policy (800.010)
- Executive Order: Domestic Violence and The Workplace
- Acceptable Use of Technology (280.100)
- Reporting State Employee Misconduct (Whistleblower) (190.300)
- WA State Employees Suggestion (Brainstorm) Form
- Outside Employment/Volunteer Activities policy (850.025)
- ~~Guidelines for Investigations of Sexual Abuse; Contact or~~
- ~~Investigation of Alleged Custodial Sexual Misconduct (850.020)~~
- ~~Prison Rape Elimination Procedures (190.800)~~

Orientation Checklist: I acknowledge receipt of the New Employee Orientation Checklist (DOC 03-212) identifying specific topic areas to be covered by human resources, payroll, training office staff and/or my supervisor.

I understand it is my responsibility to be continually familiar with the above local institution/office policies, procedures, and field instructions, DOC policies and procedures, pertinent post orders, the duties described in my classification questionnaire or Washington Management Service position description form and the expectations of my work unit.

In addition, I acknowledge the above listed topic areas (a through n) have been reviewed with me. I have been told where the DOC Policies and Directives Manual is kept or that I may review them electronically on the DOC Intranet. I understand that the information provided is not meant to be all-inclusive but that I am to use it as a guide in getting myself oriented to my responsibilities as a DOC employee. If I have questions, I understand I am to contact my supervisor or Human Resources.

PRINT NAME <i>George Lyons</i>	DATE <i>1/4/2008</i>
EMPLOYEE SIGNATURE <i>George Lyons</i>	
HUMAN RESOURCES SIGNATURE <i>James Bean</i>	DATE <i>1-4-08</i>

The contents of this document may be eligible for public disclosure.
Social Security Numbers are considered confidential information and will be redacted in the event of such a request.
This form is governed by Executive Order 00-03, RCW 42.17, and RCW 40.14.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
MONROE CORRECTIONAL COMPLEX
P.O. Box 777 • Monroe, Washington 98272-0777 • (360) 794-2600
FAX (360) 794-2569

PERSONAL AND CONFIDENTIAL DELIVERY

October 25, 2011

Charles Maynard
[REDACTED]

Mr. Maynard:

Notification of Disciplinary Action This is your official notification of your discharge from position # C489 as a Corrections and Custody Officer 2, effective immediately. This disciplinary action is being taken pursuant to Article 8 of the Collective Bargaining Agreement (CBA) between the State of Washington and Teamsters Local Union #117.

Misconduct This disciplinary action is for the following misconduct:

1. On January 29, 2011, you failed to properly inspect and secure the Chapel after locating missing offender Byron S., DOC #287281. Specifically:
 - a. On April 1, 2011, a Critical Incident Review (CIR) surrounding the death of Correctional Officer Jayme Biendl on January 29, 2011, at the Monroe Correctional Complex was initiated by the Department of Corrections (DOC). The CIR Team reported to DOC Management that it noted during its review of the incident that you appeared to secure the WSRU Chapel after locating Offender Byron S. in there, but did not thoroughly search and inspect the Chapel building.
 - b. The just cause investigation conducted by DOC Investigators, which was provided to you on September 8, 2011, confirmed by both video surveillance of the Chapel and your own statements during your second investigatory interview, your failure to search and inspect the Chapel.
 - c. The Chapel sanctuary, just one of the areas in that building you failed to search after finding Offender Byron S., is where Officer Biendl was found by other staff over an hour after you found the offender and secured the building. Had you conducted a proper search of the building Officer Biendl would have been found over an hour sooner.

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2. You submitted an incident report on January 29, 2011, in which you falsely documented that you inspected and secured the WSRU Chapel after locating missing offender Byron S. Specifically:
 - a. On January 29, 2011, you submitted an incident report documenting you "inspected and secured the chapel" after locating Offender Byron S. at approximately 2119 hours on January 29, 2011.
 - b. During your interview with DOC Investigators on June 29, 2011, you admitted you did not inspect the Chapel as you indicated in your January 29, 2011, incident report.
 - c. Further, when asked by DOC Investigators why you falsely documented that you had inspected the Chapel on January 29, 2011, you stated "I wrote down what was expected of me, not what I did".

