

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF CORRECTIONS

(agency name)

Administrative Order No. 82-1

(1) I, Amos E. Reed, director of the Department of Corrections

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

WAC 137-60 - Furlough of Prisoners in Adult Correctional Facilities.

Repeal WAC 275-93 DSHS Chapter.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on. Such rules shall take effect:

- || pursuant to RCW 34.04.040(2).
|| at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, Amos E. Reed, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

The new rules will benefit the prison population at large and will add to the general welfare and safety of the inmate population and the public at large.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

X (a) This rule is promulgated pursuant to RCW 72.66.080 and is intended to administratively implement that statute.

|| (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

|| (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON APPROVED AND ADOPTED 1-8 1982 By Amos E. Reed Secretary Title

Handwritten initials and signature

CODE REVISER'S OFFICE

W3R 82-03-016

## Chapter 137-60 WAC

## ADULT CORRECTIONAL INSTITUTIONS--RELEASE PROGRAMS--FURLOUGH

NEW SECTION

WAC 137-60-010 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--DEFINITIONS. (1) "Furlough" is an authorized unaccompanied leave of absence for an eligible inmate.

(2) "Furlough plan" is an inmate's statement in his or her application of the purpose, place, dates of duration, and sponsor of a single furlough or series of furloughs.

(3) "Furlough sponsor" is an approved adult who has agreed to assume the responsibilities set forth in WAC 137-60-070.

(4) "Emergency furlough" is a specially expedited furlough granted to an inmate to enable him or her to meet an emergency situation such as the death or critical illness of a member of his or her family.

(5) "Inmate" is a person convicted of a felony and serving a sentence for a term of confinement in a state correctional institution or facility, or a state approved work or training release facility.

(6) "Secretary" is the secretary of the department of corrections or his or her designee.

(7) "Furlough year" begins with the date of the first furlough and ends twelve months from that date. Subsequent furlough years count backward for the twelve month time period.

(8) "Furlough day" is any combination of two twelve-hour time segments.

NEW SECTION

WAC 137-60-020 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--SECRETARY'S AUTHORITY TO GRANT OR DENY. The institution superintendent, work/training release supervisor, or chief, classification and treatment, may grant or deny a furlough as authorized by chapter 72.66 RCW and subject to the rules in this chapter.

NEW SECTION

WAC 137-60-030 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--PURPOSES. A furlough may be authorized to enable the inmate:

(1) To meet an emergency situation, such as critical illness, death, emotional crisis, or similar situation experienced by members of his or her family;

(2) To obtain medical care not available in a facility maintained by the department;

(3) To seek employment or training opportunities;

(a) Provided specific job interviews have been arranged for the inmate, or

(b) When the inmate has been approved for work or training release status but his or her job or training placement has not been developed or concluded, or

(c) When necessary to prepare a parole plan for a parole hearing scheduled within one hundred twenty days of the commencement of the furlough;

(4) To make residential plans for parole which require his or her personal appearance in the community;

(5) To care for business affairs in person when the inability to do so could deplete the assets or resources of the inmate so seriously as to affect his or her family or his or her future economic security;

(6) To visit his or her family for the purpose of strengthening or preserving relationships, exercising parental responsibilities, or preventing family division or disintegration;

(7) To accomplish any other purpose deemed to be consistent with plans for rehabilitation of the inmate.

#### NEW SECTION

WAC 137-60-040 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--WHO MAY APPLY. (1) Any inmate may apply for a furlough: PROVIDED, That

(a) He or she has minimum custody classification,

(b) His or her minimum term has been fixed by the board of prison terms and paroles,

(c) If he or she has a detainer pending, approval of the detaining agency must be secured. Other jurisdictions with detainers against a Washington state inmate may provide approval on a class of applicants; for example, all those otherwise approved by this state, in lieu of action on individual applications.

(2) Persons convicted of rape in the first degree shall not be eligible to participate in the furlough program at any time during the first three years of confinement.

(3) Persons convicted after July 1, 1981, of murder in the first degree, may not be granted furloughs.

