



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF ADMINISTRATIVE SERVICES
RULES, CONTRACTS, AND PUBLIC DISCLOSURE
P.O. Box 41114 • Olympia, Washington 98504-1114 • (360) 753-5770

August 4, 2003

Mr. Dennis W. Cooper, Code Reviser
Office of the Code Reviser
Post Office Box 40551
Olympia, Washington 98504-0551

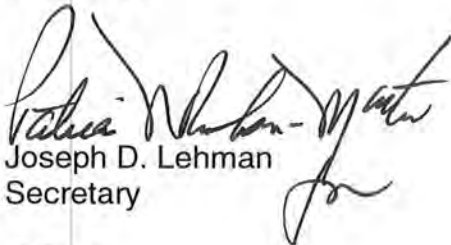
Dear Mr. Cooper:

The enclosed Department of Corrections' rules amend chapters 137-91 WAC, Adult Correctional Institutions – Medical Care – Health Care, 137-96 WAC, Prerelease Programs and 137-104 WAC, Community Custody Violation Hearings. These rules are submitted for publication in the Washington State Register and the Washington Administrative Code. Pertinent information follows:

1. Chapters 137-91 WAC, Adult Correctional Institutions – Medical Care – Health Care, 137-96 WAC, Prerelease Programs and 137-104 WAC, Community Custody Violation Hearings are amended and adopted as of August 4, 2003.
2. The effective date of these amended rules shall be September 4, 2003.
3. I certify pursuant to RCW 34.05.030 that the rules as stated above are excluded from the Administrative Procedure Act.
4. The amendments update the titles of agency Executive management, the names of agency subdivisions, addresses, statutory references that have changed and other changes of a similar nature.

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

Sincerely,


Joseph D. Lehman
Secretary

JDL:jrn
Enclosure



"Working Together for SAFE Communities"

AMENDATORY SECTION (Amending WSR 97-22-057, filed 11/3/97, effective 10/22/97)

WAC 137-91-100 Health record. The health record shall be maintained at the facility where an offender is housed. Health records of offenders housed at work release facilities shall be maintained at a location(s) designated by the (~~director, division of community corrections~~) regional administrator for the region in which the facility is located. Upon transfer of the offender between state facilities, that offender's record shall be transferred along with the offender. The health record shall be archived ninety days following the offender's release from the department's jurisdiction. The health record shall include:

- (1) Detailed reports of admission, medical, dental and mental health evaluations and recommendations;
- (2) All primary encounter and progress notes regarding continuing health status including illnesses, hospitalization, surgery, results of consultations and examinations, reports of tests done, immunizations, and problem lists;
- (3) Reports completed by outside consultants.

Information contained in the offender health record is **confidential**. Access to and release of information contained in the offender health record shall be in strict compliance with chapter 70.02 RCW.

AMENDATORY SECTION (Amending WSR 95-22-059, filed 10/30/95, effective 12/1/95)

WAC 137-96-020 Definitions. (1) "Secretary" is the secretary of the department of corrections.

(2) (~~("Director")~~) "Deputy secretary" is the (~~(director, division of community corrections)~~) deputy secretary, office of correctional operations, department of corrections.

(3) (~~("Assistant director")~~) "Assistant deputy secretary" is the assistant (~~(director of the division of community corrections)~~) deputy secretary, office of correctional operations.

(4) "Superintendent" is the individual responsible for the planning, organizing, and implementation of programs at a prerelease facility.

(5) "Contract staff" is the staff member(s) of an agency under contract to the department of corrections to provide programming for offenders at prerelease.

(6) "Prerelease offender" is an offender who has been approved and placed in prerelease.

(7) "Volunteer escort" is a responsible citizen who has been screened, trained, and assigned to escort and supervise offenders during official and approved activities outside of the facility or to participate in approved activities inside the facility.

(8) "Prerelease" is a total confinement facility approved for housing and supervision of offenders under the jurisdiction of the department of corrections. The program provides the transitional services necessary to assist offenders in their successful return into the community.

