



STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS

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April 12, 2000

Mr. Dennis W. Cooper, Code Reviser
Office of the Code Reviser
Post Office Box 40552
Olympia, Washington 98504-0552

Dear Mr. Cooper:

The enclosed Department of Corrections' rules amend chapter 137-32 WAC, Prisons – Administrative Segregation and Intensive Management. These rules are submitted for publication in the Washington State Register and the Washington Administrative Code. Pertinent information follows:

1. Chapter 137-32 WAC, Prisons – Administrative Segregation and Intensive Management, is amended and adopted as of April 19, 2000.
2. The effective date of these amended rules shall be May 19, 2000.
3. I certify pursuant to RCW 34.05.030 that the rules as stated above are excluded from the Administrative Procedure Act.
4. The amendment modifies the following: Procedures for placement in administrative segregation or an intensive management unit; review and classification meeting procedures; and conditions of confinement. In addition, numerous technical corrections are made. The modifications are in conformance with American Correctional Association standards.

Please contact me if you have any questions or concerns. Thank you for your assistance.

Sincerely,

Joseph D. Lehman
Secretary

JDL:slp
Enclosure

CODE REVISER'S OFFICE STATE OF WASHINGTON		
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AMENDATORY SECTION (Amending Order 84-15, filed 12/17/84)

WAC 137-32-002 Definitions. For the purpose of this chapter the following words shall have the following meanings:

(1) "Department" means the department of corrections.
(2) "Adult correctional institution" and "institution" mean a facility identified in RCW 72.01.050(2) and any similar facility hereafter established.

(3) "Secretary" means the secretary of the department of corrections.

(4) (~~"Director" means the director of the division of prisons of the department, or the director's designees.~~) "Deputy secretary" means the deputy secretary of the office of correctional operations of the department, or the deputy secretary's designee.

(5) "Superintendent" means the superintendent of an institution, or the superintendent's designees.

(6) "Hearing officer" means the person named by a superintendent to act for the superintendent in reviewing the cases of inmates assigned to administrative segregation status.

(7) "Inmate" means any person assigned to the custody of the department, including any person transferred to an institution from another state or the federal government.

(8) "Administrative segregation status" means segregation of an inmate of an institution for nondisciplinary reasons.

(9) "Intensive management status" means an assignment to administrative segregation for an extended period after other alternatives have been explored.

(10) "Classification meeting" means a meeting with an inmate held to:

(a) Determine whether the inmate should be placed on administrative segregation status, continued on administrative segregation status, placed on intensive management status, continued on intensive management status, released to the general inmate population, recommended for either an in-state or out-of-state transfer; and/or

(b) Develop an action plan, expectations and goals relative to the rehabilitation of the inmate.

(11) "Working days" means Monday through Friday excluding holidays.

(12) "Intermediate informal review" means an informal review of the inmate's adjustment in administrative segregation by the hearing officer which is documented and may consist of, but not be limited to, discussions with the inmate involved, interviews with staff supervising the inmate and review of any documents relating to the inmate.

AMENDATORY SECTION (Amending Order 84-15, filed 12/17/84)

WAC 137-32-005 Initial placement. (1) The superintendent may segregate an inmate from the general inmate population and assign such inmate to a segregation or intensive management unit if, in the judgment of the superintendent, the ~~((presence of such inmate in the general inmate population would constitute a serious threat))~~ inmate:

~~(a) ((To the safety of institution staff, visitors or other inmates,~~

~~(b) To such inmate's safety,~~

~~(c) Of an escape by such inmate, or~~

~~(d) To the orderly operation of the institution.))~~ Poses a threat to himself/herself, others, or the security of the institution;

(b) Requests protection or is deemed by staff to require protection;

(c) Is pending or in transit to a more secure institution; or

(d) Poses a serious escape risk.

(2) The ~~((superintendent))~~ authorizing department staff member must ~~((verify the reason for placing the inmate in a segregation or intensive management unit))~~ determine that placement in administrative segregation status is appropriate and document the facts supporting such reason.

