

Subject: CLS update #10: COVID-19 prison lawsuit

Alex Bergstrom <Alex.Bergstrom@columbialegal.org>
to

Thu, May 7, 1:19 PM (7 days ago)

Good morning, friends and families.

Thank you for your patience as we try to sort out the next legal move on our end. Many people have asked what's next for the lawsuit, and the short answer is that we still don't quite know. There are limited options, and we have to figure out if any of them can be pursued without the risk of causing additional harm to the impacted community. We also have to be careful about the case information we share publicly at this point so that we don't inadvertently limit our legal options.

We are continuing to investigate the original claims and scrambling to synthesize all of the information coming in since the court decision. Once again, you all are leading the way. The community campaigns have been incredible, and are only continuing to grow and get stronger.

We have also heard about some of the backlash, particularly against our families of color. We want to approach our next steps holistically and realistically, with recognition of the many ways that interpersonal and systemic racism can cause harm to communities of color as we try to transform/replace those systems. Once again, we invite feedback and assistance with this type of analysis because only through our relationships can the analysis be thorough.

So we don't have a legal next step to share quite yet, but we will soon. We want to make sure that as positive cases increase and pop up in more facilities that we are hearing about it. If your loved one tests positive or suspects they may be infected with the coronavirus, please remember that our lines of communication are open to them (and we may need your help to try to schedule those calls).

As always, thank you endlessly for the incredible work you're doing to build relationships with each other, provide mutual support, and stay active.

Sincerely,
Columbia Legal Services

From: Alex Bergstrom <Alex.Bergstrom@columbialegal.org>

Sent: Thursday, April 23, 2020 7:30 PM

Subject: CLS update #9: COVID-19 prison lawsuit

Well we didn't expect to have another update for you quite so quickly, but I am sorry to report that **the court has ruled against us, with a 5-4 vote.**

[The order is available online](#), and basically just says that the majority of the Supreme Court justices felt that we couldn't prove that DOC and Governor Inslee are doing anything unconstitutional at this point. Unfortunately we run into this problem a lot, as the prison system is given a lot of power to operate how they want.

Starting on page 3 of the linked document you'll see the "dissenting opinion," which is the position of the four justices who agreed (at least partially) with us. The majority have not published their full opinion, but the order mentions that it will be published shortly.

We are upset, disappointed, sad, angry, and more feelings that we haven't even had time to feel yet. But does this mean the fight is over? NO! Of course not! It didn't start with COVID-19 and it won't end with one (well... another...) loss in court.

There is more exposure than ever to the mistreatment and misinformation of our communities inside. Public opinion is powerful, and every day there are more eyes watching what's happening inside and more mouths spreading the truth. Your organizing will undoubtedly move forward even stronger, and we will be there to support it.

We will continue to pressure the State to identify people who can and should be released early. We will demand transparency. We will consider whether there are other legal approaches and continue to update you. And we will keep turning up our flashlight on the conditions inside. We do not have a concrete next step right now, but as we gather ourselves and work with you and your families inside we will surely have one soon.

With pride,

Columbia Legal Services

From: Alex Bergstrom <Alex.Bergstrom@columbialegal.org>

Sent: Thursday, April 23, 2020 1:01 PM

Subject: CLS update #8: COVID-19 prison lawsuit

Hello again!

Just like that, oral argument for the lawsuit is complete. We have heard from some of you who watched live this morning, and we share your hope that the court will make a decision based in humanity and justice. If you were unable to watch this morning, [the recording is available online](#) to be viewed at your convenience.

As expected, there is no decision from the court yet. These deliberations take time. Remember, though, that regardless of the decision we all have work to do in the community.

Our community partners always remind us that we need to prepare to receive whoever comes home and support whoever remains inside. We acknowledge the work of those partners by remembering that this is not a win-or-lose moment in time, but part of an ongoing movement. We recognize that the particular dangers of COVID-19 to the prison population are rooted in racism, colonialism, and capitalism. And to borrow from a statement made in a community meeting last night, one piece of advocacy cannot end structural racism (thank you, M.M., for that reminder!).