3. On January 29, 2011, you failed to make proper notification that you had located missing offender Byron S. in the Chapel. Specifically:
 - a. On January 29, 2011, upon locating Offender Byron S., you yelled out to COs Fredricks and Wahleithner that you found the offender, but failed to make any additional notification that you located the offender and continued toward the Chapel by yourself.
 - b. The just cause investigation conducted by DOC Investigators revealed it was not until approximately two minutes after you located Offender Byron S. that CO Fredricks made radio notification that the offender was found and his location.
 - c. During your investigatory interview you stated you were talking to the offender and CO Fredricks made the radio call when she arrived at the Chapel "right behind" you. However, statements given to investigators by CO Fredricks and CO Wahleithner indicate they were approximately one to two minutes behind you.

4. You failed to honestly answer questions asked of you during a DOC investigation. Specifically:
 - a. During two separate investigatory interviews with DOC Investigators, May 25 and June 29, 2011, you claimed to have inspected the Chapel after locating the missing offender. It was not until after the Investigators presented you with information indicating the video footage from January 29, 2011, in the Chapel did not support your claims that you provided truthful responses regarding your failure to inspect the Chapel.

5. You failed to honestly answer questions asked of you by external law enforcement agencies during an investigation. Specifically:
 - a. On February 1, 2011, you were interviewed by Monroe Police Department (MPD) detectives regarding your actions on the night of January 29, 2011. The statements you provided the MPD detectives contradict the statements you made during your interviews with DOC Investigators on May 25 and June 29, 2011, the video footage of the Chapel from January 29, 2011, and the statements provided to MPD detectives and DOC Investigators by COs Fredricks and Wahleithner.
 - b. These contradictory statements include, but may not be limited to, you telling MPD detectives that: you waited for "back-up" prior to making contact with Offender Byron S.; COs Fredricks and Wahleithner were right behind you when you entered the Chapel; you engaged in conversation with Offender Byron S. inside the Chapel foyer with COs Fredricks and Wahleithner present; you went through and checked the unlocked parts of the Chapel including the library and offices to the left; and you did not check the sanctuary, where Officer Biendl was later found, because the door was locked.

Investigation

Workplace Investigator Jennifer Piukkula completed a fair and thorough investigation into this matter. A copy of the report, which described these charges in detail, was provided to you on September 8, 2011.

Pre-disciplinary Meeting

A pre-disciplinary meeting was scheduled with you on September 14, 2011. Teamsters Business Representative Sarena Davis sent notification to Linda Gilstrap, HR Manager on September 13, 2011, stating you would not be attending the pre-disciplinary meeting in person. You also chose not respond in writing by September 13, 2011, as an option outlined in your pre-disciplinary letter.

Awareness of Standards

Your behavior violated DOC Policy 400.200 *Post Orders and Post Logs (Restricted Policy)*, DOC Policy 420.320 *Search of Facilities*, and MCC WSR Post Orders for Responsive Movement Officers (**Restricted**). These policies and post orders provide specific guidance on reviewing post orders, conducting systematic and thorough searches, and phases of emergency response and responsibilities. Including notification requirements upon detection of an issue which specifically state "Do not become actively engaged in the problem/incident until notification has been made and assistance has arrived", and "Once the nature of the emergency has been determined, make clear, accurate notification". Your actions on January 29, 2011, of failing to thoroughly search the Chapel building and engaging an offender alone without making proper notification and waiting for assistance to arrive were not consistent with the above-listed requirements, created a significant safety and security issue, and delayed the discovery of Officer

Biendl by over an hour.

Your actions were also in violation of DOC Policy 800.010 *Ethics*, Performance Expectations set by your Supervisor signed and dated by you on September 9, 2010, and Department Expectations and CORE Competencies outlined in the Department of Corrections Employee Handbook relative to Safety, Accountability, Judgment and Problem Solving, Communication, and Ethics and Integrity. These policies and expectations communicate the importance of safety, accountability, good judgment, and integrity. By submitting a false incident report which indicated you had searched the Chapel when you had not, being untruthful during the course of this investigation, and being untruthful to MPD detectives, you failed to adhere to these expectations.

You were aware of these policies. On June 21, 2000, you received and signed a Department of Corrections New Employee Checklist, wherein you signed that you acknowledged receipt of the Employee Handbook and agreed to become familiar with and have a thorough knowledge and understanding of the contents. (Attachment #1). Your signature also acknowledged your understanding of your "responsibility to be continually familiar with the above local institution/office policies, procedures, and field instructions, DOC policies and procedures, pertinent post orders, the duties described in my classification questionnaire or Washington Management Service position description form and the expectations of my work unit."

