

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF CORRECTIONS

(agency name)

Administrative Order No. 85-07

(1) I, Amos E. Reed, director of

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

ADOPT: WAC 137-52, Residents of Adult Correctional Institution Escorted Leave of Absence

REPEAL: WAC 275-85, Residents of Adult Correctional Institutions Escorted Leave of Absence

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

This action is taken pursuant to Notice No. WSR 85-03-104 filed with the code reviser on 1-23-85. These rules shall take effect: [X] thirty days after they are filed with the code reviser 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, find that an emergency exists and that this 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 the emergency is:

These 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 72.01.380 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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.

APPROVED AND ADOPTED March 1, 1985 FILED By Amos E. Reed, Secretary Title

CODE REVISER'S OFFICE WSR 85-07-042

Chapter 137-52 WAC

RESIDENTS OF ADULT CORRECTIONAL INSTITUTION ESCORTED LEAVE OF ABSENCE

NEW SECTION

WAC 137-52-005 PURPOSE. The purpose of this chapter is to set forth the reasons for and conditions under which a superintendent may extend the limits of confinement under the authority of RCW 72.01.370.

NEW SECTION

WAC 137-52-010 DEFINITIONS. (1) "Escorted leave" is an approved leave of absence by an inmate from a correctional facility under the continuous supervision of trained correctional staff.

(2) "Immediate family" includes an inmate's parents, stepparents, parent surrogates, legal guardians, spouse, brothers, sisters, half or step-brothers or sisters, children, stepchildren, and dependents whether or not in direct lineal relationship to the inmate.

(3) "Indigent" shall be understood to mean an inmate who has not been credited with five dollars or more total from any source(s) for deposit to the inmate's trust fund account during the thirty days preceding the request for an escorted leave and has less than a five dollar balance in his/her trust fund account on the day the escorted leave is requested, or together with his/her immediate family cannot post a five hundred dollar bond to secure the repayment of the expenses of the escorted leave on the day the escorted leave is requested. A declaration of indigency shall be signed by the inmate and the inmate's family on forms provided by the department.

(4) "Director" means the director of the division of prisons or his/her designee(s).

(5) "Superintendent" means the superintendent of a state correctional institution, state honor camp, or other penal institutions as now or hereafter established under the jurisdiction of the department of corrections pursuant to law or his/her designee.

(6) "Department" means the department of corrections.

(7) "Secretary" means the secretary of the department of corrections or his/her designee(s).

(8) "Nonviolent offender" means any person convicted of a felony not classified as a violent offense under chapter 9.94A RCW.

NEW SECTION

WAC 137-52-015 REASONS ALLOWED. An escorted leave may be granted by the superintendent to extend limits of confinement into the community to permit an inmate to:

(1) Receive necessary medical or dental care which is not available in the institution;

(2) Visit a seriously ill member of the inmate's immediate family or attend the funeral of a member of the inmate's immediate family upon verification, by the superintendent, of such illness or death;

(3) Participate in athletic contests as a member of a group or team only if the inmate is in minimum custody; or

(4) Participate in supervised work of the department to include industrial, educational, and agricultural programs;

(5) Participate as a volunteer in community service work projects, which are approved by the superintendent for selected minimum custody nonviolent offenders, if such work project is requested by the local community.

NEW SECTION

WAC 137-52-020 CONDITIONS. (1) An escorted leave shall be authorized only for trips within the boundaries of the state of Washington.

(2) The duration of an escorted leave to the bedside of a seriously ill member of the inmate's immediate family or attendance at a funeral shall not exceed forty-eight hours unless otherwise approved by the superintendent.

(3) The duration of escorted leaves granted for reasons other than those mentioned in WAC 137-52-015(2) shall not exceed the normal work day (eight hours) with the exception of extended medical treatment requiring placement at a local hospital.

(4) The inmate shall be in the visual or auditory contact of an approved correctional staff member at all times and shall be considered under the custody of the superintendent.

(5) The inmate shall be housed in a city or county jail or state institution at all times when not in transit or actually engaged in the activity for which the escorted leave was granted.

(6) An agreement for reimbursement for expenses not to be paid by the state and escort arrangements must be established in advance of the requested date of escorted leave.

(7) County and city law enforcement agencies with jurisdiction in the area of the inmate's destination shall be notified by the superintendent before allowing any escorted leave of absence under RCW 72.01.375.

NEW SECTION

WAC 137-52-025 APPLICATION REQUESTS FOR ESCORTED LEAVE. The superintendent of each institution shall establish procedures governing the method of handling requests by individual inmates or the institution for an escorted leave of absence. Each leave request will be evaluated within forty-eight hours. If the leave request is initiated by the institution, the superintendent will advise the inmate of the reason for the escorted leave, including leaves for family emergency or medical requirement.

