

Title 381 WAC
PRISON TERMS AND PAROLES, BOARD
OF

Reviser's note: The following material has not been adopted under the Administrative Procedure Act, chapter 34.04 RCW, but has been filed in the office of the Code Reviser on February 26, 1982 and August 9, 1982, pursuant to the court order set forth below, and was also published in Washington State Register 82-08-001 and 82-17-018 exactly as filed.

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

BERTHA HOUSER, DON ANTHONY WHITE, and KENNETH HOLDEN, Plaintiffs, vs. THE WASHINGTON STATE BOARD OF PRISON TERMS AND PAROLES, DIANE OBERQUELL, and WILLIAM HENRY, Defendants. NO. 81-2-00225-8 ORDER

A hearing was conducted on the ... day of September, 1981, on the defendants' motion to dismiss under Civil Rule 12(b)(6) and the plaintiffs' motion for partial summary judgment under Civil Rule 56. The Court heard the arguments of counsel for the parties and considered the materials listed below in ruling on these motions:

- 1. Complaint, with exhibits;
2. Answer;
3. Plaintiffs' first requests for admissions, with answers;
4. Plaintiffs' first interrogatories, with answers and attachments;
5. Defendants' objections to requests for admissions and interrogatories;
6. Defendants' motion to dismiss;
7. Memorandum of authorities in support of motion to dismiss;
8. Affidavit of Kenneth M. Holden, with exhibits;
9. Affidavit of Robert Adelman;
10. Affidavit of Bertha Houser;
11. Plaintiffs' motion for partial summary judgment; and
12. Plaintiffs' brief in opposition to motion to dismiss.

Based on these materials, the Court rules as follows:

- 1. Defendant's motion to dismiss is denied;
2. Plaintiffs' motion for partial summary judgment is granted;
3. The Washington State Board of Prison Terms and Paroles is ordered to publish its current rules in the Washington State Register. The Board shall henceforth publish the full text of new and amendatory rules, and the citation of any existing rule repealed, in accordance with RCW 34.08.020(2).
4. The Washington State Board of Prison Terms and Paroles is ordered to publish in the next Washington

Administrative Code all matters covered by RCW 42.17.250(1).

5. The Washington State Board of Prison Terms and Paroles is ordered to provide plaintiff Holden with copies of all documents in its file concerning him that it would disclose to him in person, by mail within ten business days of this order.

6. The Washington State Board of Prison Terms and Paroles is ordered to provide Plaintiff Houser with copies of all documents in its file concerning Plaintiff White that it would disclose to her in person, by mail within ten business days of this order.

7. This order does not determine whether any specific records that the Board may withhold are exempt or not exempt from disclosure.

8. All other issues presented in this case that are not specifically decided in the paragraphs above will remain for future determination by this Court.

DONE IN OPEN COURT this ... day of September, 1981.

SUPERIOR COURT
JUDGE

Presented by:

STEPHEN K. STRONG

FRED DIAMONDSTONE
Attorneys for Plaintiffs

Approved as to form:

MICHAEL LYNCH
Attorney for Defendants

BOARD OF PRISON TERMS AND PAROLES

POLICIES AND PROCEDURES MANUAL

CHAPTER I

GENERAL ADMINISTRATIVE POLICIES

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## CHAPTER I

## GENERAL ADMINISTRATIVE POLICIES

- 1.010 PURPOSE The purpose of this Chapter is to specify general administrative policies of the Washington State Board of Prison Terms and Paroles.
- 1.020 AUTHORITY Revised Code of Washington 9.95.150 and Washington State Merit System Rules.
- 1.030 SCOPE The provisions of this Chapter shall apply to the members and staff of the Board of Prison Terms and Paroles and to the offenders over whom the Board has jurisdiction.
- 1.040 ORGANIZATION CHART There shall be an organization chart published by the Board which accurately reflects the structure of authority, responsibility and accountability. The chart will be reviewed by the Board annually and revised as required.
- 1.050 POLICY AND PROCEDURES MANUAL The Board shall publish a policy and procedures manual which shall be reviewed annually for accuracy and completeness. The Board will publish any changes, deletions or additions to the manual within thirty days after they are adopted.
- 1.060 OFFICE PROCEDURES MANUAL There shall be an office procedures manual which contains important instructions to staff on internal agency operations. The manual shall be reviewed quarterly by senior staff for accuracy and completeness, and will be revised within ten working days after changes are made.
- 1.070 BOARD SHALL MEET MONTHLY The entire Board shall meet monthly with senior staff to discuss policy issues, to communicate instructions, to act on those cases requiring full Board consideration, and to schedule its work calendar for the ensuing period of time. Senior staff shall meet not less than monthly with all agency employees to receive and disseminate information and to enhance communication within the organization.

- 1.080 TRAINING It is the policy of the Board of Prison Terms and Paroles that each of its members as well as each staff person shall receive 40 hours of initial training and not less than 40 hours of job-related training or education annually. A person of supervisory rank within the agency shall be assigned the additional duty of Training Officer and will be responsible for curriculum plan development, scheduling, and training records maintenance.
- 1.090 MANAGEMENT INFORMATION SYSTEM There shall be a Management Information System maintained by the Board to accurately record and retrieve important data on every case processed by the agency. Such data shall include, but not be limited to, all information necessary for the Board to examine its decision-making activity periodically and to assist it in considering impact of its policies on the criminal justice system and the community.
- 1.100 CONFERENCES AND SEMINARS It is the policy of the Board of Prison Terms and Paroles to encourage its members and staff to attend conferences and seminars relating to criminal justice, and to participate actively in planning efforts conducted by local, regional and national corrections agencies. In addition, it is a policy of the Board that its members and staff initiate regular visits to parole field offices, correctional institutions, law enforcement agencies, prosecuting attorneys and the judiciary, in order to exchange information and concerns regarding the criminal justice system.
- 1.110 CONFIDENTIALITY OF CRIMINAL RECORDS It is the policy of the Board of Prison Terms and Paroles that all agency personnel shall observe the provisions of Chapter 10.97 Revised Code of Washington in disseminating criminal record information or research data pertaining thereto.
- 1.120 CONVICTION INFORMATION Conviction information may be disseminated to the public without restriction. Individual members of the Board of Prison Terms and Paroles are authorized to disclose conviction information to the public. Each disclosure must be recorded in the agency record book established for that purpose.

1.130

CONFLICT OF INTEREST. It is the policy of the Board that whenever a member or hearing officer has personal knowledge of a case, or a personal interest, or personal acquaintance of the subject person, any of which factors might reasonably be construed as having an influence on the outcome, the member or hearing officer shall withdraw completely from the decision making process on that case.

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## FIXING DURATION OF CONFINEMENT - MINIMUM TERMS

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## CHAPTER 11

## FIXING DURATION OF CONFINEMENT - MINIMUM TERMS

- 2.010 PURPOSE The purpose of this Chapter is to specify Board practice pertaining to the fixing of minimum prison terms.
- 2.020 AUTHORITY Chapters 9.95.040 and 9.95.150 of the Revised Code of Washington.
- 2.030 SCOPE The provisions of this Chapter shall apply, to:  
(1) persons convicted of felony offenses in the State of Washington and sentenced to confinement in an adult corrections facility, and (2) those officials charged with processing such convicted persons through the adult corrections system.
- 2.040 MINIMUM TERM The minimum term of each offender sentenced to a Washington State corrections facility shall be fixed by the Board within six months after admission to such facility. In cases where the offender is a revoked parole violator returning to prison for a new minimum term, he (she) will be seen by the Board within 30 days of admission for the purpose of setting the new term.
- 2.050 NO MINIMUM TERM FOR CERTAIN CRIMES The Board shall not fix a minimum term for persons sentenced or committed as follows:  
(1) Sentenced to death; (2) Sentenced to a maximum term of life imprisonment for Aggravated Murder in the First Degree; (3) Sentenced for Treason. Such persons may be seen at the option of the Board, however, for informational purposes.
- 2.060 DOCUMENTS REQUIRED The Board shall require certain documents prior to the fixing of the minimum term as follows: (1) Original Judgment and Sentence; (2) Warrant of Commitment; (3) Signed Statement of the Prosecuting Attorney approved by the Sentencing Judge; (4) Institution admission summary; (5) Pre-Sentence Investigation Report or other field reports, if extant; (6) Institution progress report, if extant; (7) Appropriate minimum term guideline forms; (8) FBI transcript. The Prosecuting Attorney of each county and the Secretary, Department of Corrections, are enjoined to provide the applicable aforementioned documents to the Board at its offices in Olympia within twenty-one calendar days after the arrival of each convicted person at an adult correctional facility.

2.070

CASE PREPARATION. The Board shall prepare every case thoroughly prior to fixing the minimum term. Such preparation shall include, but not be limited to: (1) Establishing case file; (2) Reviewing all pertinent documents; (3) Scoring factors used in conjunction with the minimum term guidelines when applicable; (4) Entering data into the Board Management Information System; (5) Scheduling the admission meeting. It shall be the standard of Board Members that wherever possible, not less than thirty (30) minutes per case will be the minimum time allowed for Board review, in-person interview, and decision.

2.080

BOARD GUIDELINES. The Board shall employ published guidelines in fixing minimum terms for the following felonies:

<u>Felony Class</u>	<u>Offenses Included in Felony Class</u>
Murder II	Murder II
Manslaughter	Manslaughter I, II, III, Motor Vehicular Homicide
Sexual Molestation	Rape I, II, III, Statutory Rape I, II, III, Indecent Liberties, Other Sex Offenses
Robbery	Robbery I, II, Extortion I, II
Assault	Assault I, II, III, Kidnapping I, II, Unlawful Imprisonment, Felon in Possession of Firearm
Property	Burglary I, II, Auto Theft, Theft I, II, Credit Card Theft, Other Thefts, Possession of Stolen Property I, II, Forgery I, II, Unlawful Issuance of Bank Checks, Credit Card Forgery, Uttering a Forged Instrument
Drugs	Sale of Controlled Substance for Profit, Sale of Heroin for Profit, Sale, Delivery or Possession of Drugs With Intent to Sell, Violation of the Uniform Controlled Substances Act

Such guidelines will be printed as a separate document and will be reviewed periodically for appropriateness and utility. Terms for felonies not covered by guidelines will be fixed at the discretion of the Board.



- 2.090 MINIMUM TERM PANELS - DEFERRED DECISIONS All minimum term meetings will be conducted by a panel of at least two members of the Board of Prison Terms and Paroles. In those cases where the Board panel conducting the minimum term meeting deviates from the published guidelines by  $\pm$  18 months, or where the panel cannot agree as to the minimum term, a Deferred Decision will occur and such cases will be referred to the full Board for resolution. In addition, the panel may take a Deferred Decision in cases where more information is required prior to setting the minimum term.
- 2.092 Added Deferred Decisions - See '84-'85 Supp.*
- 2.100 PRE-MINIMUM TERM CONFERENCES PROHIBITED No member or members of the Board of Prison Terms and Paroles shall engage in a personal conference with anyone regarding a convicted and committed person prior to the Board fixing a minimum term. The Board will accept written statements from anyone regarding such convicted and committed persons, however.
- 2.110 PERSONS PRESENT The convicted person and such institution staff as the Board panel conducting the minimum term meeting deems appropriate may be present during the meeting. A limited number of observers may be present by prior approval of the panel members and the convicted person. No family members, friends, relatives, interested parties, attorneys or advocates shall be present. In the event of a language communication problem, an interpreter designated by the Board shall be present to interpret and assist.
- 2.120 BOARD HAS FULL DISCRETION - CHALLENGES The Board of Prison Terms and Paroles shall have full discretion in fixing the minimum term of confinement except in those cases where the minimum term is mandated by law. The minimum term fixed by the Board shall not exceed the maximum number of months specified by law. Inmates shall be provided in writing a list of adverse information used in arriving at the minimum term. Inmates wishing to challenge adverse information used by the Board for just cause may do so in writing to the Board through their institution counselor. The burden of proof in refuting such adverse information shall lie with the inmate.

- 2.130 CONCURRENT/CONSECUTIVE SENTENCES The Board shall observe the provisions of RCW 9.92.080 in fixing concurrent or consecutive sentences in cases where there are multiple convictions.
- 2.140 TIME START An individual's sentence will begin on the date the Judgment and Sentence is signed. If he is at liberty following the signing of the Judgment and Sentence, credit on his sentence will begin on the date he is returned to custody. Credit on the sentence of an individual whose parole has been revoked will begin on the date that his parole was suspended or the date of his arrest if he was not in custody at the time his parole was suspended.
- 2.150 MINIMUM TERM NOTICE - NEXT MEETING DATE Persons whose expected length of stay is set at less than 24 months will probably not be seen again by the Board prior to parole but will be notified in writing of their minimum term. All others will be notified in writing of the month, year and type of their next meeting.
- 2.160 ORDER OF MINIMUM TERM Orders fixing the minimum term will be signed by the members who fixed the minimum term. The original order will be maintained in the Board file and a copy of such order will be mailed to the sentencing judge, prosecuting attorney, clerk of the court, and the institution of confinement.

CHAPTER III

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## CHAPTER III

## PROCEDURES FOR CONDUCTING PROGRESS AND PAROLE MEETINGS

- 3.010        PURPOSE    The purpose of this Chapter is to specify policies and procedures for the preparation and conduct of progress and parole meetings for persons in state penal institutions.
- 3.020        AUTHORITY    Chapter 9.95.150 Revised Code of Washington.
- 3.030        SCOPE        The provisions of this Chapter shall apply to:  
(1) persons convicted of felony offenses in the State of Washington and sentenced to confinement in an adult correctional facility, and (2) those officials charged with processing such convicted persons through the adult correctional system.
- 3.040        MEETING DESIGNATION    The Board shall specify the type and time of each meeting conducted with every person sentenced as an adult to a Washington State correctional facility and subject to the authority of the Board.
- 3.050        PROGRESS MEETINGS    At its discretion, and with the concurrence of the prisoner, the Board may elect to meet with each prisoner from time to time to review his (her) progress during confinement. Persons serving less than 24 months will usually not be seen for a progress meeting prior to parole unless there is sufficient reason to schedule a meeting. Those serving 24 months or longer will generally be seen every two years. Institution superintendents shall be notified in writing by the Board at least 60 calendar days prior to each scheduled progress meeting.

3.060

REQUIRED DOCUMENTS - PROGRESS MEETINGS In order for an inmate to be approved for a progress meeting with the Board, the following documents pertaining to that inmate shall be present in the official Board file prior to the meeting:

- (a) The institutional progress report covering his (her) adjustment, achievement, infractions, and program participation since the last meeting with the Board.
- (b) Complete furlough report, if applicable.
- (c) Institution superintendent's statement and certification of good time credits or recommendation to deny credits, if appropriate.
- (d) A current psychological or psychiatric report, if specifically requested by the Board in writing to the superintendent.
- (e) A statement and recommendation from the superintendent pertaining to the fitness of the inmate for eventual parole and his (her) prospects for remaining offense-free.

3.070

PERSONS PRESENT The convicted person and such institutional staff as the members conducting the meeting deem appropriate may be present during the progress meeting. A limited number of observers may be present by prior approval of the members and the convicted person. No family members, friends, relatives, interested parties, attorneys or advocates shall be present. In the event of a language communication problem, an interpreter designated by the Board shall be present to interpret and assist. The Board will accept information from any interested person, in writing.

3.080

PAROLE MEETINGS At its discretion, the Board may elect to meet with selected prisoners prior to parole. However, the Board reserves the right to parole individuals after administrative review only. The Board will consider requests from institution superintendents to change the time and/or type of scheduled meetings where such changes appear to be warranted and where requests are fully documented.

- 3.090 REQUIRED DOCUMENTS - PAROLE MEETING In order for an inmate to be approved for a parole meeting, the Board must first be satisfied that he (she) is ready to be considered for release. In addition, the following documents pertaining to the inmate shall be provided by the Department of Corrections and shall be present in the official Board file prior to the meeting:
- (a) The institution progress report covering his (her) adjustment, achievement, infractions, and program participation since the last meeting with the Board.
  - (b) The institution pre-parole referral report.
  - (c) A current pre-parole investigation report prepared by a field parole officer.
  - (d) The institution superintendent's statement and certification of good time credits or recommendation to deny credits, if appropriate.
  - (e) A current psychological or psychiatric report, if requested by the Board.
  - (f) A statement and recommendation from the superintendent pertaining to the fitness of the inmate for parole and his (her) prospects for remaining offense-free.

- 3.100 PERSONS PRESENT - PAROLE MEETINGS The convicted person and such institutional persons as the members conducting the meeting deem appropriate may be present during the parole meeting. A limited number of observers may be present by prior approval of the members and the convicted person. No family members, friends, relatives, interested parties, attorneys or advocates shall be present. In the event of a language communication problem, an interpreter designated by the Board shall be present to interpret and assist. The Board will accept information from any interested person, in writing.

3.110

GOOD TIME CREDITS RCW 9.95.070 provides that every convicted person who has a favorable record of conduct and who performs the work, duties and tasks assigned to him to the satisfaction of the superintendent and in whose behalf the superintendent files a report certifying that his conduct and work have been meritorious and recommending allowance of time credits to him, shall, upon, but not until the adoption of such recommendation by the Board, be allowed time credits from the term of imprisonment fixed by the Board. The Board will consider granting of good time credits only when certification is received from the superintendent. In every case there shall be a report filed either certifying good time credits or denying them. This report shall set forth the reasons for the action taken.

3.120 ORDERS OF PAROLE. The Board's Order of Parole and Conditions shall include five standard conditions of parole, as follows:

- (1) Upon release from the institution, report as instructed to the probation and parole officer (or any other person designated) and thereafter make a correct report as often as directed;
- (2) Secure written permission of the probation and parole officer before leaving the State of Washington;
- (3) Obey all laws, and abide by any special conditions imposed by the Board of Prison Terms and Paroles or any written instructions issued by a probation and parole officer of the Department of Corrections;
- (4) Notify the parole officer of any change in residence;
- (5) At no time purchase, own, have in possession, or under control any firearm or deadly weapon.

Additionally, the Board may impose special conditions of parole tailored to each individual case.

The Order of Parole in each case will be signed by the members of the Board who administratively reviewed and approved the parole plan or who conducted the meeting which resulted in approval for parole. The Order of Parole will be served in person on the inmate the day he (she) is scheduled for release. The inmate's signature on the Order of Parole will be witnessed and the witness will also sign the Order of Parole in the space provided on the document. An inmate will not be released unless he (she) has signed the valid Order of Parole in the presence of a witness. In cases where the inmate refuses to sign the Order of Parole, the Order will be returned to the Board with a written explanation of the refusal to sign.

3.130 DEFERRED DECISIONS. Normally the members conducting a progress or parole meeting will make the decision at the time of the meeting, and will advise the inmate in person of such decision. However, if the panel members cannot reach an agreement, if they wish further information, if they wish a legal opinion, if they wish to give the case further study and consideration, or if they wish to have the full Board consider waiver of a mandatory, the Board will designate the decision a "Deferred Decision". The institution of confinement shall be advised in writing of the Board's decision as soon as the decision is final.



3.140

**WAIVER OF MANDATORY MINIMUM TERM** Except when an inmate of an adult correctional institution has been sentenced under a statutorily non-waivable mandatory, the Board may parole an inmate prior to the expiration of a mandatory minimum term, provided such inmate has demonstrated a meritorious effort in rehabilitation and at least two-thirds (5) Board Members concur in such action; provided, further, that any inmate who has a mandatory minimum term and is paroled prior to expiration of such term according to this rule and pursuant to RCW 9.95.040, shall not receive a Conditional Discharge from Supervision while on parole until after the mandatory minimum term has expired. At the date of this writing, statutorily non-waivable mandatory terms include Murder First Degree, Aggravated Murder, Murder Second Degree While Armed With a Deadly Weapon, and Sale of Heroin for Profit.

The question of waiver of the mandatory minimum term may be referred to the full Board by any member of the panel which has been assigned to hear the matter, following an in-person meeting. The Board will review and consider any recommendation submitted by the superintendent for waiving of a mandatory minimum term. However, the following conditions shall be fulfilled before the Board will consider waiver of a mandatory minimum term:

- (1) The resident shall serve a portion of the mandatory term as follows:
  - (a) Two (2) years if mandatory term is five (5) years;
  - (b) Three (3) years if mandatory term is seven and one-half (7½) years;
  - (c) Six (6) years if mandatory term is fifteen (15) years;
  - (d) Eight (8) years if mandatory is twenty (20) years.
- (2) If an individual has been convicted of being an Habitual Criminal or is serving a mandatory sentence for Kidnapping in the First Degree, the policy of the Board is that he or she must serve six (6) years of the mandatory before the Board will consider waiver.

- 3.150 PAROLE/TRANSFER TO CONSECUTIVE SENTENCE Upon submission of a certification of good time credits by an institution superintendent, the Board will transfer the time start to the consecutive cause so that the good time release date of the first cause becomes the time start of the second cause. In the event that the consecutive or subsequent cause is under appeal and the convicted person becomes eligible to be released on bond, the Board will issue a formal parole from the first cause. However, the parole will be issued only upon receipt of an acceptable parole plan.
- 3.160 PAROLE TO DETAINER OR DEPORTATION A written notice, signed by the superintendent, will be provided to the Board as soon as any detainer is lodged and filed against an inmate and copies of all correspondence referring to detainers and all written notices shall be sent immediately to the Board. The Board's policy regarding detainers is that an individual whose minimum term has been set under the Board guideline procedures can be paroled to a detainer on his EPRD/GTRD. However, the Board will consider parole earlier than the EPRD/GTRD to a deportation order. If paroled to a detainer, an alternate plan must be submitted which will be in effect in the event the inmate is released from the deportation order.

## CHAPTER IV

## PROCEDURES FOR CONDUCTING DISCIPLINARY HEARINGS

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## CHAPTER IV

## PROCEDURES FOR CONDUCTING DISCIPLINARY HEARINGS

- 4.010 PURPOSE The purpose of this Chapter is to specify policies and procedures relating to disciplinary hearings.
- 4.020 AUTHORITY Revised Code of Washington 9.95.080.
- 4.030 SCOPE The provisions of this Chapter shall apply to adult offenders committed to a period of confinement in a Washington State correctional facility, to those state officials charged with their care and supervision, and to parties to the hearing.
- 4.040 PETITION Whenever any convicted person serving any sentence in an adult correctional institution commits any infractions of the rules and regulations of the institutions, the Secretary, Department of Corrections, may request, in writing, that the Board conduct a disciplinary hearing. The written request shall include:
- (1) Time, place and a statement of the factual circumstances of the rule infraction and any disciplinary action imposed by the institution.
  - (2) Recommendation of the superintendent.
  - (3) Evidence of referral to the Prosecuting Attorney in the event of escape or a rule violation of a felonious nature, and current status of referral.
  - (4) In the event the rule infraction concerns escape, the following additional information shall be provided:
    - (a) Facts of the escape
    - (b) Activities during the escape
    - (c) Causes and motivations for escape
    - (d) Dates of escape, and return to custody
    - (e) Evaluation

In the event that the rule infraction occurs within fifteen days of the inmate's parole date, the Board will accept and act on telephonic reports from the superintendent pending receipt of the written request.

The Board of Prison Terms and Paroles reserves the right to schedule disciplinary hearings on its own motion when a major rule infraction is brought to the attention of the Board.

Pursuant to the provisions of RCW 9.95.080, a disciplinary hearing may be characterized as an adversary hearing in that the subject of the hearing shall be present and entitled to be heard and may present evidence and witnesses in his behalf.

