

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF CORRECTIONS
(agency name)

Administrative Order No. 86-02

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

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

(See Attached)

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

This action is taken pursuant to Notice No. WSR 86-02-023 filed with the code reviser on 12-24-85. 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 72.65.100 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 February 21, 1986

STATE OF WASHINGTON FILED

FEB 21 1986

By [Signature] Secretary, Amos E. Reed Title

CODE REVISER'S OFFICE

WSR 86-06-012

012

Adopt:

WAC 137-56-095, Notification
WAC 137-56-110, Serious Infractions
WAC 137-56-280, Applicability

Amend:

WAC 137-56-010, Definitions
WAC 137-56-100, Standard Rules
WAC 137-56-160, Termination of Plan
WAC 137-56-170, Service of Notice of Proposed Disciplinary Action
WAC 137-56-180, Disciplinary Hearing
WAC 137-56-190, Facility Review Committee
WAC 137-56-200, Disciplinary Hearing--Rules of Evidence
WAC 137-56-220, Disciplinary Hearing--Findings and Conclusions
WAC 137-56-230, Disciplinary Hearing--Disposition
WAC 137-56-240, Disciplinary Hearing--Decision
WAC 137-56-250, Disciplinary Hearing--Appeal

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-56-010 DEFINITIONS. (1) "Secretary" is the secretary of the department of corrections or his/her designee.

(2) "Director" is the director, division of community services, department of corrections.

(3) "Assistant director" is the assistant director, division of community ((residential---programs)) services, department of corrections.

(4) "Community ((residential--programs)) corrections regional administrator" is the staff member assigned by the assistant director to administer and supervise the work/training release programs in a specific geographic area.

(5) "Department" is the department of corrections.

(6) "Work/training release facility supervisor" is a staff member assigned by the community ((residential--programs)) corrections regional administrator to administer and supervise a specific work/training release facility and includes his/her designee.

((+6)) (7) "Work/training release counselor" is a staff member assigned by the work/training release facility supervisor to supervise and counsel a caseload of work/training release inmates or residents at a specific work/training release facility.

((+7)) (8) "Contract staff" is the staff member(s) of an agency under contract to the department of corrections to provide housing and supervision for work/training release inmates or residents.

((+8)) (9) "Work/training release coordinator" is a staff member assigned by the superintendent of an adult correctional institution to act as liaison between the institution and work/training release facility personnel.

((+9)) (10) "Work/training release inmate or resident" is an inmate of a major adult correctional institution who has been approved ((and-placed)) for placement in a designated work/training release facility under a work/training release plan, or ((probationer/parolee)) an offender((placed)) by the courts or the board of prison terms and paroles in a work/training release facility.

((+10)) (11) "Sponsor-escort" is a responsible citizen assigned to escort and supervise an inmate or resident during official and social activities outside of the work/training release facility. recommended
for
placement

((+11)) (12) "Work/training release facility" is an institution or other establishment approved for housing and supervision of work/training release inmates or residents during the inmate's or resident's stay in a work/training release program. JLB

((+12)) (13) "One working day" is a nine-hour day, 8:00 a.m. to 5:00 p.m. excluding weekends and holidays.

NEW SECTION

WAC 137-56-015 DISPOSITION OF EARNINGS. Payment of board and room charges shall be deducted from the work/training release inmates' or residents' earnings. For purposes of this section, earnings shall constitute all income and money received by the work/training release inmate or resident while employed under a work release plan. Nothing in this section shall prohibit the department's authority to obtain reimbursement for moneys advanced to a work/training release inmate or resident by the department. JLB

NEW SECTION

WAC 137-56-095 NOTIFICATION. (1) Each work/training release inmate or resident shall be advised in writing of:

- (a) His/her rights and responsibilities;
- (b) Acts prohibited in the work release facility; and
- (c) Disciplinary action which may be taken in the event of a serious infraction or violation of local rules.

(2) Each inmate upon entering the work release facility shall be given a copy of the rules in this chapter and of all local rules of the work/training release facility to which he/she is assigned.

(3) All amendments or additions to this chapter and all amendments or additions to local disciplinary rules, policies, and procedures shall be posted at a specifically designated place or places in each work/training release facility in advance of their effective date if possible and for at least thirty days after their effective date. Work/training release inmates or residents shall be responsible for informing themselves of such postings. Complete and up-to-date copies of these rules and all local rules shall be available at each work/training release facility for inmate examination.

