

Chapter 388-750 WAC

IMPACT ACCOUNT—CRIMINAL JUSTICE COST REIMBURSEMENT

WAC

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WAC 388-750-010 Definitions. The following words and phrases shall have the following meaning when used in these regulations regarding the interpretation of regulations for the reimbursement from impacts caused by criminal behavior of state institutional residents:

"Department" means the department of social and health services.

"Incremental" means efforts or costs incurred by cities, towns, and/or counties that are not otherwise incurred and are only as a result of the criminal behavior of state institutional residents.

"Resident" means any person committed to a state institution by the courts for confinement as an offender pursuant to chapters 10.64, 10.77, and 13.40 RCW.

"Institution" means any state institution operated by the department for the confinement of offenders committed under chapters 10.64, 10.77, and 13.40 RCW.

"Law enforcement cost" means costs incurred to apprehend escapees or to investigate crimes committed by institutional residents within or outside state institutions listed in this chapter.

"Resident" means any person committed to a state institution by the courts for confinement as an offender under chapters 10.64, 10.77, and 13.40 RCW.

[Statutory Authority: RCW 72.72.040. WSR 00-23-061, § 388-750-010, filed 11/14/00, effective 12/15/00.]

WAC 388-750-020 Limitation of funds. The secretary shall make reimbursement to the extent funds are available. Reimbursement shall be strictly limited to political subdivisions in which state institutions, as defined in WAC 388-750-030, are located. Only incremental costs directly, specifically, and exclusively associated with criminal activities of offenders who are residents of state institutions shall be considered for reimbursement. Reimbursement shall be restricted to fully documented law enforcement, prosecutorial, judicial, and jail facilities costs. No such costs shall be paid under these rules if they are reimbursable under other chapters of the Washington Administrative Code. During each biennium, claims for incidents which occurred during

the biennium will be paid in the order in which they are received until the biennial appropriation is fully expended.

[Statutory Authority: RCW 72.72.040. WSR 00-23-061, § 388-750-020, filed 11/14/00, effective 12/15/00.]

WAC 388-750-030 Institutions and eligible impacted political subdivisions. Reimbursement shall be limited to the following city, town, and county governments impacted by the offenses from residents committed to institutions listed in this section.

Institution	Cities/County
(1) Echo Glen Children's Center	Snoqualmie/King
(2) Green Hill Training School	Chehalis/Lewis
(3) Maple Lane School	Rochester/Thurston
(4) Mission Creek Youth Camp	Belfair/Mason
(5) Naselle Youth Camp	Naselle/Pacific
(6) Woodinville Treatment Center	Woodinville/King
(7) Canyon View Community Facility	East Wenatchee/Douglas
(8) Sunrise Community Facility	Ephrata/Grant
(9) Twin Rivers Community Facility	Richland/Benton
(10) Oakridge Community Facility	Tacoma/Pierce
(11) Park Creek Treatment Center	Kittitas/Kittitas
(12) Ridgeview Community Facility	Yakima/Yakima
(13) Western State Hospital	Steilacoom/Pierce
(14) Eastern State Hospital	Medical Lake/Spokane/Spokane
(15) Child Study and Treatment Center	Steilacoom/Pierce

(16) For any institution not listed in this section, reimbursement shall be limited to the political subdivisions where the institution is located. The institutions include juvenile community facilities, community treatment and community care facilities, as defined in WAC 388-750-010.

[Statutory Authority: RCW 72.72.040. WSR 00-23-061, § 388-750-030, filed 11/14/00, effective 12/15/00.]

WAC 388-750-040 Maximum allowable reimbursement for law enforcement costs. The department shall limit reimbursement to the specific political subdivisions listed in WAC 388-750-030. The maximum reimbursement rates shall be twenty-three dollars and ninety-six cents per hour. These reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 388-750-090.

[Statutory Authority: RCW 72.72.040. WSR 00-23-061, § 388-750-040, filed 11/14/00, effective 12/15/00.]