AMENDATORY SECTION (Amending Order 84-15, filed 12/17/84)

WAC 137-32-010 Initial review. (1) Immediately after an inmate's initial placement in segregation ~~((the hearing officer))~~, a department staff member will inform the inmate in writing of the reason for the inmate's segregation and the date, time and place of the initial review meeting.

(2) The hearing officer will meet with such inmate within two working days after initial placement for the initial review of the basis for the assignment of such inmate to administrative segregation status. During this initial review the inmate will be provided an opportunity to respond to the reasons for such inmate's placement in a segregation or intensive management unit.

(3) The hearing officer will prepare a written report of the initial review meeting with the inmate and deliver such report to the superintendent. This report will include the information provided to the inmate, the reason for initial placement in a segregation or intensive management unit, the inmate's response to the allegation resulting in the initial placement in a segregation or intensive management unit, the reasons supporting protective custody, special restrictions, including monitoring of special medications and/or diets, and the hearing officer's recommendation whether to continue the administrative segregation or to release

the inmate to the general inmate population, together with the facts supporting such recommendation.

(4) The superintendent will review the hearing officer's report, and within three working days after the inmate's initial (~~placement in segregation~~) review meeting, will prepare a written decision accepting or rejecting the hearing officer's recommendations. (~~A copy of the superintendent's decision will be forwarded to the inmate and the hearing officer.~~)

AMENDATORY SECTION (Amending Order 84-15, filed 12/17/84)

WAC 137-32-015 Classification meeting procedures. (1) The hearing officer will preside over classification meetings of inmates assigned to administrative segregation status.

(2) A classification meeting will be held not more than ten working days after the initial review meeting decision if continued administrative segregation placement is recommended.

(3) If an inmate is kept in administrative segregation status following the first classification meeting and intermediate informal review, the status will be reviewed in a second classification meeting which will be held within twenty working days after the superintendent's intermediate informal review decision. Subsequent classification meetings shall be held at intervals not exceeding one hundred eighty calendar days from the previous meeting.

(4) Not less than forty-eight hours prior to each classification meeting the hearing officer, or the hearing officer's designee, will advise the inmate in writing:

(a) Of the date, time, purpose, and place of the classification meeting;

(b) (~~Of the specific allegations supporting placement or retention in administrative segregation;~~

~~(c)~~) Of related criminal charges, if (~~any~~) known, evolving from the incident for which the inmate is placed on administrative segregation status;

(~~(d)~~) (c) That the inmate has the opportunity to provide the hearing officer with names of inmates or institution staff from whom witness statements should be obtained; and

(~~(e)~~) (d) That only written statements will be considered during the course of the hearing unless the hearing officer requires oral testimony for clarification.

(5) The hearing officer will ensure that all witnesses named by the inmate are provided with witness statement forms as soon as practical, but not less than twenty-four hours prior to the classification meeting.

(6) The following procedures will be adhered to during all classification meetings:

(a) The inmate may be present at all stages of the meeting

except during discussions involving information from confidential sources.

(b) The hearing officer will (~~maintain a record of~~) document the meeting setting forth the information presented, including all witness statements.

(c) The superintendent (~~shall~~) may designate an institution staff member, other than the hearing officer, to present evidence either supporting continued administrative segregation or release therefrom.

(d) The hearing officer shall have the authority to (~~request~~) schedule inmates, institution staff members, or other persons to appear and present or clarify information which may be relevant to the hearing officer's decision. (~~if practical~~) To the extent possible, confidential information presented to the hearing officer (~~from confidential sources~~) shall be presented by the individual receiving the information (~~from the source~~). The source shall be identified to the hearing officer, except when the superintendent directs that the source is to remain confidential.

(e) The hearing officer will provide the inmate with an opportunity to present the inmate's views to the hearing officer (~~and~~) to clarify information from the witness statements. The inmate may present a written statement in lieu of, or in addition to oral testimony. The written statement will be included in the record.