**Determination
of Sanction**

When determining that this discipline was appropriate, I reviewed your personnel file and training record. I find no prior disciplinary action in your file. You have been an employee of the Department for over 10 years, and are well aware of the policies, procedures, post orders, and expectations in place governing safety, security, and operations at MCC.

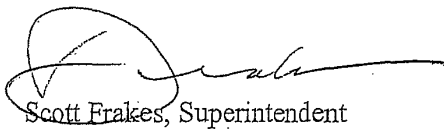
Your actions on January 29, 2011, and during the investigative interviews with DOC Investigators and MPD detectives were egregious and unacceptable. You not only failed to complete a proper and thorough search of the Chapel which resulted in Officer Biendl not being discovered in the Chapel sanctuary for in excess of another hour, you engaged an offender suspected of attempted escape without proper notification or waiting for backup. Your complacency and negligence compromised your safety and the safety of others, as well as delayed the discovery of Officer Biendl.

Furthermore, you willfully provided dishonest accounts of your actions on January 29, 2011, on multiple occasions when you provided false documentation regarding your actions, were untruthful with DOC Investigators during the course of the investigation, and were untruthful with MPD detectives about your actions. It was only when you were presented with video footage that you admitted your failure to properly search and secure the Chapel at WSR.

Your negligence, carelessness, poor judgment, and dishonesty are unacceptable behaviors that cannot and will not be tolerated. Further, your complacency and blatant disregard for policies, procedures, operational memorandums, and post orders put yourself, your co-workers, and offenders within the confines of the Monroe Correctional Complex at unnecessary risk. You failed to make proper notification upon location of Offender Byron S. only yelling out to two of your co-workers prior to continuing forward into the Chapel alone. You made contact with Offender Byron S. without waiting for your co-workers, who were approximately two minutes behind you, to arrive on the scene. Furthermore, once back-up did arrive, you failed to thoroughly inspect the building where you found the offender. Including the sanctuary of the Chapel where CO Biendl was discovered over an hour after you located Offender Byron S. in the building.

Overall, your actions as described above have caused irreparable harm to my faith in you as a correctional professional and in your ability to adequately and effectively perform your duties. Your actions on January 29, 2011, were complacent and risky and severely delayed the discovery of Officer Biendl. Furthermore, you were untruthful on multiple occasions and did not see fit to be honest about your actions, or lack of actions, until evidence that you could not ignore was presented to you. I cannot trust that you will not engage in this type of negligence and deceitful behavior again, and I am unwilling to take the risk of you placing yourself and/or your co-workers in danger in the future. Accordingly, I have determined discharge is the appropriate level of discipline.

Appeal Rights Under the provisions of Article 9 of the Collective Bargaining Agreement, you may appeal this discipline.



Scott Frakes, Superintendent
Monroe Correctional Complex

cc: Donna Haley, Human Resources Director
Labor Relations
Payroll (first paragraph only)
Personnel File (including investigation)

DEPARTMENT OF CORRECTIONS
NEW EMPLOYEE CHECKLIST

NAME Charles E. Magwood DATE 9-21-00 POSITION C/O
OFFICE/INSTITUTION D.P. MAGEWOOD SUPERVISOR _____

1. STATEWIDE ACKNOWLEDGMENTS

- A. RECEIPT OF HANDBOOK: I acknowledge receipt of the Employee Handbook Washington State Department of Corrections, and agree to become familiar with and have a thorough knowledge and understanding of the contents. Handbook Reprinted 6/93

Employee Signature [Signature] DATE 9-21-00

- B. PERSONNEL POLICY DIRECTIVE ACKNOWLEDGEMENT: I have reviewed and understand that I am responsible for knowing and following the Department of Corrections' Personnel Policy Directives. I was told where the Department Policy Directive Manual is kept and realize that I am expected to be familiar with the manual and to keep current on policy directives. If I have any questions, I understand that I am to contact my supervisor or my personnel officer.