AMENDATORY SECTION (Amending WSR 95-22-059, filed 10/30/95, effective 12/1/95)

WAC 137-96-110 Earned time, granting, and denial. An offender may receive earned time sentence reduction for participating or attempting to participate in facility work, education, or training programs in accordance with department policy. Prior to a denial of earned time, the basis for the proposed denial shall be explained to the offender. Should the offender wish to contest the proposed denial, he/she may request a hearing, which shall be held at least twenty-four hours after the offender has received written notice scheduling the hearing and indicating the basis for the proposed denial. The hearing shall be before an impartial official designated by the superintendent,

pursuant to WAC (~~137-95-170~~) 137-56-175. The offender shall be provided a written statement from the hearing official showing the evidence relied on and the reasons for the decision. The hearing shall be conducted in accordance with WAC (~~137-95-210~~) 137-56-180. Such a hearing and its result shall not be considered disciplinary in nature and the decision of the hearing shall be limited to recommending to the superintendent that earned time credits be granted or denied in whole or in part. Granting or denial of earned time credits for out-of-state offenders shall be handled in substantial accord with this rule.

AMENDATORY SECTION (Amending WSR 95-22-059, filed 10/30/95, effective 12/1/95)

WAC 137-96-130 Infractions--On-site adjustment. (1) In the event of a general infraction, a staff member may make an on-site adjustment which may consist of:

(a) Counseling, warning, or reprimanding the offender; and/or
(b) Causing the offender to remove himself/herself from the situation immediately involved in the violation.

(2) An on-site adjustment under this rule cannot be considered a general infraction for the purposes of determining whether an 877 serious infraction under WAC (~~137-95-090~~) 137-56-110 has occurred.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 137-96-140	Purpose.
WAC 137-96-150	Authority.
WAC 137-96-160	Definitions.

AMENDATORY SECTION (Amending WSR 01-04-044, filed 2/1/01, effective 3/1/01)

WAC 137-104-020 Definitions. For purposes of this chapter, the following words have the following meanings:

(1) "Appeals panel" means three reviewing officers designated by the secretary with the authority to review hearing officers' decisions, and to affirm, reverse, or modify decisions and sanctions in accordance with RCW ((~~9.94A.205~~) 9.94A.737).

(2) "Community corrections officer" means an employee of the department responsible for carrying out specific duties concerning the supervision of sentenced offenders and monitoring of sentence conditions.

(3) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time served in the community subject to controls placed on the offender's movement and activities by the department. Offenders supervised on community custody include those subject to community placement (as defined in RCW 9.94A.030), drug offender sentencing alternative (as described in RCW ((~~9.94A.120~~) 9.94A.505), community custody for a sex offense (as described in RCW ((~~9.94A.120~~) 9.94A.505), community custody max, first-time offender waiver (as described in RCW ((~~9.94A.120~~) 9.94A.505), or a work ethic camp program (as defined in RCW 9.94A.030), and those sentenced to community custody by the court for crimes committed on or after July 1, 2000, whose sentence is less than one year of confinement. For purposes of this subsection, "community custody max" means a term of community custody for certain sex offenders who have completed their maximum sentences of confinement.

(4) "Department" means the Washington state department of corrections.

(5) "Deputy secretary" means the deputy secretary of the office of correctional operations of the department, or the deputy secretary's designee.

(6) "Graduated sanction system" means structured incremental responses designed to reduce risk to the public, effectively intervene in noncompliant behavior, where possible, repair harm to the community, and make efficient use of limited state resources. Sanctions may include, but are not limited to, partial or total confinement; home detention with electronic monitoring; work crew; community service; inpatient treatment; daily reporting; curfew; educational or counseling sessions; supervisions enhanced through electronic monitoring; or any other sanctions available in the community.

(7) "Hearing officer" means an employee of the department authorized to conduct department hearings.

(8) "Hearings program manager" means the manager of the

hearings unit of the department, or the hearing program manager's designee.

(9) "Offender" means any person in the custody of or subject to the jurisdiction of the department.

(10) "Partial confinement" means confinement in a facility or institution operated or utilized under contract by the state or by any other unit of government, to include, but not be limited to, work release, treatment center, residential facility, or home detention with electronic monitoring.

(11) "Probable cause" means a determination, made by a hearing officer, that there is cause to believe a violation has occurred.

(12) "Secretary" means the secretary of the department, or the secretary's designee.

(13) "Stipulated agreement" means an agreement between the offender and the department in which the offender admits violations and agrees to comply with intermediate sanctions. For the purposes of this subsection, "intermediate sanction" means department-imposed sanctions that are served in the community rather than total confinement.

(14) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, to include, but not be limited to, adult correctional facilities, camp and prerelease facilities or a county or municipal jail.

(15) "Working day" means Monday through Friday, 8:00 a.m. to 5:00 p.m., Pacific Time, except for holidays observed by the state of Washington.