(f) If the inmate refuses to attend the hearing, this fact will be documented (~~along with all pertinent facts and actions taken~~) by the hearing officer.

(g) An inmate may select an institution staff member, approved by the superintendent, to assist and advise the inmate at the hearing. The advisor may be a staff member not ordinarily assigned responsibility for the inmate. The advisor shall not be an inmate. The advisor will be approved by the superintendent only if, in the superintendent's judgment, the inmate is unable to present his/her own case.

(7) The hearing officer shall make a written report to the superintendent and the inmate within three working days after the classification meeting, which will include:

(a) A recommendation that the inmate be continued in administrative segregation, released back to the general population, or transferred to a more appropriate facility, in or out of state;

(b) An individual behavioral management plan which includes expectations for changes necessary in the inmate's behavior and appropriate program participation for the inmate's return to the general inmate population; provided, however, accomplishment of any such identified behavioral changes and/or program completions/referrals shall not necessarily require discharge from administrative segregation, but shall be considered along with all other circumstances; (~~and~~)

(c) A summary of the inmate's adjustment while in administrative segregation status; and

(d) For inmates under the jurisdiction of the indeterminate sentence review board, additional information on the inmate's

adjustment and behavior covering the entire applicable reporting period.

(8) The inmate may appeal the report by submitting written objections and whatever other written information the inmate feels is relevant to the superintendent. Such material shall be filed within twenty-four hours of the inmate's receipt of the report.

(9) The (~~superintendent~~) hearing officer shall notify the inmate in writing within five working days after receiving the (~~hearing officer's recommendation of the~~) superintendent's decision regarding retention of the inmate in administrative segregation or the inmate's release therefrom, other action directed by the superintendent, and the date of the next classification meeting, if any.

(10) Inmates reviewed at the second classification meeting will be considered for one or more of the following:

(a) Referral to the (~~director~~) deputy secretary with a recommendation that the inmate be placed on intensive management status;

(b) Return to the general inmate population with clear behavioral expectations for remaining there; or

(c) Transfer to a more appropriate facility or unit, within or (~~without~~) outside the state.

AMENDATORY SECTION (Amending Order 84-15, filed 12/17/84)

WAC 137-32-020 Intermediate informal review. (1) (~~Twenty working days after the superintendent's decision to retain an inmate on administrative segregation status following~~) For inmates retained on administrative segregation status after the first classification meeting, the hearing officer will conduct an informal review of the administrative segregation status with the inmate within twenty days of the first classification meeting. (In this process the hearing officer will discuss the continued need for administrative segregation with the inmate, review any written material submitted by the inmate, review the inmate's behavior and attitude while in segregation, and such other information as appears relevant. The hearing officer may review any institution records and may discuss the inmate's case with staff as part of this review process.)

(2) The hearing officer shall prepare a written summary of the meeting with recommendations for the superintendent who may, within three working days of receipt of the written summary, either release the inmate from or retain the inmate on segregation.

(3) Decisions and recommendations made in this process shall not be appealable, nor shall they be subject to review through the grievance process.

AMENDATORY SECTION (Amending Order 84-15, filed 12/17/84)

WAC 137-32-025 Intensive management status. An inmate will be placed on intensive management status in accordance with the following procedures:

(1) The hearing officer may, after conducting a formal hearing, recommend to the superintendent that the inmate be placed on intensive management status stating the reasons therefor.

(2) The superintendent will review the hearing officer's recommendation, and if approved will forward a copy thereof to the ~~((director))~~ deputy secretary for final approval.

(3) The cases of all inmates assigned to intensive management status will ~~((be reviewed by the hearing officer))~~ have an assessment completed within the first thirty days. Reviews by the hearing officer will be held at intervals not to exceed ~~((one hundred eighty days, provided, however, if an inmate is assigned to intensive management status sooner than ninety days after the inmate's placement in administrative segregation, the review period shall be consistent with those set forth in WAC 137-32-015 and 137-32-020.~~

~~((4) Inmates not approved for intensive management status by the director will be retained on administrative segregation status pending implementation of the action ordered by the director in lieu of assignment to intensive management. The cases of such inmates will be reviewed by the hearing officer at intervals not to exceed one hundred eighty days))~~ thirty days.