This is not to make philosophical that which is real, human, and personal for many of you. It is simply to acknowledge the scale of what we're up against, which allows us to reflect in amazement upon the successes of the movement so far. The family organizing, the community care, the communications with everyone in prison despite the added barriers, and the early reunification a few families have been fortunate to enjoy this week are all major accomplishments.

For our legal piece we hope that the court heard the community through our arguments. As long as your fight continues, so does ours. As soon as we hear about a decision we will be sure to let you all know.

Sincerely,

Columbia Legal Services

From: Alex Bergstrom <Alex.Bergstrom@columbialegal.org>

Sent: Wednesday, April 22, 2020 11:28 AM

Subject: CLS update #7: COVID-19 prison lawsuit

Good morning friends and families,

We just have a quick update for you today, as all filing is now complete for the lawsuit. The **oral argument will be held tomorrow, April 23rd, at 9:00am** and you can [watch online at TVW.org](https://www.tvw.org). If this link does not work tomorrow morning, go to [tvw.org](https://www.tvw.org) on your browser and click the "SCHEDULE" in the top right corner of the webpage. That should lead you to a link for the broadcast.

This does not mean the court will make a decision tomorrow. Lawyers from both sides will make their arguments to the court tomorrow and the court will make a decision at a later date. **We do not know when a decision will be made by the court.** They do not provide us a

specific schedule. Some decisions take months. Because they have expedited the process so far we hope for a decision that is much quicker than usual, but that is out of our hands.

Because a decision will not happen on the spot, we do not expect there to be anymore releases than might already be planned tomorrow, or anytime between now and a court decision. DOC continues to update their [commutation](#), [Rapid Reentry program](#), and [furlough](#) lists but **we still do not have any information about how the names on these lists are chosen, or what the timelines for people on the list look like.**

We know at this point, many of you want to know what will happen with your individual loved one. **Unfortunately we cannot answer questions about individual situations.** We do not have access to that type of information, and as an organization we do not provide individual legal representation.

We have been so inspired by the ways you all have stepped up. We are sorry that we have not been able to keep up with replies to all of your messages, but we promise that we have heard and read every single word. We hope to honor your efforts in our arguments tomorrow. More than anything, though, we hope for the health and safety of your loved ones inside.

As always, case documents and answers to frequently asked questions are updated on our [Colvin v. Inslee webpage](#). If you are new to this email list you can scroll down for all of our previous case updates.

With love,

Columbia Legal Services

From: Alex Bergstrom <Alex.Bergstrom@columbialegal.org>

Sent: Friday, April 17, 2020 1:31 PM

Subject: CLS update #6: COVID-19 prison lawsuit

Dear families and loved ones,

We were so inspired by all of the family actions this week. Our community partners held a press conference to highlight the real life experiences of the people inside and their loved ones. If you haven't seen it, [a recording is available online](#). Right afterward, three coordinated family demonstrations took place outside prisons and in Olympia. It's advocacy like this that has started to move the governmental needle toward liberation. This is momentum upon which we can all continue to build.

This week the State has published some details about their release plans = and a lot of you have been asking us about them. For the most part, though, we still have all the same questions you do. The Department of Corrections issued [a press release](#) that links to three lists of people who might expect to be released soon, though they don't say exactly when. The three lists include those individuals who are pending [commutation](#), those pending transfer to the [Rapid Reentry program](#), and those in work release who are pending [furlough](#). We have added to the [case FAQs](#) on our [COVID-19 webpage](#) to try to address the most common questions we've been hearing lately, including questions about how any of this might apply to your individual loved one. I'm also pasting the newly added FAQs below:

Will my individual loved one be released under the State's release plan?