WAC 388-750-050 Maximum allowable reimbursement for prosecutorial costs. The department shall reimburse claims, at the rate set forth in WAC 388-750-040, for pretrial investigations of crimes committed inside or outside institutions, to the political subdivision courts in WAC 388-750-040. If, after investigation, criminal charges are filed, the department may reimburse documented prosecutorial and defense attorney fees. Reimbursement shall not exceed the following rates for each attorney, reimbursement includes costs for paralegals: Fifty-seven dollars and thirty-two cents per hour. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 388-750-090.

[Statutory Authority: RCW 72.72.040. WSR 00-23-061, § 388-750-050, filed 11/14/00, effective 12/15/00.]

WAC 388-750-060 Maximum allowable reimbursement for judicial costs. (1) The department shall limit judicial costs strictly to cases involving inmates of institutions listed in WAC 388-750-030 and the listed subdivision in which they reside. Reimbursement shall be limited to judges, court reporters, transcript typing, and witness and jury fees.

(2) The department shall reimburse judges hearing cases including services provided by court clerks and bailiffs at fifty-seven dollars and thirty-two cents per hour. Reimburse court reporters at the rate of twenty-four dollars and seventy-one cents per hour. Reimburse for the typing of transcripts at four dollars and seventy-nine cents per page. If required, reimburse expert witnesses at eighty dollars and forty-three cents per hour.

(3) Reimbursement for witness fees (other than experts) and jury fees shall be at the rate established by the local governmental legislative authority but not in excess of thirty-six dollars and eleven cents per day.

(4) These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 388-750-090.

[Statutory Authority: RCW 72.72.040. WSR 00-23-061, § 388-750-060, filed 11/14/00, effective 12/15/00.]

WAC 388-750-070 Maximum allowable reimbursement for jail facilities. The department shall limit jail facility cost reimbursement strictly to incremental costs as defined in WAC 388-750-010. Requests for reimbursement shall be fully documented and shall include the resident's name and all appropriate admission and release dates. Limit reimbursement to thirty-four dollars and eighty cents per resident day. The department shall not reimburse for costs incurred for holding persons regarding parole revocations or for holding persons involved in civil litigation. The depart-

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ment shall reimburse costs of providing security when residents require hospitalization at the rate of fourteen dollars and nineteen cents per hour. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 388-750-090.

[Statutory Authority: RCW 72.72.040. WSR 00-23-061, § 388-750-070, filed 11/14/00, effective 12/15/00.]

WAC 388-750-080 Billing procedure. Requests for reimbursement should be made on the standard Washington State Invoice Voucher, Form A19, with supporting documentation attached. All claims may be subject to periodic audits at the discretion of the secretary, per WAC 388-750-110.

(1) All requests for reimbursement under this section shall note the name of the offender for whom costs were incurred, and the institution to which the offender was assigned.

(2) Requests for reimbursement may only be submitted by the jurisdiction's responsible fiscal officer, e.g., city manager, city supervisor, county auditor, county administrator, etc.

(3) All requests for reimbursement must be submitted to: DSHS and the pertinent Accounts Payable Section of either Juvenile Rehabilitation Administration, Mailstop 45720, Olympia, Washington 98504; or Mental Health Division, Mail Stop 45320, Olympia, Washington 98504.

(4) If the appropriation for a biennium is fully expended prior to the end of the biennium, political subdivisions should continue to submit claims for the purpose of providing justification for requests for adequate funding levels in future biennia.

[Statutory Authority: RCW 72.72.040. WSR 00-23-061, § 388-750-080, filed 11/14/00, effective 12/15/00.]

WAC 388-750-090 Exceptions. The secretary, of the department, may allow exceptions to these rules.

[Statutory Authority: RCW 72.72.040. WSR 00-23-061, § 388-750-090, filed 11/14/00, effective 12/15/00.]

WAC 388-750-100 Effective date. Claims submitted according to this chapter may only be for costs incurred for appropriate actions, as defined in this chapter, taken by criminal justice agencies on or after August 30, 1979.

[Statutory Authority: RCW 72.72.040. WSR 00-23-061, § 388-750-100, filed 11/14/00, effective 12/15/00.]

WAC 388-750-110 Audits. The department has the right to audit any or all claims.

[Statutory Authority: RCW 72.72.040. WSR 00-23-061, § 388-750-110, filed 11/14/00, effective 12/15/00.]