Formal classification meetings will be held at intervals not to exceed six months.

AMENDATORY SECTION (Amending Order 84-15, filed 12/17/84)

WAC 137-32-030 Conditions of confinement. (1) An inmate placed ~~((om))~~ in an intensive management or administrative segregation unit shall, unless safety or security considerations dictate otherwise, be:

(a) Confined in ~~((a reasonably))~~ an adequately lighted and ventilated environment at a reasonably comfortable temperature for the season, unless mechanical or other problems prevent such conditions on a temporary basis;

(b) Provided meals of the ~~((same))~~ similar quality and quantity as provided to the general inmate population ~~((, unless specific security reasons dictate otherwise)); however, methods of preparation and/or delivery may be modified for security reasons;~~

(c) Provided access to personal hygiene items ~~((and facilities in a manner similar to the general inmate population));~~

(d) Provided the opportunities to shower (for a least ten minutes) and shave at least three times per week;

(e) Afforded rights to telephone, mail, and approved

correspondence, supplies, visiting, reading material(s), and legal representation ~~((and recreation))~~ consistent with reasonable custody and security precautions;

~~((e))~~ (f) Provided an opportunity for daily exercise for no less than one hour per day, five days per week, outside of the inmate's cell; however, when the inmate is on isolation or program modification status, daily in-cell fitness activities will be encouraged in lieu of out-of-cell opportunities;

~~((f))~~ (g) Afforded ~~((an opportunity to be visited by a physician, nurse or designated health care person in a manner similar to the general inmate population; and~~

~~(g))~~ access to health care services and controlled access to prescribed and/or over-the-counter medications;

(h) Afforded access to unit sergeant, unit supervisor, and counselor;

(i) Provided exchange of clothing which may include T-shirts, underwear, socks, and towels, at least three times per week, and exchange of linens and coveralls weekly;

(j) Provided barbering services on a monthly basis, except for those inmates assigned to isolation and/or program modification status; and

(k) Provided access to ~~((educational programs when available))~~ the following, consistent with reasonable custody and security requirements: Religious guidance; education; self-help programs; library and law library; and grievance program.

(2) The rights of an inmate in administrative segregation confinement with respect to meals, personal hygiene, correspondence, reading, legal representation and recreation may be limited when the provision of such rights will result in danger to the inmate, or to institution staff, or present a threat to the maintenance of reasonable order and security within the institution. Decisions to limit the rights of an inmate in administrative segregation confinement ~~((in other than emergency situations))~~ must be approved in advance by the ~~((superintendent or duty officer))~~ unit supervisor. Limitations of rights imposed ~~((in emergency situations by other members of the institution staff))~~ shall be reviewed ~~((as soon as possible))~~ within one working day by the superintendent.

AMENDATORY SECTION (Amending Order 84-15, filed 12/17/84)

WAC 137-32-035 Administrative release. (1) The superintendent may release an inmate from administrative segregation status at any time after determining that, in the superintendent's judgment, the conditions or reasons which required the inmate's administrative segregation no longer exist. Recommendations for release may be submitted to the superintendent at any time by segregation unit staff or other staff familiar with

the inmate's situation. An inmate who voluntarily requests segregation or protective custody in writing, on the security designation review form, may request to be returned to his or her housing unit at any time.

(2) Only the (~~director~~) deputy secretary has the authority to release an inmate from intensive management status.

AMENDATORY SECTION (Amending Order 84-15, filed 12/17/84)

WAC 137-32-045 Other procedures. The (~~superintendent of each institution~~) department shall develop and implement specific procedures governing the administrative segregation of inmates, which procedures shall be consistent with the provisions of this chapter. (~~No such procedures shall become effective until approved by the director.~~)