Unfortunately, this is a question we generally cannot answer for you. So far the State has provided the three lists linked above, and no other specific information. We have more questions than answers about these lists and any future lists they might provide. We do not know how many people on this list were already scheduled for release in the next month or two. We do not know what their convictions were, what the details of their releases look like, what prisons they are coming from, nor any other details other than their names. We do not know if these lists are final nor exactly how they were determined. As these are all State decisions, we do not know the details of their conversations or the criteria they have come up with. We also do not have capacity at our organization to look into each individual's situation, as our resources are dedicated to the maximization of our expertise in systemic advocacy. As best we can we will continue trying to share other resources for the pursuit of individualized needs.

What we do know is that the State's release plan so far do not change our legal strategy. The State estimated that their actions would impact up to 950 people, and we know that 950 is nowhere near the amount needed to ensure the health and safety of the roughly 18,000 people locked up in DOC facilities. We also do not agree with the State's plan to limit relief to specific types or classes of convictions, and our lawsuit makes no such distinction.

Do I need to do anything to make sure your lawsuit will impact my loved one?

No. Although we have specific petitioners named on the court documents, the demands within the case apply statewide to all DOC facilities. You do not need to take any action to have individual names added. If your loved one is over 50, has an underlying health condition that puts them at risk of grave illness should they become infected with COVID-19, or is already within 18 months of release, then the lawsuit is asking to have them released. If your loved one would not be released as a member of one or more of these categories of people, the idea is that the increased space, health care capacity, access to communication, and sanitation measures also included in the lawsuit would help to protect them better inside as well.

What information do you still need from our loved ones inside?

We have been so grateful for all of the information and stories you have shared. At this point we have entered our arguments into the court record, all well supported by the evidence many of you have helped us collect. We are unable to add more at this point so there is no need, as far as the case goes, to continue passing information to us about the conditions inside. If someone you know in prison tests positive for COVID-19 and DOC is not properly reporting or treating it, especially outside of the MSU at Monroe, please try to have them contact us directly through our Collect line at 206-382-3399. *(This line*

is specifically set up to be used by people who are incarcerated or detained. We ask that family and friends on the outside correspond through email to keep the Collect line open.)

How can I watch the oral argument for the lawsuit on April 23rd?

The oral argument will be streamed live on TVW.org, starting at 9:00am on April 23rd. We will post a specific link as soon as we have one, but you will be able to navigate to the live TV schedule from their home page as well.

When will the court make a decision?

This is another element we do not have control over and cannot predict. The court appears to be taking the case very seriously, which gives us hope for a swift decision, but ultimately they will take as much time as they need to make a fully considered decision.

We also want to highlight today's report from the Office of the Corrections Ombuds, based on their observations at the Monroe Correctional Complex on April 10th. They have published both [the full report](#) and a [summary of the observations with responses to each one from DOC](#). These documents reinforce a lot of what you and the folks inside have been telling us from the beginning of the pandemic.

We hope this information is helpful to you. As much as you feel safe doing, please share the information we provide with your loved ones inside. Our ability to communicate is greatly diminished as we try to work from home and that gap has largely been filled by all of you. It is important to us that everyone inside has timely and accurate information about the law and policy work that affects them. Our Collect line is available to people in jails, prisons, and detention facilities but we can only accept one call at a time on that line. Please going forward do not use that line if you are not incarcerated, as we have many people trying to get through to us from the inside throughout the day. We are still available to you through email, and will continue doing our best to respond to your collective needs. We will share another update next week before Thursday with a reminder about the oral argument. For anyone new to this email list, all of our previous case updates are attached below.

Take care,
Columbia Legal Services

From: Alex Bergstrom <Alex.Bergstrom@columbialegal.org>

Sent: Tuesday, April 14, 2020 5:29 PM

Subject: CLS update #5: COVID-19 prison lawsuit

Good afternoon.

If you are receiving this email, it's because you have reached out to Columbia Legal Services with questions about the lawsuit we filed against the Department of Corrections and Governor Inslee related to COVID-19 in the prisons. If you are new to these updates, you can find all four previous case updates attached to the bottom of this one. If you are looking for community

support or other resources, you can find some linked in the previous updates. And as always, we are also regularly updating our website with case materials, resources, and media releases: https://columbialegal.org/policy_reforms/covid-19/.