#### NEW SECTION

WAC 137-60-045 MINIMUM TIME SERVED REQUIREMENT. A furlough shall not be granted to an inmate if the furlough would commence prior to the time the inmate has served the minimum amounts of time provided under this section and is within two years of his or her minimum term being served;

(1) If his or her minimum term of imprisonment is longer than twelve months, he or she shall have served at least six months of the term;

(2) If his or her minimum term of imprisonment is twelve months or less, he or she shall have served at least ninety days and shall have no longer than six months left to serve on his or her minimum term, or the mandatory term has been waived by the parole board;

(3) If he or she is serving a mandatory minimum term of confinement, he or she shall have served all but the last six months of such term subject to restrictions in WAC 137-60-040(2) and (3).

#### NEW SECTION

WAC 137-60-050 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--CONDITIONS IMPOSED. (1) The applicant must agree to

abide by all terms and conditions of the approved furlough plan. Any violation may be cause for suspension or revocation of the furlough, and possible disciplinary action.

(2) The furlough plan will specify the residence address at which the applicant will reside during the period of furlough and will designate the names and relationships of the persons with whom he or she will live.

(3) Upon arrival at his or her destination the furloughed person will, when so required, report to a state probation and parole officer in accordance with instructions given prior to release on furlough. He or she shall report as frequently as may be required by the state probation and parole officer.

(4) The furloughed person shall abide by all local, state, and federal laws, ordinances, and statutes.

(5) With approval of either the designated state probation and parole officer, or institution staff, the furloughed person may accept temporary employment during a period of furlough. Earnings may be used to defray the costs of the furlough, including transportation, living expenses, family support, and incidental needs.

(6) Furloughed persons may not leave the state at any time while on furlough.

(7) Other limitations on movement within the state may be imposed as a condition of furlough. Unless it is part of the approved travel plan, travel outside the county to which furlough is granted must be approved in advance by the probation and parole officer in that county.

(8) A furloughed person shall not drink, ingest, possess, or be under the influence of intoxicating beverages or nonprescribed drugs. All public taverns, bars, liquor stores, and cocktail lounges will be considered "off limits" to furloughed persons.

(9) A furloughed person who drives a motor vehicle must:

(a) Have a valid Washington driver's license in his or her possession,

(b) If unaccompanied by the owner, have the owner's written permission in his or her possession to drive any vehicle not his or her own or his or her spouse's,

(c) Have at least minimum personal injury and property damage liability coverage on the vehicle he or she is driving,

(d) Observe all traffic laws.

(10) Clothing issued for use during the furlough is to be returned to the institution at the completion of the furlough.

(11) Other conditions of furlough specific to the individual may be imposed in writing, prior to the inception of the furlough.

(12) All conditions of furlough, general and specific, shall be listed on the furlough order, and shall be discussed with the inmate by his or her counselor before he or she leaves the institution. The furloughed person shall carry a copy of the furlough order and furlough identification card, with him or her at all times while on furlough. The furlough identification card will be issued to the inmate prior to departure from the institution, and returned at the end of the furlough.

(13) Willful failure to return from a furlough at the time specified in the furlough order constitutes an escape from confinement which is a violation of criminal law.

#### NEW SECTION

WAC 137-60-060 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--DURATION. (1) Furloughs may not exceed thirty days at a given time or a total of sixty days in any twelve-month period. The sixty day total is designed to permit a reasonable pattern of short releases over the course of a year, or an extended period of release for special placement on furlough status in preparation for work

release, training release, parole planning, medical treatment not available in a state facility, or a combination of these reasons.

(2) First and second furloughs will not exceed five days absent unusual circumstances.

(3) Emergency furloughs will be limited to forty-eight hours plus travel time absent unusual circumstances.

(4) Any furlough may be extended by the institution superintendent or work/training release supervisor within the maximum time limits set by this section.

#### NEW SECTION

WAC 137-60-070 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--SPONSOR'S RESPONSIBILITIES. A furlough plan must designate a sponsor for the inmate while he or she is on furlough. The sponsor must sign a statement agreeing to:

(1) Provide the furloughee with appropriate living quarters for the duration of the furlough,

(2) Notify the institution immediately if the furloughee does not appear as scheduled, departs from the furlough plan at any time, becomes involved in serious difficulty during the furlough, or experiences problems that affect his or her ability to function appropriately,

(3) Assist the furloughee in other appropriate ways, such as discussing problems, providing transportation to job interviews, etc.,

(4) Assure that the furloughee returns to the institution on time.

