

Title 381 WAC
INDETERMINATE SENTENCE
REVIEW BOARD

(Formerly: Prison Terms and Paroles, Board of)

Chapters

- 381-40** Procedures for administrative progress and parole reviews.
- 381-60** Procedures for conducting parolability hearings.
- 381-70** Procedures for conducting parole revocation hearings.

Chapter 381-40 WAC

**PROCEDURES FOR ADMINISTRATIVE
PROGRESS AND PAROLE REVIEWS**

Reviser's note: The following chapter has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was filed in the code reviser's office and was published as 91-14-029 in the Washington State Register. It is published in the Washington Administrative Code exactly as filed by the agency with history notes added by code reviser's office.

WAC

381-40-070 Required documents—Parole reviews.

WAC 381-40-070 Required documents—Parole reviews. In order for an inmate to be approved for a parole meeting or an administrative parole decision, the board must first be satisfied that he or she is ready to be considered for release. In addition, the following documents pertaining to the inmate shall be provided by the department of corrections and shall be present in the official board file prior to the meeting or the decision:

(1) The institution progress report covering his or her adjustment, achievement, infractions and program participation since the last meeting with the board.

(2) The institution preparole referral report.

(3) A current preparole investigation report prepared by a community corrections officer.

(4) Certification of good time credits, earned or denied.

In the case of administrative parole, the good time shall be certified through the date of the submission of the preparole referral. The board will assume that all good time is earned from that date until the date of parole. The department of corrections shall notify the board of all infractions and loss of good time which occurs between the date the preparole referral is sent and the date of parole.

(5) A current psychological or psychiatric report, if requested by the board.

[95-13-083, § 381-40-070, filed 6/20/95, effective 6/19/95. 91-14-029, § 381-40-070, filed 6/26/91, effective 7/27/91.]

Chapter 381-60 WAC

**PROCEDURES FOR CONDUCTING
PAROLABILITY HEARINGS**

Reviser's note: The following chapter has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was filed in the code reviser's office and was published as 91-14-029 in the Washington State Register. It is published in the Washington Administrative Code exactly as filed by the agency with history notes added by the code reviser's office.

WAC

381-60-040 Petition.

WAC 381-60-040 Petition. RCW 9.95.100 states that any convicted person undergoing sentence in the penitentiary or reformatory not sooner released under the provisions of this chapter shall, in accordance with the provisions of law, be discharged from custody for the offense of which such person was convicted or the maximum term fixed by the court where the law does not provide for a maximum term. The board shall not, however, until the maximum term expires, release a prisoner unless in its opinion, his rehabilitation has been complete and he is a fit subject for release. Therefore, if, in the opinion of an institution superintendent, any convicted person serving a sentence in an adult correctional institution is not a fit subject for release and is considered to be incapable of succeeding on parole because of incomplete rehabilitation, the department of corrections may request in writing that the board conduct a hearing pursuant to RCW 9.95.100. The written request shall include:

(1) A statement to the board giving reasons why the subject of the request is unable to be paroled;

(2) The institutional progress report covering his or her adjustment, achievement, infractions, and program participation since the last meeting with the board;

(3) Supporting data such as psychiatric or psychological reports;

(4) Other reports and information as necessary.

The board reserves the right to schedule hearings pursuant to RCW 9.95.100 on its own motion.

[95-13-083, § 381-60-040, filed 6/20/95, effective 6/19/95. 91-14-029, § 381-60-040, filed 6/26/91, effective 7/27/91.]

Chapter 381-70 WAC

**PROCEDURES FOR CONDUCTING PAROLE
REVOCATION HEARINGS**

Reviser's note: The following chapter has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was filed in the code reviser's office and was published as 91-14-029 in the Washington State Register. It is published in the Washington Administrative Code exactly as filed by the agency with history notes added by the code reviser's office.

WAC

381-70-400 Rules of evidence—Admissibility.

WAC 381-70-400 Rules of evidence—Admissibility. All relevant evidence shall be admissible which, in the opinion of the presiding officer, is the best evidence reason-

ably obtainable, having due regard for its necessity, availability, and trustworthiness.

"Relevant evidence" means evidence having a tendency to make the determination of the action more or less probable than it would be without the evidence. In passing upon admissibility of evidence, the presiding officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior courts in the state of Washington. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The presiding officer may, in his or her discretion, either with or without objection, exclude inadmissible evidence, or order accumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered. If the sole evidence to support the allegation is hearsay that would be inadmissible in a superior court proceeding and is not substantiated or corroborated, the board shall not enter a finding of guilt. If the sole evidence presented to substantiate the allegation is the result of a polygraph examination, a finding of guilty shall not be made.

The results of polygraph examinations shall not be admissible into evidence at parole revocation hearings unless the following circumstances are present:

(1) The parties have stipulated that the polygraph examination be conducted and the results be admissible in a parole revocation hearing. Such stipulation may be evidenced by showing that the parolee has submitted to a condition of parole that he or she submit himself or herself to polygraph examination at the request of the community corrections officer and that the results of said examination(s) shall be admissible at a subsequent parole revocation hearing. Other stipulations shall be in writing, signed by the community corrections officer or his agent and by the parolee; and

(2) The board panel or member specifically finds that the polygraph examiner is qualified and the proper conditions existed during administration of the test; and

(3) The parties have been afforded an opportunity to confrontation of the examiner, unless good cause for nonconfrontation is specifically found or confrontation is waived.

The board will require polygraph examinations in appropriate cases. Polygraphs will be provided to indigent parolees at state expense, through the department of corrections. Parolees who are not indigent will be required to obtain a polygraph at his/her own expense.

[95-06-008 § 381-70-400, filed 2/16/95, effective 2/13/95. 91-14-029, § 381-70-400, filed 6/26/91, effective 7/27/91.]

Title 388 WAC

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF (PUBLIC ASSISTANCE)

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