This morning, as ordered by the court as part of the ongoing lawsuit, the State issued a report of the strategies they have taken to address COVID-19 in prisons. [The full report is available online](#), for anyone interested. It touches on many elements of the lawsuit, including sanitation, physical distancing measures, and reductions to the prison population.

We have received many questions already today about the Governor's plans for release, which have been highlighted on the Governor's website and in the news. The section of the report that talks about release starts on page 40 of the report. It states that they are still working to finalize a plan, and does not offer a timeline for implementation, saying more vaguely that they intend to implement this plan "expeditiously." It also provides some specific details about who they are considering for release. The exact language they use for those "targeted" by the plan is:

(1) Non-violent individuals (including vulnerable and non-vulnerable) who are due to release within 75 days; (2) Non-violent individuals and vulnerable individuals who are due to release in 2-6 months (through a re-entry planning process); (3) Non-violent individuals and vulnerable individuals who are due to release in 6-8 months, who have an approved release plan; (4) Non-violent individuals who were incarcerated for lower level supervision violations; and (5) Non-violent individuals who are on work release and can be released through the Secretary's furlough authority.

The report states that this would include between 600 and 950 individuals "beginning in the coming days." We hope that this is good news to some of you, and want to acknowledge that this first step would not have happened with the individual and group efforts that you have been a part of - whether pressuring the governor, supporting other families, or sharing stories from the inside.

With that said, 950 is not enough. We also do not support the limitation of any release plan to who the report refers to as "non-violent individuals." **We want to be clear that the lawsuit continues on as planned.** The State's report is NOT an order or decision from the court. It is simply a response to our most recent motion. The timeline for the case and the relief it requests remain unchanged. Oral argument on the case is still set for 9:00am on April 23rd. We have learned that the public will be able to view the arguments online through TVW. We do not have a link yet but will share that close to the court date.

There will be more to update you on later this week. Thank you for all of your support, your questions, your connections, and your advocacy. We are honored and humbled to be standing beside you.

Sincerely,

Columbia Legal Services

From: Alex Bergstrom <Alex.Bergstrom@columbialegal.org>

Sent: Thursday, April 9, 2020 2:31 PM

Subject: CLS update #4: COVID-19 prison lawsuit

Good afternoon.

You have probably all heard about the action at the prison in Monroe last night. Some of you have already come together in solidarity with actions outside the prison. We'd heard the growing concern that it was only a matter of time before the folks inside prison would stand up against the way they're being treated by the Department of Corrections. As public health experts around the country and prison experts like yourselves warned, the prison was unable to prevent the virus from entering its walls without extraordinary action. It is not too late to act, however, as the people in MSU realized.

This morning as part of the ongoing lawsuit we filed [an emergency motion](#) requesting that the court step in immediately to alleviate the situation at the Minimum Security Unit (MSU) at Monroe. A quote from [the press release](#) (scroll down a little bit) that summarizes the content of the motion reads:

"We will be asking the Court to appoint a special master to ensure that the Department of Corrections begins to take appropriate steps to address the COVID-19 outbreak, order the State to protect the people under its care, and release people in order to mitigate the harms that COVID-19 will continue to cause inside Washington's prisons. Nationally recognized correctional and public health experts, including a former head of the Washington Department of Corrections, all agree that releasing people from prison is an essential step in any effort to defeat the coronavirus behind bars."

(A "special master" is essentially an independent expert who does not work for DOC, but can be granted the authority to direct some of DOC's actions in response to a court order.)

The court has already responded by ordering the State to answer the emergency motion by 9:00am, Friday. This action does not change the timeframe or the substance of the overarching lawsuit, which still has oral argument in front of the State Supreme Court at 9:00am on April 23rd. We do not yet know if there will be a public viewing option on the 23rd but will share that information as soon as we have it.