- 4.050 SUSPENSION OF PAROLE DATE The Board may suspend the parole date of any individual who is scheduled for a disciplinary hearing pending the outcome of the hearing.
- 4.060 INMATE TO BE SERVED NOTICE The Board will provide to the institution superintendent three copies of a hearing notice for service upon the inmate at least 10 working days prior to any hearing scheduled for that inmate pursuant to RCW 9.95.080. The hearing notice shall specify the type, time and place of hearing as well as the reason for the hearing. Possible sanctions, including a statement that no sanction shall exceed the maximum term, will also be included in the notice.
- (1) Upon receipt of the hearing notice, the superintendent or his designee shall immediately serve the subject inmate with the document.
  - (2) The original of the hearing notice showing date of service and signed by the inmate shall be returned immediately to the Board offices in Olympia. One copy may be retained in the inmate's institutional file, and one copy will be provided to the inmate.
  - (3) In cases where the inmate refuses to sign the notice, the superintendent or his designee shall note the time and place of service and obtain the signature of a witness to such service.
- 4.070 INMATE SHALL BE ADVISED OF RIGHTS Each inmate who becomes the subject of a hearing conducted under the provision of RCW 9.95.080 shall be advised of his rights orally and in writing at the time he is served with a notice of the hearing. The written notice provided by the Board will advise the resident that:
- (1) He has been accused of a major rule infraction;
  - (2) That his minimum term may be redetermined but not until after a hearing in front of the Board, at which he is present and given the opportunity to be heard under oath and explain the alleged violations to the Board;

- (3) He will have the right to present evidence and witnesses in his behalf;
- (4) He will have the right to have an attorney present, but at his own expense since the Board has no funds to pay for attorneys, witness fees, the cost of subpoenas or any other related costs that may be incurred by the inmate.

4.080 WITNESSES The subject of any hearing conducted under the provisions of this Chapter may call witnesses on his behalf and at his expense. Such witnesses shall appear voluntarily and shall be limited to those persons who have knowledge of, or who have specific testimony about, the allegations which caused the hearing to be convened. The superintendent or his designee shall provide assistance to the inmate in notifying witnesses of the time and place of the hearing as requested by the inmate. The presiding officer may, in certain cases, direct the superintendent to make any staff member or prisoner available for testimony.

4.090 CONDUCTING A HEARING All hearings conducted under the provisions of this Chapter shall be held before a panel of at least two members of the Board of Prison Terms and Paroles. One member shall be designated, by decision of the panel, as the presiding officer. Only those persons reasonably necessary to the conduct of the hearing will be permitted to be present, subject to approval by the panel. The presiding officer may recess the hearing at any time for consultation with the other panel member(s). The panel may question witnesses called by the parties to the hearing to develop any facts deemed necessary to render a fair and impartial decision. The panel conducting the hearing will make the final decision after the hearing as to any change in minimum term.

4.100 CONTINUANCES Continuances may be granted by the Board prior to and during hearings conducted under provisions of this Chapter, either on its own motion or on petition of the subject of the hearing, provided that such petition is sent to the Board in writing immediately upon receipt of the hearing notice and that it specifies the reasons for the continuance. Continuances requested during the hearing may be granted by the Board panel if it appears in the public interest or in the interest of justice that further testimony or argument should be received.

- 4.110 PRE-HEARING CONFERENCES The presiding officer conducting a hearing under the provisions of this Chapter may require the parties to appear at a specified time and place for a conference immediately prior to the hearing to discuss and define procedural matters pertaining to the hearing.
- 4.120 INMATE TO BE PRESENT The subject of any hearing conducted under the provisions of this Chapter shall be present during the conduct of the hearing. However, in the event the subject refuses to appear, the Board will continue the hearing until the next scheduled visit by the Board to that particular institution. In the event that the subject of the hearing again refuses to appear, then the hearing will be conducted in absentia.
- 4.130 OATHS AND AFFIRMATIONS The presiding officer conducting hearings under the provisions of this Chapter shall have the authority to administer oaths and affirmations.
- 4.140 OPPORTUNITY TO WAIVE At the time of the disciplinary hearing, it shall be the duty of the presiding officer conducting the hearing to query the inmate and to review the file to determine whether the inmate was given proper notice of the hearing, was advised of the reason for the hearing, and was properly advised of his rights to witnesses. If it is determined that the inmate was not properly served or advised of his rights, said inmate shall have the opportunity to:
- (1) Waive such rights, orally or in writing, to the Board, at which time the hearing would proceed; or
  - (2) Request a continuance of the hearing until such time as proper service or notice and rights can be perfected.
- 4.150 RULES OF EVIDENCE - ADMISSIBILITY All relevant evidence shall be admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. "Relevant evidence" means evidence having a tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence. In passing upon admissibility of evidence, the presiding officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior courts of the State of Washington. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The presiding officer may, in his discretion, either with or without objection, exclude inadmissible evidence, or, order accumulative evidence discontinued. Parties objecting

to the introduction of evidence shall state the precise grounds of such objection at the time evidence is offered. If the sole evidence presented to substantiate the allegation is inadmissible hearsay, a finding of guilty shall not be made.

4.150 Added - see '84-'85 Supp.

4.160 DISPOSITION The Board panel shall render a decision on each case heard under the provisions of this Chapter.

In disciplinary hearings, sanctions may range from no change in the length of sentence to redetermination of the original sentence and imposition of an extension of the term not to exceed the maximum term. Denial of any good time credits, past and future, is optional with the Board panel.

4.170 STATEMENT OF FINDINGS AND CONCLUSIONS The Board will make a concise written statement of findings and conclusions in each case heard under the provisions of this Chapter.

4.180 HEARING RECORD PRESERVATION There will be a magnetic tape recording made of all hearings conducted under the provisions of this Chapter. Such recordings shall be preserved at the offices of the Board in Olympia for not less than sixty days but no more than six months subsequent to the hearing. Parties requesting partial or total duplication of any hearing must obtain a court order to effect release of the duplicate recording and reimburse the Board for the costs involved in such a procedure.



CHAPTER V

PROCEDURES FOR CONDUCTING PAROLABILITY HEARINGS

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## CHAPTER V

## PROCEDURES FOR CONDUCTING PAROLABILITY HEARINGS

- 5.010 PURPOSE The purpose of this Chapter is to specify policies and procedures relating to hearings conducted to determine the parolability of certain offenders.
- 5.020 AUTHORITY Revised Code of Washington 9.95.100
- 5.030 SCOPE The provisions of this Chapter shall apply to adult offenders committed to a period of confinement in a Washington State correctional facility, to those state officials charged with their care and supervision, and to parties to the hearing.
- 5.040 PETITION RCW 9.95.100 states that any convicted person undergoing sentence in the penitentiary or reformatory not sooner released under the provisions of this Chapter, shall, in accordance with the provisions of law, be discharged from custody upon serving the maximum punishment provided by law for the offense of which such person was convicted or the maximum term fixed by the court where the law does not provide for a maximum term. The Board shall not, however, until the maximum term expires, release a prisoner unless, in its opinion, his rehabilitation has been complete and he is a fit subject for release. Therefore, if, in the opinion of an institution superintendent any convicted person serving a sentence in an adult correctional institution is not a fit subject for release and is considered to be incapable of succeeding on parole because of incomplete rehabilitation, the Secretary, Department of Corrections, may request in writing that the Board conduct a hearing pursuant to RCW 9.95.100. The written request shall include:
- (1) A statement to the Board giving reasons why the subject of the request is unable to be paroled.
  - (2) Recommendation of the superintendent.
  - (3) Supporting data such as psychiatric or psychological reports.
  - (4) Other reports and information as necessary.

The Board reserves the right to schedule hearings pursuant to RCW 9.95.100 on its own motion.

- 5.050 SUSPENSION OF PAROLE DATE The Board may suspend the parole date of any individual who is scheduled for a parolability hearing pending the outcome of the hearing.
- 5.060 INMATE TO BE SERVED NOTICE The Board will provide to the institution superintendent three copies of a hearing notice for service upon the inmate at least 10 working days prior to any hearing scheduled for that inmate pursuant to RCW 9.95.100. The hearing notice shall specify the type, time and place of hearing as well as the reason for the hearing. Possible actions, including a statement that no action shall exceed the maximum term, will also be included in the notice.
- (1) Upon receipt of the hearing notice, the superintendent or his designee shall immediately serve the subject inmate with the document.
  - (2) The original of the hearing notice showing date of service and signed by the inmate shall be returned immediately to the Board offices in Olympia. One copy may be retained in the inmate's institutional file, and one copy will be provided to the inmate.
  - (3) In cases where the inmate refuses to sign the notice, the superintendent or his designee shall note the time and place of service and obtain the signature of a witness to such service.
- 5.070 INMATE SHALL BE ADVISED OF RIGHTS Each inmate who becomes the subject of a hearing conducted under the provision of RCW 9.95.100 shall be advised of his rights orally and in writing at the time he is served with a notice of the hearing. The written notice provided by the Board will advise the resident that:
- (1) That his minimum term may be redetermined but not until after a hearing in front of the Board, at which he is present and given the opportunity to be heard under oath;
  - (2) He will have the right to present evidence and witnesses in his behalf;
  - (3) He will have the right to have an attorney present, but at his own expense since the Board has no funds to pay for attorneys, witness fees, the cost of subpoenas or any other related costs that may be incurred by the inmate.

- 5.080      WITNESSES      The subject of any hearing conducted under the provisions of this Chapter may call witnesses on his behalf and at his expense. Such witnesses shall appear voluntarily and shall be limited to those persons who have knowledge of, or who have specific testimony about the allegations which caused the hearing to be convened. The superintendent or his designee shall provide assistance to the inmate in notifying witnesses of the time and place of the hearing as requested by the inmate. The presiding officer may, in certain cases, direct the superintendent to make any staff member or prisoner available for testimony.
- 5.090      CONDUCTING A HEARING      All hearings conducted under the provisions of this Chapter shall be held before a panel of at least two members of the Board of Prison Terms and Paroles. One member shall be designated, by decision of the panel, as the presiding officer. Only those persons reasonably necessary to the conduct of the hearing will be permitted to be present, subject to approval by the panel. The presiding officer may recess the hearing at any time for consultation with the other panel member(s). The panel may question witnesses called by the parties to the hearing to develop any facts deemed necessary to render a fair and impartial decision. The panel conducting the hearing will make the final decision after the hearing as to any change in minimum term.
- 5.100      CONTINUANCES      Continuances may be granted by the Board prior to and during hearings conducted under provisions of this Chapter, either on its own motion or on petition of the subject of the hearing, provided that such petition is sent to the Board in writing immediately upon receipt of the hearing notice and that it specifies the reasons for the continuance. Continuances requested during the hearing may be granted by the Board panel if it appears in the public interest or in the interest of justice that further testimony or argument should be received.
- 5.110      PRE-HEARING CONFERENCES      The presiding officer conducting a hearing under the provisions of this Chapter may require the parties to appear at a specified time and place for a conference immediately prior to the hearing to discuss and define procedural matters pertaining to the hearing.
- 5.120      INMATE TO BE PRESENT      The subject of any hearing conducted under the provisions of this Chapter shall be present during the conduct of the hearing. However, in the event the subject refuses to appear, the Board will continue the hearing until the next scheduled visit by the Board to that particular institution. In the event that the subject of the hearing again refuses to appear, then the hearing will be conducted in absentia.

- 5.130 OATHS AND AFFIRMATIONS The presiding officer conducting hearings under the provisions of this Chapter shall have the authority to administer oaths and affirmations.
- 5.140 OPPORTUNITY TO WAIVE At the time of the hearing under the provisions of RCW 9.95.100, it shall be the duty of the presiding officer conducting the hearing to query the inmate and to review the file to determine whether the inmate was given proper notice of the hearing, was advised of the reason for the hearing, and was properly advised of his rights to witnesses. If it is determined that the inmate was not properly served or advised of his rights, said inmate shall have the opportunity to:
- (1) Waive such rights, orally or in writing, to the Board, at which time the hearing would proceed; or
  - (2) Request a continuance of the hearing until such time as proper service of notice and rights can be perfected.
- 5.150 RULES OF EVIDENCE - ADMISSIBILITY All relevant evidence shall be admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. "Relevant evidence" means evidence having a tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence. In passing upon admissibility of evidence, the presiding officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior courts of the State of Washington. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The presiding officer may, in his discretion, either with or without objection, exclude inadmissible evidence, or, order accumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time evidence is offered. If the sole evidence presented to substantiate the allegation is inadmissible hearsay, a finding of guilty shall not be made.
- 5.160 DISPOSITION The Board panel shall render a decision on each case heard under the provisions of this Chapter.
- In parolability hearings, actions may range from no change in the length of sentence to redetermination of the original sentence and imposition of an extension of the term not to exceed the maximum term.

- 5.170 STATEMENT OF FINDINGS AND CONCLUSIONS The Board will make a concise written statement of findings and conclusions in each case heard under the provisions of this Chapter.
- 5.180 HEARING RECORD PRESERVATION There will be a magnetic tape recording made of all hearings conducted under the provisions of this Chapter. Such recordings shall be preserved at the offices of the Board in Olympia for not less than sixty days but no more than six months subsequent to the hearing. Parties requesting partial or total duplication of any hearing must obtain a court order to effect release of the duplicate recording and reimburse the Board for the costs involved in such a procedure.

## CHAPTER VI

## PROCEDURES FOR CONDUCTING PAROLE REVOCATION HEARINGS

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## CHAPTER VI

## PROCEDURES FOR CONDUCTING PAROLE REVOCATION HEARINGS

- 6.010 PURPOSE The purpose of this Chapter is to specify policies and procedures relating to parole revocation hearings.
- 6.020 AUTHORITY Revised Code of Washington 9.95.120-.125.
- 6.030 SCOPE The provisions of this Chapter shall apply to adult felony offenders granted parole from a Washington prison sentence who are alleged to have violated the terms of their Order of Parole, to those state officials charged with the supervision of such parolees, and to parties to parole revocation hearings.
- 6.040 NOTICE OF ARREST Whenever a parole officer is notified of a parolee's arrest, he shall submit a Notice of Arrest to the Board and the Attorney General within 24 hours, excluding weekends and holidays. Such notice shall include a concise but complete statement concerning the circumstances of the arrest, reason for arrest, the date the parole officer was notified of the arrest and, whether in the opinion of the parole officer there is probable cause to believe that the parolee violated one or more conditions of parole. The parole officer shall state whether or not an Order of Suspension, Arrest and Detention has been:
- (1) Issued with the approval of supervisor;
  - (2) Issued without supervisor's approval;
  - (3) Requested but not approved;
  - (4) Not requested;
  - (5) Reasons for 2, 3, or 4.
- 6.050 NOTICE OF SUSPENSION AND DETENTION Whenever a parole officer arrests or detains a parolee, he shall issue an Order of Suspension, Arrest and Detention. The parole officer shall submit to the Board and the Attorney General a copy of said order within 24 hours of service. The parole officer shall also notify the Board on-site desk of the suspension by telephone within 24 hours of service of the suspension order.



- 6.060 NOTICE OF SUSPENSION AND REQUEST FOR ARREST Whenever a parole officer requests the arrest and detention of a parolee, he shall issue an order suspending said parolee's parole, and submit a copy of the order to the Board and the Attorney General within 24 hours of service.
- 6.070 NOTICE OF CLOSURE Whenever a parole officer requests the arrest and detention of a parolee and issues an Order of Parole Suspension and the parolee is not apprehended and detained within a reasonable period of time, the parole officer may close his interest with a report which will include the disposition of the unserved suspension warrant. Copies of such report will be forwarded to the Board and the Attorney General.
- 6.080 BOARD TO REINSTATE Whenever a parole officer suspends, arrests or detains a parolee, such parolee shall not be reinstated on parole or released from custody on bail or personal recognizance, except on approval of the Board and the issuance by the Board of an Order of Reinstatement on Parole on the same or modified conditions of parole.
- 6.090 ADMINISTRATIVE REINSTATEMENTS Whenever a parole officer has suspended a parolee and after investigation determines:
- (1) That the alleged violations are unfounded;
  - (2) That the seriousness of the alleged violation is mitigated by new information; and/or
  - (3) Otherwise believes that further custody is deemed unwarranted and a parole revocation hearing is unnecessary;
- he shall submit a written report with recommendations to the Board. The Board will accept and act on telephonic reports of the parole officer or supervisory personnel pending receipt of the officer's written report within 10 working days.
- 6.100 CONDITIONAL RELEASE PENDING HEARING An administrative review of the parole violation report and of information submitted by the alleged violator or his attorney shall be conducted by the Board after the parolee has been arrested, to determine whether the violation required a revocation hearing, and to determine whether there is reason to allow the parolee to be conditionally released on parole pending the revocation hearing. Such administrative review shall take place within 15 days after the service of the Order of Parole Suspension, Arrest and Detention.

6.110 BOARD TO NOTIFY ATTORNEY GENERAL The Board shall promptly provide the Attorney General with copies of Orders of Reinstatement on Parole issued prior to a parole revocation hearing.

6.120 SERVICE OF FACTUAL ALLEGATIONS Whenever a parole officer is notified of the arrest and detention of an alleged parole violator and such alleged parole violator's parole has been suspended or is suspended by the parole officer, the parole officer shall personally serve the parolee with a copy of the factual allegations within 3 working days of the suspension of parole. Such allegations of violation shall be submitted to the Board with a copy to the Attorney General within 24 hours of service.

6.130 CONTENTS OF FACTUAL ALLEGATIONS The factual allegations of violations of each condition of parole shall include:

- (1) The circumstances of violation;
- (2) Date of violation or approximation thereof; and
- (3) Location or place where violation occurred.

Whenever a parolee is accused of a violation of his parole which includes the commission of, and conviction for, a felony or misdemeanor, the parole officer shall request that verification of such conviction be forwarded from the court of conviction to the Board.

6.140 PAROLEE TO BE ADVISED OF RIGHTS Whenever an alleged parole violator is served with the factual allegations of the violation of the conditions of parole, and with an order suspending parole, the parole officer shall, at the same time, advise, orally and in writing, the parolee of his right to an administrative review to determine probable cause and whether there is reason to allow the parolee to be conditionally released pending the revocation hearing, and his right to an on-site parole revocation hearing, and of his rights and privileges pertaining to each proceeding.

6.150

RIGHTS AND PRIVILEGES RELATING TO ADMINISTRATIVE REVIEW

The parolee's rights and privileges pertaining to an administrative review are as follows:

- (1) An administrative review shall be conducted by a Board Hearing Officer within 15 days of the service of the Order of Parole Suspension, Arrest and Detention.
- (2) The parolee shall be advised at the time of service of the Order of Parole Suspension, Arrest and Detention that he and/or his attorney may submit information in writing to the Board which shall be considered by the Board. Proper forms shall be given the parolee to allow the parolee to submit information concerning family stability, job situation, etc. as well as the opportunity to add whatever additional comments or information that is deemed appropriate.

6.160

RIGHTS AND PRIVILEGES RELATING TO REVOCATION HEARINGS

An alleged parole violator shall be entitled to a fair and impartial hearing of the charges of the parole violation within 30 days of service of suspension in the State of Washington, reasonably near the site of the alleged violation. A parolee who is convicted of a felony and sentenced to prison shall be afforded an on-site parole revocation hearing.

- (a) The alleged parole violator shall be entitled to be represented by an attorney of his own choosing and at his own expense and shall have the right to present evidence and witnesses.
- (b) Upon satisfactory evidence of indigency and upon request, the Board may cause the appointment of an attorney to represent the parolee at an on-site parole revocation hearing. In such cases, the cost of representation shall be paid by the Board at a rate determined by legislative appropriation.
- (c) The Board shall have the authority to issue subpoenas for compulsory attendance of witnesses and production of evidence, provided that an offer has been made to pay the statutory fees and mileage.
- (d) The alleged parole violator may be requested to testify during the on-site hearing and any such testimony shall not be used against him in any criminal prosecution (RCW 9.95.124).
- (e) The allegations of violations of the conditions of parole must be proven by a preponderance of evidence. At the conclusion of the hearing, or within 10 days thereafter, the Board shall make written Findings and Conclusions concerning the allegations.

- (f) If the Member or Members having heard the matter should conclude that the allegations of violation of conditions of parole have not been proven by a preponderance of evidence, or those which have been proven by a preponderance of evidence are not sufficient cause for revocation of parole, then the parolee shall be reinstated on parole on the same or modified conditions of parole.
- (g) If the Member or Members having heard the matter should conclude that the allegations of violation of conditions of parole have been proven by a preponderance of evidence and constitute sufficient cause for revocation of parole, then such Member or Members shall enter an Order of Parole Revocation and Return to State Custody. Within thirty days of the return of such parole violator to a state correctional institution for convicted felons, the Board shall enter an order determining a new minimum sentence, not exceeding the maximum penalty provided by law for the crime for which the parole violator was originally convicted or the maximum fixed by the Court.

Chapter 98, Laws of 1969 provides that an alleged parole violator, after service of the allegations of violations of the conditions of parole and the advice of rights, may admit to one or more of the alleged violations and waive the on-site hearing. If the Board accepts the waiver, it shall either:

- (a) Reinstatement the parolee on parole under the same or modified conditions, or
- (b) Revoke the parole of the parolee and enter an Order of Parole Revocation and Return to State Custody for determination of a new minimum sentence. Such determination shall be made within 30 days of the return of such parole violator to a state correctional institution for convicted felons, and the Board shall enter an order determining the new minimum sentence, not exceeding the maximum penalty provided by law for the crime for which the parole violator was originally convicted or the maximum fixed by the Court.

6.170 ACKNOWLEDGMENT OF RIGHTS Signed copies of the receipt and acknowledgment of these rights shall be forwarded with copies of the factual allegations to the Board and the Attorney General.

6.180 REFUSAL TO ACKNOWLEDGE Should the parolee refuse to sign either the violations specified or notification of rights, the parole officer will so note and forward the unsigned copies. The parole officer shall note the time and place of service. The parole officer shall certify that he has fully advised the parolee of his rights under this law.

6.190

OPPORTUNITY TO WAIVE The parole officer shall give the parolee opportunity to complete the violations specified and waiver form immediately after the parolee has been advised of the factual allegations of parole violations and advised of his rights.

- (a) If the parolee wishes to sign the violations specified and waiver form, the parole officer will witness the signature. The original of the completed waiver will be forwarded with the factual alleged violations and signed copy of receipt and acknowledgment of rights to the Board with copies to the Attorney General.
- (b) If the parolee does not wish to admit to one or more violations or sign the waiver, the parole officer will so note in the space provided and forward with the factual alleged violations and signed copy of receipt and acknowledgment of rights.
- (c) The parolee may sign the violations specified and waiver form at any time up to and including the date and time of his on-site parole revocation hearing.

6.200

VIOLATION REPORT TO BE SUBMITTED BY PAROLE OFFICER

The parole officer shall submit the Report of Violation to the Board and the Attorney General within 10 calendar days from the date of service of the factual allegations. This report will include the supporting evidence, adjustment and a recommendation concerning revocation or reinstatement of parole. The report may include a list of witnesses whom the parole officer may wish to have called for testimony. It should also include a recommendation whether or not waivers should be accepted by the Board.

6.210

VIOLATION REPORT TO BE SUBMITTED BY PAROLE OFFICER IN EVENT OF WAIVER

Notwithstanding a waiver of an on-site parole revocation hearing by the alleged parole violator, the supervising parole officer or his designee shall submit a report of violation for consideration by the Board.

6.220

ISSUANCE OF SUBPOENAS

The Board shall provide to the Attorney General and/or the Department of Corrections upon request, subpoenas to be completed at the discretion of the Attorney General and/or the Department of Corrections, provided that such subpoenas are executed without expense to the Board.

- 6.230 BOARD TO SCHEDULE HEARINGS The Board shall schedule all on-site parole revocation hearings and shall provide notice to the alleged parole violator of the time and place of the hearing. Such notice shall also be provided to the Department of Corrections, the Attorney General, and to counsel for the parolee, if known, at least 7 days prior to the hearing. The Board reserves the right to select and/or change the place of the on-site parole revocation hearing.
- 6.240 SERVICE OF PAPERS - BY WHOM SERVED The Board shall cause to be served all notices, orders and other papers issued by it, personally or by First Class Mail, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it with the Board with proof of service, either personally or by Affidavit of Service by First Class Mail upon the parties and all counsel.
- 6.250 UPON WHOM SERVED All papers served and filed by the Board, or any party, shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel.
- 6.260 METHODS OF SERVICE Except as otherwise provided by these rules and Chapter 98, Laws of 1969, service of papers shall be made personally or by First Class Mail, or Registered, or Certified, Return Receipt Requested.
- 6.270 WHEN SERVICE COMPLETE Service upon parties shall be regarded as complete when documents are deposited in the United States Mail properly stamped and addressed, or when served personally upon the intended party.
- 6.280 FILING WITH THE BOARD Papers required to be filed with the Board shall be deemed filed, upon actual receipt by the Board at its offices in Olympia, or by a member at any place within the state accompanied by proof that service was made upon the parties required to be served.
- 6.290 SUBPOENAS - WHERE PROVIDED BY LAW - FORM Every subpoena, where authorized by law, shall state "Washington State Board of Prison Terms and Paroles", the title of the proceeding, if any, the number assigned and shall command the person to whom it is directed to attend and give testimony and/or produce designated documents or things under his control at a specified time and place.

