

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF CORRECTIONS

(agency name)

Administrative Order No. 88-01

(1) I, Chase Riveland, director of the Department of Corrections

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to: ADOPT: Chapter 137-25, Regional Jail Camp Establishment of a regional jail camp.

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

This action is taken pursuant to Notice No. filed with the code reviser on. These rules shall take effect: [ ] 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, Chase Riveland, 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:

Adoption of rules is necessary to allow the Department of Corrections to receive county inmates at the McNeil Island Corrections Center Annex. This action will help counties reduce overcrowding in the jails.

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:

- [ ] (a) This rule is promulgated pursuant to RCW 72.64.100 and is intended to administratively implement that statute. [ ] (b) This rule is promulgated pursuant to RCW which directs that the

has authority to implement the provisions of (agency) (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 November 23 19 88

STATE OF WASHINGTON FILED

NOV 23 1988

By [Signature]

Secretary

Title

CODE REVISER'S OFFICE

WSR 88-23-120

NOTE:

<sup>1</sup>RCW 34.04.026 provides:

(1) In addition to the provisions of RCW 34.04.025(1)(a)(i), every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules:

(a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is promulgated pursuant to RCW \_\_\_\_\_ and is intended to administratively implement that statute."

(b) The next specific reference, and one which shall be used only if paragraph (a) of this subsection is not applicable, shall be to that portion of an act which directs an agency to adopt rules and regulations as necessary to implement the act, and shall be quoted as follows: "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) The least specific reference, and one which shall be used only if paragraphs (a) and (b) of this subsection are not applicable, is one which indicates that the rule is promulgated under the agency's broad rule-making authority—either in the agency enabling legislation or chapter 34.04 RCW, and shall be quoted as follows: "This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW \_\_\_\_\_."

(2) The code reviser is directed to develop a format for placing such specific language in each rule, and agencies shall then comply with the code reviser's direction, and shall include the same in the final rule.

(3) During the promulgation hearings process the public may question whether such rule should have a more specific reference, and the agency shall, pursuant to RCW 34.04.025(1)(b), give consideration to such requests."

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COUNSEL

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## Chapter 137-25 WAC

## REGIONAL JAIL CAMP

## WAC

- 137-25-010 Establishment of regional jail camp.
- 137-25-020 Eligibility for transfer.
- 137-25-030 Rules and regulations.
- 137-25-040 Waiver.

NEW SECTION

WAC 137-25-010 ESTABLISHMENT OF REGIONAL JAIL CAMP. (1) The secretary hereby declares the McNeil Island Corrections Center Annex to be a regional jail camp, as provided by RCW 72.64.100.

(2) All transfers of county offenders to the regional jail camp shall be made pursuant to a contract between the county and the department, in accordance with RCW 72.64.110.

(3) The department shall not accept direct commitments to its regional jail camp from the courts.

NEW SECTION

WAC 137-25-020 ELIGIBILITY FOR TRANSFER. (1) Offenders referred for transfer by the county to a regional jail camp shall meet the following criteria:

- (a) Sentenced felons only;
- (b) Three months or longer to serve on jail term;
- (c) No major management/disciplinary problems;
- (d) Able-bodied, no medical or mental health problems necessitating care beyond that which can be provided at the annex;
- (e) No contagious diseases; and
- (f) No high escape risks.

(2) The county shall be responsible to screen the offenders it refers to ensure that these criteria are met.

NEW SECTION

WAC 137-25-030 RULES AND REGULATIONS. All rules, regulations, and departmental and institutional policies which govern the confinement, care, treatment, and employment of offenders shall apply to county offenders transferred to a regional jail camp.

NEW SECTION

WAC 137-25-040 WAIVER. The secretary may waive any provisions of this chapter if he or she deems such waiver to be in the best interests of the department.