(4) The work/training release facility supervisor shall ensure that each work/training release inmate or resident has the opportunity to understand rules which relate to his/her conduct. If the inmate is unable to read or understand English, the rules shall be read to him/her promptly in his/her accustomed language.

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-56-100 STANDARD RULES. In consideration of being granted work/training release, the inmate or resident must agree to observe and abide by the following rules:

(1) Continue in the approved work or training release plan until it is officially changed. Any modification of the plan must be authorized in writing by the work/training release facility supervisor.

(2) Comply with local work/training release facility rules, and any special restrictions imposed in writing by the work/training release facility supervisor. The inmate or resident may appeal in writing to the community (~~residential programs~~) corrections regional administrator, if the inmate or resident considers any of the restrictions to be unwarranted or arbitrary.

(3) Comply with such other restrictions and/or conditions as may be imposed in the original work/training release plan by the community (~~residential programs~~) corrections regional administrator or his or her designee.

(4) Remain confined to the work/training release facility premises at all times other than the time necessary to implement the plan or when authorized under WAC 137-56-140. Any work/training release inmate or resident approved for placement under a work/training release plan who willfully fails to report to his or her designated assignment or return to the designated place of confinement at the time specified shall be deemed an escapee and fugitive from justice, and upon conviction shall be guilty of a felony and sentenced in accordance with state law.

(5) Have employment or other resources in order to maintain himself or herself financially.

(6) Not consume, ingest, inject, or possess nonprescription narcotic or "dangerous" drugs or controlled substances or alcoholic beverages.

(7) Agree to disburse all earnings in accordance with the approved work/training release plan and report all income to the work/training facility supervisor. All income from any source shall be immediately placed in the resident's trust fund account by the facility supervisor. A receipt will be issued by the facility supervisor.

(8) Comply with all federal, state, and local laws and regulations.

(9) Inmates or residents placed on work/training release are ordinarily approved with the understanding that they will be paroled in a reasonable time, normally within six months. If it is not possible to parole the inmate or resident within a reasonable period of time, he or she may be returned to the institution.

NEW SECTION

WAC 137-56-110 SERIOUS INFRACTIONS. Any of the following acts or omissions of the work/training release inmate or resident described and codified in the form below shall constitute a serious infraction. Disciplinary action may be taken against the work/training release inmate or resident in accordance with this chapter in the event of a serious infraction.

Infraction Code	Act/Omission
800	- Creating a risk to the orderly operation of the facility or the health and safety of its residents, staff, or visitors.
801	- Assaulting any person which results in the hospitalization of the person assaulted.
802	- Assaulting any person.
803	- Extortion, blackmail, demanding or receiving money or anything of value in return for protection against others, or under threat of informing.
804	- Engaging in sexual acts with others within the facility.
805	- Fighting with any person, provided, however, that self-defense may be a defense to a serious infraction for fighting.
806	- Threatening another with bodily harm or with any offense against his/her person.
810	- Intentionally failing to seek or maintain employment or training or to maintain oneself financially.
811	- Entering into an unauthorized contract.
812	- Failing to report or turn in all earnings or income.
813	- Modifying a work release plan by the releasee without authorization.
814	- Violating a special condition of work release plan.
815	- Failing to comply with all federal, state, and local laws, or court orders.
816	- Tampering with or blocking any locking device.
817	- Possessing or introducing into the facility an explosive or any ammunition or components of explosives or ammunitions.
818	- Possessing or introducing into the facility any unauthorized tool.
819	- Possessing or introducing into the facility any gun, firearm, weapon, sharpened instrument, knife, or components thereof.
821	- Holding a person hostage or restraining a person against his/her will.
825	- Violating conditions of furlough.
830	- Escaping/absconding from the facility with voluntary return within twenty-four hours.
831	- Failing to return to the facility from an authorized sign out.
832	- Escaping/absconding from the facility.
833	- Using physical force in the act of escape.
834	- Escaping/absconding from the facility and apprehension out-of-state.
843	- Possessing, introducing, or using alcohol.