- 6.300 ISSUANCE TO PARTIES Upon application of counsel for any party to a parole revocation case, there shall be issued to such parties subpoenas requiring the attendance and testimony of witnesses and/or the production of evidence in such proceeding. The Board may issue subpoenas to parties not represented by counsel upon request and upon a showing of general relevance and reasonable scope of the testimony or evidence sought. Such request shall be in writing to the Board.
- 6.310 QUASHING SUBPOENAS Upon motion made promptly, and in any event, at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed and upon notice to the party to whom the subpoena was issued, the Board or its authorized Member, may:
- (a) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter at issue, or
  - (b) Condition denial of the motion upon just and reasonable conditions.
- 6.320 SUBPOENAS - ENFORCEMENT Upon application and for good cause shown, the Board or the member conducting the hearing may seek judicial enforcement of subpoenas in accordance with Chapter 98, Laws of 1969, issued to parties and which have not been quashed.
- 6.330 SUBPOENAS - GEOGRAPHICAL SCOPE Attendance of witnesses and/or the production of evidence by subpoena may be required from any place in the State of Washington, to any designated place of hearing.
- 6.340 CONDUCTING A HEARING - PRESIDING OFFICER All hearings conducted under the provisions of this Chapter shall be heard by a member of the Board of Prison Terms and Paroles. It shall be the duty of the member to conduct hearings in cases assigned in an impartial and orderly manner, and he (she) shall have the authority, subject to the other provisions of these rules, to:
- (a) Administer oaths and affirmations;
  - (b) Issue subpoenas on request of any party;
  - (c) Rule on all procedural matters, objections and motions;
  - (d) Rule on offers of proof and receive relevant evidence;
  - (e) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matters at issue; and
  - (f) Take any other action necessary and authorized by these rules and the law.

6.350 APPEARANCE AND PRACTICE BEFORE AGENCY - WHO MAY APPEAR  
No person may appear in representative capacity before the Board or any Member thereof at a parole revocation hearing other than the following:

- (a) Attorneys at law, qualified and entitled to practice before the Supreme Court of the State of Washington.
- (b) Attorneys at law, qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the State of Washington are permitted to appear in a representative capacity before the administrative agencies of such other state, and, if not otherwise prohibited by the law of Washington.

6.360 STANDARDS OF ETHICAL CONDUCT All persons appearing in parole revocation proceedings before the Board or any Member thereof in a representative capacity shall conform to the standards of ethical conduct that is required of attorneys before the courts of Washington. If any such person does not conform to such standards, the Board may decline to permit such person to appear in a representative capacity in any proceeding before it or any Member thereof.

6.370 CONTINUANCES Any parolee or attorney representing a parolee who desires a continuance shall, immediately upon receipt of Notice of Hearing, or as soon thereafter as circumstances requiring such continuance come to his knowledge, notify the Board and the Attorney General, in writing, stating in detail the reasons why such continuance is necessary. Requests for continuance shall arrive at the Board offices in Olympia not less than 72 hours prior to the scheduled hearing. The Board or Member thereof, in passing upon a request for continuance, shall consider whether such request was promptly and timely made for good cause. During a parole revocation hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the Member or Members conducting the hearing may, in their discretion or upon motion of counsel, continue the hearing and fix a date for the introduction of additional evidence or presentation of argument. Such oral notice shall constitute the final notice of such continued hearing.



6.380 PRE-HEARING CONFERENCE In any proceeding, the presiding officer, upon his own motion or upon the motion of one of the parties or their representatives, may direct the parties to appear at a specified time and place for a conference, or such conference may be immediately prior to the parole revocation proceeding, to consider:

- (a) The simplification of the issues;
- (b) Necessity of amendments to any of the papers filed with the Board;
- (c) Possibility of obtaining stipulations, admissions of fact and of documents;
- (d) Limitation of the number of witnesses; and
- (e) Such other matters as may aid in the disposition of the proceeding.

6.390 HEARINGS - PERSONS PRESENT Only those persons reasonably necessary to the conducting of the parole revocation hearings shall be permitted to be present.

Persons deemed reasonably necessary to be present at such hearings are: Any Member of the Board of Prison Terms and Paroles and designated staff members; Probation and Parole Officers having made the allegations of violations of parole in the case at issue; Assistant Attorneys General representing the parole officers; Parolee alleged to have violated conditions of parole; Attorney representing parolee; and others as approved by the presiding officer. Witnesses will be excluded from the hearing room until called to testify.

6.400 RULES OF EVIDENCE - ADMISSIBILITY All relevant evidence shall be admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. "Relevant evidence" means evidence having a tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence. In passing upon admissibility of evidence, the presiding officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior courts of the State of Washington. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The presiding officer may, in his discretion, either with or without objection, exclude inadmissible evidence, or, order accumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered. If the sole evidence presented to substantiate the allegation is inadmissible hearsay, a finding of guilty shall not be made.

- 6.410 HEARING RECORD PRESERVATION There will be a magnetic tape recording made of all hearings conducted under the provisions of this Chapter. Such recordings shall be preserved for not less than sixty days subsequent to the hearing at the offices of the Board in Olympia. Parties requesting partial or total duplication of any hearing must obtain a court order to effect release of the duplicate recording.
- 6.420 NEW MINIMUM TERM Procedures specified in Chapter 11 of this Manual will be followed in setting new minimum terms for revoked parole violators. Special note should be made of 2.040 which requires such terms to be set within 30 days of admission.
- 6.430 SUSPENDED PAROLE CASES If a parole violator is returned to the Washington Corrections Center or to the Purdy Treatment Center and his (her) parole has been suspended but not revoked by the Board, the Board shall determine if there is sufficient cause for revocation, observing the requirements of this Chapter. If there is not sufficient cause for revocation, the violator's parole shall be reinstated and he (she) shall be released from confinement under the same or new conditions of parole.

CHAPTER VII

PROCEDURES FOR CONDITIONAL DISCHARGE-FINAL DISCHARGE-CLEMENCY

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CHAPTER VII

PROCEDURES FOR CONDITIONAL DISCHARGE-FINAL DISCHARGE-CLEMENCY

7.010 PURPOSE The purpose of this Chapter is to specify policies and procedures for granting conditional and final discharges from parole supervision and for matters of Clemency (Pardons, Reprieves, Commutations).

7.020 AUTHORITY Revised Code of Washington, 9.95.150; 9.95.260; 9.96.050; 10.01.120.

7.030 SCOPE The provisions of this Chapter shall apply to certain adult offenders convicted of crimes in the State of Washington and to those officials charged with the supervision of such offenders.

7.040 CONDITIONAL DISCHARGE FROM PAROLE SUPERVISION Conditional Discharge from Supervision is defined as that state of parole where a parolee is no longer required to report to an officer of the Department of Corrections but is required to observe all laws and make an annual written report to the Board. Civil rights lost at the time of conviction are not restored.

When a paroled offender has adequately performed the obligations of his (her) release for such time as shall satisfy the Board of Prison Terms and Paroles, and his (her) conditional discharge from supervision is compatible with the best interests of society or the welfare of the paroled individual, and upon receipt of a full report from the parole officer, the Board may grant a Conditional Discharge from Supervision; Provided that the following minimum periods of active parole supervision shall be observed for certain parolees unless waived by the Board:

<u>Offense History</u>	<u>Parole Supervision Required Prior to CDFS</u>
Crime(s) against persons	Recommendation of parole officer and not less than 18 months active parole supervision
Multiple convictions	Recommendation of parole officer and not less than 36 months (violation-free) active parole supervision
All others	Recommendation of parole officer

Six months assignment to a minimum caseload for each parolee is recommended prior to the submission of a request for conditional discharge from supervision.

The Board may grant a conditional discharge from supervision at the time of parole from an institution in unusual cases.

7.050

FINAL DISCHARGE FROM PAROLE SUPERVISION When a paroled offender has adequately performed the obligations of his (her) release for such time as shall satisfy the Board of Prison Terms and Paroles, and further, when he (she) has completed a violation-free period in conditional discharge from supervision (CDFS) status, and has requested a final discharge and upon receipt of a report from the parole officer and a determination made that a final discharge from supervision is compatible with the best interests of society and the welfare of the paroled individual, the Board may grant a Final Discharge Restoring Civil Rights; Provided that the following minimum periods of CDFS status shall be observed prior to consideration:

<u>Offense History</u>	<u>CDFS Period Required</u>
Murder First Degree	5 years and parole officer reco.
Murder Second Degree	5 years and parole officer reco.
Crime against persons	3 years and parole officer reco.
Crime against property w/ prior felony conviction	2 years and parole officer reco.
Crime against property w/out prior felony conviction	1 year and parole officer reco.
Habitual Criminal	Final Discharge not permitted by law (RCW 9.95.040-3)

The right to possess or control firearms is not restored.

In cases where the maximum term has expired, the Board is empowered to grant a Final Discharge Restoring Civil Rights upon application if it believes such action is in the best interests of society.

7.060

CLEMENCY It is the policy of the Office of the Governor that all applications for pardon, reprieve, or commutation of sentence shall be submitted to the Board of Prison Terms and Paroles for their review and recommendation, prior to acceptance for consideration by the Governor. <sup>1</sup> Clemency is granted in only the most unusual circumstances where other remedies are not available, and where the reasons to support the request for clemency are compelling.

1

The Board, on its own motion, may submit selected cases to the Governor for relief when, in its opinion, the interests of justice will be best served by such action.

## Chapter 8

PAROLE BOARD RULES  
PUBLIC RECORDS – DISCLOSURE

## SECTION 1

**PURPOSE:** The purpose of this chapter shall be to ensure compliance by the Washington State Board of Prison Terms and Paroles with the provisions of the Public Disclosure Act, RCW 42.17.250 through 42.17.340 in conjunction with the Criminal Records Privacy Act, Ch. 10.97 RCW, as well as RCW 9.95.140.

## SECTION 2

## DEFINITIONS:

- 1) "Public Records" include any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by the Board regardless of physical form or characteristics.
- 2) "Writing" means handwriting, typewriting, printing, photostating, photographings, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof; and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.
- 3) "Board" means the Washington State Board of Prison Terms and Paroles.
- 4) "Client" means any person or organization about whom the Board has a record.
- 5) "Disclosure" means inspection and/or copying.
- 6) "Denial of disclosure" denotes any exempting from disclosure of any public record.

## SECTION 3

## PUBLIC RECORDS AVAILABLE:

- 1) Requests for any identifiable public record may be initiated at the central records keeping office of the board during normal business hours.
- 2) The board shall at all times take the most timely possible action on requests for disclosure, and shall be required to respond in writing within ten working days of receipt of the request for disclosure. The board's failure to respond shall entitle the person seeking disclosure to petition the public records officer pursuant to § 10.

## SECTION 4

**PUBLIC RECORDS OFFICER:** The board shall designate a public records officer, located in the central office, who shall be responsible for implementing the board's rules regarding disclosure of public records, coordination of staff in this regard, and generally insuring compliance by the staff with public records disclosure requirements.

## SECTION 5

## REQUEST FOR PUBLIC RECORDS:

- 1) All requests for the disclosure of a public record must be in writing identifying the record sought with reasonable certainty. The written request may include:
  - a) The name of the person requesting the record;
  - b) The time of day and calendar date on which the request is made, and;
  - c) The nature of the request.
- 2) A request for disclosure shall be made during the customary business hours. Persons who appear at the board's central office for the purpose of inspection and copying of board files are requested to make an appointment with the public disclosure coordinator at least five (5) days in advance, in order to allow sufficient time for the removal and deletion of exempted record information.
- 3) A request for disclosure shall not be made for commercial or political purposes.
- 4) If the public record contains material exempt from disclosure pursuant to law, including those laws cited in § 11, the board must provide the person requesting disclosure with a written explanation for the nondisclosure, pursuant to § 9.

- 5) Any person continuing to seek disclosure, after having received a written explanation for nondisclosure, pursuant to § 9, may request a review under the provisions of §10.
- 6) When a person's identity is relevant to an exemption, that person may be required to provide personal identification.
- 7) Nothing in this section or elsewhere in this chapter shall be construed to require the Board to compile statistics or other information from material contained in public records, where doing so would unduly interfere with other essential functions of the Board and is not required for litigation by rules of pretrial discovery.
- 8) If public records or information contained in a Board file are in the field for purposes of a hearing, and are thus not available, the public disclosure coordinator or his designee shall promptly inform the person requesting disclosure that there will be a delay in responding to the disclosure request due to the unavailability of the public record.

#### SECTION 6

##### DISCLOSURE TO CLIENT'S REPRESENTATIVE:

- 1) If a client requests disclosure to a representative, that request must be accompanied by a written release signed by the client, except that, as an accommodation to the client and if the legislator or attorney representing the client can provide assurance that the client has authorized disclosure, the client's record may be briefly discussed with that legislator or attorney so long as there is neither physical inspection nor copying of client records by that representative. A written release must also include:
  - a) The identity of the person(s) or organization(s) to whom disclosure is to be made;
  - b) An identification of the record, or portion thereof, to be disclosed;
  - c) A statement of when the authorization for disclosure expires.
- 2) Disclosures of information to a representative shall be made to the same extent as to the client.
- 3) The legal guardian of a client has any and all rights accorded to a client by this section.

#### SECTION 7

##### FEES-INSPECTION AND COPYING:

- 1) No fee shall be charged for the inspection of public records.
- 2) The board shall collect the following fees plus postage to reimburse itself for actual costs incident to providing copies of public records:
  - a) Fifty cents per page for ten pages or less;
  - b) Thirty-five cents per page from eleven to fifty pages;
  - c) Twenty per page for over fifty pages.
- 3) Nothing contained in this section shall preclude the Board from agreeing to exchange or provide copies of manuals or other public records with other state or federal agencies, whenever doing so is in the best interest of the Board.
- 4) Prepayment of copying costs and postage shall be a prerequisite to copying and/or mailing of public records.

#### SECTION 8

**PROTECTION OF PUBLIC RECORDS:** Public records shall be disclosed only in the presence of a public disclosure coordinator or his or her designee, who shall withdraw the records if the person requesting disclosure acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the board. This section shall not be construed to prevent the board from accommodating a client by use of the mails in the disclosure process.

#### SECTION 9

##### DISCLOSURE PROCEDURE:

- 1) The public records officer shall review file materials prior to disclosure.
- 2) If the file does not contain materials exempt from disclosure, the public records officer shall ensure full disclosure.



- 3) If the file does contain materials exempt from disclosure, the public records officer shall deny disclosure of those exempt portions of the file, and shall, at the time of the denial, in writing, clearly specify the reasons for the denial of disclosure, including a statement of the specific exemptions or reasons authorizing the withholding of the record and a brief explanation of how the exemption of reason applies. The remaining, nonexempt materials shall be fully disclosed.

#### SECTION 10

##### REMEDY FOR REVIEW OF DENIAL OF DISCLOSURE:

- 1) If the person requesting disclosure disagrees with the decision of a public disclosure coordinator denying disclosure of a public record, this person may at any time petition the Board's public records officer for review of the decision denying disclosure. The form used by the public disclosure coordinator to deny disclosure of a public record shall clearly indicate this right of review.
- 2) The public records officer shall review decisions denying disclosure in the most prompt fashion possible, and such review shall be deemed completed at the end of the second business day following receipt by the Board of the petition for review. This shall constitute final agency action for the purposes of judicial review, pursuant to RCW 42.17.320.

#### SECTION 11

##### EXEMPTIONS TO PUBLIC RECORDS-DISCLOSURE:

The Board reserves the right to determine if a public record requested in accordance with the procedures outlined herein is exempt or nondisclosable under RCW 42.17.250 through RCW 42.17.340. Nondisclosable records include, but are not limited to:

- 1) Personal information in any files concerning a prisoner, probationer, or parolee to the extent required by 42.17.310(1)(a); however, disclosure may be made to that person or that person's representative, except as otherwise provided by these rules;
- 2) Data (including information revealing the identity of persons who file complaints, except as the complainant may authorize) contained in intelligence, investigative, and other related files compiled by investigative, law enforcement or penology agencies, and state agencies vested with the responsibility to discipline members of any profession. This data is nondisclosable to the extent required by RCW 42.17.310(1)(d)(e), RCW 10.97.080, chapter 446-20 WAC;
- 3) Certain juvenile justice or juvenile care records to the extent required by chapter 13.50 RCW;
- 4) Personal information in files maintained for an employee of the board to the extent required by RCW 42.17.310(1)(b);
- 5) Deliberative material, as opposed to facts upon which a decision is based, contained in preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended; except that a specific record shall be disclosable when publicly cited by the board in connection with any action to the extent required by RCW 42.17.310(1)(i);
- 6) Records which are relevant to a controversy to which the board is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts, including records involving attorney-client communications between the board and the office of the attorney general privileged under RCW 5.60.060(2).
- 7) Non-conviction data, as defined in RCW 10.97.030(2), may be disclosed to the subject of the record in person in the central office of the board but may not be copied except for the purpose of challenge or correction when the person who is the subject of the record asserts the belief in writing that the information regarding such person is inaccurate or incomplete. RCW 10.97.080.

#### SECTION 12

##### QUALIFICATIONS ON NONDISCLOSURE:

- 1) To the extent that nondisclosable information can be deleted from the specific records sought, the remainder of the records shall be disclosable.
- 2) No exemptions shall be construed to require nondisclosure of statistical information not descriptive of identifiable persons, as required by RCW 42.17.310(2).
- 3) Inspection and copying of any specific records otherwise nondisclosable is permissible pursuant to an order of the superior court enforcing a subpoena in accordance with the provisions of RCW 42.17.310(3), or an order of the office of hearings enforcing a subpoena.

SECTION 13

INTERAGENCY DISCLOSURE:

- 1) Unless prohibited by law, information may be disclosed by the Board to outside agencies, including other State of Washington agencies, or agencies of other states.
- 2) Outside agencies receiving information pursuant to subsection (1) of this section shall be thereby subject to the same standards of disclosure as are required of the Board.

SECTION 14

RECORDS INDEX:

- 1) The Board finds that it would be unduly burdensome and would interfere with agency operations to maintain an index of records because of the complexity and diversity of its operations and the resulting volume of manuals, correspondence, reports, surveys, staff studies, and other materials.
- 2) The Board will make available for public disclosure all indices which may at a future time be developed for agency use.

WASHINGTON STATE BOARD OF  
PRISON TERMS & PAROLES

GUIDELINES FOR  
FIXING OF MINIMUM TERMS

Effective December 1, 1978

Amended:

July 1, 1979

May 1, 1980

February 1, 1981

Prepared by:  
Management Information Section

## SUMMARY

GUIDELINE FOR FIXING OF MINIMUM TERMS  
AND  
GUIDELINES FOR RECONSIDERATION OF LENGTH OF CONFINEMENT

The Board of Prison Terms and Paroles has adopted guidelines designed to channel its discretion in fixing minimum terms of confinement and the review of those terms.

Minimum Terms

The guidelines for fixing minimum terms specify a period of incarceration for offenders based on:

1. The offender's behavior in criminal acts leading to the current incarceration.
2. The offender's prior convictions and parole revocations for felony-like behavior.

Criminal acts are grouped into eight offense categories (see Table 1). Acts in a given category are assigned a base time (in months of confinement) to which further time is added for the presence of certain aggravating circumstances (see Tables 2A-2H). Additional time is given to offenders based on the number and type of prior convictions or parole revocations and on the category of the felony acts leading to the current incarceration (see Tables 3 and 4).

Outside Guidelines

The Board may go outside the guidelines, provided members give written reasons for such decisions. Certain of the more commonly cited reasons have been codified and may be found in the pages following the section devoted to the minimum term guidelines (between blue and yellow pages).

Reconsideration of Minimum Terms

Reconsideration guidelines provide a means for modifying the length of sentence based upon probability statements about parole performance for various groups of offenders. Offender groups are defined in Table 1 (yellow pages).

The scores associated with the probability statements, termed Public Safety Scores, are based upon offender attributes found to be positively correlated with parole success. The attributes are listed by offense group in Exhibit 1A-1F. The possible percent reductions in length of confinement associated with Public Safety Scores may be found in Tables 2A-2I.

## GUIDELINES FOR FIXING OF MINIMUM TERMS

To promote consistent exercise of discretion and to effect fair and equitable decision making without removing individual case consideration, the Board has established guidelines for fixing minimum terms of confinement.

1. These guidelines establish the customary range of minimum terms to be fixed for various admission classes, based on aggravating and mitigating circumstances and prior criminal record.
2. All admissions subsequent to a court commitment or a revocation of parole for felony-level violations are subject to the provisions of these guidelines.
3. The guidelines shall apply to all persons committed to Board authority under applicable Washington State statutes and all persons readmitted to Washington Correctional institutions as a result of revocation of parole on or after the date of adoption of the guidelines. Decisions concerning persons admitted for behavior not specifically covered in the guidelines shall be made on a case-by-case basis.
4. Decisions outside the guidelines may be made by panels of the Board, provided that written reasons are given. Written reasons for the Board's decision need not be given if the minimum term of confinement falls within the guidelines.
5. All minimum terms fixed at more than 18 months above or more than 18 months below the guidelines, must be referred to the full Board for approval.
6. Mandatory minimum terms shall be fixed in accordance with the Revised Code of Washington and Board Rule 1.110. When the guideline term is less than the mandatory minimum term, the mandatory minimum term takes precedence.
7. When the guideline term is greater than the statutory maximum term, the statutory maximum term takes precedence.
8. The Board shall review the guidelines six months after adoption and at least annually thereafter, and may revise or modify the guidelines based on appropriate new information.
9. The Board shall disclose to the offender all adverse information used to determine the guideline minimum term.

- GUIDELINES FOR FIXING OF MINIMUM TERMS -  
WASHINGTON STATE BOARD OF PRISON TERMS AND PAROLES

COURT COMMITMENT AND FELONY-LEVEL PAROLE VIOLATION CASES

I. Defining and Measuring the Severity of Criminal Behavior

A. Defining the Unit of Criminal Behavior - The Criminal Act

A criminal act is the set of all behaviors and circumstances that results in a felony conviction. The criminal act includes all actions related by their closeness in time, location, intent or consequences. Two types of criminal acts are considered in this section of the guidelines:

1. Commitment Acts

A "commitment act" is a criminal act resulting in one conviction and the present incarceration.

2. Felony-Level Parole Violations

A "felony-level parole violation" is a criminal act which did not result in a court commitment but which resulted in the revocation of parole and is prosecutable as a felony under current Washington State statute. To be included in the guidelines, guilt must be established for the violation under due process by the Board or by the courts.

B. Measuring the Severity of the Criminal Act - Felony Class and Act Circumstances

The severity of a criminal act is determined by the felony class of the act and circumstances which are present in the act. The measure of the severity of a criminal act is the number of months of confinement for the act.

1. Felony Classes

a. Definition

For the guidelines, the over 250 felony offenses defined in the Revised Code of Washington are grouped into 8 felony classes according to common elements. These felony classes, listed in decreasing order of severity, and the most common offense within them are given in Table 1, page 7.

b. Rules for Classification of Criminal Acts

i) Convictions

The commitment act is assigned to the felony class of that conviction according to Table 1.

ii) Felony-Level Parole Violations

Felony-level parole violations are assigned to the felony class which best describes the behavior in the violations.

2. Minimum Measure of Criminal Act Severity - Base Time

For each felony class, the base time defines the minimum measure of act severity for the class. The base times for the 8 felony classes are given in Tables 2A to 2H beginning on page 8.

3. Circumstances of Each Felony Class

a. Definition

Act circumstances are those behaviors and circumstances which determine the severity of the act within a felony class.

The act circumstances indicate that acts within a felony class are viewed by the Board as differing in severity. That is, the label of the felony class does not sufficiently define the severity of the act.

b. Specifying and Measuring Act Circumstances

The presence of each aggravating circumstance in an act increases the time of confinement for the act. The presence of each mitigating circumstance decreases the time of confinement for the act. Through the guidelines the Board has specified a set of circumstances for each felony class and the number of months of increased or decreased confinement for each circumstance.

Tables 2A to 2H give the circumstances and corresponding months of increased or decreased confinement for all felony classes. These months of increased or decreased confinement are referred to as act circumstance times.