Employee Signature [Signature] DATE 9-21-00

- C. CONFLICT OF INTEREST DECLARATION: I am not currently related to or residing with any employee of the State who is in my supervisory chain of command or in an adult relationship over or below me. I understand that I must report to my supervisor in writing any current or potential conflict of interest in accordance with the laws of the State of Washington, and local institution/office policies/procedures.

Employee Signature [Signature] DATE 9-21-00

2. FIELD LOCATION ACKNOWLEDGEMENTS

- A. CORRECTIONS ACADEMY: All Correctional Officers will be required to attend the Washington State Criminal Justice Training Commission (CJTC) Corrections Officers Academy, and all Correctional Counselors and Community Corrections Officers will be required to attend the CJTC Correctional Services Academy. I understand that a passing score from the CJTC Academy is required for continued employment. The academies are normally scheduled for a two-week period for counselors and a four-week academy for Correctional Officers. Classes are conducted Monday through Friday, 8:00 a.m. to 5:00 p.m. I understand that, subsequent to the training and/or institution/office training, I will be assigned to my permanent schedule of either day, swing, graveyard, or turnaround shifts with any 2-day period scheduled off.

Employee Signature [Signature] DATE 9-21-00

3. FIREARMS QUALIFICATIONS: All Department of Corrections employees who may be assigned or issued firearms shall receive the firearms training and familiarization course and will be qualified at least annually. Failure to Attachment this requirement may result in separation or inability to assignment or work.

Employee Signature [Signature]
PDATED 1/97

#1
9-21-00

NAME: Charles E. Maynard

C. FOOD HANDLERS PERMIT: Employees whose duties involve the preparation and/or handling of unpackaged or unwrapped foods are required to maintain a current Food and Beverage Service Workers Permit. I understand that this permit is necessary for continued employment and must be obtained at my expense within 30 days from the date of initial employment. I understand that employees assigned to food service areas may be inspected daily by designated personnel for visual signs of illness, infections or obvious skin lesions, etc., on hands, arms, face and neck and that I may be relieved from duty and required to furnish a medical certificate if these signs are observed on my person.

Employee Signature [Signature] DATE 9-21-00

D. COMMUNITY CORRECTIONS USE OF FIREARMS: I understand that I may bear and use firearms while acting as an agent of the Department of Corrections only with prior written permission of the Director of Community Services and that I must be qualified in their use to receive such authorization. I understand that a weapons permit is required to carry a concealed weapon. I have reviewed and understand DOC Policy Directive 420.200 and Division of Community Services Directive 145.

Employee Signature [Signature] DATE 9-21-00

E. EMPLOYEE LICENSURE: All Department of Corrections Employees whose positions require that they be licensed, i.e., Registered Nurses, Nurse Practitioners, LPN's, Dentists, Psychologists, etc., must submit a current license to practice upon employment with the Department. I understand that it is my responsibility to provide my employer's Personnel office a current copy of my license each time it is renewed and that this licensure is necessary for continued employment.

Employee Signature [Signature] DATE 9-21-00

PERSONNEL/PAYROLL FORMS TO BE COMPLETED

- Personnel Questionnaire
- IRCA Form (Copy of Identification)
- Acknowledgement of Search
- Employee Emergency Card
- Authorization to Release Information
- Applicant Criminal Conviction Disclosure Form

PERSONNEL MATERIALS PROVIDED TO EMPLOYEE (PLEASE INITIAL UPON RECEIPT)

- Union Contract
- Employee Advisory Information

EMPLOYEE SIGNATURE [Signature] DATE 9-21-00

VIEWER SIGNATURE _____ DATE _____

PDATED 12/97

NAME: Charles F. Maynard

I understand that it is my responsibility to familiarize myself with the local institution/office policies and procedures, DOC policies and procedures pertinent post orders, the duties described in my classification questionnaire and the expectations of my work unit.

I understand that the above is not intended to be inclusive but to ensure that basic information is provided.