Infraction
Code

Act/Omission

- 844 - Possessing, introducing, or using marijuana or related paraphernalia.
- 845 - Possessing, introducing, transferring, or using any narcotics, controlled substance, or related paraphernalia unless authorized by the supervisor pursuant to a valid prescription or order issued in the course of professional treatment by a licensed medical practitioner.
- 846 - Refusing to submit to a urinalysis, breathalyzer, or other standard sobriety test.
- 851 - Lying to a hearing committee.
- 852 - Lying to a staff member which causes an innocent person to be penalized, disciplined, or proceeded against.
- 853 - Intentionally or recklessly setting a fire.
- 854 - Intentionally or recklessly destroying or damaging state property, or the property of another person.
- 855 - Stealing (theft) or knowingly possessing stolen property.
- 856 - Refusing to submit to a body search when lawfully ordered to do so by staff.
- 857 - Refusing and/or failing to work or attend regularly scheduled assignments.
- 858 - Intentionally interfering with a staff member in the performance of his/her duties.
- 859 - Gambling.
- 860 - Possessing money or other negotiable instruments of five dollars or more without prior authorization.
- 861 - Performing or participating in a marriage ceremony in the facility or on the facility grounds, except when such marriage was approved by the supervisor.
- 870 - Rioting.
- 871 - Inciting others to riot.
- 872 - Engaging in or inciting prohibited group demonstration.
- 873 - Intentionally interfering with the taking of count.
- 874 - Counterfeiting, forging, falsification, or unauthorized reproduction of any document, article of identification, money, security, or official paper.
- 875 - Making intoxicants, narcotics, or other controlled substances.
- 876 - Giving or offering any official staff member or volunteer a bribe or anything of value for a favor or unauthorized service.
- 877 - Committing four or more general infractions within a six-month period all of which arise out of separate incidents and have been reported in writing.
- 878 - Intentionally failing to comply with an administrative or post-hearing sanction.
- 900 - Attempting to commit or aiding another person to commit a serious infraction as enumerated in this section. Such action shall be considered the same as commission of the offense itself.

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-56-160 TERMINATION OF PLAN. (1) At any time after approval has been granted to any work/training release inmate or resident to participate in the work release program, such approval may be revoked, and if the work/training release inmate or resident has been released on a work release plan, he/she may be returned to a state correctional institution, or the plan may be modified, in the sole discretion of the secretary.

(2) Without limiting the authority of the secretary under subsection (1) of this section, a work/training release plan may be terminated or disciplinary action taken by the facility review committee pursuant to this chapter:

((1)) (a) If requested in writing by the ((releasee)) work/training release inmate or resident;

((2)) (b) If the ((contract--permits--the--contract--agency)) work/training release facility refuses to accept or continue to serve the work/training release inmate or resident in accordance with its contract with the department;

((3)) (c) If the plan is discontinued or modified so that it no longer meets agency standards or if the ((releasee)) work/training release inmate or resident becomes unable to comply with the terms of the plan;

((4)) (d) If the work/training release inmate or resident lacks aptitude for the assignment or is improperly placed; or

((5)) (e) If the work/training release inmate or resident has been unable to adjust or adapt to the conditions of the work/training release facility; or

((6)) (f) If the work/training release inmate or resident has demonstrated through his or her behavior an unwillingness to respond to counseling by staff; or

((7)) (g) If the work/training release inmate's or resident's situation and circumstances have significantly changed; or

((8)) (h) If the work/training release inmate or resident has failed to comply with federal or state laws or local ordinances; or

((9)) (i) If the work/training release inmate or resident has failed to comply with standard work/training release rules as enumerated in WAC 137-56-100; or

((10)) (j) If the work/training release inmate or resident has failed to comply with such other written facility rules as are promulgated by the facility supervisor; or

((11)) (k) If the work/training release inmate or resident has failed to comply with such other specific restrictions or behavior expectations which have previously been called to the attention of the work/training release inmate or resident by the work/training release facility supervisor and are documented in writing; or

(l) If the work/training release inmate or resident has committed a serious infraction as enumerated in WAC 137-56-110.

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-56-170 SERVICE OF NOTICE OF PROPOSED ((TERMINATION)) DISCIPLINARY ACTION. (1) If ((a-work/training-release-termination)) disciplinary action is proposed, the work/training release facility supervisor may suspend the work/training release plan and place the inmate or resident in custody pending a ((termination)) disciplinary hearing.

(2) The work/training release facility supervisor shall advise the inmate or resident in writing of the factual allegations which provide the basis for the proposed ((termination)) disciplinary action within one working day after the suspension of the work/training release plan.