NEW SECTION

WAC 137-52-030 APPROVAL. Escorted leaves for medium and minimum custody inmates shall be approved or denied by the superintendent. Escorted leaves for close and maximum custody inmates, with the exception of emergency medical or dental treatment, shall be approved by the secretary. In approving a request for escorted leave, the following factors will be considered:

- (1) The nature of the emergency or request for escorted leave;
- (2) The community risk associated with granting the request for an escorted leave based on the security or escape risk;

- (3) The inmate's overall history of stability and any tendencies toward violent disruptive behavior;
- (4) Any history of unusual disciplinary problems;
- (5) The inmate's degree of trustworthiness as demonstrated by his/her performance in work assignments and maintenance of a clear disciplinary record;
- (6) Any significant health problems that might be aggravated as a result of the leave; and
- (7) Such other information as may be deemed relevant.

NEW SECTION

WAC 137-52-035 ESCORT PROCEDURES. (1) Only correctional staff approved by the superintendent will be authorized to serve as escorts. Single escorts must have attained permanent employee status. At least one experienced, permanent status employee will accompany all inmates on escorted leave.

(2) Medium and close custody inmates shall be escorted by at least two correctional staff. No more than five medium/close inmates may be escorted with two correctional staff. Maximum custody inmates will be escorted in ratio of two staff to one inmate. Medium, close, and maximum custody inmates shall be escorted in hand and leg restraints. Inmates in these custody levels shall be escorted with at least one staff member carrying a sidearm and safely separated from a second officer who will be the immediate escort for the inmate. The unarmed officer may be the immediate supervisor, counselor, or other state correctional staff approved by the superintendent. Only with the approval of the superintendent will escorts remove waist and leg restraints from inmates.

(3) Minimum custody inmates shall be escorted under circumstances deemed appropriate by the superintendent. Correctional staff may be instructed to wear their uniforms and sidearms in appropriate circumstances.

(4) A correctional officer serving as escort may wear civilian clothing when escorting an inmate to a bedside visit or a funeral unless otherwise directed by the superintendent.

NEW SECTION

WAC 137-52-040 EXPENSES. (1) Correctional staff assigned escort duties shall be authorized per diem reimbursement for meals, lodging, and transportation at the rate established by the departmental travel policy.

(2) Correctional staff assigned escort responsibility shall receive appropriate compensation at regular salary or overtime for all hours spent in actual escort of the inmate, but not including hours sleeping or not engaged in direct supervision of the inmate. The salary shall be paid at the appropriate straight time and overtime rates as provided in the Merit System Rules.

(3) Cost of housing the inmate in a city or county jail when not in transition or actually engaged in the activity for which the escorted leave was granted shall be charged the inmate in accordance with WAC 137-52-045.

NEW SECTION

WAC 137-52-045 EXPENSES--PAID BY INMATE. (1) The expenses of the escorted leave as enumerated in WAC 137-52-040 shall be reimbursed by the inmate or his/her immediate family unless the superintendent has authorized payment at state expense in accordance with WAC 137-52-050.

(2) Payments by the inmate, inmate's immediate family, or bonding company shall be made to the institution's business office and applied to the appropriate fund as defined by law, applicable provisions of the Washington Administrative Code, or department policy.

NEW SECTION

WAC 137-52-050 EXPENSES--PAID BY DEPARTMENT. The expenses of the escorted leave shall be absorbed by the state if:

(1) The inmate and his/her immediate family are indigent in accordance with WAC 137-52-010(3); or

(2) The expenses were incurred for the purpose of the inmate's participation in a program activity, academic or vocational activity, work activity, or to secure medical care; or

(3) The expenses were incurred as a result of a reclassification of an inmate and the return of such inmate from a minimum custody facility to a more secure facility.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

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| WAC 275-85-005 | ESCORTED LEAVE OF ABSENCE--DEFINITIONS. |
| WAC 275-85-010 | ESCORTED LEAVE OF ABSENCE--PURPOSE. |
| WAC 275-85-015 | ESCORTED LEAVE OF ABSENCE--REASONS ALLOWED. |
| WAC 275-85-020 | ESCORTED LEAVE OF ABSENCE--CONDITIONS. |
| WAC 275-85-025 | ESCORTED LEAVE OF ABSENCE--APPLICATION. |
| WAC 275-85-030 | ESCORTED LEAVE OF ABSENCE--APPROVAL. |
| WAC 275-85-035 | ESCORTED LEAVE OF ABSENCE--ESCORT. |
| WAC 275-85-040 | ESCORTED LEAVE OF ABSENCE--EXPENSES. |
| WAC 275-85-045 | ESCORTED LEAVE OF ABSENCE--EXPENSES--PAID BY RESIDENT. |
| WAC 275-85-050 | ESCORTED LEAVE OF ABSENCE--EXPENSES--PAID BY STATE. |