The Governor's office has announced a press conference to be held **this afternoon at 3:30** to speak about the State's response to COVID-19 and Governor Inslee has invited DOC Secretary Steve Sinclair to join him. We do not know anything about the substance of the press

conference but thought we would share the details for anyone who wants to watch online: https://www.tvw.org/watch/?eventID=2020041030&utm_medium=email&utm_source=govdelivery&fbclid=IwAR3-s0ms5j772qwxU1KWtK9KjWk1t5NDJoY9u4TkwZx856nyZlZC_mvcSA

That's all we have for now, but will likely have more to share soon. As always, case materials, press materials, our case FAQ, and other resources are [available on our website](#).

With love,

Columbia Legal Services

From: Alex Bergstrom <Alex.Bergstrom@columbialegal.org>

Sent: Monday, April 6, 2020 6:09 PM

Subject: CLS update #3: COVID-19 prison lawsuit

Hello, family and community.

Thank you all for your advocacy, energy, and patience in these urgent and demanding days. As many of you know by now, the Department of Corrections has shared the [first confirmation of a positive test inside one of the prisons](#), specifically at the Minimum Security Unit of the Monroe Correctional Complex. We have been receiving phone calls and emails all day from people inside and their loved ones expressing fear and uncertainty, and we are committed to responding to each of them. We hope that you'll forgive us if those responses are brief, and that the questions many of you are asking will be answered by this email and the attached FAQ document. If you still have questions after reading, we invite you to reply to us so that we can try to include what you need in the following update (previous updates are included below this email).

Our desire to be helpful to each of you is deep, but our ability to help is mostly limited to our legal expertise. We know that there are a lot of other types of needs right now as well, and want to encourage people to continue networking and building community around those needs. Our legal work is in support of the grassroots organizing efforts popping up all around the state in response to the COVID crisis. Community care, advocacy opportunities, and resources that we know of for loved ones of people in prison are available through [Covid19 Mutual Aid - Seattle](#) and the [Unofficial WA State Inmate and Family Covid-19 Support Group](#). If you have other networks that you would like us to know about, please let us know so we can add them.

Attached to this email is an FAQ document that responds to the questions we've heard so far about the lawsuit, and we will update it as we continue to hear from you. At this point the

Washington State Supreme Court has accepted our case and granted our request for an expedited timeline. Briefing from both sides will be accepted through April 21st, and oral argument is scheduled for 9:00am on April 23rd. That feels like an eternity from now, given today's news about the confirmed case, but it's the shortest timeline we could have hoped for.

We are constantly developing our own case documents, so please be assured that we are carefully reading all of the emails we've received. Many people are asking to have their loved ones' names added to the petition. For the most part that won't be necessary. The demands in the petition would apply to all DOC facilities statewide if granted. However, if you have read the materials and think you might have information that could help the case, definitely feel free to share. If you're able to reach your loved ones inside who have first hand experience with the conditions we're hearing about, please have them call our confidential Collect Line, free of charge, at (206)-382-3399. We now have [a landing page on our website](#) for all of our case information as well.

We know that the timeline for this case is not fast enough for many of the situations you all have shared with us. But the case does not exist in a vacuum and is not the only way to make change. Any action the state takes will be thanks to a collection of efforts, including your individual advocacy. In addition to the organizing groups listed above, you might also consider contacting your state legislators and/or the Governor's office to reiterate the need for immediate change. For urgent complaints about conditions inside, we recommend contacting the [Office of the Corrections Ombuds](#). They are holding [weekly calls every Thursday](#) that are specific to COVID-19, but they can also be reached any weekday by calling (360) 407-3831.

We also want you to know that it is important to us that our internal processes and the details of our case are equitable, and that they acknowledge and address the racial histories both of mass incarceration and institutional responses to public crises. We are working to examine our approach as we go, responding the feedback we've already received, and welcoming more from any who are willing to share.

Thank you all again for everything you are doing to keep our communities safe. We are honored to be working beside you.

