

**Title 381 WAC**  
**INDETERMINATE SENTENCE REVIEW**  
**BOARD**

(Formerly Prison Terms and Paroles, Board of)

**Reviser's note:** The following material has **not** been adopted under the Administrative Procedure Act, chapter 34.04 RCW, but was filed in the office of the code reviser and was published as 88-09-040 in the Washington State Register. It is published in the Washington Administrative Code exactly as filed pursuant to the court order shown in WSR 82-08-001 and Title 381 in the 1982 WAC Supplement.

- The original recommendation of the committing judge and prosecuting attorney
- Whether or not the parole violation behavior also resulted in an SRA conviction and any incarceration time as a result of the new conviction.
- Nature of both the original committing offense and the parole violation behavior.

2.050 NO MINIMUM TERM FOR CERTAIN CRIMES The Board does not fix minimum terms for persons sentenced or committed as follows: (1) Sentenced to death; (2) Sentenced to a maximum term of life imprisonment for Aggravated Murder in the First Degree; (3) Sentenced to Treason; (4) Murder First Degree with life mandatory. Duration of Confinement issues for life mandatory sentences are addressed per Board Rule 9.040. For informational purposes such persons may be seen at option of the Board. Amended: March 21, 1988

2.060 PRE-TRIAL DETENTION APPLIED TO MINIMUM TERM Pursuant to In Re Phelan, 97 Wn 2d 590, 647 P2d 1026 (1983) and State v. Phelan, 100 Wn 2d 508, \_P2d\_ (1983), that time served in a county jail should be credited against the discretionary minimum term and the maximum term, the Board herein adopts the following policy and procedure: County jail time certified by the county of commitment, or a court of competent jurisdiction, shall be credited to the appropriate cause against the inmate's discretionary minimum term, and maximum sentence.

Pursuant to In Re Knapp, WA. St. Supreme Court No. 50448-2 (Sept. 6, 1984) that time spent in a state mental hospital pursuant to a valid criminal conviction should be credited against the offender's mandatory maximum and discretionary minimum sentences, the Board herein adopts the following policy and procedure: State mental hospital time, certified by the mental facility in which the offender served or recognized by a court of competent jurisdiction, shall be credited to the appropriate cause against the offender's discretionary minimum term, mandatory minimum term and maximum sentence.

Minimum terms which have not been set will have any guidelines used in setting of the minimum term adjusted downward to reflect pre-sentence probationary jail time and time spent in Eastern State Hospital/Western State Hospital as a sexual psychopath or condition of parole, where properly certified. Adjustments will be made to the cause number for which the time was actually served.

CHAPTER IX

MANDATORY LIFE SENTENCE

9.010 PURPOSE The purpose of this Chapter is to specify Board procedure with regard to jurisdiction of indeterminate inmates convicted with a life mandatory.

9.020 AUTHORITY RCW 9.95.115, 9.95.009(2), and all other relevant citations.

9.030 SCOPE The provisions of this Chapter shall apply to adult of-

fenders sentenced under the indeterminate sentencing law, and committed to a period of confinement in a Washington State correctional facility, pursuant to a mandatory life sentence, who have met the requirements of RCW 9.95.115 as certified to the Board by the Department of Corrections.

Adopted: March 21, 1988

9.040 PAROLABILITY/DURATION OF CONFINEMENT REVIEW - MANDATORY LIFE SENTENCE The Board will make no decision regarding parole release or duration of confinement of inmates subject to a mandatory life sentence until the requirements of RCW 9.95.115 have been satisfied by the inmate and certified to the Board by the Department of Corrections.

Once the Board receives certification in compliance with RCW 9.95.115, the inmate shall be scheduled for an in-person parolability/duration of confinement hearing to be conducted consistent with the Procedures for Conducting Parolability Hearings identified in Chapter V of the Board's rules.

Such hearing shall result in findings and recommendations which shall not be final until ratified by full Board vote. The final decision shall be supported by adequate reasons for the decision.

At least ten working days prior to the actual hearing, the inmate shall be provided with a notice of the hearing and information addressing the criteria contained in RCW 9.95.009(2) which is contained within his/her Board file which will be used in determining parole release and/or duration of confinement and will be invited to comment thereon in writing or in-person at the time of the hearing.

The information to be provided shall include:

1. A copy of the SRA guideline range for all offenses for which the Board has jurisdiction, including identification of seriousness level offender score, and which criminal history is being relied upon in arriving at the offender score.
2. The judge and prosecutor's recommendations regarding duration of confinement, along with any statements provided by the judge and/or prosecutor if not previously disclosed to the inmate.
3. Identification of any aggravating or mitigating factors of the commitment offense with citation to the factual sources from which they are identified.
4. A copy or summary of any other documents which are used in calculating the SRA guideline range or may be used in making a decision.

Adopted: February 22, 1988

**Reviser's note:** The following material has **not** been adopted under the Administrative Procedure Act, chapter 34.04 RCW, but was filed in the office of the code reviser and was published as 88-23-067 in the Washington State Register. It is published in the Washington Administrative Code exactly as filed pursuant to the court order shown in WSR 82-08-001 and Title 381 in the 1982 WAC Supplement.

2.041 NEW MINIMUM TERM New minimum terms of parole violators (RCW 9.95.125) will be set by the Board within 30 days of admission. Factors considered in setting a new minimum term include:

- The length of time previously incarcerated for the commitment offense from which the individual is on parole.
- The SRA ranges of the original offense from which the individual was on parole.
- The original recommendation of the committing judge and prosecuting attorney.
- Whether or not the parole violation behavior also resulted in an SRA conviction and any incarceration time as a result of the new conviction.
- Nature of both the original committing offense and the parole violation behavior.

Amended: October 31, 1988