Employee Signature: [Signature] DATE 9-21-00

TOPICS COVERED BY PERSONNEL/PAYROLL OFFICE

- [Initials] Paycheck (when, where, overtime, auto deposit, paydays) (leave and types explained on pay check and according to policy)
- [Initials] Mandatory deductions: OASI, FICA, Retirement, Union, Medical Aid
- [Initials] Performance Evaluation Process
- [Initials] Accident Reporting, L&I Claims, Workers Compensation, Assault Legislation.
- [Initials] Intra-Institutional Transfer Requests (Article 9, Transfers, Institution Collective Bargaining Agreement).
- [Initials] Recruitment Announcements/Applications (promotional opportunities, local list versus DOP registers).
- [Initials] State employment registers
- [Initials] Locale of Revised Code of Washington, Washington Administrative Code, Departmental Policies, and difference of policies.
- [Initials] Executive Order 91-06 Prohibiting Discrimination and Establishing Affirmative Action and Work Place Diversity Policy
- [Initials] DMB 250.001 - Procedures for Reporting State Employee Misconduct (Whistleblower)
- [Initials] Internal Discrimination Complaint Procedure 87-018
- [Initials] DOC Policy Number 100.500 Non Discrimination

The above initialed topics have been reviewed with me.

Employee Signature [Signature] Date 9-21-00

Reviewer's Signature _____ Date _____

Original: Personnel File
dated 1/97



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
MONROE CORRECTIONAL COMPLEX
P.O. Box 777 • Monroe, Washington 98272-0777 • (360) 794-2600
FAX (360) 794-2569

PERSONAL AND CONFIDENTIAL DELIVERY

October 25, 2011

David Young
[REDACTED]

Mr. Young:

Notification of Disciplinary Action This is official notification of your discharge from position # 0617 as a Corrections and Custody Officer 2, effective immediately. This disciplinary action is being taken pursuant to Article 8 of the Collective Bargaining Agreement (CBA) between the State of Washington and Teamsters Local Union #117.

Misconduct This disciplinary action is for the following misconduct:

1. On January 29, 2011, you were outside of your assigned zone of control (Zone 3) for a majority of your shift at the Washington State Reformatory Unit (WSRU), including during offender movements. Specifically:
 - A. On or about April 1, 2011, a Critical Incident Review (CIR) was conducted by a team from the Washington State Department of Corrections (DOC) surrounding the death of Officer Jayme Biendl on January 29, 2011, at the Monroe Correctional Complex. The CIR team noted that several Third Shift Response and Movement (R&M) officers complained that it was common for you to leave your assigned Zone 3 area of coverage. The CIR team also noted that you were not in your assigned zone during the 2030 recall movement.
 - B. During the just cause investigation conducted by DOC Investigators, you acknowledged you were assigned as the Zone 3 Officer on January 29, 2011. You also acknowledged you were not in your assigned zone of control during multiple offender movements on January 29, 2011, including the 2030 recall movement, a task which is specifically outlined in your post orders. You told Investigators you were at the base of Tower 9, which is outside of Zone 3, assisting with pat searches during the 2030 recall movement, which you believed was allowed.

" Working Together for SAFE Communities"

- C. On January 29, 2011, it was during the 2030 recall movement that Offender Byron S. took advantage of you not being in your assigned zone of control. Offender Byron S. exited the Chapel, noticed there was not an Officer present on the walkway near the Chapel gate, turned around, went back through and closed the Chapel gate, and re-entered the Chapel building undetected where he subsequently attacked and murdered Officer Biendl.
2. You reported conflicting statements, and you failed to honestly answer questions asked by DOC Investigators, and external law enforcement, during a DOC investigation. Specifically:
 - A. During investigative interviews with Workplace Investigator Jennifer Piukkula on May 24, 2011, and June 1, 2011, you stated you were at the base of Tower 9, outside of your assigned zone, during 2030 recall movement assisting with pat searches of offenders returning from the recreation yard and talking with COs Maynard and Wahleithner. However, neither CO Maynard nor CO Wahleithner recalled you being at the base of Tower 9 during the 2030 recall movement.
 - B. Your statements about what you were doing during the 2030 recall movement to Investigator Piukkula differed from those you provided in your February 7, 2011, interview with Monroe Police Department (MPD) detectives. You told the MPD detectives that you were on the computer sending an email at 2030 hours, and arrived at Tower 9 at approximately 2032 hours.
 - C. During your May 24, 2011, investigatory interview you claimed to be involved in the escort of Offender Byron S. after he was found. However, these statements again differ from those of your co-workers who were involved in the escort and from what you reported to MPD detectives.
 - D. When Investigator Piukkula sent you your interview statements for review of accuracy, any necessary changes, and signature, you made multiple edits to the documents that were not accurate depictions of events from your interviews on May 24, 2011 and June 1, 2011. Instead of providing clarification to the statements, you added statements that were not made during the interviews and you deleted factual statements without clarification.

