



**Bob Ferguson**  
**ATTORNEY GENERAL OF WASHINGTON**

Corrections Division  
PO Box 40116 • Olympia, WA 98504-0116 • (360) 586-1445

October 9, 2024

Leigh Ann O'Neill, Director of Legal Advocacy  
Candice Jackson, Network Attorney  
Foundation Against Intolerance & Racism  
1178 Broadway, 3<sup>rd</sup> Floor #3668  
New York, NY 10001

*Sent via email*

Dear Ms. O'Neill and Ms. Jackson:

We are in receipt of your September 24, 2024, correspondence addressed to Washington State Attorney General Bob Ferguson. I am a Senior Assistant Attorney General and Chief of the Corrections Division of our office and am writing in response to your letter.

I understand from your letter that your organization is concerned about the safety of individuals incarcerated at the Washington Corrections Center for Women (WCCW), and that your concerns relate to the placement of transgender individuals at that facility. You mention you met with Department of Corrections (DOC) leadership in August to discuss these concerns and policy changes that would alleviate them, and you wrote Attorney General Ferguson because you believe the proposed changes require his approval.

The Office of the Attorney General serves as legal counsel to state government and officials. In this role, we provide legal advice and litigation representation to our state agency clients. *See* RCW 43.10.030 (describing the general powers and duties of the Attorney General). With respect to legal advice, our office provides options-based advice, outlining the various options the client agency might take in a given situation, taking into account applicable legal requirements and risks.

Consistent with this approach, although it is common for our clients to request legal advice and analysis on policy issues, we do not approve client agency policies or policy decisions. Policymaking authority typically lies with the agency head or governing body, as directed by the Legislature. For DOC, this authority rests with the Secretary. *See* RCW 72.09.050 (describing the powers and duties of the Secretary). When requested, we provide legal advice and risk

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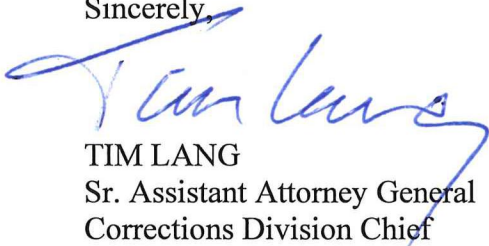
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analysis as part of DOC policy making, but we do not make or approve the ultimate policy decisions made by our clients.

No incarcerated individual should experience sexual harassment or abuse. As you likely heard from DOC officials, there are reporting procedures in place to ensure that instances of sexual harassment or abuse are investigated consistent with the requirements of the Prison Rape Elimination Act (PREA). If individuals are reporting such incidents to you or your staff, I would hope your organization would encourage them to follow the PREA reporting process within the prison.

The policy changes you suggest in your letter are matters of prison operations that fall within the discretion and authority of DOC. It is not the role of our office to approve or direct DOC to implement those changes.

Sincerely,



TIM LANG  
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Corrections Division Chief  
Washington State Attorney General's Office  
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