(3) The factual allegations may be amended and/or new allegations added at any time prior to the ((termination)) disciplinary hearing, provided that the work/training inmate or resident shall have notice of such new and/or amended allegations at least twenty-four hours prior to the ((termination)) disciplinary hearing.

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)WAC 137-56-180 ((~~TERMINATION~~)) DISCIPLINARY HEARING((--~~NOTICE~~)).

(1) A work/training inmate or resident served with allegations providing the basis for a proposed ((~~work/training-release-termination~~)) disciplinary action shall be notified in writing that a hearing has been set before a review committee. An allegation involving the commission by the inmate or resident of a serious infraction may be amended at anytime by the department, provided that twenty-four hours notice be given to the inmate to respond to the new allegations. The hearing will be set within five working days of the suspension of the work/training release plan, unless a longer time is approved by the assistant director, community residential programs, or his or her designee. The written notice of hearing shall be given to the inmate or resident at least twenty-four hours before the hearing and advise the inmate or resident of his or her rights, including the following:

((~~1~~)) (a) The inmate or resident shall be present at all stages of the hearing, except during deliberation in appropriate circumstances.

((~~2~~)) (b) The inmate or resident shall present his or her own case to the review committee. If there is a language or communications barrier, the review committee chairman shall appoint an advisor.

((~~3~~)) (c) The inmate or resident may have an attorney present only when a felony has been alleged. Such representation is limited to advising the inmate or resident of his or her rights to remain silent, and does not include the right to act as an advocate throughout the hearing.

((~~4~~)) (d) The inmate or resident may testify during the hearing or remain silent, and his or her silence will not be held against him or her.

((~~5~~)) ~~The inmate or resident may question all witnesses appearing and testifying at the hearing.~~

((~~6~~)) ~~Testimony and other evidence introduced shall be relevant to the issues under consideration.~~

((~~7~~)) ~~The inmate or resident may present witnesses and written statements from persons in his or her own behalf.~~

((~~8~~)) (e) The work/training release inmate or resident may, in preparation for the hearing, ask the review committee that certain department or contract staff members, other work/training release inmates or residents, and other persons be present as witnesses at the hearing. The review committee shall grant such request if it is determined by the review committee that to do so would not be unduly hazardous to the work/training release facility's safety or correctional goals: PROVIDED, HOWEVER, Limitations may be made by the review committee if the information to be presented by the witnesses is deemed to be irrelevant, duplicative, or unnecessary to the adequate presentation of the work/training release inmate or resident's case.

(2) Attendance at the hearing shall be limited to parties directly concerned. The review committee chairman may exclude unauthorized persons.

((~~9~~)) (3) The review committee shall make an evaluation of the inmate's or resident's progress, attitudes, need for program modifications, work/training alternatives, or institution programming; and shall make a recommendation to the board of prison terms and paroles regarding good time credits and readiness for parole.

AMENDATORY SECTION (Amending Order 83-02, filed 2/4/83)

WAC 137-56-190 FACILITY REVIEW COMMITTEE. (1) The review committee shall consist of at least three members, including the work/training release facility supervisor or his or her designee and a member of the contractor's staff, if the facility is under contract with

the department. The additional members shall be selected by the facility supervisor from either state staff, including ~~((probation-and-parole))~~ community corrections officers or the contractor's staff. No resident or inmate may be a member of this committee. The facility supervisor shall serve as chairman and shall have the authority to make the final decision. The facility supervisor or his or her designee shall inform the inmate, in writing, of the review committee's decision within three working days.

(2) At institutions, the classification committee may serve as the facility review committee for work/training release inmates or residents housed at the facility; except that the institution work/training release coordinator will be a member of the committee.

(3) No person making an allegation involved in the incident, or called as a witness, shall be a member of the review committee. Persons called as witnesses must be approved by the review committee chairman and must have information or facts which are relative to the allegations being considered. In the event that an individual is disqualified or disqualifies himself or herself under this rule or for any other reason, a replacement may be designated by the facility supervisor, ~~community ((resident--programs))~~ corrections regional administrator, or assistant director ~~((7-community-resident-programs))~~.

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-56-200 ~~((TERMINATION))~~ DISCIPLINARY HEARING--WAIVER. (1) At any time after having been served with an allegation providing the basis for a proposed ~~((termination))~~ disciplinary action, the inmate or resident may choose to waive his or her right to a hearing by signing an admission of the allegation and request that the hearing be dispensed with or limited only to questions of disposition.

