

# Chapter 381-10 WAC

## GENERAL ADMINISTRATIVE POLICIES

### WAC

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**WAC 381-10-010 Purpose.** The purpose of this chapter is to specify general administrative policies of the Washington state indeterminate sentence review board.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 91-14-028, § 381-10-010, filed 6/26/91, effective 7/27/91.]

**WAC 381-10-020 Authority.** The indeterminate sentence review board is authorized pursuant to chapter 9.95 RCW, as amended.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 91-14-028, § 381-10-020, filed 6/26/91, effective 7/27/91.]

**WAC 381-10-030 Scope.** The provisions of this chapter shall apply to the members and staff of the indeterminate sentence review board and to the offenders over whom the board has jurisdiction.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 91-14-028, § 381-10-030, filed 6/26/91, effective 7/27/91.]

**WAC 381-10-040 Organization chart.** There shall be an organization chart published by the board which accurately reflects the structure and authority within the agency. The chart will be reviewed by the board semiannually and revised as required.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 91-14-028, § 381-10-040, filed 6/26/91, effective 7/27/91.]

**WAC 381-10-050 Rules and procedures.** The board shall publish its rules and procedures in the Washington Administrative Code. Changes to the rules shall be published in the Washington State Register and the Washington Administrative Code. The board shall adopt the general administrative policies and public access rules pursuant to the APA, chapter 34.05 RCW. All rules affecting inmates and parolees are exempt from the APA. The designated rules coordinator for the agency is the executive secretary.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 91-14-028, § 381-10-050, filed 6/26/91, effective 7/27/91.]

(12/1/08)

**WAC 381-10-060 Office manual.** There shall be an office manual which contains information for staff on internal agency operations. The manual shall be reviewed annually by management for accuracy and completeness, and revisions will be published within fifteen working days of adoption and distributed to all staff.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 91-14-028, § 381-10-060, filed 6/26/91, effective 7/27/91.]

**WAC 381-10-070 Board shall meet monthly.** The entire board shall meet monthly with staff to discuss policy issues, to communicate instructions, to act on those cases requiring full board consideration, and to schedule its work calendar for the ensuing period of time. The agency's management shall meet not less than monthly to receive and disseminate information and to enhance communication within the organization.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 91-14-028, § 381-10-070, filed 6/26/91, effective 7/27/91.]

**WAC 381-10-080 Information systems.** In cooperation with the department of corrections, the board will assist in the maintenance and updating of the offender based tracking system (OBTS) in order to accurately record and retrieve data on every case processed by the agency. Such data shall include, but not be limited to, all information necessary for the board to examine its decision-making activities periodically and to assist it in considering the impact of its policies on the criminal justice system and the community.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 91-14-028, § 381-10-080, filed 6/26/91, effective 7/27/91.]

**WAC 381-10-090 Conference and seminars.** It is the policy of the indeterminate sentence review board to encourage its members and staff to attend conferences and seminars relating to criminal justice; and to participate actively in planning efforts conducted by local, regional, and national correctional organizations.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 91-14-028, § 381-10-090, filed 6/26/91, effective 7/27/91.]

**WAC 381-10-100 Confidentiality of criminal records.** It is the policy of the indeterminate sentence review board that all agency personnel shall observe the provisions of chapter 10.97 RCW in disseminating criminal record information or research data pertaining thereto.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 91-14-028, § 381-10-100, filed 6/26/91, effective 7/27/91.]

**WAC 381-10-110 Conviction information.** Conviction information may be disseminated to the public without restriction. Individual members of the indeterminate sentence

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review board and designated staff are authorized to disclose conviction information to the public.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 91-14-028, § 381-10-110, filed 6/26/91, effective 7/27/91.]

**WAC 381-10-120 Conflict of interest.** It is the policy of the board that whenever a member or hearing officer has personal knowledge of a case, or a personal interest, or personal acquaintance of the subject person, any of which factors might reasonably be construed as having an influence on the outcome, the member or hearing officer shall withdraw completely from the decision-making process on that case if requested by any party to the proceeding.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 98-19-054, § 381-10-120, filed 9/15/98, effective 10/16/98; WSR 91-14-028, § 381-10-120, filed 6/26/91, effective 7/27/91.]