Detailed definitions for each of the act circumstances are included in Tables 2A through 2H.

4. Act Severity Time

The act severity time is the sum of the base time and act circumstance time(s). It is the assessment (in terms of months of confinement) of the severity of a criminal act, based on specific behaviors in the act. Thus, the major contributors to the act severity time are the act circumstance times. The role of the felony class is mainly to determine which set of act circumstances are to be used in calculating the act severity time.

C. Integrating Act Severity Times with Court Sentence Structures - Total Act Time

The total act time is the number of months of confinement for all criminal acts considered in setting the minimum term. The total act time is a combination of the act severity time(s) and the sentence structure imposed by the courts.

The following rules determine the total act time:

1. Single Criminal Acts

The total act time for single act cases is the act severity time of the single criminal act.

2. Multiple Criminal Acts - Concurrent Sentences

If there is more than one criminal act and the sentences associated with criminal acts are concurrent, the total act time is the act severity time of the most serious act--the act with the highest number of months.

## 3. Multiple Criminal Acts - Consecutive Sentences

If there is more than one criminal act and the sentences associated with the criminal acts are consecutive, the total act time is the sum of the individual act severity times.

## 4. Parole Revocations With No New Commitment

If the offender is admitted as a result of a parole revocation with no new commitment, the parole violations are considered as having concurrent sentences. The total act time is the act severity time of the most serious violation--the act with the highest number of months confinement.

## 5. Parole Revocation With New Commitment

If the offender is admitted as a parole violator with a new commitment, the total act time is the act severity time of the most serious criminal act leading to admission.

D. Admission Felony Class

The admission felony class is the felony class of the most serious act--the act resulting in the highest act severity time.

## II. Defining and Measuring Severity of Prior Record

## A. Definition of Prior Record Entries Considered in Guidelines

Two types of prior criminal behavior are considered in the guidelines: adult felony convictions and felony-level parole revocations. Each type must predate and not be associated with the present admission.

## 1. Prior adult felony convictions considered as prior record entries are:

- a. Those convictions committed by a person age 18 or older at the time of convictions -or- those convictions committed by a person treated as an adult by the criminal justice system

-and which are-

- b. Washington State convictions for felonies -or- convictions in other jurisdictions which would constitute felony offenses under applicable Washington State statute or their equivalent in common law.

In situations where it is difficult to determine if the conviction is a felony conviction, the sentence imposed must have resulted in

- i) Incarceration in a state or federal correctional institution -or- more than one year on probation,

-and-

- ii) The nature of the conviction must indicate that the offense could be a felony in Washington State.

Each count is considered a separate conviction.

## 2. Prior felony-level revocations considered in the guidelines are:

- a. Those revocations of Washington State parole which are not the result of, nor accompanied by any new conviction

-and which are-

- b. Precipitated by felony-level violations, i.e., violations prosecutable as felonies under current Washington State statute

-and which are-

- c. Violations for which guilt has been established under due process by the Board.



Title 381 WAC: Prison Terms and Paroles, Board of

B. Measuring Severity of Prior Record Entries

1. Classification of Prior Record Entries

a. Definition of Prior Record Classes

Nine felony classes are used in the assessment of prior record severity. The prior record classes coincide with the felony classes for criminal acts with one exception: prior felony convictions or felony parole revocations not included in the eight felony classes (see Table 1) default to the prior record class Other. The nine prior record classes in decreasing order of severity are:

- Most Serious: Murder
- Manslaughter
- Sexual Molestation
- Robbery
- Assault
- Property
- Drugs
- Escape
- Least Serious: Other

b. Rules for Classification

- i) Prior felony convictions are assigned to one of the prior record classes above (see Table 1 for common offense titles in each class).
- ii) Since a parole revocation is a single entry in the prior record and more than one felony violation may be involved in the revocation, the following rule is applied to classify the parole revocation for guideline use:

Each felony-level parole violation leading to a revocation is assigned to the prior record class most nearly describing the behavior in the violation. The revocation is then assigned to the prior record class of the "most serious" violation.

c. Procedure for Eliminating Prior Record Entries

- i) Prior murder convictions are never eliminated from guideline consideration.
- ii) If the offender has spent ten continuous years in the community without felony convictions or incarceration in a state or federal correctional institution, all manslaughter, sex offense, assault and robbery prior record entries which predate the ten year period are eliminated from guideline consideration.
- iii) If the offender has spent five continuous years in the community without felony convictions or incarceration in a state or federal correctional institution, all property, drug and other felony prior record entries which predate the five year period are eliminated from guideline consideration.

Table 3 contains the number of years in the community between convictions or incarcerations necessary to eliminate a prior conviction or parole revocation from guideline consideration.

As an example, assume an offender convicted on June 10, 1969 for burglary was released from incarceration July 15, 1971. The offender was convicted in June 1972 for auto theft and was released in January 1974. In May 1979, the offender was convicted of theft 2 and committed to Board authority. Since the offender remained in the community for more than five years with no felony convictions or incarcerations in state or federal institutions, the prior burglary and auto theft are not considered in the prior record guidelines.

2. Prior Record Time--The Measure of Prior Record Severity

As with the criminal act severity, the severity of an offender's prior record is expressed in terms of an increased term of confinement. The Board is explicitly stating that repeat offenders will be given more time in accordance with the severity of their prior record.

The prior record time is a function of the admission felony class and the frequencies and classes of prior record entries. For each prior record entry, a fixed number of months is added to the prior record time. The number of months added for each entry, based on the admission felony class, is given in Table 4, page 33.

For example, assume an offender has three prior record entries--two property convictions and a robbery parole revocation. The offender is being admitted for an assault conviction. From Table 4 each property conviction for an assault admission adds 6 months to the prior record time. The robbery parole revocation for an assault admission adds 12 months to the prior record time. The prior record time for the offender is the sum of the times for each entry, in this case 24 months.

The magnitude of the prior record time is limited only when both the admission felony class and all prior record classes are not higher than the property felony class. In that case, if the prior record time exceeds the act severity time it shall be lowered to equal the act severity time.

## III. Minimum Term Setting Guidelines

A. Guideline Term

The guideline term is the sum of the total act time and the prior record time.

B. Guideline Range

1. To allow flexibility for individual case differences, a range is associated with each guideline term. This guideline range defines the explicit policy of the Washington State Board of Prison Terms and Paroles for the fixing of minimum terms.
2. The guideline range represents approximately a 12½% variation above or below the guideline term, rounded to increments of three months. Actual minimum terms set inside the range are said to be within the guidelines. Table 5 defines the corresponding above/below guideline term variation for guideline terms up to 30 years.

For example, the guideline variation for a guideline term of 42 months is 6 months. Thus the corresponding guideline range is 36 to 48 months.

C. Outside the Guideline Range

Guidelines are an aid to consistent decision making, rather than deterministic rules for fixing minimum terms. Therefore, it is expected that Board panels will go outside the guideline range whenever they encounter atypical circumstances in a case. For these atypical cases, written reasons will be given to declare why the case is an exception to the general rule.

IV. Review of Minimum Term Setting Guidelines

A. Offender Review

Each offender reviews the information used to determine the total act time and the prior record time. The offender can comment on the information prior to it being forwarded to the Board for scoring.

B. Challenge to Guideline Information

If the offender challenges the accuracy of guideline information, makes claims to missing information, or indicates that the guideline information is otherwise incomplete or false, the Board will disclose the source of the guideline information and request that the offender provide verified information supporting the offender's contention. The offender has 60 days to respond. All new information provided by the offender will be considered and adjustments to the guideline scoring will be made where appropriate. The Board will then proceed with the guideline setting process.

TABLE 1 - OFFENSES INCLUDED IN BOARD FELONY CLASSES

<u>FELONY CLASS</u>	<u>OFFENSES INCLUDED IN FELONY CLASS</u>
1. Murder II	Murder II
2. Manslaughter	Manslaughter I, II, III, Motor Vehicular Homicide
3. Sexual Molestation	Rape I, II, III, Statutory Rape I, II, III, Indecent Liberties, Other Sex Offenses
4. Robbery	Robbery I, II, Extortion I, II
5. Assault	Assault I, II, III, Kidnapping I, II, Unlawful Imprisonment, Feon in Possession of Firearm
6. Property	Burglary I, II, Auto Theft, Theft I, II, Credit Card Theft, Other Thefts, Possession of Stolen Property, I, II, Forgery I, II, Unlawful Issuance of Bank Checks, Credit Card Forgery, Uttering a Forged Instrument
7. Drugs	Sale of Controlled substance for Profit; Sale of Heroin for Profit; Sale, Delivery or Possession of Drugs with Intent to Sell; Violation of the Uniform Controlled Substance Act; Uttering a Forged Prescription
8. Escape (Temporarily Suspended)	Escape I, II

## TABLE 2A

## FELONY CLASS: MURDER II

42 BASE TIME

VICTIM - Person who is:

- a. Directly/indirectly threatened or injured by offender -or-
- b. Recklessly endangered by offender's actions--could have been injured or killed by offender's actions.

48 1. RELATED TO ANOTHER FELONIOUS ACT/  
OPPORTUNITY FOR FORETHOUGHT

A. Felony Related - act occurred as result of offender committing or intending to commit, any felony:

1. Robbery
2. Rape
3. Arson
4. Burglary
5. Kidnapping
6. Any other class A, B, or C felonies.

-OR-

B. Forethought - offender had time to consider actions before committing act. Evidence of forethought may be:

1. Leaving and returning to scene
2. Seeking out/waiting for victim
3. Discussing intent
4. Plotting/laying plans for execution of act.

(i.e., offender's actions were a deliberated course of action, not just a spontaneous reaction to a situation)

36 2. VICTIM WAS VULNERABLE--NOT RESULT OF AGE

A handicap or disadvantage made the victim especially vulnerable. Such disadvantage is indicated by any of the following:

1. Victim was mentally retarded or physically handicapped
2. Victim was pregnant
3. Victim was weak or frail in comparison with offender (more than just a difference in sex between offender and victim)
4. Offender capitalized on the immediate defenselessness of a victim who was unconscious, drugged, unclothed, forcibly restrained or otherwise hampered or inhibited from defending self.
5. Offender deliberately acted to render the victim defenseless prior to assault.

Note: None of the above circumstances can be considered if they result solely from victim weakness due to age.

36 3. VICTIM WAS VULNERABLE BY AGE

Offender was aware of and took advantage of age of the victim. The victim was:

1. Under the age of 18 -or-
2. Over the age of 49

18 4. OFFENDER ACTED WITH NO PROVOCATION FROM VICTIM

Victim did not provoke offender into assaultive behavior. At the time of the act, victim had:

1. Not enraged/incited offender
2. Not stimulated offender
3. Not precipitated act through any words or actions.

(i.e., victim did not taunt, gibe, ridicule or motivate offender to violence)

5. CAUSE OF INJURY/DEATH

(Only one of the following circumstances applies)

18 PHYSICAL FORCE

Use of feet, fists, hands or other body parts exclusive of any implement external to offender's body to injure or kill victim.

18 WEAPON

Use of any implement external to offender's body, without the use of "physical force" (as defined above), to injure or kill victim.

48 PHYSICAL FORCE AND WEAPON

Use of both, as described above, to injure or kill victim.

24 6. SEXUAL OVERTURES OR ABUSE BY OFFENDER

Without victim's consent or voluntary compliance, or if by virtue of victim's age consent could not be given, any of the following behaviors occurred:

1. Attempted or actual exposure of the offender's genitals or breasts to victim
2. Attempted or actual exposure of victim's genitals or breasts by offender
3. Touching of the victim's genitals or breasts
4. Touching by victim of offender's genitals or breasts
5. Vaginal intercourse
6. Anal/oral sex.

12 7. VICTIM FORCED TO ANOTHER LOCATION

Victim was:

1. Removed to another location by force -or-
2. Removed to another location without consent or voluntary compliance.

Note: For purposes of this aggravating circumstance, involuntary detainment alone does not constitute being "forced to another location".

TABLE 2B

FELONY CLASS: MANSLAUGHTER

(MANSLAUGHTER, MOTOR VEHICULAR HOMICIDE)

27 BASE TIME

VICTIM - Person who is:

- a. Directly or indirectly threatened or injured by offender -or-
- b. Recklessly endangered by offender's actions--could have been injured or killed by offender's actions.

12 1. MORE THAN ONE VICTIM KILLED OR INJURED

More than one victim is considered involved if, as a result of offender's behavior:

- 1. More than one person was directly threatened, injured, or killed -or-
- 2. More than one person was recklessly endangered -or-
- 3. More than one person could have been injured or killed.

6 2. VICTIM DID NOT RECKLESSLY AND/OR KNOWINGLY ENDANGER SELF

Circumstances of act must indicate that:

- 1. Victim could not have been cognizant of dangers involved in offender's actions

-and-

- 2. Did not willingly participate in activities resulting in injury to self.

3. CAUSE OF INJURY/DEATH

(More than one of the following circumstances may apply)

42 PHYSICAL FORCE

Use of feet, fists, hands or other body parts exclusive of any implement external to offender's body to injure or kill victim.

39 WEAPON

Use of any implement external to offender's body without the use of "physical force" (as defined above) to injure or kill victim.

Note: If both physical force and weapon use are present consider both aggravating circumstances in determining the act severity.

TABLE 2C

FELONY CLASS: SEXUAL MOLESTATION

(SEX OFFENSES)

12

BASE TIME

*VICTIM - Person who is:*

- a. *Directly/indirectly threatened, injured or abused by offender -or-*
- b. *Recklessly endangered by offender's actions--could have been injured or killed by offender's actions.*

-12

1. VICTIM PROVOKED ASSAULT (MITIGATING)

Victim provoked offender into committing act. At the time of the act, victim had:

- 1. Enraged/incited offender -or-
- 2. Precipitated the act through any words or actions.

(i.e., victim did taunt, gibe, or ridicule offender to commit act.)

2. DEGREE OF FORETHOUGHT

(At most one of the following circumstances may apply)

12

OPPORTUNITY FOR FORETHOUGHT

- 1. Offender had time to consider actions before committing act -or-
- 2. Offender's actions were not a spontaneous reaction to a situation -or-
- 3. A sufficient period of time and opportunity existed for the offender to abandon course of action -or-
- 4. Offender left and then returned to scene -or-
- 5. Offender had mentioned intent prior to act.

24

DELIBERATE

In addition to having the opportunity for forethought before committing the act, the offender took steps in advance to commit the act. Evidence of such may be:

- 1. Plotting/laying plans for execution of act -or-
- 2. Partner collaboration to plan and execute act -or-
- 3. Gaining access to victim through fraud, breaking and entering, kidnapping or other illegal means.

48

PREDATORY - HEINOUS

- 1. A predatory situation in which the offender actively rendered victim helpless before completing the act by tying victim up, or rendering victim unconscious by drugs or violence in order to further assault or molest victim -or-
- 2. Offender carried out act in heinous manner by prolonging victim's agony or humiliation or physically/mentally torturing victim.

12

3. VICTIM WAS PHYSICALLY/MENTALLY HANDICAPPED

A handicap (not the result of age) made the victim especially vulnerable to the offender. The victim was:

- 1. Mentally retarded -or-
- 2. Mentally ill -or-
- 3. Physically handicapped -or-
- 4. Pregnant -or-
- 5. Seriously ill.

## 4. VICTIM VULNERABLE BY AGE

(At most one of the following circumstances may apply)

Offender was aware of and took advantage of age of the victim. The victim was:

- 12 13 - 15 OR 50 - 59 YEARS OLD
- 18 10 - 12 OR 60 - 69 YEARS OLD
- 24 6 - 9 OR 70 - 79 YEARS OLD
- 30 1 - 5 OR 80 YEARS OR OLDER

## 5. METHOD OF VIOLENCE

(More than one circumstance may apply)

The primary method of violence is that method of violence relied upon to accomplish the act. If a victim(s) received an injury by more than one method of violence, include all methods resulting in injury as primary. The primary method(s) of violence is (are):

- 9 PHYSICAL FORCE
- Offender's use or threat of use of feet, fists, hands, or other body parts exclusive of any implement external to offender's body.
- 15 WEAPON OTHER THAN KNIFE OR FIREARM
- Any weapon other than a knife or firearm used by offender to threaten or injure. Includes toy firearms, air pistols, pellet guns, etc.
- 18 KNIFE
- Any weapon/implement consisting of a sharp blade fastened to a handle, or capable of inflicting cut or stab wounds.
- 24 FIREARM
- A firearm is any weapon from which a shot may be discharged by an explosion of gun powder. Commonly includes rifles, pistols, shot-guns, etc.

## 6. INJURY TO VICTIM BY OFFENDER

(At most one circumstance may apply)

- 6 MINOR INJURY
- In the act, the principal victim received a physical injury requiring medical attention.
- 18 IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY OR DEATH
- In the act, the offender exhibited behavior indicating an attempt or intent (with ability to carry out) to inflict major/permanent injury or death.
- 24 RECEIVED MAJOR/PERMANENT INJURY
- Offender inflicted one of the following types of injury:
1. Life threatening injury -or-
  2. Injury threatening permanent loss/alteration of bodily functions -or-
  3. Psychological damage resulting (or threatening to result) in permanent loss of ability to function in normal capacity -or-
  4. Loss of limb or injury causing recognizable handicaps or permanent job disability -or-
  5. Permanent noticeable (facial) disfigurement -or-
  6. Any injury that is reasonably expected to continue throughout the victim's life.



7. MORE THAN ONE VICTIM THREATENED/INJURED

(At most one of the following circumstances may apply)

3 MORE THAN ONE VICTIM THREATENED BY OFFENDER

In the act, the offender verbally or physically threatened or abused an additional victim.

6 MORE THAN ONE VICTIM RECEIVED MINOR INJURY

In the act, the offender inflicted a minor injury on an additional victim.

18 MORE THAN ONE VICTIM PLACED IN IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY

In the act, the offender placed an additional victim in imminent danger of receiving a major/permanent injury or death.

24 MORE THAN ONE PERSON RECEIVED MAJOR/PERMANENT INJURY

In the act, the offender inflicted a major/permanent injury on an additional person.

12 8. VICTIM FORCED TO ANOTHER LOCATION

Victim was removed to another location:

- 1. By force -or-
- 2. Without consent or voluntary compliance

Note: For purposes of this aggravating circumstance, involuntary detainment alone does not constitute being "forced to another location".

9. NON-CONSENSUAL SEXUAL ABUSE BY OFFENDER

(Only the MOST SERIOUS sexual abuse occurring in the act applies)

Non-consensual sexual abuse is the touching or exposure of the genitals or breasts against the victim's wishes or against a victim incapable of consent by reason of age, infirmity or mental incapability.

Attempted sexual abuse involves an intent to commit some sexual abuse as evidenced by:

- 1. verbal demands -or-
- 2. attempted or actual removal of clothing -or- touching victim's genitals or breasts.

-and-

substantial steps taken to carry out the sexual intent as evidenced by:

- 1. use or threat of use of physical force or weapon -or-
- 2. use or any mental coercion -or-
- 3. forcing victim to another location -or-
- 4. creating in the victim a well founded fear of injury.

6 FLASHING

The offender exposed self to victim.

9 ATTEMPTED SEXUAL FONDLING/EXPOSURE

The offender attempted to fondle, touch, or expose the victim's genitals or breasts.

12 SEXUAL FONDLING/EXPOSURE

Offender fondled, touched or exposed the victim's genitals or breasts.

18      ATTEMPTED VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX

Offender attempted vaginal penetration, contact between mouth and genitals or contact with anus.

24      VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX

Offender's actions involved actual vaginal penetration, or contact between mouth and genitals or contact with anus.

## 10.    ADDITIONAL INCIDENTS OF NON-CONSENSUAL SEXUAL ABUSE

(Only the MOST SERIOUS additional incident; if any, applies)

Additional incident of sexual abuse involves:

1. Subjecting the same victim to two or more incidents or types of sexual abuse.
2. Subjecting more than one victim to any type of sexual abuse.

6      ADDITIONAL INCIDENT OF FLASHING9      ADDITIONAL INCIDENT OF ATTEMPTED SEXUAL FONDLING/EXPOSURE12      ADDITIONAL INCIDENT OF SEXUAL FONDLING/EXPOSURE18      ADDITIONAL INCIDENT OF ATTEMPTED VAGINAL INTERCOURSE,  
ANAL SEX OR ORAL SEX24      ADDITIONAL INCIDENT OF VAGINAL INTERCOURSE, ANAL SEX, OR  
ORAL SEX

TABLE 2D  
 FELONY CLASS: ROBBERY  
 (ROBBERY, EXTORTION)

12 **BASE TIME**

*VICTIM - Person who is:*

- a. *Directly/indirectly threatened or injured by offender -or-*
- b. *Recklessly endangered by offender's actions--could have been injured or killed by offender's actions.*

1. DEGREE OF FORETHOUGHT

(At most one of the following circumstances may apply)

12 **PLANNED**

The act which was planned or involved some forethought as distinguished from a spontaneous reaction to an opportune situation. Evidence of planning may be:

1. Leaving and returning to scene -or-
2. Loitering at scene prior to act -or-
3. Prior discussion of intent -or-
4. Possession of a firearm, real or simulated, in commission of act.

24 **SOPHISTICATED**

Planning, beyond the level discussed in previous item, was evident in the act. Evidence of sophistication may be:

1. Use of masks and disguises -or-
2. Victim incapacitation -or-
3. Getaway vehicle with driver waiting in vehicle while robbery is committed -or-
4. Use of look-outs -or-
5. Use of multiple firearms.

48 **PROFESSIONAL**

Circumstances indicate a robbery which goes beyond the level of sophistication discussed in previous item. Evidence may be:

1. Disabling alarm system -or-
2. Timed partner coordination in execution of steps necessary to attempt the type of robbery -or-
3. Circumstances indicating detailed preparation was necessary to attempt the type of robbery -or-
4. Use of blue prints/maps in planning -or-
5. Use of tear gas, explosives, etc.

12 2. VICTIM WAS PHYSICALLY/MENTALLY HANDICAPPED

A handicap (not the result of age) made the victim especially vulnerable to the offender. The victim was:

1. Mentally retarded -or-
2. Mentally ill -or-
3. Physically handicapped -or-
4. Pregnant -or-
5. Seriously ill.

3. VICTIM VULNERABLE BY AGE

(At most one of the following circumstances may apply)

Offender was aware of and took advantage of age of the victim. The victim was:

- 12      13 - 15 OR 50 - 59 YEARS OLD
- 18      10 - 12 OR 60 - 69 YEARS OLD
- 24      6 - 9 OR 70 - 79 YEARS OLD
- 30      1 - 5 OR 80 YEARS OR OLDER

4. METHOD OF VIOLENCE

(More than one circumstance may apply)

The primary method of violence is that method of violence relied upon to accomplish the act. If a victim(s) received an injury by more than one method of violence, include all methods resulting in injury as primary. The primary method(s) of violence is (are):

9      PHYSICAL FORCE

Offender's use or threat of use of feet, fists, hands, or other body parts exclusive of any implement external to offender's body.

15      WEAPON OTHER THAN KNIFE OR FIREARM

Any weapon other than a knife or firearm used by offender to threaten or injure. Includes toy firearms, air pistols, pellet guns, etc.

18      KNIFE

Any weapon/implement consisting of a sharp blade fastened to a handle, or capable of inflicting cut or stab wounds.

24      FIREARM

A firearm is any weapon from which a shot may be discharged by an explosion of gun powder. Commonly includes rifles, pistols, shotguns, etc.

5. INJURY TO VICTIM BY OFFENDER

(At most one circumstance may apply)

6      MINOR INJURY

In the act, the principal victim received a physical injury requiring medical attention.

18      IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY OR DEATH

In the act, the offender exhibited behavior indicating an attempt or intent (with ability to carry out) to inflict major/permanent injury or death.

24      RECEIVED MAJOR/PERMANENT INJURY

Offender inflicted one of the following types of injury:

1. Life threatening injury -or-
2. Injury threatening permanent loss/alteration of bodily functions -or-
3. Psychological damage resulting (or threatening to result) in permanent loss of ability to function in normal capacity -or-
4. Loss of limb or injury causing recognizable handicaps or permanent job disability -or-
5. Permanent noticeable (facial) disfigurement -or-
6. Any injury that is reasonably expected to continue throughout the victim's life.