Investigation

Workplace Investigator Jennifer Piukkula, completed a fair and thorough investigation into this matter. A copy of the report, which described these charges in detail, was provided to you on August 19, 2011.

Pre-disciplinary Meeting

A pre-disciplinary meeting was scheduled with you for August 23, 2011. Teamsters Business Representative Sarena Davis sent notice on August 22, 2011, stating you would not be attending the pre-disciplinary meeting in person, nor would you be responding in writing.

Awareness of Standards

Your behavior violated DOC Policy 400.200 *Post Orders and Post Logs (Restricted Policy)*, DOC Policy 420.320 *Search of Facilities*, DOC Policy 420.155 *Callout Systems*, and WSRU Post Orders for Response and Movement Officers (*Restricted*). These policies and post orders provide specific guidance on reviewing post orders, conducting systematic and thorough searches of areas used by offenders, offender movements, and designated zones of control. The post orders for your Response and Movement position specifically state, "During open movement periods Response and Movement Officers will be at their designated zones of control". Your actions on January 29, 2011, of admittedly failing to be in your designated zone of control during multiple offender movement periods, including the 2030 recall movement, were in direct violation of the above-listed requirements, created a significant breach in security measures, and resulted in Offender Byron S. taking advantage of the lack of custody presence during movement and returning inside the Chapel undetected.

Your actions were also in violation of DOC Policy 800.010 *Ethics*, Department Expectations and CORE Competencies outlined in the Department of Corrections Employee Handbook, specifically, Safety, Accountability, Judgment and Problem Solving, Communication, and Ethics and Integrity. These policies and expectations communicate the importance of safety, accountability, good judgment, honesty, and integrity. By failing to perform the full scope of your post duties, being untruthful on multiple occasions during the course of this investigation, and reporting conflicting statements to DOC Investigators and MPD detectives about what you did and did not do on January 29, 2011, you failed to adhere to these expectations.

You were aware of these policies. On January 4, 2008, you received and signed an Acknowledgement of Receipt (Attachment #1), and agreed to become familiar with and have thorough knowledge and understanding of the contents of the Department of Corrections *Employee Handbook*. Your signature also acknowledged your understanding of your "responsibility to be continually familiar with the above local institution/office policies, procedures, and field instructions, DOC policies and procedures, pertinent post orders, the duties described in my classification questionnaire or Washington Management Service position description form and the expectations of my work unit."

**Determination
of Sanction**

When determining that this discipline was appropriate, I reviewed your previous work history, length of service, training provided, and found no previous disciplinary actions over the course of your three (3) year career with the Department. However, your actions on January 29, 2011, when you were outside of your assigned zone of control, including during multiple offender movement periods, and your subsequent failure to cooperate with a Department investigation and fully and honestly answer all relevant and material questions cannot be overlooked.

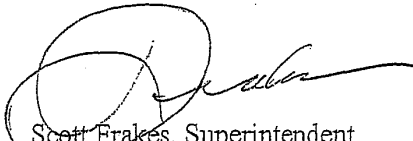
By failing to adhere to your post requirements to be present in your designated zone of control during offender movements, you were not in a position to properly observe offender movements in zone 3 on January 29, 2011. Your failure severely compromised an essential safeguard put in place by the Department in order to observe, monitor, and account for offenders during movement periods. Offender Byron S., DOC #287281, took full advantage of your failure on January 29, 2011. By your own admission, you were not in your assigned zone, zone 3, and were not in position to have a visual of the gate and walkway leading out of the Chapel during the 2030 recall movement. It was during that offender recall movement that Offender Byron S. exited the Chapel saw that no one was standing at or near the gate, and was able to turn around, go back through and close the gate, and re-enter the Chapel without detection; where he proceeded to attack and murder Officer Biendl.

Additionally, you were untruthful regarding your actions on January 29, 2011, to DOC investigators on multiple occasions throughout the course of the investigation, to include adding statements to your interview summary that were not made, and attempting to delete other statements that were made, during your investigatory interview. Further, you provided conflicting statements to MPD detectives regarding your account of events on January 29, 2011, which were also in conflict with what you reported to DOC Investigators throughout the course of this investigation.