**WAC 381-10-130 Antidiscrimination policy.** The indeterminate sentence review board, in accordance with federal and state antidiscrimination laws, declares that practices of discrimination against individuals because of race, creed, color, national origin, sex, marital status, sexual orientation, age, religion, or the presence of any sensory, mental, or physical disability, threatens not only the rights and proper privileges of such individuals but also menaces the institutions and foundations of a democratic state. All employees and agents of the Washington state indeterminate sentence review board, in the course of their official duties, shall not discriminate against any individual on the basis of such person's race, creed, color, national origin, sex, marital status, sexual orientation, age, religion, or the presence of any sensory, mental, or physical handicap. This policy also applies to disabled and Vietnam era veterans.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 91-14-028, § 381-10-130, filed 6/26/91, effective 7/27/91.]

**WAC 381-10-140 Sexual harassment policy.** Pursuant to Executive Order 89-01, the indeterminate sentence review board hereby reaffirms and updates its policy regarding sexual harassment as follows:

It is the public policy of the state to provide and maintain a working environment free from sexual harassment for its employees and all citizens participating in state programs. Sexual harassment is a form of sex discrimination and is an unlawful employment practice under state and federal law.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(1) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;

(2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment is absolutely prohibited. Any employee of the agency who engages in such activity will be

subject to disciplinary action, up to and including termination.

The agency is committed to responding promptly and effectively to sexual harassment concerns and complaints. Any employee who feels that he or she is being sexually harassed should report the behavior immediately to his or her supervisor. If the supervisor is not responsive or if the employee feels uncomfortable talking to their supervisor for any reason, he or she should contact the chair of the board, the personnel representative, or anyone else in the agency with authority to act.

Employees may file a complaint with the Washington state human rights commission as a violation of chapter 49.60 RCW or with the Federal Equal Employment Opportunity Commission as a violation of Title VII of the Civil Rights Act of 1964.

The agency will continue to sponsor periodic training of employees in order to prevent sexual harassment in the workplace.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 91-14-028, § 381-10-140, filed 6/26/91, effective 7/27/91.]

**WAC 381-10-150 Reasonable accommodation/return to work policy.** (1) The indeterminate sentence review board shall not discriminate on the basis of any sensory, mental, or physical disability.

(2) Persons of disability have the right to request reasonable accommodation. The board shall make reasonable accommodation to disabled clients, applicants, and members of the general public to insure that the regular services of the agency are available to persons who could not otherwise utilize them. When necessary, the agency shall attempt to provide alternatives such as arranged services. Any client, applicant, or member of the general public requiring reasonable accommodation and/or special services may so request to the board through the executive secretary. The executive secretary, in conjunction with the agency's personnel representative, will review requests for reasonable accommodation. The executive secretary is responsible for compliance. Implementation may include seeking technical assistance from appropriate state and federal resources, including the Washington state human rights commission or the federal Office of Civil Rights, regarding the agency's obligation to make accommodation and the determination of reasonableness.

(3) The board shall recruit, hire, train, promote, transfer, and retain any employee who can perform the essential job duties with reasonable accommodation without regard to sensory, mental, or physical disability. For employment purposes, reasonable accommodation is defined as reasonable alterations, adjustments, or changes made by the appointing authority in the job, workplace, and/or terms or condition of employment which will enable an otherwise qualified person of disability or disabled veteran to perform a particular job successfully, as determined on a case-by-case basis.

(4) The board shall make every effort to return an employee back to work who is, by reason of a temporary disability, unable to return to his or her previous work, but is capable of carrying out work of a lighter or modified nature. For the purposes of this section, employee is defined as someone who: (a) Is a permanent state employee; (b) is receiving compensation pursuant to RCW 51.32.090; and (c)

is suffering from a temporary disability which makes him/her temporarily unable to return to his or her previous work, but who is capable of carrying out work of a lighter or modified nature as evidenced by written statement from a physician or licensed mental health professional. Should lighter or modified work not be available in the agency, the board, in cooperation with the department of personnel and department of labor and industries, will assist the employee in attempting to locate temporary or permanent employment in other agencies.