6. MORE THAN ONE VICTIM THREATENED/INJURED

(At most one of the following circumstances may apply)

3 MORE THAN ONE VICTIM THREATENED BY OFFENDER

In the act, the offender verbally or physically threatened or abused an additional victim.

6 MORE THAN ONE VICTIM RECEIVED MINOR INJURY

In the act, the offender inflicted a minor injury on an additional victim.

18 MORE THAN ONE VICTIM PLACED IN IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY

In the act, the offender placed an additional victim in imminent danger of receiving a major/permanent injury or death.

24 MORE THAN ONE PERSON RECEIVED MAJOR/PERMANENT INJURY

In the act, the offender inflicted a major/permanent injury on an additional person.

12 7. VICTIM FORCED TO ANOTHER LOCATION

Victim was removed to another location:

- 1. By force -or-
- 2. Without consent or voluntary compliance.

Note: For purposes of this aggravating circumstance, involuntary detainment alone does not constitute being "forced to another location".

8. NON-CONSENSUAL SEXUAL ABUSE BY OFFENDER

(Only the MOST SERIOUS sexual abuse occurring in the act applies)

Non-consensual sexual abuse is the touching or exposure of the genitals or breasts against the victim's wishes or against a victim incapable of consent by reason of age, infirmity or mental incapability.

Attempted sexual abuse involves an intent to commit some sexual abuse as evidenced by:

- 1. Verbal demands -or-
- 2. Attempted or actual removal of clothing -or- touching victim's genitals or breasts.

-and-

substantial steps taken to carry out the sexual intent as evidenced by:

- 1. Use or threat of use of physical force or weapon -or-
- 2. Use or any mental coercion -or-
- 3. Forcing victim to another location -or-
- 4. Creating in the victim a well founded fear of injury.

6 FLASHING

The offender exposed self to victim.

9 ATTEMPTED SEXUAL FONDLING/EXPOSURE

The offender attempted to fondle, touch, or expose the victim's genitals or breasts.

12 SEXUAL FONDLING/EXPOSURE

Offender fondled, touched or exposed the victim's genitals or breasts.

18      ATTEMPTED VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX

Offender attempted vaginal penetration, contact between mouth and genitals or contact with anus.

24      VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX

Offender's actions involved actual vaginal penetration, or contact between mouth and genitals or contact with anus.

9.    ADDITIONAL INCIDENTS OF NON-CONSENSUAL SEXUAL ABUSE

(Only the MOST SERIOUS additional incident; if any, applies)

Additional incident of sexual abuse involves:

1. Subjecting the same victim to two or more incidents or types of sexual abuse.
2. Subjecting more than one victim to any type of sexual abuse.

6      ADDITIONAL INCIDENT OF FLASHING

9      ADDITIONAL INCIDENT OF ATTEMPTED SEXUAL FONDLING/EXPOSURE

12     ADDITIONAL INCIDENT OF SEXUAL FONDLING/EXPOSURE

18     ADDITIONAL INCIDENT OF ATTEMPTED VAGINAL INTERCOURSE, ANAL SEX OR ORAL SEX

24     ADDITIONAL INCIDENT OF VAGINAL INTERCOURSE, ANAL SEX, OR ORAL SEX

## TABLE 2E

## FELONY CLASS: ASSAULT

(ASSAULT, KIDNAPPING, FELON IN POSSESSION OF FIREARM)

12

## BASE TIME

VICTIM - Person who is:

- a. Directly/indirectly threatened, injured or abused by offender -or-
- b. Recklessly endangered by offender's actions--could have been injured or killed by offender's actions.

-12

## 1. VICTIM PROVOKED ASSAULT (MITIGATING)

Victim provoked offender into committing act. At the time of the act, victim had:

1. Enraged/incited offender -or-
2. Precipitated the act through any words or actions.

(i.e., victim did taunt, gibe, or ridicule offender to commit act.)

## 2. DEGREE OF FORETHOUGHT

(At most one of the following circumstances may apply)12OPPORTUNITY FOR FORETHOUGHT

1. Offender had time to consider actions before committing act -or-
2. Offender's actions were not a spontaneous reaction to a situation -or-
3. A sufficient period of time and opportunity existed for the offender to abandon course of action -or-
4. Offender left and then returned to scene -or-
5. Offender had mentioned intent prior to act.

24DELIBERATE

In addition to having the opportunity for forethought before committing the act, the offender took steps in advance to commit the act. Evidence of such may be:

1. Plotting/laying plans for execution of act -or-
2. Partner collaboration to plan and execute act -or-
3. Gaining access to victim through fraud, breaking and entering, kidnapping or other illegal means.

48PREDATORY - HEINOUS

1. A predatory situation in which the offender actively rendered victim helpless before completing the act by tying victim up, or rendering victim unconscious by drugs or violence in order to further assault or molest victim -or-
2. Offender carried out act in heinous manner by prolonging victim's agony or humiliation or physically/mentally torturing victim.

12

## 3. VICTIM WAS PHYSICALLY/MENTALLY HANDICAPPED

A handicap (not the result of age) made the victim especially vulnerable to the offender. The victim was:

1. Mentally retarded -or-
2. Mentally ill -or-
3. Physically handicapped -or-
4. Pregnant -or-
5. Seriously ill.

## 4. VICTIM VULNERABLE BY AGE

(At most one of the following circumstances may apply)

Offender was aware of and took advantage of age of the victim.  
The victim was:

- 12 13 - 15 OR 50 - 59 YEARS OLD  
18 10 - 12 OR 60 - 69 YEARS OLD  
24 6 - 9 OR 70 - 79 YEARS OLD  
30 1 - 5 OR 80 YEARS OR OLDER

## 5. METHOD OF VIOLENCE

(More than one circumstance may apply)

The primary method of violence is that method of violence relied upon to accomplish the act. If a victim(s) received an injury by more than one method of violence, include all methods resulting in injury as primary. The primary method(s) of violence is (are):

9 PHYSICAL FORCE

Offender's use or threat of use of feet, fists, hands, or other body parts exclusive of any implement external to offender's body.

15 WEAPON OTHER THAN KNIFE OR FIREARM

Any weapon other than a knife or firearm used by offender to threaten or injure. Includes toy firearms, air pistols, pellet guns, etc.

18 KNIFE

Any weapon/implement consisting of a sharp blade fastened to a handle or capable of inflicting cut or stab wounds.

24 FIREARM

A firearm is any weapon from which a shot may be discharged by an explosion of gun powder. Commonly includes rifles, pistols, shot-guns, etc.

## 6. INJURY TO VICTIM BY OFFENDER

(At most one circumstance may apply)6 MINOR INJURY

In the act, the principal victim received a physical injury requiring medical attention.

18 IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY OR DEATH

In the act, the offender exhibited behavior indicating an attempt or intent (with ability to carry out) to inflict major/permanent injury or death.

24 RECEIVED MAJOR/PERMANENT INJURY

Offender inflicted one of the following types of injury:

1. Life threatening injury -or-
2. Injury threatening permanent loss/alteration of bodily functions -or-
3. Psychological damage resulting (or threatening to result) in permanent loss of ability to function in normal capacity -or-
4. Loss of limb or injury causing recognizable handicaps or permanent job disability -or-
5. Permanent noticeable (facial) disfigurement -or-
6. Any injury that is reasonable expected to continue throughout the victim's life.



7. MORE THAN ONE VICTIM THREATENED/INJURED

(At most one of the following circumstances may apply)

3 MORE THAN ONE VICTIM THREATENED BY OFFENDER

In the act, the offender verbally or physically threatened or abused an additional victim.

6 MORE THAN ONE VICTIM RECEIVED MINOR INJURY

In the act, the offender inflicted a minor injury on an additional victim.

18 MORE THAN ONE VICTIM PLACED IN IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY

In the act, the offender placed an additional victim in imminent danger of receiving a major/permanent injury or death.

24 MORE THAN ONE PERSON RECEIVED MAJOR/PERMANENT INJURY

In the act, the offender inflicted a major/permanent injury on an additional person.

12 8. VICTIM FORCED TO ANOTHER LOCATION

Victim was removed to another location:

- 1. By force -or-
- 2. Without consent or voluntary compliance

Note: For purposes of this aggravating circumstance, involuntary detainment alone does not constitute being "forced to another location".

9. NON-CONSENSUAL SEXUAL ABUSE BY OFFENDER

(Only the MOST SERIOUS sexual abuse occurring in the act applies)

Non-consensual sexual abuse is the touching or exposure of the genitals or breasts against the victim's wishes or against a victim incapable of consent by reason of age, infirmity or mental incapability.

Attempted sexual abuse involves an intent to commit some sexual abuse as evidenced by:

- 1. Verbal demands -or-
- 2. Attempted or actual removal of clothing -or- touching victim's genitals or breasts.

-and-

substantial steps taken to carry out the sexual intent as evidenced by:

- 1. Use or threat of use of physical force or weapon -or-
- 2. Use or any mental coercion -or-
- 3. Forcing victim to another location -or-
- 4. Creating in the victim a well founded fear of injury.

6 FLASHING

The offender exposed self to victim.

9 ATTEMPTED SEXUAL FONDLING/EXPOSURE

The offender attempted to fondle, touch, or expose the victim's genitals or breasts.

12 SEXUAL FONDLING/EXPOSURE

Offender fondled, touched or exposed the victim's genitals or breasts.

18      ATTEMPTED VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX

Offender attempted vaginal penetration, contact between mouth and genitals or contact with anus.

24      VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX

Offender's actions involved actual vaginal penetration, or contact between mouth and genitals or contact with anus.

10. ADDITIONAL INCIDENTS OF NON-CONSENSUAL SEXUAL ABUSE

(Only the MOST SERIOUS additional incident; if any, applies)

Additional incident of sexual abuse involves:

1. Subjecting the same victim to two or more incidents or types of sexual abuse.
2. Subjecting more than one victim to any type of sexual abuse.

6      ADDITIONAL INCIDENT OF FLASHING

9      ADDITIONAL INCIDENT OF ATTEMPTED SEXUAL FONDLING/EXPOSURE

12      ADDITIONAL INCIDENT OF SEXUAL FONDLING/EXPOSURE

18      ADDITIONAL INCIDENT OF ATTEMPTED VAGINAL INTERCOURSE, ANAL SEX OR ORAL SEX

24      ADDITIONAL INCIDENT OF VAGINAL INTERCOURSE, ANAL SEX, OR ORAL SEX

TABLE 2F

FELONY CLASS: PROPERTY - PART I

(BURGLARY, CHECK/CREDIT CARD ABUSE, THEFT, FRAUD, AUTO THEFT, POSSESSION OF STOLEN PROPERTY)

3 BASE TIME

1. TYPE OF PROPERTY ACT

(More than one circumstance may apply)

The intent of the criminal act against property was:

9 BURGLARY

Knowingly entering or remaining unlawfully in a building with the intent to commit a crime against person or property.

6 EMBEZZLEMENT/FRAUD

- 1. Fraudulent appropriation to one's own use or benefit of money entrusted to one's care -or-
- 2. Intentional perversion of truth or false representation of facts to obtain other's belongings.

3 FORGERY

- 1. Unauthorized signing of a name other than one's own name to any document -or-
- 2. Intent to defraud through any false making or material altering of any writing which, if genuine, might be of legal efficacy.

3 AUTO THEFT

- 1. Theft of a motor vehicle -or-
- 2. Riding in a motor vehicle known by offender to be stolen.

6 2. VICTIM WAS VULNERABLE

The person(s) suffering damage or loss of personal property due to offender's actions was (were):

- 1. Someone on a fixed or limited income such as social security, retirement fund, unemployment compensation, disability payments, public assistance, etc. -or-
- 2. Someone with a physical or mental weakness due to age, mental retardation, physical handicap or infirmity.

3. DEGREE OF PLANNING

(At most one of the following circumstance applies)

6 PLANNED

Forethought, as distinguished from a spontaneous reaction to an opportune situation, was evident in the act. Evidence may include:

- 1. In Burglary:
  - a. Leaving and returning to scene -or-
  - b. Loitering at scene prior to act -or-
  - c. Prior discussion of intent -or-
  - d. Illegal entry by more than simple force.
- 2. In Auto Theft:
  - a. Obtaining keys prior to theft -or-
  - b. Using concealment to remove vehicle -or-
  - c. Using deceit to remove vehicle.

3. In Check/Credit Card Abuse:
  - a. Planned always applies, unless clear indication that act was spur of the moment.
4. In Possession of Stolen Property:
  - a. Planned always applies.
5. In Theft:
  - a. Partner coordination -or-
  - b. Prior discussion of theft -or-
  - c. A scheme of concealment -or-
  - d. casing establishment, leaving and returning to scene, loitering at scene.

12**SOPHISTICATED**

A level of planning indicating a more criminally oriented or sophisticated mode of operation was evident in the act. Evidence may include:

1. In Burglary:
    - a. Use or possession of burglary tools -or-
    - b. Illegal entry through roof or above ground floor -or-
    - c. Burgling warehouses, jewelry stores, banks, furriers, or other large commercial establishments known to contain goods of high value, or large sums of money, -or-
    - d. Use of look-outs.
  2. In Auto Theft:
    - a. Having keys copied -or-
    - b. Hot wiring -or-
    - c. Using tools.
  3. In Non-Sufficient Funds (NSF):
    - a. Account(s) set up for fraudulent purposes -or-
    - b. Account(s) set up under fictitious name -or-
    - c. Account(s) set up with minimal funds and immediately overdrawn -or-
    - d. Unauthorized use of check protector.
- In Forgery:
- a. Use of stolen or false identification in addition to the forged instrument -or-
  - b. Unauthorized use of check protector -or-
  - c. Forgery on multiple accounts where all accounts belong to a single individual.
4. In Possession of Stolen Property:
    - a. Stolen goods possessed were taken from several different sources or persons -or-
    - b. Amount and type of goods are a clear indication of retail selling -or-
    - c. Receiving stolen goods and paying for goods with marijuana/hashish.
  5. In Theft:
    - a. Knowledge of layout of premises and/or its business procedures necessary to execute theft -or-
    - b. Fraudulent appropriation to one's own use or benefit of money entrusted to one's care -or-
    - c. Intentional perversion of truth or false representation of facts in order to obtain another's belongings.

24 PROFESSIONAL

The highest level of planning is indicated by a professional orientation in the mode of operation. Evidence may include:

- 1. In Burglary:
  - a. Use of stolen vehicles or deceptively labeled vehicles to haul goods away -or-
  - b. Disabling alarm systems prior to entry -or-
  - c. Cracking safes -or-
  - d. Use of blue prints/maps -or-
  - e. Timed partner coordination in execution of steps necessary to commit burglary -or-
  - f. Leader or equal partner in a burglary ring.
- 2. In Auto Theft:
  - a. Use of punch locks -or-
  - b. Use of tow trucks -or-
  - c. Theft of several vehicles -or-
  - d. Leader or equal partner in an auto theft ring.
- 3. In Check/Credit Card Abuse:
 

For NSF cases:

  - a. Transferring of funds among accounts to create false impression of solvency (kiting) -or-
  - b. A leader or equal partner in a check/credit card ring.

For Forgery Cases:

  - a. Forgery on accounts belonging to two or more individuals -or-
  - b. Leader or equal partner in a forgery ring.
- 4. In Possession of Stolen Property:
  - a. Fencing or wholesaling in stolen goods -or-
  - b. Receiving stolen goods and paying for goods with hard drugs.
- 5. In Theft:
  - a. An extremely complicated scheme necessary to accomplish theft -or-
  - b. A leader or equal partner in a theft ring.

4. OBJECTIVE OF ACT AGAINST PROPERTY

(Exactly one of the following circumstances applies)

These circumstances identify the objective or intent of the act, regardless of whether the goods or services are actually obtained.

0 TO OBTAIN GOODS FOR PERSONAL CONSUMPTION

- 1. To obtain small amounts of goods for immediate personal use - alcohol, food, tobacco, essential clothing and miscellaneous items -or-
- 2. To obtain property or services valued at less than \$250 -or-
- 3. To obtain a motor vehicle for joyriding.

3 TO OBTAIN RETAIL LEVEL GOODS

- 1. To obtain goods saleable to an individual purchaser such as television, stereo, minor electrical appliance, check/credit card, auto parts, drugs, tools, etc. -or-
- 2. To obtain property or services valued at \$250-\$749

9 TO OBTAIN MIDDLE LEVEL GOODS

1. To obtain goods saleable to a retailer, such as large appliances, furniture, office equipment, weapons, etc. -or-
2. To obtain property or services valued at \$750-\$1499 -or-
3. To obtain a motor vehicle to travel outside the state or country.

15 TO OBTAIN WHOLESALE LEVEL GOODS

1. To obtain goods in wholesale quantities, such as warehouse goods, goods from large commercial establishments, jewelry stores, etc. -or-
2. To obtain property or services valued at \$1500 or more -or-
3. To obtain motor vehicle to strip for parts or sell.

6 5. RESIDENTIAL THEFT

The goods were taken from inside a dwelling which was illegally entered. Dwellings include:

1. Motel rooms -or-
2. Hotel rooms -or-
3. Any private homes or apartments.

6 6. VANDALISM

Any willful, malicious, purposeless destruction, defacement or vandalism of property.

Note: Destruction resulting from forced entry or ransacking for purpose of searching for goods or money is not vandalism.

## 7. HIGH SPEED CHASE

6 HIGH SPEED CHASE - NO DAMAGE

A chase occurred in which vehicle was driven by offender in excess of speed limit to avoid apprehension.

6 8. DAMAGE TO VEHICLE

A vehicle other than the offender's own was damaged:

1. In the criminal act -or-
2. As a result of the criminal act -or-
3. As a result of the offender's flight from the act or from pursuit by authorities.

FELONY CLASS: PROPERTY - PART II

USE THIS SECTION WHEN A VICTIM IS THREATENED OR INJURED IN THE PROPERTY CRIME

12 9. VICTIM CONFRONTED WITH THREAT/ASSAULT

This circumstance is present in the criminal act if a victim is actually confronted by the offender in the criminal act and physically assaulted or threatened with bodily harm or placed in danger of physical harm.

12 10. VICTIM WAS PHYSICALLY/MENTALLY HANDICAPPED

A handicap (not the result of age) made the victim especially vulnerable to the offender. The victim was:

- 1. Mentally retarded -or-
- 2. Mentally ill -or-
- 3. Physically handicapped -or-
- 4. Pregnant -or-
- 5. Seriously ill.

11. VICTIM VULNERABLE BY AGE

(At most one of the following circumstances may apply)

Offender was aware of and took advantage of age of the victim. The victim was:

- 12 13 - 15 OR 50 - 59 YEARS OLD
- 18 10 - 12 OR 60 - 69 YEARS OLD
- 24 6 - 9 OR 70 - 79 YEARS OLD
- 30 1 - 5 OR 80 YEARS OR OLDER

12. METHOD OF VIOLENCE

(More than one circumstance may apply)

The primary method of violence is that method of violence relied upon to accomplish the act. If a victim(s) received an injury by more than one method of violence, include all methods resulting in injury as primary. The primary method(s) of violence is (are):

9 PHYSICAL FORCE

Offender's use or threat of use of feet, fists, hands, or other body parts exclusive of any implement external to offender's body.

15 WEAPON OTHER THAN KNIFE OR FIREARM

Any weapon other than a knife or firearm used by offender to threaten or injure. Includes toy firearms, air pistols, pellet guns, etc.

18 KNIFE

Any weapon/implement consisting of a sharp blade fastened to a handle, or capable of inflicting cut or stab wounds.

24 FIREARM

A firearm is any weapon from which a shot may be discharged by an explosion of gun powder. Commonly includes rifles, pistols, shot-guns, etc.

13. INJURY TO VICTIM BY OFFENDER

(At most one circumstance may apply)

6 MINOR INJURY

In the act, the principal victim received a physical injury requiring medical attention.

18 IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY OR DEATH

In the act, the offender exhibited behavior indicating an attempt or intent (with ability to carry out) to inflict major/permanent injury or death.

24 RECEIVED MAJOR/PERMANENT INJURY

Offender inflicted one of the following types of injury:

1. Life threatening injury -or-
2. Injury threatening permanent loss/alteration of bodily functions -or-
3. Psychological damage resulting (or threatening to result) in permanent loss of ability to function in normal capacity -or-
4. Loss of limb or injury causing recognizable handicaps or permanent job disability -or-
5. Permanent noticeable (facial) disfigurement -or-
6. Any injury that is reasonably expected to continue throughout the victim's life.

14. MORE THAN ONE VICTIM THREATENED/INJURED

(At most one of the following circumstances may apply)

3 MORE THAN ONE VICTIM THREATENED BY OFFENDER

In the act, the offender verbally or physically threatened or abused an additional victim.

6 MORE THAN ONE VICTIM RECEIVED MINOR INJURY

In the act, the offender inflicted a minor injury on an additional victim.

18 MORE THAN ONE VICTIM PLACED IN IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY

In the act, the offender placed an additional victim in imminent danger of receiving a major/permanent injury or death.

24 MORE THAN ONE PERSON RECEIVED MAJOR/PERMANENT INJURY

In the act, the offender inflicted a major/permanent injury on an additional person.

12 15. VICTIM FORCED TO ANOTHER LOCATION

Victim was removed to another location:

1. By force -or-
2. Without consent or voluntary compliance.

Note: For purposes of this aggravating circumstance, involuntary detainment alone does not constitute being "forced to another location".



16. NON-CONSENSUAL SEXUAL ABUSE BY OFFENDER

(Only the MOST SERIOUS sexual abuse occurring in the act applies)

Non-consensual sexual abuse is the touching or exposure of the genitals or breasts against the victim's wishes or against a victim incapable of consent by reason of age, infirmity or mental incapability.

Attempted sexual abuse involves an intent to commit some sexual abuse as evidenced by:

- 1. Verbal demands -or-
- 2. Attempted or actual removal of clothing -or- touching victim's genitals or breasts.

-and-

substantial steps taken to carry out the sexual intent as evidenced by:

- 1. Use or threat of use of physical force or weapon -or-
- 2. Use or any mental coercion -or-
- 3. Forcing victim to another location -or-
- 4. Creating in the victim a well founded fear of injury.

6 FLASHING

The offender exposed self to victim.

9 ATTEMPTED SEXUAL FONDLING/EXPOSURE

The offender attempted to fondle, touch, or expose the victim's genitals or breasts.

12 SEXUAL FONDLING/EXPOSURE

Offender fondled, touched or exposed the victim's genitals or breasts.

18 ATTEMPTED VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX

Offender attempted vaginal penetration, contact between mouth and genitals or contact with anus.

24 VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX

Offender's actions involved actual vaginal penetration, or contact between mouth and genitals or contact with anus.

17. ADDITIONAL INCIDENTS OF NON-CONSENSUAL SEXUAL ABUSE

(Only the MOST SERIOUS additional incident; if any, applies)

Additional incident of sexual abuse involves:

- 1. Subjecting the same victim to two or more incidents or types of sexual abuse.
- 2. Subjecting more than one victim to any type of sexual abuse.

6 ADDITIONAL INCIDENT OF FLASHING

9 ADDITIONAL INCIDENT OF ATTEMPTED SEXUAL FONDLING/EXPOSURE

12 ADDITIONAL INCIDENT OF SEXUAL FONDLING/EXPOSURE

18 ADDITIONAL INCIDENT OF ATTEMPTED VAGINAL INTERCOURSE, ANAL SEX OR ORAL SEX

24 ADDITIONAL INCIDENT OF VAGINAL INTERCOURSE, ANAL SEX OR ORAL SEX

TABLE 2G  
FELONY CLASS: DRUGS  
(ALL DRUG OFFENSES)

Acts in felony class drugs are subject to treatment under only one of the following subclasses.

FELONY SUBCLASS: DRUG POSSESSION

Offender possessed or attempted to possess drugs in a quantity which could reasonably be used by the offender -and- there is no evidence the drugs were for sale.

6 BASE TIME

6 1. CONTROLLED SUBSTANCE

This circumstance applies if any of the drugs possessed are controlled substances. This excludes Marijuana, Cannabis Sativa, Hashish, and THC and prescription drugs which are not controlled substances.

6 2. CHEMICAL DEPENDENCY (DRUGS/ALCOHOL)

Offender is unable to function without frequent intake of alcohol/drugs, or is unable to function at all, as evidenced by documentation.

FELONY SUBCLASS: DRUG SALES

Any actual sale or attempted sale of drugs -or- possession of drugs or attempted to possess drugs in quantities exceeding an amount that could reasonably be used by the offender.

