

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF CORRECTIONS

(agency name)

Administrative Order No. 82-10

(1) I, Amos E. Reed, director of the Department of Corrections

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to: New Section: Chapter 137-70 WAC - Criminal Justice Reimbursement Costs

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 82-14-030 filed with the code reviser on June 29, 1982. These rules shall take effect: [X] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

[X] (a) This rule is promulgated pursuant to RCW 72.72 and is intended to administratively implement that statute.

[] (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED August 10, 19 82

By Amos E. Reed, Secretary

Title

WSR 82-17-044

Chapter 137-70 WAC

CRIMINAL JUSTICE REIMBURSEMENT - ADULTS

NEW SECTION

WAC 137-70-010 PURPOSE. Chapter 72.72 RCW created an institutional impact account, in the general fund, for the purpose of reimbursing political subdivisions for criminal justice costs incurred directly as a result of crimes committed by offenders residing in correctional institutions. The purpose of these rules is to implement that statute and to set forth the procedures under which these funds will be distributed for impacts relating to adult offenders.

NEW SECTION

WAC 137-70-020 DEFINITIONS. As used in this chapter, the following items shall have the following meanings:

- (1) "Secretary" shall mean the secretary of the department of corrections.
- (2) "Department" shall mean the department of corrections.
- (3) "Inmate" shall mean individuals sentenced to the custody of the department under state law and inmates transferred from other states or the federal government.
- (4) "Institution" shall mean all those facilities set forth in RCW 72.01.050(2) and all community residential programs under the department's jurisdiction operated pursuant to chapter 72.65 RCW.
- (5) "Political subdivision" shall mean any city, town, county or other unit of local government.
- (6) All references to the singular shall include the plural unless noted otherwise.

NEW SECTION

WAC 137-70-030 ELIGIBILITY. Reimbursement shall be available to any political subdivision which is impacted by any adult correctional facility as defined in RCW 72.01.050(2) or a community residential program as defined and operated pursuant to chapter 72.65 RCW. As used herein, impacted shall mean that the political subdivision incurred an incremental cost, reimbursable under this chapter, which was specifically and exclusively attributable to the criminal behavior of state institutional inmates incarcerated in or who have escaped from an institution. Reimbursement is available for parolees or probationers only if they are assigned to an institution as defined herein: PROVIDED, That reimbursement shall be limited to new crimes and shall not be available for violations of the conditions of parole or probation and the resulting revocation hearings.

NEW SECTION

WAC 137-70-040 REIMBURSABLE IMPACTS/RATES. (1) Reimbursement shall be restricted to fully documented law enforcement, prosecutorial, judicial and jail facility costs, as defined herein, in accordance with the following rates:

(a) Law enforcement costs are costs incurred by any political subdivision in apprehending escapees, in investigating crimes committed by state institutional inmates including pretrial investigations within or outside the institution, or in providing security for inmates outside the jail facility. These costs are reimbursable at the following rates:

(i) \$14.51 per hour from the effective date of this chapter through June 30, 1982.

(ii) \$16.60 per hour for the period July 1, 1982, through June 30, 1983.

(b) If an escape or investigation results in the filing of a criminal complaint, the impacted political subdivision shall be entitled to attorney costs associated with the prosecution and/or defense of the filed action. These costs are reimbursable at the following maximum rates:

(i) \$36.00 per hour from the effective date of this chapter through June 30, 1982.

(ii) \$39.69 per hour from July 1, 1982, through June 30, 1983.

(c) Reimbursement for judicial costs incurred as a result of the filing of a criminal complaint shall be limited to judges, court reporters, transcript typing or preparation, witness fees and jury fees. These costs are reimbursable at the following maximum rates:

(i) Judges - \$36.00 per hour from the effective date of this chapter until June 30, 1982, and \$36.99 per hour for the period July 1, 1982, through June 30, 1983. These costs shall include the services of court clerks and bailiffs.

(ii) Court reporters - \$15.00 per hour from the effective date of this chapter through June 30, 1982, and \$16.64 per hour for the period July 1, 1982, through June 30, 1983.

(iii) Transcript typing services - \$3.00 per page from the effective date of this chapter through June 30, 1982, and \$3.31 per page for the period July 1, 1982, through June 30, 1983.

(iv) Expert witnesses - \$50.60 per hour from the effective date of this chapter to June 30, 1982, and \$55.70 per hour for the period July 1, 1982, through June 30, 1983.

(v) Witness fees/nonexpert - jury fees - reimbursable at the rate established by the local governmental legislative authority up to a maximum of \$25.00 per day.

(d) Jail facility costs resulting from the escape or criminal complaint shall be reimbursed at the following maximum rate: \$7.00 per inmate day from the effective date of this chapter through June 30, 1983.

NEW SECTION

WAC 137-70-050 LIMITATION OF FUNDS. Reimbursement under WAC 137-70-040 shall be paid in the order they are received until the legislative appropriation for the biennium is fully expended. If the impact fund is fully expended before the end of the biennium, political subdivisions should continue to submit claims for the purpose of developing future impact account funding requests.

NEW SECTION

WAC 137-70-060 BILLING PROCEDURE. (1) Request for reimbursement under this chapter must be submitted on a standard Washington State Invoice Voucher Form, A-19, in triplicate, signed by the political subdivisions responsible fiscal officer, to the Department of Corrections, Division of Management and Budget, Office of Contracts and Regulations, P.O. Box 9699, FN-61, Olympia, Washington 98504.

(2) All A-19 requests must be accompanied by a narrative explanation of all costs incurred. This narrative must include at least the following information:

- (a) Full name and DOC identification number of inmate;
- (b) Institution to which the inmate is assigned or where he/she escaped;
- (c) Incident requiring the political subdivisions assistance, i.e. escape, investigation and dates;
- (d) Costs incurred broken down into the categories of reimbursable costs allowed in WAC 137-70-040 and hourly rate used;
- (e) Admission and release dates if applicable;
- (f) Other supporting information or documentation.

NEW SECTION

WAC 137-70-070 DEPARTMENT REVIEW COMMITTEE. (1) All requests for reimbursement shall be reviewed by a department committee composed of the following individuals or their designees:

- (a) The deputy secretary;
- (b) Director, division of management and budget;
- (c) Director, division of prisons;
- (d) Contracts and regulations administrator;
- (e) Capital programs administrator; and the
- (f) Senior assistant attorney general assigned to the department.

(2) The review committee shall approve or disapprove the requests for payment. If a request is disapproved in total or in part, the committee shall send a letter to the requesting political subdivision with the reasons for disapproval.

(3) The committee decision shall be final unless appealed to the secretary within twenty days after a political subdivision receives notice of disapproval.

NEW SECTION

WAC 137-70-080 IMPLIED CONSENT TO AUDIT. (1) By submitting requests for reimbursement, the requesting political subdivision agrees to maintain records which would support the request made for a period five years after the date of such request.

(2) If requested by the secretary, or his/her designee, the political subdivision shall make these records available for review and/or audit by the department.