(5) The executive secretary, working with the employee, his or her supervisor, and the agency personnel representative, is responsible for implementing the requirements of subsection (4) of this section. The employee may appeal any adverse decision to the chair of the board. Nothing in this section is intended to overrule any employee's right to also appeal any adverse decision under the provisions of merit systems rules or state or federal law.

(6) Information regarding the reasonable accommodation/return to work policy will be disseminated by publication in chapter 381-10 of the *Washington Administrative Code* and the *Employee Handbook*. The agency will sponsor periodic training for supervisors and employees.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 91-14-028, § 381-10-150, filed 6/26/91, effective 7/27/91.]

**WAC 381-10-160 Full board votes.** It shall be the policy of the board that in all decisions that require a vote of the full board, the decisions will not be distributed until all members have voted. Any decision must be by a majority of the full board.

An exception to this policy will be made when a board member is absent from the job and not available for work, i.e., extended illness or on annual leave. In this circumstance, the decision will be distributed when available members have completed their vote. The purpose of this rule is to facilitate timely decision making.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 91-14-028, § 381-10-160, filed 6/26/91, effective 7/27/91.]

### **WAC 381-10-170 Victim's rights.**

#### **Policy statement**

The indeterminate sentence review board (ISRB or board) recognizes the rights afforded victims and survivors in the Washington state Constitution (Article I, Section 35). Among these rights is the right to give statements at hearings where an offender's release is considered. The ISRB is committed to protecting this right by providing:

- Accurate information.
- Timely notification.
- A process for receiving input.

#### **Assistance to victims and survivors**

The ISRB victim liaison will help victims and survivors of crimes committed by persons under the authority of the board. The victim liaison may provide:

- Notification of upcoming release hearings.
- Assistance preparing statements to the board.

- Assistance scheduling in-person or telephonic statements to the board.
- Notification of the final release decision made by the board.

#### **Statement format**

The ISRB will accept statements from victims or survivors before the inmate's hearing. Statements may be given:

- In person to the entire board or a majority of its members at a board meeting. If there are a number of victims or survivors at a meeting and not enough time for each to speak, the board may ask a representative or representatives to speak on behalf of the others.
- In person, made at the inmate's release hearing within the institution.
- Telephonically with board members.
- Written format.
- Electronically (i.e., via e-mail, videotape, CD or other electronic means).
- Via videoconference (if available).

In cases where statements will be given in a language other than English, the board will arrange and bear the cost for interpreter services (including American sign language). The board must know which language will be used well in advance of any in-person meetings. Written statements must identify what language was used.

#### **Statement content**

Statements may include, but are not limited to:

- Information regarding the impact of the crime upon the victim, survivor or family.
- The physical, emotional, psychological, financial, employment, relational and social impacts of the crime, as well as long-term prognosis of victims and survivors.
- Opinions regarding release decisions.
- Requests that certain conditions be placed upon offenders when released onto community supervision.
- In life photographs, or videotapes of deceased victims.
- Descriptions of the actual offense, history of the relationship between the victim and offender, and other information concerning the offender's personality that will assist the board to make an informed decision.

#### **Limited confidentiality**

When the ISRB receives statements or communications from victims, survivors or concerned community members the ISRB shall provide the statements or summaries to inmates and/or their attorneys in accordance with court decisions.

#### **Accommodations**

When requested, the ISRB may make reasonable accommodations to help individuals give statements to the ISRB. These accommodations can include, but are not limited to:

- Interpreter services (pursuant to chapters 2.42 and 2.43 RCW).
- TTY or other voice or hearing assistance devices.
- Age-appropriate assistance for child victims or survivors.

- The presence of supportive persons or victim advocates.
- Board member travel to a location of mutual agreement.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 08-24-068, § 381-10-170, filed 12/1/08, effective 1/1/09; WSR 98-19-054, § 381-10-170, filed 9/15/98, effective 10/16/98; WSR 91-14-028, § 381-10-170, filed 6/26/91, effective 7/27/91.]