(2) The inmate or resident may admit in writing to part of the allegations and thereby limit the scope of the hearing.

(3) In those cases where the allegation involves misbehavior or other culpability on the part of the inmate or resident, he or she shall be advised in writing that in admitting the violation and waiving the hearing, a report will be submitted to the board of prison terms and paroles which may result in the loss of good time credits and/or the extension of the minimum term.

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-56-210 ~~((TERMINATION))~~ DISCIPLINARY HEARING--RULES OF EVIDENCE. (1) All relevant and material evidence is admissible which, in the majority opinion of the review ~~((board))~~ committee, is the best evidence reasonably obtainable having due regard for its necessity, availability, and trustworthiness.

(2) All evidence material to the issues raised in the hearing shall be offered into evidence. All evidence forming the basis for the department's decision in a matter shall be offered into evidence.

(3) ~~((Every-party-shall-have-the-right-to-question-witnesses-who testify-in-person-and-shall-have-the-right--to--submit--rebuttal--evidence.--This--shall--not--be--deemed--to--prevent--the--admission--and--consideration--of--hearsay--evidence--~~

~~((4)))~~ The work/training release inmate or resident shall be allowed to call witnesses approved by the review committee pursuant to WAC 137-56-180 (1) (e) and to present documentary evidence in his/her defense at the hearing when permitting the work/training release inmate or resident to do so will not be unduly hazardous to the work/training release facility's safety or correctional goals unless

the testimony to be presented by the witness and/or the information desired to be presented is deemed by the review committee to be irrelevant, immaterial, unnecessarily duplicative of other information and/or testimony before the review committee, or otherwise found to be unnecessary to the adequate presentation of the work/training release inmate or resident's case. The testimony of all witnesses from outside the work/training release facility shall be considered in writing. In the event the review committee determines that the presence of a witness is appropriate, the review committee should call the witness, or in its discretion, may continue the hearing if the witness is unavailable, but will become available within a reasonable period of time: PROVIDED, HOWEVER, That if the witness is unavailable, the review committee may, in its discretion, consider the written testimony previously submitted.

(4) The work/training release inmate or resident may question witnesses against him/her at the discretion of the review committee. If the review committee determines that a work/training release inmate or resident witness would be subject to risk or harm if his/her identity were disclosed, testimony of the said witness may be introduced by the testimony of a department or contract staff member to whom the information was provided by and/or the affidavit of the witness. If the department or contract staff member to whom the work/training release inmate or resident witness provided information is, for good cause, unavailable, the written statement of the department or contract staff member may be used. The review committee shall, out of the presence of all work/training release inmates or residents, inquire as to the identity of any anonymous work/training release inmate or resident, and as to how the testifying department or contract staff member received such information. The refusal of the department or contract staff member presenting the testimony of the unidentified work/training release inmate or resident witness to identify the witness shall make the testimony inadmissible unless the refusal to identify the witness is approved by the community corrections regional administrator based on his/her determination of good cause for nondisclosure and that the informant is reliable. The review committee must make an independent determination as to the reliability of the informant and the credibility of the information offered, except that the review committee may accept an assurance of credibility from the community corrections regional administrator who approves the nondisclosure of the identity of the work/training release inmate or resident. The inmate should be advised on the record, or subsequently provided with, a statement of good cause as to why the inmate was not allowed to call a witness or why the identity of an inmate witness was not disclosed.

(5) Documentary evidence, including written statements submitted by interested parties on behalf of the inmate or resident, may be received. Such evidence may include copies of documents, excerpts from documents and incorporation of written material by reference, including depositions.

((5-Although-relevant,)) (6) The chairman of the review committee may exclude relevant evidence if the probative value is outweighed by the danger of unfair prejudice, confusion of the issues, misleading the committee or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

(7) The review committee should determine if the inmate is competent to understand the charges and proceedings or needs an interpreter to participate therein. If the inmate is not competent or needs an interpreter, the review committee should postpone the hearing to secure a report on the competency of the inmate, provide an interpreter, or take such other action as will assure the fairness and orderliness of the hearings.

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-56-220 ((~~TERMINATION~~)) DISCIPLINARY HEARING--FINDINGS AND CONCLUSIONS. (1) At the conclusion of the hearing, the review committee will make a finding of fact within one working day as to whether or not the allegations made against the inmate or resident have been proven by a preponderance of the evidence presented at the hearing.

