

WAC 137-48-020 Definitions. (1) "Contraband" includes illegal items, explosives, deadly weapons, alcoholic beverages, drugs, tobacco products, controlled substances and any item that is controlled, limited, or prohibited on the grounds or within the secure perimeter of a correctional facility as defined by department or institution policy.

(2) "Emergency situations" are critical illnesses, deaths, or similar situations experienced by members of the individual's family or the individual.

(3) "Illegal items" are items which are unlawful for any person to possess within the community as defined by the laws of the state of Washington, controlled substances as defined and listed in chapter 69.50 RCW or any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to another.

(4) "Indigent incarcerated individual" is defined as an individual who has less than the dollar amount per the indigency definition in RCW 72.09.015 of disposable income in the individual's trust fund account on the day a request is made to utilize funds and during the thirty days previous to the request.

(5) "Inspection of mail" the physical act of opening, touching, and/or reading of mail, the use of mechanical or chemical systems and/or the use of animals to determine the presence of contraband or illegal items.

(6) "Legal mail" is correspondence to or from:

(a) Any court or opposing attorney/party, the Washington state bar association (WSBA), the indeterminate sentence review board (ISRB), the Washington state department of enterprise services office of risk management, Prison Rape Elimination Act (PREA) auditors certified by the United States Department of Justice, the department headquarters PREA coordinator and Just Detention International (JDI);

(b) PREA auditor leads certified by the United States Department of Justice when related to an audit in process at the individual's facility;

(c) The president or vice president of the United States, members of the United States Congress, embassies and consulates, the United States Department of Justice, state attorneys general, governors, members of any state legislature, and law enforcement officers in their official capacity;

(d) The attorney of record (e.g., defense attorney) in court cases that have been filed in a local, state, or federal court; and

(e) An attorney corresponding with an individual concerning legal advice, including established groups of attorneys representing the individual (e.g., American Civil Liberties Union, disability rights Washington, legal service corporations, public defender associations).

To be considered and therefore handled as "legal mail" the correspondence must be clearly marked "legal mail" on the outside front of the envelope, and must have a mailing address or return address which clearly indicates that the mail is to or from one of the above listed sources.

(7) "Letters" consist of handwritten/typed communications and/or written/pictorial enclosures to and from individuals. A standard first class, one ounce letter shall be consistent with the dimensions, weight, and thickness as prescribed by the United States Postal Service. A properly addressed and stamped post card or greeting card shall be processed with the same standards as described above for a first class one ounce letter. Nonstandard first class mail requires a surcharge as established by the United States Postal Service.

(8) "Mail" consists of letters, publications, or packages delivered by the United States Post Office or by other established and authorized carriers.

(9) "Packages" a wrapped or boxed object; a parcel or bundle containing one or more objects, a container in which something is packed for storage or transport or mailing.

(10) "Publications" consists of reproduced handwritten or typed/printed or pictorial materials including books, periodicals, newspapers, magazines, and pamphlets.

(11) "Return address" for an individual includes the full committed name, and may include any other legal name, DOC number, housing assignment, and the full name of the correctional facility from which the correspondence is mailed. For a free citizen this includes a reasonable return address as recognized by the United States Postal Service, to include an identifiable last name.

(12) "Secretary" is the secretary of the department of corrections or his/her designee(s).

(13) "Sexually explicit materials" consists of any item reasonably deemed to be intended for sexual gratification and which displays, portrays, depicts, or describes:

(a) Nudity, which includes, but is not limited to, exposed/visible (in whole or part, including under or through translucent/thin materials providing intimate physical detail) genitals/genitalia, anus, buttocks and/or female/transgender breast nipple(s);

(b) A sex act which includes, but is not limited to, genital-genital, oral-genital, anal-genital, or oral-anal contact/penetration, genital or anal contact/penetration with an inanimate object, masturbation, and/or bodily excretory behavior;

(c) Sadistic/masochistic abuse, bondage, bestiality, and/or participant who appears to be nonconsenting, dominated, degraded, humiliated, or in a submissive role, and/or a participant who appears to be acting in a forceful, threatening, dominating, or violent manner; and/or

(d) A minor, or a model or cartoon depicting a minor, in a sexually suggestive setting/pose/attire.

(14) "Superintendent" means the superintendent of a correctional facility or his/her designee(s).

[WSR 20-15-159, § 137-48-020, filed 7/22/20, effective 8/22/20. WSR 18-04-010, § 137-48-020, filed 1/25/18, effective 2/25/18. WSR 17-22-045, § 137-48-020, filed 10/25/17, effective 11/27/17. WSR 15-22-003, § 137-48-020, filed 10/21/15, effective 11/21/15. WSR 13-22-045, § 137-48-020, filed 11/1/13, effective 12/2/13. WSR 13-08-073, § 137-48-020, filed 4/2/13, effective 5/3/13. WSR 05-13-004, § 137-48-020, filed 6/2/05, effective 7/2/05. WSR 91-23-103, § 137-48-020, filed 11/20/91, effective 1/1/92. Statutory Authority: RCW 72.09.050, 72.08.103, 72.13.080 and 72.15.040. WSR 84-08-011 (Order 84-04), § 137-48-020, filed 3/26/84. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140. WSR 83-20-036 (Order 83-09), § 137-48-020, filed 9/27/83. Formerly WAC 275-96-005.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing with history notes added by the code reviser's office.