As a custody staff member, you are the foundation for the preservation of the safety and security of those under the Department's supervision, your fellow co-workers, and ultimately the public for which we serve. Your blatant disregard for your responsibilities as outlined in the Department's policies, procedures, post orders, and expectations put others within the confines of the Monroe Correctional Complex at unnecessary risk, and provided Offender Byron S. with a greater opportunity to reenter the Chapel without immediate detection. Furthermore, your unwillingness to take responsibility for your actions and attempts to excuse your behavior by claiming it is acceptable for you to be outside your zone of control without permission or informing anyone is unconscionable and contrary to your responsibilities as a correctional professional.

Your negligence, poor judgment, and blatant dishonesty are unacceptable behaviors that cannot and will not be tolerated. Your disregard for the Department's policies, procedures, and other security measures and your lack of truthfulness about your actions on January 29, 2011, has caused irreparable harm to your credibility as well as my faith-in-you-as a correctional professional and in your ability to adequately and effectively perform your duties. Your actions on January 29, 2011, were complacent and negligent. Furthermore, you were untruthful on multiple occasions throughout the investigation and never did see fit to be forthcoming about your actions, or lack of actions, even when contradictory evidence was presented to you. I cannot trust that you will not engage in this type of negligence and deceitful behavior again, and I am unwilling to take the risk of you placing your coworkers in danger in the future. Accordingly, I have determined discharge is the appropriate level of discipline.

Appeal Rights Under the provisions of Article 9 of the Collective Bargaining Agreement, you may appeal this discipline.



Scott Frakes, Superintendent
Monroe Correctional Complex

cc: Donna Haley, Human Resources Director
Labor Relations
Payroll (first paragraph only)
Personnel File (including investigation)



- a. **Employee Handbook:** I acknowledge receipt of the Washington State Department of Corrections (DOC) Employee Handbook, (P 070) and agree to become familiar with and have a thorough knowledge and understanding of the contents.
- b. **Human Resources Policies and Directives:** I acknowledge receipt of a summary of DOC Human Resources Policies and Directives and understand that I am responsible for knowing and following the DOC Human Resources Policies and Directives.
- c. **Workplace Diversity Policies and Directives:** I acknowledge receipt of the DOC Policy 100.500 Non-Discrimination; DOC Policy 810.005 Equal Employment Opportunity/Affirmative Action; DOC Policy 850.625 Sexual Harassment; DOC Policy 840.100 Reasonable Accommodation Policy and DOC Policy 840.150 Internal Discrimination Complaint Policy and form.
- d. **Smoking:** I am aware that smoking is prohibited within all DOC indoor employee work and break areas, state vehicles and other areas as may be designated.
- e. **Statement of Risk:** I understand that I will be working with offenders in a stressful, potentially hazardous situation.
- f. **Training:** I understand that I am required to attend and successfully complete, within the first six months of my appointment, new employee training and other training specific to my job class. Where Correctional Worker CORE is provided, all newly hired staff are required to attend.
- g. **Acknowledgement of Search:** Washington State Law prohibits the trafficking of contraband with inmates of adult correctional facilities. Employees and their automobiles are subject to search when there is reasonable suspicion as determined by the superintendent or designee to believe criminal action has occurred, is occurring, or is imminent. I understand that as an employee, I have the option to either be searched or immediately leave the institution. I also understand that if I opt to leave without being searched, I may be subject to disciplinary action up to and including dismissal.
- h. **Corrections Academy:** All Correctional Officers and Corrections Mental Health Counselor 1's are required to attend the Washington State Criminal Justice Training Commission's (CJTC) Correctional Officers Academy, and all Correctional Counselors, Community Corrections Officers and other Corrections Mental Health Counselors are required to attend the CJTC Adult Services Academy. I understand a passing score from the CJTC Academy is required for continued employment. The academies are normally scheduled Monday through Friday, 8:00 a.m. to 5:00 p.m. NOT APPLICABLE
- i. **Firearms Qualifications:** All DOC employees who may be assigned or issued firearms shall successfully complete the firearms training and familiarization course conducted by the Department and will be qualified at least annually. Failure to successfully pass this requirement may result in separation or inability to continue in my assignment or work. NOT APPLICABLE
- j. **Community Corrections Use of Firearms:** I understand that I may request to carry a firearm while acting as an agent of the Department of Corrections and must be granted prior written permission from the designated department head. I must be qualified in the use of these firearms to receive such authorization. I understand that a weapons permit is required to carry a concealed weapon. I have reviewed, understand, and agree to comply with DOC Policy Directive 420.200 and Division of Community Corrections Directive 145. NOT APPLICABLE
- k. **Employee Licensure:** Employees whose positions require that they be professionally licensed i.e., Registered Nurses, Nurse Practitioners, LPN's, Dentists, Psychologists, Pharmacists etc., **MUST** submit a current license to practice upon employment with the Department. I understand that it is my responsibility to provide my supervisor a current copy of my license each time it is renewed and that this licensure is necessary for continued employment. I understand that I will bear all necessary and associated costs to maintain licensure. NOT APPLICABLE