Sincerely,

The Columbia Legal Services Family

From: Alex Bergstrom <Alex.Bergstrom@columbialegal.org>

Sent: Thursday, April 2, 2020 9:21 AM

To: Alex Bergstrom <Alex.Bergstrom@columbialegal.org>

Subject: CLS update #2: COVID-19 prison lawsuit

Good morning.

I apologize for the late notice but if anyone has time and interest, this morning from 10:00-11:00am we are meeting over Zoom with some state legislators to talk about the lawsuit and the issues it addresses. You are invited to tune into that meeting from your phone or computer. Because we are short on time, the format will be similar to the press conference recently held. We have some speakers from this email group, some CLS advocates talking specifically about the case, and then there will be time for questions from the legislators on the call. There may not be time for Q&A from others on the call. If not, please know that we are committed to answering all of your questions that we can through these email updates and other ongoing conversations, so remember that you can contact me with questions or concerns.

As I send updates, I will always include the previous updates below to make it easier to track.

Here is the information for today's Zoom meeting:

Join Zoom Meeting

<https://zoom.us/j/897648335>

Meeting ID: 897 648 335

One tap mobile

+16468769923,,897648335# US (New York)

+13126266799,,897648335# US (Chicago)

Dial by your location

+1 646 876 9923 US (New York)

+1 312 626 6799 US (Chicago)

+1 301 715 8592 US

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US

Meeting ID: 897 648 335

Thank you,

Alex

From: Alex Bergstrom

Sent: Monday, March 30, 2020 2:23 PM

Subject: CLS update: COVID-19 prison lawsuit

Dear Community,

As you have heard at this point, Columbia Legal Services filed a lawsuit against the Department of Corrections and Governor Inslee in an attempt to prevent the COVID-19 pandemic from devastating our communities inside the Washington State prison system. [The petition](#) itself, the [press release](#), other case documents, and more information is posted on our website. If you are receiving this email, you are on our contact list and will continue to receive updates about the lawsuit going forward. If you want to be removed from the list, just reply to me and let me know.

Based on what we've heard from public health and prison health experts locally and around the country, we do not believe it's possible to keep the coronavirus outside the prisons. We also don't think effective social distancing is possible in the current prison setting. Therefore, the lawsuit seeks to reduce the prison population so our community members most at risk will have a chance to separate themselves and be with their families, and so that those who inevitably remain inside the prisons will be less crowded. It also calls for the prisons to follow the same public health guidelines recommended for those of us on the outside, including sanitation measures and social distancing. What we have heard from many of you is that these measures are not being implemented appropriately. Together these demands not only create more physical space and fewer people to spread the virus, but they help the prison health care system have capacity to care for those who potentially still get sick.

We filed the lawsuit last Monday, March 13th, in the Washington State Supreme Court. The Court agreed to accept the case and has set the deadline for responses for April 13th, which is the quick timeline we were hoping for. We may not have many concrete case updates before April 13th but there will be plenty of other information to share with you. We also plan to send out an FAQ and post it on our website in the next day or two, so you can expect a follow-up email from us ASAP.

Many family members of incarcerated individuals, and other friends and supporters, have contacted us wondering how to support. The lawsuit we filed is one piece of a much larger organizing effort. Community members have come together all around the state to put pressure on the government to take action in our jails and prisons, and the hope is that this lawsuit supports that work. We encourage anyone who wants to get involved to reach out to one of those networks. We have been working closely with [Covid19 Mutual Aid - Seattle](#), who you can connect with on social media or by email at covid19mutualaidsea@gmail.com. If you or someone you know is involved in other organizing efforts that you would like me to share in our updates going forward, please let me know.

Take care,

Alex Bergstrom, Advocacy and Community Engagement Specialist

Pronouns: he/him/his

Phone: (206) 287-9657

Email: alex.bergstrom@columbialegal.org

Address: 101 Yesler Way, Suite 300 | Seattle, WA 98104

Connect with us: www.columbialegal.org

Our vision of justice: A Washington State in which every person enjoys full human rights and economic opportunities.

Attachments area

Preview YouTube video Press Conference re COVID-19 - Family Members of Incarcerated People