12 BASE TIME

12 1. CONTROLLED SUBSTANCE

This circumstance applies if any drugs involved in selling are controlled substances. This excludes Marijuana, Cannabis Sativa, Hashish, THC and prescription drugs which are not controlled substances.

2. LEVEL OF SELLING

(At most one of the following circumstances applies)

12 MIDDLE LEVEL

Evidence of middle level selling includes:

1. Sale of drugs in bulk for -or-
2. Apprehension of offender with drugs in bulk form -or-
3. Offender's possession of drug sale equipment -or-
4. Possessing/selling/or attempting to obtain drugs with street value of \$5,000 to \$15,000.

30 MAJOR LEVEL

Evidence of major level selling/dealing includes:

1. Offender receiving shipments of drugs from out-of-state or out-of-country sources -or-
2. Sale of drugs in bulk form -or-
3. Possessing/selling/or attempting to obtain drugs with street value in excess of \$15,000 -or-
4. Manufacturing/refining drugs.

TABLE 2H  
FELONY CLASS: ESCAPE

(SUSPENDED PENDING FURTHER DEVELOPMENT)

12 BASE TIME

VICTIM - Person who is:

- a. Directly or indirectly threatened or injured by offender -or-
- b. Recklessly endangered by offender's actions--could have been injured or killed by offender's actions.

1. CUSTODY CLASSIFICATION AT TIME OF ESCAPE

(At most one circumstance applies)

There are three levels which correspond to those defined by Adult Corrections Division in Section 206.20 to 206.40 of Resident's Classification Manual.

18 MAXIMUM

This classification applies if offender escaped from:

- 1. Washington State Adult Correction institution -and-
- 2. Most secure housing within that institution -and-
- 3. Constant, 24-hour supervision.

12 CLOSE

This classification applies if offender escaped from:

- 1. Washington State Adult Corrections Institution -and-
- 2. A walled or fenced enclosure and secure single cells or room housing -and-
- 3. Frequent supervision.

6 MEDIUM

This classification applies if offender escaped from:

- 1. County Jail or Washington State Adult Corrections Institution -and-
- 2. Fenced enclosure and secure single cells, rooms, or dormitory housing -and-
- 3. Periodic supervision.

2. METHOD OF VIOLENCE IN ESCAPE

9 PHYSICAL FORCE AGAINST VICTIM

Offender's use or threat of use of feet, fists, hands, or other body parts exclusive of any implement external to offender's body.

15 WEAPON OTHER THAN KNIFE OR FIREARM

Any weapon other than a knife or firearm used by offender to threaten or injure. Includes toy firearms, air pistols, pellet guns, etc.

18 KNIFE

Any weapon/implement consisting of a sharp blade fastened to a handle -or- capable of inflicting cut or stab wounds.

24 FIREARM

A firearm is any weapon from which a shot may be discharged by an explosion of gun powder. Commonly includes rifles, pistols, shotguns, etc.

## 3. INJURY TO VICTIM

(At most one of the following circumstance applies)

6 MINOR INJURY RECEIVED

Any physical injury requiring medical attention.

18 PLACED IN IMMINENT DANGER OF MAJOR/PERMANENT INJURY

Evidenced by the offender:

1. Exhibiting behavior indicating an attempt or intent (with ability to carry out) to inflict major/permanent injury or death -or-
2. Acting with reckless disregard for the physical safety of others placing them in imminent fear of major/permanent injury or death.

24 MAJOR/PERMANENT INJURY RECEIVED

Offender inflicted one of the following types of injury:

1. Life threatening -or-
2. Injury threatening permanent loss/alteration of bodily functions -or-
3. Psychological damage resulting (or threatening to result) in permanent loss of ability to function in normal capacity -or-
4. Loss of limb or injury causing recognizable handicaps or permanent job disability -or-
5. Permanent noticeable (facial) disfigurement -or-
6. Any injury that is reasonably expected to continue throughout the victim's life.

12 4. ADDITIONAL CRIMINAL BEHAVIOR WHILE ON ESCAPE

Offender is reported to have committed additional behavior while on escape which is criminal under Washington State statutes.

TABLE 3

ELIMINATION OF PRIOR RECORD ENTRIES OVER TIME

<u>Type of Prior Record</u>	<u>Number of Years in Community Between Convictions or Parole Revocations Necessary to Eliminate Convictions or Parole Revocations from Guideline Consideration</u>
Murder	Life
Manslaughter	10 Years
Sex Offense	10 Years
Assaults	10 Years
Robbery	10 Years
Property Offenses	5 Years
Drug Offenses	5 Years
Other Offenses	5 Years

TABLE 4

NUMBER OF MONTHS ADDED FOR EACH PRIOR RECORD ENTRY BY ADMISSION FELONY CLASS<sup>1</sup>

PRIOR RECORD CLASS	ADMISSION FELONY CLASS							
	MURDER	SEX OFFENSE	ROBBERY	ASSAULT	MAN-SLAUGHTER	PROPERTY OFFENSE	DRUG OFFENSE	OTHER <sup>2</sup>
MURDER	96	48	48	48	48	18	24	18
SEX OFFENSE	24	24	12	12	12	6	6	6
ROBBERY	14	12	24	12	12	6	6	6
ASSAULT	24	12	12	24	12	6	6	6
MANSLAUGHTER	48	12	12	12	36	12	12	12
PROPERTY OFFENSE	6	6	6	6	6	6	6	6
DRUG OFFENSE	6	6	6	6	6	6	6	6
OTHER	6	6	6	6	6	6	6	6

<sup>1</sup>Note: Each column represents the felony class of the current admission. Each figure in a column is the number of months added for each entry within the prior record classes.

Prior record time shall not exceed act severity time when both the admission felony class and all prior record classes are not above the Property Felony class.

<sup>2</sup>Other offenses include felony classes Felon in Possession of a firearm, Escape and all other types of criminal acts not included in the previous felony classes.

TABLE 5

ABOVE/BELOW GUIDELINE VARIATION BY GUIDELINE TERM

<u>GUIDELINE TERM</u> (In Months)	<u>ABOVE/BELOW GUIDELINE VARIATION</u> (In Months)
12 to 33	3
36 to 57	6
60 to 81	9
84 to 105	12
108 to 129	15
132 to 153	18
156 to 177	21
180 to 201	24
204 to 225	27
228 to 249	30
252 to 273	33
276 to 297	36
300 to 321	39
324 to 345	42
348 to 369	48

Guideline Range = Guideline Term + Guideline Variation

STATE OF WASHINGTON  
BOARD OF PRISON TERMS AND PAROLES

Guidelines are an aid to consistent decision making, rather than determinate rules for fixing minimum terms. Therefore, it is expected that Board panels will go outside the guideline range whenever they encounter atypical circumstances in a case.

For these atypical cases, explicit reasons will be given to declare why the case is an exception to the general rule. A list of circumstances which may result in a decision outside the guidelines is given. This list is not complete, since there undoubtedly are additional reasons for outside guideline decisions.

Prepared by:  
Management Information Section

Effective January 1979  
Amended Effective May 1, 1980

REASONS FOR OUTSIDE GUIDELINE DECISIONS

NAME \_\_\_\_\_

DSHS # \_\_\_\_\_

OFFENDER CHARACTERISTICS:

OFFENSE CIRCUMSTANCES:

AGGRAVATING

AGGRAVATING

1. OFFENDER'S JUVENILE RECORD INDICATES A MORE SERIOUS PRIOR INVOLVEMENT IN CRIMINAL ACTIVITIES THAN REFLECTED IN THE ADULT PRIOR RECORD.
2. OFFENDER'S POTENTIAL FOR VIOLENCE IS NOT LIKELY TO BE APPRECIABLY LESSENED BY THE END OF THE GUIDELINE TERM OF CONFINEMENT.
3. OFFENDER'S POTENTIAL FOR COMMITTING NON-VIOLENT CRIMES IS NOT LIKELY TO BE APPRECIABLY LESSENED BY THE END OF THE GUIDELINE TERM OF CONFINEMENT.
4. OFFENDER'S ADULT RECORD OF FELONY CONVICTIONS UNDERSTATES OFFENDER'S DEGREE OF CRIMINAL ORIENTATION (EXTENSIVE HISTORY OF PRIOR MISDEMEANOR CONVICTIONS, VIOLATIONS OF PROBATION, ETC.)
5. JUDGE'S RECOMMENDATIONS IN SENTENCING SUGGEST MINIMUM TERM HIGHER THAN THE GUIDELINE TERM.
6. OFFENDER HAS PARTICIPATED IN A COURT-ORDERED TREATMENT PROGRAM FOR THE COMMITMENT OFFENSES, BUT WAS FOUND UNSAFE TO BE AT LARGE.
7. OFFENDER HAS PARTICIPATED IN A COURT-ORDERED TREATMENT PROGRAM FOR THE COMMITMENT OFFENSES, BUT IMMEDIATELY RE-OFFENDED WITH A CRIME SIMILAR TO THE COMMITMENT OFFENSES.
8. OFFENDER HAS PARTICIPATED IN A COURT-ORDERED TREATMENT PROGRAM FOR THE COMMITMENT OFFENSES, BUT MADE NO GOOD FAITH EFFORT TO COMPLETE PROGRAM.
9. OFFENDER FAILED TO TAKE ADVANTAGE OF REPEATED OPPORTUNITIES TO REHABILITATE SELF.
10. OFFENDER FAILED TO MAKE RESTITUTION DESPITE OPPORTUNITIES TO DO SO.

24. OFFENDER USED OR THREATENED TO USE VIOLENCE IN EXCESS OF THAT NECESSARY TO CARRY OUT THE CRIME (BRUTALITY).
25. OFFENDER'S CRIMINAL BEHAVIOR CLEARLY INDICATED AN INTENT TO INFLICT A MAJOR/PERMANENT INJURY.
26. OFFENDER RESISTED ARREST WITH A WEAPON OR ENDANGERED/INJURED OTHERS BY RESISTING ARREST.
27. OFFENDER RECRUITED OR COERCED OTHERS INTO COMMITTING OFFENSES.
28. OFFENDER'S RELATION TO PARTNERS INDICATES A GREATER DEGREE OF CULPABILITY THAN REFLECTED BY THE GUIDELINES.
29. OFFENDER EXHIBITED ASSAULTIVE OR DISRUPTIVE BEHAVIOR WHILE IN CUSTODY PRIOR TO COMMITMENT TO STATE INSTITUTION.
30. OFFENSE INVOLVES FELONY BEHAVIOR NOT CONSIDERED IN THE GUIDELINES.
31. OFFENDER'S FAILURE TO COOPERATE WITH LAWFULLY CONSTITUTED AUTHORITIES INDICATES A CONTINUED CRIMINAL ORIENTATION.
32. OFFENDER PREYED UPON THE VICTIM FROM A CONCEALED POSITION (AMBUSHED).
33. OFFENDER EXHIBITED BIZARRE OR DEVIANT SEXUAL BEHAVIOR IN EXCESS OF THAT INHERENT IN THE OFFENSE.

MITIGATING

MITIGATING

11. COMMUNITY-BASED TREATMENT PROGRAM HAS BEEN RECOMMENDED FOR THE OFFENDER.
12. STRONG POSITIVE COMMUNITY RESOURCES AND RELATIONSHIPS ARE AVAILABLE TO THE OFFENDER.
13. OFFENDER HAS ABSOLUTELY NO PRIOR CONTACTS WITH ANY LAW ENFORCEMENT AUTHORITIES.
14. OFFENDER POSES NO THREAT TO SOCIETY.
15. OFFENDER IS ESPECIALLY YOUNG.
16. OFFENDER IS ESPECIALLY OLD.
17. OFFENDER IS MENTALLY RETARDED, PHYSICALLY WEAK, TERMINALLY OR SERIOUSLY ILL, OR SENILE.
18. OFFENDER HAS EMOTIONAL/PSYCHIATRIC PROBLEMS WHICH RENDER THE OFFENDER UNABLE TO COPE WITH PRISON ENVIRONMENT.
19. OFFENDER NEEDS TREATMENT FOR SEVERE MENTAL/PHYSICAL PROBLEMS WHICH REQUIRE FACILITIES NOT AVAILABLE WITHIN THE INSTITUTION.
20. JUDGE'S RECOMMENDATIONS IN SENTENCING SUGGEST A MINIMUM TERM LOWER THAN THE GUIDELINE TERM.
21. OFFENDER HAS SPENT TIME IN A COURT-ORDERED TREATMENT FOR THE COMMITMENT OFFENSES.
22. OFFENDER HAS MADE SUBSTANTIAL PROGRESS IN REHABILITATING SELF SINCE ORIGINALLY CONVICTED.
23. OFFENDER'S ADULT RECORD OF FELONY CONVICTIONS OVERSTATES THE OFFENDER'S DEGREE OF CRIMINAL ORIENTATION.

34. OFFENDER'S RELATIONSHIP TO PARTNERS INDICATES A LESSER DEGREE OF CULPABILITY THAN REFLECTED BY THE GUIDELINES (E.G., NAIVE FOLLOWER, UNAWARE OF PARTNER'S INTENTIONS OR ACTIONS, ETC.)
35. OFFENDER MADE COMPLETE RESTITUTION FOR OFFENSE.
36. OFFENDER VOLUNTARILY TURNED SELF IN TO LAW ENFORCEMENT AUTHORITIES IMMEDIATELY AFTER THE CRIME.
37. OFFENDER ACTED UNDER EXTREME MENTAL OR PHYSICAL DURESS.
38. OFFENDER COOPERATED WITH AUTHORITIES.
39. THERE IS INFORMATION THAT THE VICTIM IS IN FAVOR OF LENIENCY FOR THIS CASE.
40. THERE IS INFORMATION THAT THE COMMUNITY IS IN FAVOR OF LENIENCY FOR THIS CASE.
41. OFFENDER'S CRIMINAL BEHAVIOR CLEARLY INDICATED NO INTENT TO INFLICT ANY INJURY.
42. OFFENDER HAS SPENT TIME INCARCERATED FOR THIS OFFENSE IN ANOTHER JURISDICTION OR IN COUNTY JAIL.

## SPECIFIC OFFENSE CIRCUMSTANCES

MURDER:

- 43. MORE THAN ONE VICTIM KILLED OR INJURED.
- 44. VICTIM IS PUBLIC OFFICIAL MURDERED AS A RESULT OF OFFICE OR IN THE LINE OF DUTY.

MANSLAUGHTER:

- 45. MORE THAN NEGLIGENCE ON THE OFFENDER'S PART CAUSED THE VICTIM'S DEATH.

SEXUAL MOLESTATION:

- 46. COMMERCIAL EXPLOITATION OF VICTIM INVOLVED.
- 47. OFFENDER NON-SEXUALLY ASSAULTED PERSON(S) IN ADDITION TO THE PERSON(S) SEXUALLY MOLESTED.
- 48. OFFENDER COERCED VICTIM THROUGH THREATS AGAINST A THIRD PARTY (E.G., CHILD OF VICTIM) OR THREATS AGAINST PROPERTY OR RIGHTS OF VICTIM.
- 49. OFFENDER USED FORCE TO GAIN ACCESS TO THE VICTIM (DOMESTIC INVASION).
- 50. OFFENDER USED RUSE OR DECEPTION TO GAIN ACCESS TO THE VICTIM.

ROBBERY:

- 51. OFFENDER USED FORCE TO GAIN ACCESS TO THE VICTIM (DOMESTIC INVASION)
- 52. OBJECTIVE OF ROBBERY WAS TO OBTAIN GOODS FOR IMMEDIATE PERSONAL CONSUMPTION (E.G., FOOD, ALCOHOL, MISCELLANEOUS ITEMS) ONLY.
- 53. OBJECTIVE OF ROBBERY WAS TO GAIN DRUGS IN EXCESS OF PERSONAL CONSUMPTION/NEEDS.
- 54. OBJECTIVE OF ROBBERY WAS TO OBTAIN WEAPONS/EXPLOSIVES.
- 55. THE ROBBERY INVOLVED EXTORTION.

BURGLARY:

- 56. BURGLARY INVOLVED SOPHISTICATED IN EXCESS OF PLANNING--PROFESSIONALLY EXECUTED BURGLARY.
- 57. THERE IS EVIDENCE THAT THE OFFENDER BELIEVED SELF TO HAVE LEGITIMATE CLAIM TO GOODS INVOLVED IN BURGLARY.
- 58. PREDATORY BURGLARY--OFFENDER KNOWINGLY BURGLARIZED A VULNERABLE VICTIM (E.G., A VICTIM VULNERABLE BY REASON OF AGE, INFIRMITY, OR ECONOMIC STRAIGHTS).
- 59. OFFENDER BELIEVED SELF TO HAVE "COLOR OF RIGHT" TO ENTER PREMISES.

- 99. ADDITIONAL REASONS:

ASSAULT:

- 60. ASSAULT IS A RESISTANCE OF ARREST.
- 61. VICTIM IS A PUBLIC OFFICIAL ASSAULTED IN THE LINE OF DUTY OR AS A RESULT OF PUBLIC OFFICE (EXCLUDING RESISTING ARREST).
- 62. THEFT OF PROPERTY/EXTORTION ALSO INVOLVED IN THE ASSAULT.
- 63. OFFENDER ACTED WITH NO PROVOCATION FROM THE VICTIM.
- 64. VICTIM PROVOKED OFFENDER INTO ASSAULT.
- 65. OFFENDER GAINED ACCESS TO VICTIM THROUGH FORCE, ILLEGAL ENTRY, OR RUSE.
- 66. ASSAULT INVOLVED CHILD ABUSE.

THEFT:

- 67. THEFT INVOLVED DRUGS IN EXCESS OF IMMEDIATE PERSONAL CONSUMPTION/USE.
- 68. THEFT INVOLVED WEAPONS, EXPLOSIVES, ETC.
- 69. THEFT OF GOODS OR MATERIALS RESULTED IN A PUBLIC HAZARD.

AUTO THEFT:

- 70. WEAPONS WERE FOUND IN THE STOLEN VEHICLE.
- 71. DRUGS WERE FOUND IN THE STOLEN VEHICLE.
- 72. STOLEN PROPERTY WAS FOUND IN THE STOLEN VEHICLE.
- 73. OFFENDER IS PART OF AN AUTO THEFT RING.

CHECK/CREDIT CARD ABUSE:

- 74. PREDATORY THEFT--OFFENDER KNOWINGLY EXPLOITED A VULNERABLE VICTIM (VICTIM WAS VULNERABLE BY REASON OF AGE, INFIRMITY, ECONOMIC STRAIGHTS, ETC.).

DRUGS:

- 75. OFFENDER WAS SELLING DRUGS TO MINORS.
- 76. OFFENDER WAS INFLUENCING OTHERS TO USE DRUGS.
- 77. OFFENDER POSSESSED A WEAPON AT TIME OF ARREST OR DURING DRUG TRANSACTION.
- 78. OFFENDER WAS DEALING IN DRUGS IN RETURN FOR STOLEN PROPERTY/WEAPONS.
- 79. OFFENDER WAS ACCEPTING EARNINGS OF A PROSTITUTE IN PAYMENT FOR DRUGS.

FELON IN POSSESSION OF FIREARM:

- 80. OFFENDER POSSESSED MORE THAN ONE WEAPON - OFFENDER WAS DEALING IN WEAPONS.



STATE OF WASHINGTON  
BOARD OF PRISON TERMS AND PAROLES

GUIDELINES FOR RECONSIDERATION OF  
LENGTH OF CONFINEMENT

Effective July 1, 1979

Amended:

May 1, 1980

February 1, 1981

Prepared by:  
Management Information Section

GUIDELINES FOR RECONSIDERATION OF LENGTH OF CONFINEMENT

In order to promote consistent exercise of discretion and effect fair and equitable decision-making, without jeopardizing public safety or removing individual case consideration, the Board has established guidelines for the reconsideration of length of confinement. In this section, the term "guidelines" refers to the guidelines for the reconsideration of length of confinement.

1. The guidelines modify length of confinement based upon probability statements concerning parole performance for various groups of offenders.
2. The guidelines shall apply to all offenders receiving minimum terms under the provisions of Guidelines for Fixing of Minimum Terms. Decisions concerning offenders admitted under circumstances not specifically stated in the guidelines shall be handled on a case-by-case basis.
3. Decisions outside the guidelines may be made by panels of the Board, provided that written reasons for these decisions are given. Written reasons need not be given if the decision falls within the guidelines.
4. When the guidelines indicate a length of confinement which is less than the mandatory minimum term, the mandatory minimum term will take precedence.
5. The Board shall review the guidelines six months after adoption and at least annually thereafter, and may revise or modify the guidelines based upon appropriate new information.
6. The Board shall disclose to the offender all adverse information used to determine the guideline for reconsideration of length of confinement.

## GUIDELINES FOR RECONSIDERATION OF LENGTH OF CONFINEMENT

Washington State Board of Prison Terms and Paroles

I. DEFINING PAROLE PERFORMANCE

Parole performance, which is defined as an offender's status in the criminal justice system after 18 months of parole supervision, is divided into three categories as follows:

- A. No Violations - During the 18 month follow-up period, the offender was not guilty of violating parole conditions.
- B. Misdemeanor-level/Technical Violations - During the 18 month follow-up period, the offender was found guilty of misdemeanor-level or technical violation(s) of parole conditions only.
- C. Felony Violations - During the 18 month follow-up period, the offender was found guilty of felony-level violation(s) or felony offense(s).

II. DEFINING PROBABILITY STATEMENTS CONCERNING PAROLE PERFORMANCE

A probability statement is an estimate of the likelihood of the occurrence of an event. A probability statement concerning parole performance is, therefore, an estimate of the likelihood of an offender having a specific parole performance.

These probability statements are functions of the offender's group Public Safety Score (PS Score) and the associated proportions of the three types of parole performance. The proportions are derived for offenders within each offender group having identical PS Scores.

A. Offender Groups

Under these guidelines, offenders are classified into nine offender groups based upon minimum term felony class, sex of the offender, and type of admission (see Table 1).

B. Public Safety Scores (PS Scores)

For each offender group, statistical analyses have demonstrated that various attributes of offenders are related to parole performance. In these guidelines, the presence of an attribute is a positive trait related to no violations. The Public Safety Score (PS Score) is the total number of attributes possessed by an offender. Within each offender group, offenders with high scores have higher probabilities of no violations than those with low scores. Exhibits 1A through 1F present the attributes for the offender groups.

C. Parole Performance Proportions

For a given PS Score within an offender group, the probability statements for each parole performance are based upon the proportions of offenders actually exhibiting that performance.

When a current offender is said to have a certain probability of a specific parole performance, it is to be understood that this probability is numerically equal to the proportion of all like offenders who have actually exhibited that performance (i.e., the behavior of offender groups in the analysis sample is used to estimate the probable behavior of current offender groups).

Tables 2A through 2I present the PS Scores and the associated probabilities of parole performances for each offender group.

III. GUIDELINE RULES AND PROCEDURES

The primary concern of the Board is public safety. The Board is, however, cognizant of the high cost of prolonged incarceration to the public and its potentially negative impact on offenders. Therefore, the Board has elected to reconsider the length of confinement for certain offenders, while minimizing the threat to public safety, by using information predictive of their likelihood of re-offending after release. Thus, the greater the likelihood of no parole violation, the greater the potential for reduction in length of confinement. Conversely, as the likelihood of felony violation increases, the potential for reduction decreases. Furthermore, the Board has elected to consider larger reductions in length of confinement for property offenders than for offenders convicted of more serious offenses (e.g., Murder 2, Assault, Sexual Molestation, etc.).

The guideline rules and the procedures for calculating reductions in length of confinement are presented in Section A.

A. Rules For Calculation of Guideline Reduction of Length of Confinement (In Months)

1. Potential Guideline Reduction. Equation 1 presents the formula for calculation of the offender's potential guideline reduction in length of confinement (i.e., the largest reduction in length of confinement for which an offender is eligible under these guidelines).

Equation 1

$$\text{Potential Guideline Reduction} = \left[ \begin{array}{c} \text{Percent} \\ \text{Reduction} \\ \text{(Tables 2A-I)} \end{array} \right] \times \left[ \begin{array}{c} \text{Two-thirds} \\ \text{of Minimum} \\ \text{Term} \end{array} \right]$$

2. Guideline Adjustment. Equation 2 presents the formula for calculating the guideline adjustment to a minimum term.

Equation 2

$$\text{Guideline Adjustment} = \left[ \begin{array}{c} \text{Potential} \\ \text{Guideline} \\ \text{Reduction} \end{array} \right] + \left[ \begin{array}{c} \text{"Good Time"} \\ \text{Credits} \\ \text{Granted} \end{array} \right]$$

3. Guideline Length of Confinement. Equation 3 presents the formula for calculating an offender's length of confinement under these guidelines.

