

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF CORRECTIONS

(agency name)

Administrative Order No. 86-07

(1) I, Chase Riveland, Secretary, director of the Department of Corrections

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

The reimbursement of certain criminal justice costs, amending

- WAC 137-70-020 Definitions
WAC 137-70-040 Reimbursable Impact/Rates Criminal Justice Costs
WAC 137-70-070 Department Review Committee

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

This action is taken pursuant to Notice No. 86-24-024 filed with the code reviser on November 24, 1986. These rules shall take effect: [X] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

(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:

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

[X] (b) This rule is promulgated pursuant to RCW 72.72.040 which directs that the

Department of Corrections

(agency)

has authority to implement the provisions of Chapter 72.72 RCW

(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 January 13, 1987

STATE OF WASHINGTON FILED

JAN 14 1987

CODE REVISER'S OFFICE WSR 87-03-029

By Chase Riveland, Secretary Title

AMENDATORY SECTION (Amending Order 84-06, filed 5/14/84)

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

(1) "Secretary" shall mean the secretary of the department of corrections or the secretary's designee.

(2) "Deputy secretary" shall mean the deputy secretary of the department, or the deputy secretary's designee.

(3) "Contingency plan" shall mean a plan developed under RCW 72.02.150 by the secretary (~~(7-or-the-secretary's-designee)~~) with representatives of political subdivisions for dealing with disturbances at a state penal facility.

~~((3))~~ (4) "Department" shall mean the department of corrections.

~~((4))~~ (5) "Inmate" shall mean an individual sentenced to the custody of the department under state law and an individual transferred to the custody of the department from another state or the federal government.

~~((5))~~ (6) "Institution" and "penal facility" shall mean any facility identified in RCW 72.01.050(2) and any community residential program under the department's jurisdiction operated pursuant to chapter 72.65 RCW.

~~((6))~~ (7) "Political subdivision" shall mean any city, town, or county.

~~((7))~~ (8) "Administrator" shall mean the administrator of the department's office of contracts and regulations, or the administrator's designee.

(9) All references to the singular shall include the plural unless noted otherwise.

AMENDATORY SECTION (Amending Order 85-13, filed 12/31/85)

WAC 137-70-040 REIMBURSABLE IMPACTS/RATES--CRIMINAL JUSTICE COSTS. Reimbursement shall be restricted to fully documented law enforcement, prosecutorial, judicial and jail facility costs, as defined herein, at the actual costs of the submitting jurisdiction, not to exceed the following rates:

(1) 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:

(a) \$19.03 per hour for the period July 1, 1985, through June 30, 1986.

(b) \$19.81 per hour for the period July 1, 1986, through June 30, 1987.

(2) 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:

(a) \$45.50 per hour from July 1, 1985, through June 30, 1986.

(b) \$47.37 per hour from July 1, 1986, through June 30, 1987.

(3) 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:

(a) Judges - \$42.41 per hour from July 1, 1985, through June 30, 1986, and \$44.15 per hour for the period July 1, 1986, through June 30, 1987. These costs shall include the services of court clerks and bailiffs.

(b) Court reporters - \$19.08 per hour from July 1, 1985, through June 30, 1986, and \$19.86 per hour for the period July 1, 1986, through June 30, 1987.

(c) Transcript typing services - \$3.80 per page from July 1, 1985, through June 30, 1986, and \$3.96 per page for the period July 1, 1986, through June 30, 1987.

(d) Expert witnesses - \$63.86 per hour from July 1, 1985, through June 30, 1986, and \$66.48 per hour for the period July 1, 1986, through June 30, 1987.

(e) Witness fees/nonexpert - jury fees - reimbursable at the rate established by the local governmental legislative authority up to a maximum of \$28.67 per day for the period July 1, 1985, through June 30, 1986, and \$29.85 for the period July 1, 1986, through June 30, 1987.

(4) Jail facility costs resulting from the escape or criminal complaint shall be reimbursed at the following maximum rate: \$15.00 per inmate day from July 1, 1985, through June 30, 1986 and \$15.00 for the period July 1, 1986, through June 30, 1987.

(5) Coroner - Where an inmate dies as a result of criminal activity of another inmate, coroner costs incurred by a local jurisdiction may be reimbursed up to a maximum amount established by the ((committee)) department as reasonable.

(6) Medical costs - Where an inmate is in the custody of a local jurisdiction as a result of a crime committed while incarcerated in a state institution, extraordinary medical costs, beyond the routine medical services of the jail, may be reimbursed at the discretion of the ((committee)) department. Counties, cities, and towns shall notify the department prior to incurring expenses for extraordinary medical expenses, where practicable, to allow the department an opportunity to provide the necessary medical care directly.

#### AMENDATORY SECTION (Amending Order 85-04, filed 3/11/85)

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

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

(3) The ((committee)) administrator's decision shall be final unless appealed to the ((secretary)) department's impact appeals panel within twenty days after a political subdivision receives notice of disapproval. The impact appeals panel shall be composed of the deputy secretary and the director of the department's division of management and budget, or the director's designee.

(4) An appeal from the administrator's decision disapproving a political subdivision's request for reimbursement must be in writing and must set forth the reasons why the political subdivision believes its request should be approved. The appeal shall be addressed to the Impact Appeals Panel, Department of Corrections, P.O. Box 9699, Olympia, WA 98504, attention: Office of Contracts and Regulations.

(5) The decision of the impact appeals panel shall be deemed to be the department's final administrative action with respect to the appeal.