A Hachment
1

8

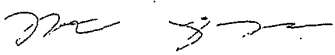
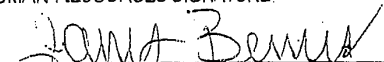
- l. Food Handler's Permit: I understand that a current Food and Beverage Service Worker permit is necessary for continued employment if my duties include preparation and/or handling of unpackaged unwrapped foods. This permit must be obtained at my expense within 30 days from the date of initial employment. I understand that employees who are assigned to food service areas may be inspected daily by designated personnel for visual signs of illness, infections, or obvious skin lesions, etc., on hands, arms, face, and neck and that I may be relieved from duty and required to furnish a medical certificate if these signs are observed on my person:
 NOT APPLICABLE
- m. Alcohol and Controlled Substances Testing for Safety-Sensitive Employees (CDL Drivers: I acknowledge receipt of DOC Policy 810.010. Alcohol and Controlled Substance Testing for Safety Sensitive Employees (CDL Drivers). I also acknowledge receipt of educational materials covering alcohol and controlled substance misuse, their effects in the work place, rehabilitation services available, and the identity of the person(s) designated by DOC to answer questions about these materials. NOT APPLICABLE
- n. Additional materials received in my orientation packet:

- Collective Bargaining Agreement (CBA)
- Drug And Alcohol Free Workplace (850.100) 850.150
- Employee Advisory Service Pamphlet
- Employee Development and Performance Plan
- Employee Relationships /Contact with offenders (850.030)
- ~~Telephone Directory (190.400)~~
- Protecting Your Personal Information (P185)
- Sexual Harassment (850.625)
- Employee Safety and Infection Control Handbook (DOC P116)
- Ethics policy (800.010)
- Executive Order: Domestic Violence and The Workplace
- Acceptable Use of Technology (280.100)
- Reporting State Employee Misconduct (Whistleblower) (190.300)
- WA State Employees Suggestion (Brainstorm) Form
- Outside Employment/Volunteer Activities policy (850.025)
- ~~Guidelines for Investigations of Sexual Abuse, Contact or~~
- ~~Investigation of Alleged Custodial Sexual Misconduct (850.020)~~
- ~~PRISON Rape Elimination PROCEDURES (190.800)~~

Orientation Checklist: I acknowledge receipt of the New Employee Orientation Checklist (DOC 03-212) identifying specific topic areas to be covered by human resources, payroll, training office staff and/or my supervisor.

I understand it is my responsibility to be continually familiar with the above local institution/office policies, procedures, and field instructions, DOC policies and procedures, pertinent post orders, the duties described in my classification questionnaire or Washington Management Service position description form and the expectations of my work unit.

In addition, I acknowledge the above listed topic areas (a through n) have been reviewed with me. I have been told where the DOC Policies and Directives Manual is kept or that I may review them electronically on the DOC Intranet. I understand that the information provided is not meant to be all-inclusive but that I am to use it as a guide in getting myself oriented to my responsibilities as a DOC employee. If I have questions, I understand I am to contact my supervisor or Human Resources.

PRINT NAME NATHAN D. YOUNG	DATE 01-04-08
EMPLOYEE SIGNATURE 	
HUMAN RESOURCES SIGNATURE 	DATE 1-4-08

The contents of this document may be eligible for public disclosure.
Social Security Numbers are considered confidential information and will be redacted in the event of such a request.
This form is governed by Executive Order 00-03, RCW 42.17, and RCW 40.14.

Distribution: ORIGINAL – Personnel File COPY – Employee