Equation 3

$$\text{Guideline Length of Confinement} = \left[ \begin{array}{c} \text{Minimum} \\ \text{Term} \end{array} \right] - \left[ \begin{array}{c} \text{Guideline} \\ \text{Adjustment} \end{array} \right]$$

4. Earliest Possible Release Date (EPRD). Equation 4 presents the formula for calculating an offender's EPRD.

Equation 4

$$\text{EPRD} = \left[ \begin{array}{c} \text{Time} \\ \text{Start} \end{array} \right] + \left[ \begin{array}{c} \text{Guideline} \\ \text{Length of} \\ \text{Confinement} \end{array} \right]$$

B. Application of Rules for Calculation of Reduction of Length of Confinement

The following two examples illustrate the application of the preceding equations:

Example 1: Offender A receives a minimum term of 36 months for an Assault II conviction. Due to his large number of infractions, he is granted only six months "good time" credits (out of a maximum of 12 months).

Offender A has a PS Score of 16.5 which is associated with a 84% chance of no violation and an 8% chance of felony violation which calls for a 24% reduction (see Table 2A). Applying the prior equations, offender A's projected term of confinement is summarized below:

- a. Minimum Term = 36 months
- b. "Good Time" Credits Granted = 6 months
- c. Person Offender Reduction = 24% (Table 2A)
- d. Potential Guideline Reduction = 6 months (Equation 1)
- e. Guideline Adjustment = 12 months (Equation 2)
- f. Guideline Length of Confinement = 24 months (Equation 3)

Example 2: Offender B receives a minimum term of 36 months for an Assault II conviction. He is granted all of the "good time" credits permitted by statute (1/3 of the minimum term--12 months).

Offender B has a PS Score of 16.5 which is associated with a 84% chance of no violation and an 8% chance of felony violation which calls for a 24% reduction (see Table 2A). Applying the prior equations, Offender B's projected term of confinement is summarized below:

- a. Minimum Term = 36 months
- b. "Good Time Credits Granted = 12 months
- c. Person Offender Reduction = 24% (Table 2A)
- d. Potential Guideline Reduction = 6 months (Equation 1)
- e. Guideline Adjustment = 18 months (Equation 2)
- f. Guideline Length of Confinement = 18 months (Equation 3)

C. Review of Guideline Adjustment

1. Review Procedure

One month prior to the Earliest Possible Release Date (EPRD) an authorized panel of the Board will administratively review an offender's case and determine whether or not to grant the guideline adjustments.

The following documents are required by the Parole Board at that time:

- a. Progress Report
- b. Preparole Investigation
- c. Certification of "Good Time" Credits
- d. Public Safety Score - Part II

2. Guideline Decisions

At the review, the guideline decision to be considered by the Board is to grant or not grant the offender the guideline adjustment.

a. Within Guideline Decisions

If the adjustment granted by the Board results in a length of confinement that is within 30 days of the guideline length of confinement, the decision is within the guidelines.

b. Outside Guideline Decisions

If the adjustment granted by the Board results in a length of confinement that varies by more than 30 days of the guideline length of confinement, the decision is outside of the guidelines.

It is expected that Board panels will go outside the guidelines whenever they encounter atypical circumstances. Explicit written reasons for the decision will be given.

c. Limitations

There will be an automatic forfeiture of the guideline adjustment if the offender has been found guilty of an infraction at a disciplinary hearing or if the offender has been convicted of another felony committed during this incarceration period.

TABLE 1  
CONDITIONS FOR GROUP MEMBERSHIP

OFFENDER GROUP	SEX OF OFFENDER	TYPE OF ADMISSION	MINIMUM TERM FELONY CLASS*	OFFENSE LEADING TO ADMISSION
1. Homicide/Assault/Sex	Male	Court Commitment	Murder II Manslaughter Sexual Molestation Assault	Murder II Manslaughter I, II All Sex Offenses Assault I, II Felon in Possession of Fire-arm
2. Robbery	Male	Court Commitment	Robbery	Robbery I, II
3. Property	Male	Court Commitment	Property	Burglary I, II, Theft I, II, Possession of Stolen Property I, II, Forgery, Uttering a Forged Instrument, Unlawful Issuance of Bank Checks, Credit Card Forgery, Auto Theft
4. Drugs	Male	Court Commitment	Drugs	Sale of Controlled Substances for Profit; Sale of Heroin for Profit; Sale, Delivery or Possession of Drug With Intent to Sell
5. Parole Violator	Male	Parole Violators revoked with no new commitment offense	All Classes	N/A
6. Women - Person Offense	Female	Court Commitment	Classes 1 and 2	All Offenses in Class.
7. Women - Property Offenses	Female	Court Commitment	Class 3	All Offenses in Class.
8. Women - Drug Offenses	Female	Court Commitment	Class 4	All Offenses in Class.
9. Women - Parole Violators	Female	Parole Violator	All Classes	N/A

\*Note: See Guideline for Fixing of Minimum Terms for explanation of Minimum Term Felony Class. If an offender has been convicted for more than one offense at this admission, offender is classified according to the offense with the highest act severity time (see Guideline for Fixing of Minimum Terms for explanation of highest act time).



## EXHIBIT 1A

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OFFENDER GROUP 1: HOMICIDE/ASSAULT/SEX OFFENSES (MALE)\*INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETSADMISSION ITEMS ONLYITEMA1 JUVENILE RECORD (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever been committed to a state or federal juvenile institution?"

Code

- 0.0 Offender was committed to a juvenile institution
- 1.0 Offender was never committed to a juvenile institution OR no indication in record of ever being committed to a juvenile institution.

A2 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "What is the extent of the offender's illegal drug/controlled substance usage?" That is, identify the one most dangerous substance the offender has ever illegally used. If, for example, the offender has illegally used opiates and marijuana, enter the code for opiates (the substances are ranked in order of decreasing severity).

Code

- 0.0 Opiates (Opium, morphine, codeine, heroin, herogyn, demural, dilaudid, methadone, metopon, laudane, laudanum, pantopon, perigoric)
- 2.0 Drugs/Substances Other than opiates, marijuana or hashish
- 4.0 Marijuana or Hashish OR evidence of illegal drug use, but type of drugs cannot be identified
- 6.0 No illegal drug use OR no indication in record of illegal drug use.

\*Minimum Term Felony Classes: Murder II, Manslaughter, Sexual Molestation and Assault.

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## OFFENDER GROUP 1: HOMICIDE/ASSAULT/SEX OFFENSES (MALE)

ITEMA3 EMPLOYMENT RECORD DURING TWO YEARS PRIOR TO ADMISSION (Admission Summary, Pre-Sentence Report)

Indicate the offender's employment record during the two years prior to this admission.

Code

- 0.0 Verified information that offender has never had a job OR there is no verifiable information indicating offender had ever had a job.
- 2.0 Verified information that offender had been employed before the two year period prior to this admission, but has not had a job during the two years prior to admission OR there is verifiable information indicating that the offender has previously been employed but no verifiable information indicating any employment during the two years prior to admission.
- 4.0 Offender had verifiable employment during the two year period prior to admission -and- the offender was unemployed for at least one continuous period of six months or more.
- 6.0 Offender had verifiable employment during two years prior to admission -and- the offender was never continuously unemployed for six months or more during this period.

A4 ASSESSMENT OF PERSONAL SUPPORT - LIVING ARRANGEMENT (Admission Summary, Pre-Sentence Report)

Prior to this admission the offender was living in the community:

Code

- 0.0 Alone OR No Verifiable Indication of Prior Living Arrangement in Record
- 0.5 With Siblings or Friends
- 1.0 With Parents or Relatives Other Than Parents or Siblings
- 1.5 With Spouse and/or Children

OFFENDER GROUP I: HOMICIDE/ASSAULT/SEX OFFENSES (MALE)

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ITEMA5 TOTAL FELONY CONVICTIONS (Pre-Sentence Report, FBI Rap Sheet)

Indicate the total number of adult felony convictions received by the offender (include both Washington State and other jurisdiction felony conviction(s)).

Adult felony convictions are convictions for crimes:

Committed by a person age 18 or older at the time of the convictions -or- Committed by a person under age 18 but treated as an adult by the criminal justice system.

-AND-

Resulting in one or more years of probation (suspended or deferred sentence) -or- Resulted in a sentence to an adult correctional institution.

Include all felony convictions prior to this admission and all convictions leading to the current commitment regardless of sentence structure.

Code

0.0 Five or more felony convictions  
 0.5 Four felony convictions  
 1.0 Three felony convictions  
 1.5 Two felony convictions  
 2.0 One felony conviction

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OFFENDER GROUP 1: HOMICIDE/ASSAULT/SEX (MALE)

CURRENT INCARCERATION ITEMS ONLYITEMI1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

The question to be answered here is: "Has the offender received any infraction reports during the current period of incarceration? If so, indicate the most serious type of infraction."

Code

0.0 One or more of the following "serious" infractions:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

0.5 One or more "general infractions (any infraction not included in above listing).

1.0 No infractions.

OFFENDER GROUP 1: HOMICIDE/ASSAULT/SEX (MALE)

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I2 EMPLOYMENT/EDUCATION PROGRAM AT RELEASE/WORK-TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports, Pre-Release Investigation Reports)

Enter the code which best describes the offender's verified employment/education program release and participation in a work/training release program.

Code

- 0.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 0.5 Employment/education program upon release has not been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 1.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).
- 1.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 2.0 Employment/education program upon release has been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 2.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

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TABLE 2A

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON  
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

HOMICIDE/ASSAULT/SEX OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	47.6%	31.1%	21.3%	--
0.5	46.4	30.4	23.2	--
1.0	45.2	29.7	25.1	--
1.5	44.0	29.0	27.0	--
2.0	42.8	28.3	28.9	--
2.5	41.6	27.6	30.8	--
3.0	40.4	26.9	32.7	--
3.5	39.2	26.2	34.6	--
4.0	38.0	25.5	36.5	--
4.5	36.8	24.8	38.4	--
5.0	35.6	24.1	40.3	--
5.5	34.4	23.4	42.2	--
6.0	33.2	22.7	44.1	--
6.5	32.0	22.0	46.0	--
7.0	30.8	21.3	47.9	--
7.5	29.6	20.6	49.8	--
8.0	28.4	19.9	51.7	3%
8.5	27.2	19.2	53.6	4
9.0	26.0	18.5	55.5	5
9.5	24.8	17.8	57.4	6
10.0	23.6	17.1	59.3	8
10.5	22.4	16.4	61.2	9
11.0	21.2	15.7	63.1	10
11.5	20.0	15.0	65.0	11
12.0	18.8	14.3	66.9	13
12.5	17.6	13.6	68.8	14
13.0	16.4	12.9	70.7	15
13.5	15.2	12.2	72.6	16
14.0	14.0	11.5	74.5	18
14.5	12.8	10.8	76.4	19
15.0	11.6	10.1	78.3	20
15.5	10.4	9.4	80.2	21
16.0	9.2	8.7	82.1	22
16.5	8.0	8.0	84.0	24
17.0	6.8	7.3	85.9	25
17.5	5.6	6.6	87.8	26
18.0	4.4	5.9	89.7	27
18.5	3.2	5.2	91.6	29
19.0	2.0	4.5	93.5	30
19.5	0.8	3.8	95.4	31
20.0	0.0	2.7	97.3	32

## EXHIBIT 1B

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OFFENDER GROUP 2: ROBBERY OFFENSES (MALE)\*INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETSADMISSION ITEMS ONLYITEMA1 JUVENILE RECORD (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever been committed to a state or federal juvenile institution?"

Code

- 0.0 Offender was committed to a juvenile institution
- 2.0 Offender was never committed to a juvenile institution OR no indication in record of ever being committed to a juvenile institution.

A2 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "What is the extent of the offender's illegal drug/controlled substance usage?" That is, identify the one most dangerous substance the offender has ever illegally used. If, for example, the offender has illegally used opiates and marijuana, enter the code for opiates (the substances are ranked in order of decreasing severity).

Code

- 0.0 Opiates (Opium, morphine, codeine, heroin, herogyn, demoral, dilaudid, methadone, metopon, laudane, laudanum, pantopon, perigoric)
- 1.0 Drugs/Substances Other than opiates, marijuana or hashish
- 2.0 Marijuana or Hashish OR evidence of illegal drug use, but type of drugs cannot be identified
- 3.0 No illegal drug use OR no indication in record of illegal drug use.

\*Minimum Term Felony Class: Robbery.

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## OFFENDER GROUP 2: ROBBERY OFFENSES (MALE)

ITEMA3 WFAPON IN OFFENSE (Pre-Sentence Report)

The question to be answered here is: "Were there any weapons involved (use, threat or possession) in the offender's criminal act(s) or felony violation?" Note: It does not matter whether the offender OR his partners possessed or used the weapon(s)!

Code

- 0.0 Weapon(s) involved in offense
- 3.0 No weapons involved in offense

A4 ASSESSMENT OF PERSONAL SUPPORT - LIVING ARRANGEMENT (Admission Summary, Pre-Sentence Report)

Prior to this admission the offender was living in the community:

Code

- 0.0 Alone OR No Verifiable indication of prior living arrangement in record
- 0.5 With siblings or friends
- 1.0 With parents or relatives other than parents or siblings
- 1.5 With spouse and/or children

A5 TOTAL FELONY CONVICTIONS (Pre-Sentence Report, FBI Rap Sheet)

Indicate the total number of adult felony convictions received by the offender (include both Washington State and other jurisdiction felony conviction(s)).

Adult felony convictions are convictions for crimes:

Committed by a person age 18 or older at the time of the convictions -or- Committed by a person under age 18 but treated as an adult by the criminal justice system.

-AND-

Resulting in one or more years of probation (suspended or deferred sentence) -or- Resulted in a sentence to an adult correctional institution.

Include all felony convictions prior to this admission and all convictions leading to the current commitment regardless of sentence structure.

Code

- 0.0 Five or more felony convictions
- 0.5 Four felony convictions
- 1.0 Three felony convictions
- 1.5 Two felony convictions
- 2.0 One felony convictions



## OFFENDER GROUP2: ROBBERY OFFENSES (MALE)

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ITEMI1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

The question to be answered here is: "Has the offender at any time during this incarceration been placed in segregation as a result of disciplinary infractions?"

Code

- 0.0 Place in disciplinary segregation
- 1.5 No infractions OR not placed in disciplinary segregation.

I2 EMPLOYMENT/EDUCATION PROGRAM AT RELEASE/WORK-TRAINING RELEASE PROGRAM PARTICIPATION (Progress Report, Pre-Release Investigation Reports)

Enter the code which best describes the offender's verified employment/education program at release and participation in a work/training release program.

Code

- 0.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 0.5 Employment/education program upon release has not been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 1.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).
- 1.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 2.0 Employment/education program upon release has been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 2.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

TABLE 2B

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON  
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

ROBBERY OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	40.9%	22.6%	36.5%	--
0.5	39.6	22.1	38.3	--
1.0	38.3	21.6	40.1	--
1.5	37.0	21.1	41.9	--
2.0	35.7	20.6	43.7	--
2.5	34.4	20.1	45.5	--
3.0	33.1	19.6	47.3	--
3.5	31.8	19.1	49.1	--
4.0	30.5	18.6	50.9	2%
4.5	29.2	18.1	52.7	3
5.0	27.9	17.6	54.5	4
5.5	26.6	17.1	56.3	5
6.0	25.3	16.6	58.1	7
6.5	24.0	16.1	59.9	8
7.0	22.7	15.6	61.7	9
7.5	21.4	15.1	63.5	10
8.0	20.1	14.6	65.3	11
8.5	18.8	14.1	67.1	13
9.0	17.5	13.6	68.9	14
9.5	16.2	13.1	70.7	15
10.0	14.9	12.6	72.5	16
10.5	13.6	12.1	74.3	18
11.0	12.3	11.6	76.1	19
11.5	11.0	11.1	77.9	20
12.0	9.7	10.6	79.7	21
12.5	8.4	10.1	81.5	23
13.0	7.1	9.6	83.3	24
13.5	5.8	9.1	85.1	25
14.0	4.5	8.6	86.9	26
14.5	3.2	8.1	88.7	28
15.0	1.9	7.6	90.5	29
15.5	0.6	7.1	92.3	30

## EXHIBIT 1C

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OFFENDER GROUP 3: PROPERTY OFFENSES (MALE)\*INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETSADMISSION ITEMS ONLYITEMA1 JUVENILE RECORD (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever been committed to a state or federal juvenile institution?"

Code

- 0.0 Offender was committed to a juvenile institution
- 1.5 Offender was never committed to a juvenile institution OR no indication in record of ever being committed to a juvenile institution.

A2 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "What is the extent of the offender's illegal drug/controlled substance usage?" That is, identify the one most dangerous substance the offender has ever illegally used. If, for example, the offender has illegally used opiates and marijuana, enter the code for opiates (the substances are ranked in order of decreasing severity).

Code

- 0.0 Opiates (Opium, morphine, codeine, heroin, herogyn, demural, dilaudid, methadone, metopon, laudane, laudanum, pantopon, perigoric)
- 1.0 Drugs/Substances Other than opiates, marijuana or hashish
- 2.0 Marijuana or Hashish OR evidence of illegal drug use, but type of drugs cannot be identified
- 3.0 No illegal drug use OR no indication in record of illegal drug use.

\*Minimum Term Felony Class: Property.

18

## OFFENDER GROUP 3: PROPERTY OFFENSES (MALE)

ITEMA3 EMPLOYMENT RECORD DURING TWO YEARS PRIOR TO ADMISSION (Admission Summary, Pre-Sentence Report)

Indicate the offender's employment record during the two years prior to this admission.

Code

- 0.0 Verified information that offender has never had a job OR there is no verifiable information indicating offender had ever had a job.
- 1.5 Verified information that offender had been employed before the two year period prior to this admission, but has not had a job during the two years prior to admission OR there is verifiable information indicating that the offender has previously been employed but no verifiable information indicating any employment during the two years prior to admission.
- 3.0 Offender had verifiable employment during the two year period prior to admission -and- the offender was unemployed for at least one continuous period of six months or more.
- 4.5 Offender had verifiable employment during two years prior to admission -and- the offender was never continuously unemployed for six months or more during this period.

A4 ASSESSMENT OF PERSONAL SUPPORT - LIVING ARRANGEMENT (Admission Summary, Pre-Sentence Report)

Prior to this admission the offender was living in the community:

Code

- 0.0 Alone OR No Verifiable Indication of Prior Living Arrangement in Record
- 0.5 With Siblings or Friends
- 1.0 With Parents or Relatives Other Than Parents or Siblings
- 1.5 With Spouse and/or Children

OFFENDER GROUP 3: PROPERTY OFFENSES (MALE)

ITEM

A5 TOTAL FELONY CONVICTIONS (Pre-Sentence Report, FBI Rap Sheet)

Indicate the total number of adult felony convictions received by the offender (include both Washington State and other jurisdiction felony conviction(s).

Adult felony convictions are convictions for crimes:

Committed by a person age 18 or older at the time of the convictions -or- Committed by a person under age 18 but treated as an adult by the criminal justice system.

-AND-

Resulting in one or more years of probation (suspended or deferred sentence) -or- Resulted in a sentence to an adult correctional institution.

Include all felony convictions prior to this admission and all convictions leading to the current commitment, regardless of sentence structure.

Code

- 0.0 Five or more felony convictions
- 0.5 Four felony convictions
- 1.0 Three felony convictions
- 1.5 Two felony convictions
- 2.0 One felony conviction

## OFFENDER GROUP 3: PROPERTY OFFENSES (MALE)

CURRENT INCARCERATION ITEMS ONLYITEMII INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

The question to be answered here is: "Has the offender received any infraction reports during the current period of incarceration? If so, indicate the most serious type of infraction."

Code

0.0 One or more of the following "serious" infractions:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

1.0 One or more "general infractions (any infraction not included in above listing).

2.0 No infractions.

## OFFENDER GROUP 3: PROPERTY OFFENSES (MALE)

21

I2 EMPLOYMENT/EDUCATION PROGRAM AT RELEASE/WORK-TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports, Pre-Release Investigation Reports)

Enter the code which best describes the offender's verified employment/education program release and participation in a work/training release program.

Code

- 0.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 0.5 Employment/education program upon release has not been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 1.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).
- 1.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 2.0 Employment/education program upon release has been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 2.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

TABLE 2C

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON  
PROBABILITY ESTIMATES OF PAROLE PERFORMANCEPROPERTY OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	63.0%	20.7%	16.3%	--
0.5	61.3	20.5	18.2	--
1.0	59.6	20.3	20.1	--
1.5	57.9	20.1	22.0	--
2.0	56.2	19.9	23.9	--
2.5	54.5	19.7	25.8	--
3.0	52.8	19.5	27.7	--
3.5	51.1	19.3	29.6	--
4.0	49.4	19.1	31.5	--
4.5	47.7	18.9	33.4	--
5.0	46.0	18.7	35.3	--
5.5	44.3	18.5	37.2	--
6.0	42.6	18.3	39.1	--
6.5	40.9	18.1	41.0	--
7.0	39.2	17.9	42.9	--
7.5	37.5	17.7	44.8	--
8.0	35.8	17.5	46.7	--
8.5	34.1	17.3	48.6	--
9.0	32.4	17.1	50.5	14%
9.5	30.7	16.9	52.4	16
10.0	29.0	16.7	54.3	18
10.5	27.3	16.5	56.2	19
11.0	25.6	16.3	58.1	21
11.5	23.9	16.1	60.0	22
12.0	22.2	15.9	61.9	24
12.5	20.5	15.7	63.8	25
13.0	18.8	15.5	65.7	27
13.5	17.1	15.3	67.6	28
14.0	15.4	15.1	69.5	30
14.5	13.7	14.9	71.4	31
15.0	12.0	14.7	73.3	33
15.5	10.3	14.5	75.2	34
16.0	8.6	14.3	77.1	36
16.5	6.9	14.1	79.0	37
17.0	5.2	13.9	80.9	39



## EXHIBIT 1D

23

OFFENDER GROUP 4: DRUG OFFENSES (MALE)INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETSADMISSION ITEMS ONLYITEMA1 JUVENILE RECORD (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever been committed to a state or federal juvenile institution?"

Code

- 0.0 Offender was committed to a juvenile institution
- 2.0 Offender was never committed to a juvenile institution OR no indication in record of ever being committed to a juvenile institution.

A2 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "What is the extent of the offender's illegal drug/controlled substance usage?" That is, identify the one most dangerous substance the offender has ever illegally used. If, for example, the offender has illegally used opiates and marijuana, enter the code for opiates (the substances are ranked in order of decreasing severity).

Code

- 0.0 Opiates (Opium, morphine, codeine, heroin, herogyn, demural, dilaudid, methadone, metopon, laudane, laudanum, pantopon, perigoric)
- 1.0 Drugs/Substances Other than opiates, marijuana or hashish
- 2.0 Marijuana or Hashish OR evidence of illegal drug use, but type of drugs cannot be identified
- 3.0 No illegal drug use OR no indication in record of illegal drug use.

\*Minimum Term Felony Class: Drugs.

ITEMA3 EMPLOYMENT RECORD DURING TWO YEARS PRIOR TO ADMISSION (Admission Summary, Pre-Sentence Report)

Indicate the offender's employment record during the two years prior to this admission.

Code

- 0.0 Verified information that offender has never had a job OR there is no verifiable information indicating offender had ever had a job.
- 0.5 Verified information that offender had been employed before the two year period prior to this admission, but has not had a job during the two years prior to admission OR there is verifiable information indicating that the offender has previously been employed but no verifiable information indicating any employment during the two years prior to admission.
- 1.0 Offender had verifiable employment during the two year period prior to admission -and- the offender was unemployed for at least one continuous period of six months or more.
- 1.5 Offender had verifiable employment during two years prior to admission -and- the offender was never continuously unemployed for six months or more during this period.