(2) If the review committee determines that the allegations have not been proven by a preponderance of the evidence presented at the hearing, the inmate or resident shall be restored to work/training release status.

(3) If the review committee determines that one or more of the allegations have been proven by a preponderance of the evidence presented at the hearing, the review committee will proceed to a disposition.

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-56-230 ((~~TERMINATION~~)) DISCIPLINARY HEARING--DISPOSITION. (1) The review committee will consider the inmate's or resident's total background, adjustment on work/training release, attitude, recommendations of interested parties, and any other information relative to the inmate's or resident's ability to continue in the program. The review committee shall make a determination as to whether or not the inmate or resident has earned good time credits towards parole/release, and whether the matter should be referred to the board of prison terms and paroles or the court for possible increase in the inmate's or resident's minimum term.

(2) The inmate or resident shall be present at all stages of the ((~~review~~)) hearing, except for deliberation and even during deliberation when appropriate, and shall have the opportunity to make argument in his or her own behalf.

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-56-240 ((~~TERMINATION~~)) DISCIPLINARY HEARING--DECISION.

(1) The review committee may:

((~~1~~)) (a) Restore the work/training release inmate or resident to his or her work/training release status under the same or modified conditions as the original plan; or

((~~2~~)) (b) Restrict the inmate or resident to the work/training release facility for up to thirty days; or

(c) Require restitution be made by the work/training release inmate or resident; or

(d) Require extra duty to be performed by the inmate or resident; or

(e) Revoke approval of an approved sponsor; or

(f) Deny good conduct time; or

(g) Require additional time in Phase II; or

(h) Revoke the work/training release plan and return the work/training release inmate or resident to an institution ((~~7~~)) or Phase II facility; or

(i) Return the ((~~probationer/parolee~~)) offender to the court or the board of prison terms and paroles for final disposition.

(2) Nothing in this section shall preclude subsequent reclassification of the work/training release inmate or resident or placement into administrative segregation.

(3) The facility supervisor shall notify the inmate or resident orally within one working day and confirm the decision in writing within three working days. ~~((3))~~ The written decision shall specify the evidence upon which the review committee relied and shall include a description of the circumstances surrounding the allegation(s) upon which the termination of work/training release is based, the reasons for the decision, a discussion of the inmate's or resident's personal culpability in the actions which have led to the termination, and an evaluation of the inmate's or resident's progress, attitudes, need for further programs including work training alternatives and readiness for parole.

AMENDATORY SECTION (Amending Order 83-05, filed 5/2/83)

WAC 137-56-250 ~~((TERMINATION))~~ DISCIPLINARY HEARING--APPEAL. The inmate or resident may appeal the decision of the facility review committee to the community ~~((residential--programs))~~ corrections regional administrator. Appeal requests must be in writing, must be specific and based on objection to the procedures used or the information available to the committee in making its decision. Appeals must be submitted within five working days of the committee's oral decision. The community ~~((residential--programs))~~ corrections regional administrator, or his or her designee, upon receipt of an appeal, will review the findings and decision of the review committee and either:

~~(1) ((Continue-the-inmate--or--resident--in--the--existing--work/training-release-plan;--or~~
~~(2)--Continue--the--inmate-or-resident-in-a-work/training-release program-with-appropriate-and-specific-conditions-for--expected--future behavior-or-modifications-in-the-inmate's-or-resident's-plan;--or~~
~~(3)-Terminate-work/training-release-and-return-the-inmate-or-resident-to-an-institution-for-other-programming;--or~~
~~(4)) Affirm, or affirm and modify to a lesser sanction the decision of the facility review committee; or~~

(2) Reverse the decision of the facility review committee; or

(3) Remand the decision for additional findings or rehearing.

The reviewer's decision will be made promptly, normally not to exceed five working days, and given to the inmate or resident and committee chairman in writing.

NEW SECTION

WAC 137-56-280 APPLICABILITY. WAC 137-56-170 through 137-56-260 shall not apply to the termination of a work/training release plan pursuant to WAC 137-56-160 (2) (a), (b), or (c). WAC 137-56-080 and 137-56-170 through 137-56-260 shall not apply to the termination or modification of a work/training release plan by the secretary pursuant to WAC 137-56-160(1).