#### NEW SECTION

WAC 137-60-080 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--CRITERIA FOR EVALUATING APPLICATION. (1) An application for furlough shall be considered with respect to:

(a) Consistency with the purposes described in WAC 137-60-030 and 137-60-040, and

(b) Adequacy of the furlough plan, and

(c) Possible risk to the community, and

(d) Findings of a field investigation.

(2) The application shall be evaluated without regard to the race, sex, color, national origin, or creed of the applicant.

#### NEW SECTION

WAC 137-60-090 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--APPLICATION FOR FURLOUGH. (1) An application for furlough must be made on forms prescribed by the secretary, must include a furlough plan, and must be submitted by the inmate to his or her counselor.

(2) An application for furlough, other than an emergency furlough, must be made at least seven weeks prior to the date of the furlough.

(3) Any inmate whose furlough application has been rejected may reapply after such period of time has elapsed as was determined by the

superintendent, work/training release supervisor, or chief, classification and treatment, at the time of rejection, such time period being subject to modification by the persons listed in this section.

(4) A furlough plan shall specify in detail the purpose of the furlough and how it is to be achieved, the address at which the applicant would reside, the names of all persons residing at such address and the relationships of such persons to the applicant.

#### NEW SECTION

WAC 137-60-100 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--NOTIFYING INMATE OF DECISION ON APPLICATION. (1) The inmate and his or her sponsor shall both be notified promptly of the disposition of his or her application.

(2) If a furlough is authorized, a copy of the furlough order will be mailed to the sponsor.

#### NEW SECTION

WAC 137-60-110 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--ESCAPE. The department has the duty, as soon as possible, to notify the state patrol of the escape of a furlougee.

#### NEW SECTION

WAC 137-60-120 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--REVOCATION OR SUSPENSION. (1) Any employee of the department having knowledge of a furlough infraction shall report the facts to the superintendent or work/training release facility supervisor as appropriate. Upon verification, the superintendent or work/training release supervisor will cause the custody of the furlougee to be regained and, for this purpose, may cause a furlough suspension warrant to be issued.

(2) The superintendent or work/training release facility supervisor as appropriate will determine whether to suspend or revoke the furlough. If the furlough is suspended, the superintendent or work/training release supervisor will indicate when and under what circumstances the inmate may reapply.

#### NEW SECTION

WAC 137-60-130 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--LAW ENFORCEMENT OFFICERS TO BE NOTIFIED. (1) Appropriate law enforcement agencies will be notified of a planned furlough via the state patrol communications network at least forty-eight hours prior to the beginning of the furlough.

(2) In the event of an emergency furlough, the state patrol will be notified as early as possible but the forty-eight hour requirement will not apply.

NEW SECTION

WAC 137-60-140 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--EXCEPTIONS TO RULES. In emergency situations or as otherwise allowed by statute, the secretary may authorize exceptions to the rules in chapter 137-60 WAC: PROVIDED, That no exception may be made to WAC 137-60-040(1)(a), (b), (c), (2), and (3), 137-60-045, 137-60-050, 137-60-060, and 137-60-070.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 275-93-005 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--DEFINITIONS.
- (2) WAC 275-93-010 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--SECRETARY'S AUTHORITY TO GRANT OR DENY.
- (3) WAC 275-93-020 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--PURPOSES.
- (4) WAC 275-93-040 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--WHO MAY APPLY.
- (5) WAC 275-93-050 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--CONDITIONS IMPOSED.
- (6) WAC 275-93-060 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--DURATION.
- (7) WAC 275-93-070 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--SPONSOR'S RESPONSIBILITIES.
- (8) WAC 275-93-080 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--CRITERIA FOR EVALUATING APPLICATION.
- (9) WAC 275-93-090 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--APPLICATION FOR FURLOUGH.
- (10) WAC 275-93-100 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--NOTIFYING RESIDENT OF DECISION ON APPLICATION.
- (11) WAC 275-93-110 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--ESCAPE.
- (12) WAC 275-93-120 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--REVOCAION OR SUSPENSION.
- (13) WAC 275-93-130 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--LAW ENFORCEMENT OFFICERS TO BE NOTIFIED.
- (14) WAC 275-93-140 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION--EXCEPTIONS TO RULES.