OFFENDER GROUP 4: DRUG OFFENSES (MALE)

ITEM

A4 TOTAL FELONY CONVICTIONS (Pre-Sentence Report, FBI Rap Sheet)

Indicate the total number of adult felony convictions received by the offender (include both Washington State and other jurisdiction felony conviction(s).

Adult felony convictions are convictions for crimes:

Committed by a person age 18 or older at the time of the convictions -or- Committed by a person under age 18 but treated as an adult by the criminal justice system.

-AND-

Resulting in one or more years of probation (suspended or deferred sentence) -or- Resulted in a sentence to an adult correctional institution.

Include all felony convictions prior to this admission and all convictions leading to the current commitment, regardless of sentence structure.

Code

- 0.0 Five or more felony convictions
- 0.5 Four felony convictions
- 1.0 Three felony convictions
- 1.5 Two felony convictions
- 2.0 One felony conviction

CURRENT INCARCERATION ITEMS ONLYITEMII INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

The question to be answered here is: "Has the offender received any infraction reports during the current period of incarceration? If so, indicate the most serious type of infraction."

Code

0.0 One or more of the following "serious" infractions:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

0.5 One or more "general infractions (any infraction not included in above listing).

1.0 No infractions.

## OFFENDER GROUP 4: DRUG OFFENSES (MALE)

27

I2 EMPLOYMENT/EDUCATION PROGRAM AT RELEASE/WORK-TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports, Pre-Release Investigation Reports)

Enter the code which best describes the offender's verified employment/education program release and participation in a work/training release program.

Code

- 0.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 0.5 Employment/education program upon release has not been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 1.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).
- 1.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 2.0 Employment/education program upon release has been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 2.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

TABLE 2D

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON  
PROBABILITY ESTIMATES OF PAROLE PERFORMANCEDRUG OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	42.5%	19.2%	38.3%	--
0.5	40.5	18.7	40.8	--
1.0	38.5	18.2	43.3	--
1.5	36.5	17.7	45.8	--
2.0	34.5	17.2	48.3	--
2.5	32.5	16.7	50.8	1%
3.0	30.5	16.2	53.3	2
3.5	28.5	15.7	55.8	4
4.0	26.5	15.2	58.3	6
4.5	24.5	14.7	60.8	8
5.0	22.5	14.2	63.3	10
5.5	20.5	13.7	65.8	11
6.0	18.5	13.2	68.3	13
6.5	16.5	12.7	70.8	15
7.0	14.5	12.2	73.3	17
7.5	12.5	11.7	75.8	19
8.0	10.5	11.2	78.3	21
8.5	8.5	10.7	80.8	22
9.0	6.5	10.2	83.3	24
9.5	4.5	9.7	85.8	26
10.0	2.5	9.2	88.3	28
10.5	0.5	8.7	90.8	30
11.0	0.0	6.7	93.3	31
11.5	0.0	4.2	95.8	32
12.0	0.0	1.7	98.3	32

## EXHIBIT 1E

OFFENDER GROUP 5: PAROLE VIOLATORS (MALE)\*INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETSADMISSION ITEMS ONLYITEMA1 JUVENILE RECORD (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever been committed to a state or federal juvenile institution?"

Code

- 0.0 Offender was committed to a juvenile institution
- 1.5 Offender was never committed to a juvenile institution OR no indication in record of ever being committed to a juvenile institution.

A2 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "What is the extent of the offender's illegal drug/controlled substance usage?" That is, identify the one most dangerous substance the offender has ever illegally used. If, for example, the offender has illegally used opiates and marijuana, enter the code for opiates (the substances are ranked in order of decreasing severity).

Code

- 0.0 Opiates (Opium, morphine, codeine, heroin, herogyn, demural, dilaudid, methadone, metopon, laudane, laudanum, pantopon, perigoric)
- 1.0 Drugs/Substances Other than opiates, marijuana or hashish
- 2.0 Marijuana or Hashish OR evidence of illegal drug use, but type of drugs cannot be identified
- 3.0 No illegal drug use OR no indication in record of illegal drug use.

\*All male offenders not admitted under court commitment.

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## OFFENDER GROUP 5: PAROLE VIOLATORS (MALE)

ITEMA3 EMPLOYMENT RECORD DURING TWO YEARS PRIOR TO ADMISSION (Admission Summary, Pre-Sentence Report)

Indicate the offender's employment record during the two years prior to this admission.

Code

- 0.0 Verified information that offender has never had a job OR there is no verifiable information indicating offender had ever had a job.
- 1.0 Verified information that offender had been employed before the two year period prior to this admission, but has not had a job during the two years prior to admission OR there is verifiable information indicating that the offender has previously been employed but no verifiable information indicating any employment during the two years prior to admission.
- 2.0 Offender had verifiable employment during the two year period prior to admission -and- the offender was unemployed for at least one continuous period of six months or more.
- 3.0 Offender had verifiable employment during two years prior to admission -and- the offender was never continuously unemployed for six months or more during this period.

A4 ASSESSMENT OF PERSONAL SUPPORT - LIVING ARRANGEMENT (Admission Summary, Pre-Sentence Report)

Prior to this admission the offender was living in the community:

Code

- 0.0 Alone OR No Verifiable Indication of Prior Living Arrangement in Record
- 0.5 With Siblings or Friends
- 1.0 With Parents or Relatives Other Than Parents or Siblings
- 1.5 With Spouse and/or Children



OFFENDER GROUP 5: PAROLE VIOLATORS (MALE)

ITEM

A5 TOTAL FELONY CONVICTIONS (Pre-Sentence Report, FBI Rap Sheet)

Indicate the total number of adult felony convictions received by the offender (include both Washington State and other jurisdiction felony conviction(s)).

Adult felony convictions are convictions for crimes:

Committed by a person age 18 or older at the time of the convictions -or- Committed by a person under age 18 but treated as an adult by the criminal justice system.

-AND-

Resulting in one or more years of probation (suspended or deferred sentence) -or- Resulted in a sentence to an adult correctional institution.

Include all felony convictions prior to this admission and all convictions leading to the current commitment, regardless of sentence structure.

Code

- 0.0 Five or more felony convictions
- 0.5 Four felony convictions
- 1.0 Three felony convictions
- 1.5 Two felony convictions
- 2.0 One felony conviction

CURRENT INCARCERATION ITEMS ONLYITEMI1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

The question to be answered here is: "Has the offender received any infraction reports during the current period of incarceration? If so, indicate the most serious type of infraction."

Code

0.0 One or more of the following "serious" infractions:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

1.0 One or more "general infractions (any infraction not included in above listing).

2.0 No infractions.

## OFFENDER GROUP 5: PAROLE VIOLATORS (MALE)

33

I2 EMPLOYMENT/EDUCATION PROGRAM AT RELEASE/WORK-TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports, Pre-Release Investigation Reports)

Enter the code which best describes the offender's verified employment/education program release and participation in a work/training release program.

Code

- 0.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 1.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 2.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).
- 3.0 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 4.0 Employment/education program upon release has been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 5.0 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

TABLE 2E

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POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON  
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

MALE PAROLE VIOLATORS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	60.9%	17.6%	21.5%	--
0.5	59.2	17.9	22.9	--
1.0	57.5	18.2	24.3	--
1.5	55.8	18.5	25.7	--
2.0	54.1	18.8	27.1	--
2.5	52.4	19.1	28.5	--
3.0	50.7	19.4	29.9	--
3.5	49.0	19.7	31.3	--
4.0	47.3	20.0	32.7	--
4.5	45.6	20.3	34.1	--
5.0	43.9	20.6	35.4	--
5.5	42.2	21.0	36.8	--
6.0	40.5	21.3	38.2	--
6.5	38.8	21.6	39.6	--
7.0	37.1	21.9	41.0	--
7.5	35.4	22.2	42.4	--
8.0	33.7	22.5	43.8	--
8.5	32.0	22.8	45.2	--
9.0	30.3	23.1	46.6	--
9.5	28.6	23.4	48.0	--
10.0	26.9	23.7	49.4	--
10.5	25.2	24.0	50.8	4%
11.0	23.5	24.3	52.2	6
11.5	21.8	24.6	53.6	7
12.0	20.1	24.9	55.0	8
12.5	18.4	25.2	56.4	9
13.0	16.7	25.5	57.8	11
13.5	15.0	25.8	59.2	12
14.0	13.3	26.1	60.6	13
14.5	11.6	26.4	62.0	15
15.0	9.9	26.7	63.4	16
15.5	8.2	27.0	64.8	17
16.0	6.5	27.3	66.2	19
16.5	4.8	27.6	67.6	20
17.0	3.1	27.9	69.0	21
17.5	1.4	28.2	70.4	22
18.0	0.0	28.2	71.8	24
18.5	0.0	26.8	73.2	24
19.0	0.0	25.4	74.6	25

OFFENDER GROUP 6: WOMEN - PERSON OFFENSES\*

## INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETS

ADMISSION ITEMS ONLYITEMA1 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever illegally used marijuana or hashish OR any drugs/controlled substances other than marijuana or hashish?"

Code

- 0.0 Illegal use of drugs other than marijuana or hashish  
 1.5 No illegal use of drugs other than marijuana or hashish OR illegal drug use indicated, but type of drug not identified OR no record of any illegal drug use.

A2 ASSESSMENT OF PERSONAL SUPPORT - BAIL STATUS (Pre-Sentence Report)

Indicate whether the offender was granted bail, released on personal recognizance or held in jail following most recent arrest and subsequent admission to institution.

Code

- 0.0 Held in Jail Until Trial or Plea  
 3.0 Granted Bail OR Released on Personal Recognizance

A3 ADULT CRIMINAL RECORD (Pre-Sentence Report; FBI Rap Sheet)

Enter the code which best indicates the total number of felony convictions and the total number of times the offender has been committed to Washington State and other jurisdiction adult correctional institution(s) or prison(s) for felony convictions, including this commitment.

Code

- 0.0 Two or more prison commitments  
 1.0 Three or more felony convictions AND one prison commitment  
 2.0 Two felony convictions AND one prison commitment  
 3.0 One felony conviction AND one prison commitment

\*Minimum Term Felony Classes: Murder II, Manslaughter, Sexual Molestation, Assault and Robbery.

CURRENT INCARCERATION ITEMS ONLYITEMI1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

This item summarizes the offender's institutional/work release/furlough conduct during the current incarceration.

Code

0.0 Offender was placed in segregation as a result of disciplinary infractions OR offender has received any of the following "serious" infractions and was placed in segregation as a result of these infractions or suffered the loss of institution privileges:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

2.0 Offender received any of the above "serious" infractions and was not placed in segregation and did not lose any institution privileges.

4.0 Offender has not received any infractions during this incarceration period OR offender has not received any "serious" infractions and has not been placed in segregation as a result of infractions.

I2 WORK/TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports)

Enter the code which best describes the offender's participation in a work/training release program during this period of incarceration.

Code

- 0.0 Offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 2.0 Offender did not participate in a work/training release program.
- 4.0 Offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

TABLE 2F

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON  
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

WOMEN - PERSON OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	32.4%	26.7%	40.9%	--
1.5	29.1	24.8	46.1	--
3.0	25.8	22.8	51.4	4%
3.5	24.7	22.2	53.1	5
4.0	23.6	21.5	54.9	6
4.5	22.5	20.9	56.6	7
5.0	21.4	20.2	58.4	9
5.5	20.3	19.6	60.1	10
6.0	19.2	18.9	61.9	11
6.5	18.1	18.3	63.6	12
7.0	17.0	17.6	65.4	13
7.5	15.9	17.0	67.1	14
8.0	14.8	16.3	68.9	15
8.5	13.7	15.7	70.6	16
9.0	12.6	15.0	72.4	18
9.5	11.5	14.4	74.1	19
10.0	10.4	13.7	75.9	20
10.5	9.3	13.1	77.6	21
11.0	8.2	12.4	79.4	22
11.5	7.1	11.8	81.1	23
12.0	6.0	11.1	82.9	24
12.5	4.9	10.5	84.6	25
13.0	3.8	9.8	86.4	27
13.5	2.7	9.2	88.1	28
14.0	1.6	8.5	89.9	29
14.5	0.5	7.9	91.6	30
15.5	0.0	4.9	95.1	31

## EXHIBIT 1G

OFFENDER GROUP 7: WOMEN - PROPERTY OFFENSES\*

## INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETS

ADMISSION ITEMS ONLYITEMA1 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever illegally used marijuana or hashish OR any drugs/controlled substances other than marijuana or hashish?"

Code

- 0.0 Illegal use of drugs other than marijuana or hashish
- 1.5 No illegal use of drugs other than marijuana or hashish OR illegal drug use indicated, but type of drug not identified OR no record of any illegal drug use.

A2 ASSESSMENT OF PERSONAL SUPPORT - BAIL STATUS (Pre-Sentence Report)

Indicate whether the offender was granted bail, released on personal recognizance or held in jail following most recent arrest and subsequent admission to institution.

Code

- 0.0 Held in Jail Until Trial or Plea
- 3.0 Granted Bail OR Released on Personal Recognizance

A3 ADULT CRIMINAL RECORD (Pre-Sentence Report; FBI Rap Sheet)

Enter the code which best indicates the total number of felony convictions and the total number of times the offender has been committed to Washington State and other jurisdiction adult correctional institution(s) or prison(s) for felony convictions, including this commitment.

Code

- 0.0 Two or more prison commitments
- 1.0 Three or more felony convictions AND one prison commitment
- 2.0 Two felony convictions AND one prison commitment
- 3.0 One felony conviction AND one prison commitment

\*Minimum Term Felony Class: Property.



CURRENT INCARCERATION ITEMS ONLY

ITEM

I1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

This item summarizes the offender's institutional/work release/furlough conduct during the current incarceration.

Code

0.0 Offender was placed in segregation as a result of disciplinary infractions OR offender has received any of the following "serious" infractions and was placed in segregation as a result of these infractions or suffered the loss of institution privileges:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

2.0 Offender received any of the above "serious" infractions and was not place in segregation and did not lose any institution privileges.

4.0 Offender has not received any infractions during this incarceration period OR offender has not received any "serious" infractions and has not been placed in segregation as a result of infractions.

I2 WORK/TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports)

Enter the code which best describes the offender's participation in a work/training release program during this period of incarceration.

Code

0.0 Offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).

2.0 Offender did not participate in a work/training release program.

4.0 Offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

TABLE 2G

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POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON  
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

WOMEN - PROPERTY OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTIONS
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	32.4%	26.7%	40.9%	--
1.5	29.1	24.8	46.1	--
3.0	25.8	22.8	51.4	17%
3.5	24.7	22.2	53.1	18
4.0	23.6	21.5	54.9	20
4.5	22.5	20.9	56.6	21
5.0	21.4	20.2	58.4	22
5.5	20.3	19.6	60.1	23
6.0	19.2	18.9	61.9	25
6.5	18.1	18.3	63.6	26
7.0	17.0	17.6	65.4	27
7.5	15.9	17.0	67.1	28
8.0	14.8	16.3	68.9	30
8.5	13.7	15.7	70.6	31
9.0	12.6	15.0	72.4	32
9.5	11.5	14.4	74.1	33
10.0	10.4	13.7	75.9	34
10.5	9.3	13.1	77.6	36
11.0	8.2	12.4	79.4	37
11.5	7.1	11.8	81.1	38
12.0	6.0	11.1	82.9	40
12.5	4.9	10.5	84.6	41
13.0	3.8	9.8	86.4	42
13.5	2.7	9.2	88.1	43
14.0	1.6	8.5	89.9	44
14.5	0.5	7.9	91.6	46
15.5	0.0	4.9	95.1	48

## EXHIBIT 1H

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OFFENDER GROUP 8: WOMEN - DRUG OFFENSES\*

## INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETS

ADMISSION ITEMS ONLYITEMA1 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever illegally used marijuana or hashish OR any drugs/controlled substances other than marijuana or hashish?"

Code

- 0.0 Illegal use of drugs other than marijuana or hashish
- 1.5 No illegal use of drugs other than marijuana or hashish OR illegal drug use indicated, but type of drug not identified OR no record of any illegal drug use.

A2 ASSESSMENT OF PERSONAL SUPPORT - BAIL STATUS (Pre-Sentence Report)

Indicate whether the offender was granted bail, released on personal recognizance or held in jail following most recent arrest and subsequent admission to institution.

Code

- 0.0 Held in Jail Until Trial or Plea
- 3.0 Granted Bail OR Released on Personal Recognizance

A3 ADULT CRIMINAL RECORD (Pre-Sentence Report; FBI Rap Sheet)

Enter the code which best indicates the total number of felony convictions and the total number of times the offender has been committed to Washington State and other jurisdiction adult correctional institution(s) or prison(s) for felony convictions, including this commitment.

Code

- 0.0 Two or more prison commitments
- 1.0 Three or more felony convictions AND one prison commitment
- 2.0 Two felony convictions AND one prison commitment
- 3.0 One felony conviction AND one prison commitment

\*Minimum Term Felony Class: Drugs.

CURRENT INCARCERATION ITEMS ONLY

ITEM

I1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

This item summarizes the offender's institutional/work release/furlough conduct during the current incarceration.

Code

0.0 Offender was placed in segregation as a result of disciplinary infractions OR offender has received any of the following "serious" infractions and was placed in segregation as a result of these infractions or suffered the loss of institution privileges:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

2.0 Offender received any of the above "serious" infractions and was not place in segregation and did not lose any institution privileges.

4.0 Offender has not received any infractions during this incarceration period OR offender has not received any "serious" infractions and has not been placed in segregation as a result of infractions.

I2 WORK/TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports)

Enter the code which best describes the offender's participation in a work/training release program during this period of incarceration.

Code

0.0 Offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).

2.0 Offender did not participate in a work/training release program.

4.0 Offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

TABLE 2H

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON  
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

WOMEN - DRUG OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	32.4%	26.7%	40.9%	--
1.5	29.1	24.8	46.1	--
3.0	25.8	22.8	51.4	4%
3.5	24.7	22.2	53.1	5
4.0	23.6	21.5	54.9	6
4.5	22.5	20.9	56.6	7
5.0	21.4	20.2	58.4	9
5.5	20.3	19.6	60.1	10
6.0	19.2	18.9	61.9	11
6.5	18.1	18.3	63.6	12
7.0	17.0	17.6	65.4	13
7.5	15.9	17.0	67.1	14
8.0	14.8	16.3	68.9	15
8.5	13.7	15.7	70.6	16
9.0	12.6	15.0	72.4	18
9.5	11.5	14.4	74.1	19
10.0	10.4	13.7	75.9	20
10.5	9.3	13.1	77.6	21
11.0	8.2	12.4	79.4	22
11.5	7.1	11.8	81.1	23
12.0	6.0	11.1	82.9	24
12.5	4.9	10.5	84.6	25
13.0	3.8	9.8	86.4	27
13.5	2.7	9.2	88.1	28
14.0	1.6	8.5	89.9	29
14.5	0.5	7.9	91.6	30
15.5	0.0	4.9	95.1	31

## EXHIBIT 11

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OFFENDER GROUP 9: WOMEN - PAROLE VIOLATORS\*

## INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETS

ADMISSION ITEMS ONLYITEMA1 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever illegally used marijuana or hashish OR any drugs/controlled substances other than marijuana or hashish?"

Code

- 0.0 Illegal use of drugs other than marijuana or hashish
- 1.5 No illegal use of drugs other than marijuana or hashish OR illegal drug use indicated, but type of drug not identified OR no record of any illegal drug use.

A2 ASSESSMENT OF PERSONAL SUPPORT - BAIL STATUS (Pre-Sentence Report)

Indicate whether the offender was granted bail, released on personal recognizance or held in jail following most recent arrest and subsequent admission to institution.

Code

- 0.0 Held in Jail Until Trial or Plea
- 3.0 Granted Bail OR Released on Personal Recognizance

A3 ADULT CRIMINAL RECORD (Pre-Sentence Report; FBI Rap Sheet)

Enter the code which best indicates the total number of felony convictions and the total number of times the offender has been committed to Washington State and other jurisdiction adult correctional institution(s) or prison(s) for felony convictions, including this commitment.

Code

- 0.0 Two or more prison commitments
- 1.0 Three or more felony convictions AND one prison commitment
- 2.0 Two felony convictions AND one prison commitment
- 3.0 One felony conviction AND one prison commitment

\*All female offenders not admitted under court commitment.

CURRENT INCARCERATION ITEMS ONLY

ITEM

I1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

This item summarizes the offender's institutional/work release/furlough conduct during the current incarceration.

Code

0.0 Offender was placed in segregation as a result of disciplinary infractions OR offender has received any of the following "serious" infractions and was placed in segregation as a result of these infractions or suffered the loss of institution privileges:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

2.0 Offender received any of the above "serious" infractions and was not place in segregation and did not lose any institution privileges.

4.0 Offender has not received any infractions during this incarceration period OR offender has not received any "serious" infractions and has not been placed in segregation as a result of infractions.

I2 WORK/TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports)

Enter the code which best describes the offender's participation in a work/training release program during this period of incarceration.

Code

- 0.0 Offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 2.0 Offender did not participate in a work/training release program.
- 4.0 Offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

TABLE 21

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON  
PROBABILITY ESTIMATES OF PAROLE PERFORMANCEWOMEN - PAROLE VIOLATORS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	32.4%	26.7%	40.9%	--
1.5	29.1	24.8	46.1	--
3.0	25.8	22.8	51.4	4%
3.5	24.7	22.2	53.1	5
4.0	23.6	21.5	54.9	6
4.5	22.5	20.9	56.6	7
5.0	21.4	20.2	58.4	9
5.5	20.3	19.6	60.1	10
6.0	19.2	18.9	61.9	11
6.5	18.1	18.3	63.6	12
7.0	17.0	17.6	65.4	13
7.5	15.9	17.0	67.1	14
8.0	14.8	16.3	68.9	15
8.5	13.7	15.7	70.6	16
9.0	12.6	15.0	72.4	18
9.5	11.5	14.4	74.1	19
10.0	10.4	13.7	75.9	20
10.5	9.3	13.1	77.6	21
11.0	8.2	12.4	79.4	22
11.5	7.1	11.8	81.1	23
12.0	6.0	11.1	82.9	24
12.5	4.9	10.5	84.6	25
13.0	3.8	9.8	86.4	27
13.5	2.7	9.2	88.1	28
14.0	1.6	8.5	89.9	29
14.5	0.5	7.9	91.6	30
15.5	0.0	4.9	95.1	31



## EXHIBIT 2

DEFINITION OF ATTRIBUTES RELATED TO PAROLE PERFORMANCE

- Admission - Admission to the Washington State adult correctional system by court commitment or revocation of parole.
- Committed to Juvenile Institution - Commitment to a state or Federal juvenile institution by a juvenile or adult court for any reason.
- Drug Abuse - Any illegal use (including experimental) of narcotics or controlled substances.
- Employed - Worked at a legitimate job for wages or salary.
- Felony Conviction - Conviction in state or Federal court for a felony offense.
- "General" Infractions - "Minor" violations (e.g., refusing to work) of institution rules.
- Living Alone - Residing by one's self.
- Marijuana or Hashish - Cannabis or any of its derivatives.
- Opiates - The following substances are classified as opiates:
- |             |              |
|-------------|--------------|
| a. Opium    | g. Methadone |
| b. Morphine | h. Metapon   |
| c. Codeine  | i. Laudane   |
| d. Heroin   | j. Laudanum  |
| e. Demerol  | k. Pantopon  |
| f. Dilaudid | l. Perigoric |
- Parents - Natural or step-parents.
- Released on Bail or Own Recognizance - Released from custody following latest arrest after posting bond or released by the court on "own recognizance".
- "Serious" Infractions - "Major" violations (e.g., riot; possession of a weapon) of institution rules or felonious behavior.
- Siblings - Natural or step-siblings.
- Spouse - Legal spouse.
- Spouse and Children - Legal spouse and natural, adopted, or step-children.
- Successful Termination (Work/Training Release) - Completed program; job ended by employer; released on parole.

Unsuccessful Termination (Work/Training Release) - Escaped, violation of program rules, or law violation led to termination from program.

Verified Education Program - Education program may include college, vocational, apprenticeship programs, etc. Verification of an education program by parole officer must include acceptance by the program, an admission date, and a source of funding while in the program.

Verified Employment - Employment upon release as verified by investigating parole officer.

Weapons in Offense - Use of firearm, knife, or other instrument. Includes an implied weapon and possession of a weapon.