

WAC 136-220-020 Establishment of matching requirements. The CRABoard finds that most counties have sufficient financial resources to match available federal funds for road and bridge construction. Counties will be required to match RATA funds with a minimum of twenty percent matching funds. [Statutory Authority: Chapter 36.78 RCW. 84-16-065 (Order 56), § 136-220-020, filed 7/30/84.]

WAC 136-220-030 Use of RATA funds to match other funds. A county with an approved RAP project may use RATA funds to match any applicable funds available for such project, provided that the county will be required to match any RATA funds earmarked for the project with a minimum of twenty percent matching funds. Projects involving federal highway program funds will be administered through the state aid division of WSDOT except that reimbursement of RATA funds will be through the CRABoard. [Statutory Authority: Chapter 36.78 RCW. 84-16-065 (Order 56), § 136-220-030, filed 7/30/84.]

**Chapter 136-250 WAC
EXPENDITURE REPORTING**

WAC	
136-250-010	Purpose.
136-250-020	Report of road levy revenues.
136-250-030	Report of expenditures.
136-250-040	Report of road levy expenditures.
136-250-050	Report to the legislative transportation committee.

WAC 136-250-010 Purpose. Section 5, chapter 53, Laws of 1983 ex. sess., requires the CRABoard to monitor expenditures by counties of county road levy revenues and to report all expenditures of these revenues for other than road construction and maintenance purposes annually to the legislative transportation committee (LTC). This chapter describes how the CRABoard intends to implement these provisions. [Statutory Authority: Chapter 36.78 RCW. 84-16-065 (Order 56), § 136-250-010, filed 7/30/84.]

WAC 136-250-020 Report of road levy revenues. Annually, subsequent to the adoption of the county budgets in accordance with RCW 36.40.080, the county legislative authority is required to fix the amount of the levies necessary to raise the amount of estimated expenditures in accordance with RCW 36.40.090. The legislative authority may budget and expend any portion of the county road property tax revenues for any service to be provided in the unincorporated area of the county in accordance with RCW 36.33.220. Annually, no later than February 1, each county shall submit to the CRABoard a report showing the amount of the county road levy, the estimated revenues generated by such levy, the amount of such levy budgeted for road purposes, and the amount or amounts budgeted for any service to be provided in the unincorporated area of the county, in accordance with RCW 36.33.220. [Statutory

Authority: Chapter 36.78 RCW. 84-16-065 (Order 56), § 136-250-020, filed 7/30/84.]

WAC 136-250-030 Report of expenditures. Annually each county submits a report of road fund revenues and expenditures for the preceding year to the secretary of transportation. A duplicate copy of this report shall be transmitted to the CRABoard no later than April 1 of each year. [Statutory Authority: Chapter 36.78 RCW. 84-16-065 (Order 56), § 136-250-030, filed 7/30/84.]

WAC 136-250-040 Report of road levy expenditures. Annually, no later than April 1, each county shall submit to the CRABoard a report showing the amounts of the county road levy revenues actually expended during the preceding year, in accordance with RCW 36.33-220, for other than the construction, maintenance, and administration of the county road system. [Statutory Authority: Chapter 36.78 RCW. 84-16-065 (Order 56), § 136-250-040, filed 7/30/84.]

WAC 136-250-050 Report to the legislative transportation committee. Annually, no later than May 1, the CRABoard shall submit to the legislative transportation committee a composite report on behalf of all counties showing the amounts specified in WAC 136-250-020 and 136-250-040. [Statutory Authority: Chapter 36.78 RCW. 84-16-065 (Order 56), § 136-250-050, filed 7/30/84.]

**Title 137 WAC
CORRECTIONS, DEPARTMENT OF**

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Chapter 137-08 WAC

PUBLIC RECORDS--DISCLOSURE

WAC

- 137-08-060 Public records available.
 137-08-105 Correction of erroneous information.
 137-08-110 Fees--Inspection and copying.
 137-08-150 Exemptions to public records disclosure.

WAC 137-08-060 Public records available. (1) Requests for any identifiable public record may be initiated at any office of the department during normal business hours.

(2) The department 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 department's failure to so respond shall entitle the person seeking disclosure to petition the public records officer pursuant to WAC 137-08-140. [Statutory Authority: RCW 10.97.080, 42.17.250 and 72.01.090. 85-13-020 (Order 85-06), § 137-08-060, filed 6/10/85. Statutory Authority: RCW 42.17.250. 82-04-023 (Order 82-3), § 137-08-060, filed 1/26/82.]

WAC 137-08-105 Correction of erroneous information. (1) A client may challenge the accuracy or completeness of criminal history record information, as defined in chapter 10.97 RCW, pertaining to the client and maintained in the department's files. Such challenge shall be effected in accordance with chapter 446-20 WAC.

(2) A client may challenge the accuracy and completeness of information in the department's files pertaining to the client other than criminal history record information. Such challenge shall be effected in accordance with department policies and procedures. [Statutory Authority: RCW 10.97.080, 42.17.250 and 72.01.090. 85-13-020 (Order 85-06), § 137-08-105, filed 6/10/85.]

WAC 137-08-110 Fees--Inspection and copying.

(1) No fee shall be charged for the inspection of public records.

(2) The department shall collect a fee of twenty cents per page plus postage to reimburse itself for the cost of providing copies of public records.

(3) Nothing contained in this section shall preclude the department 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 department.

(4) The secretary of the department or his designee is authorized to waive any of the foregoing copying costs. [Statutory Authority: RCW 10.97.080, 42.17.250 and 72.01.090. 85-13-020 (Order 85-06), § 137-08-110, filed 6/10/85. Statutory Authority: RCW 42.17.250. 82-04-023 (Order 82-3), § 137-08-110, filed 1/26/82.]

WAC 137-08-150 Exemptions to public records disclosure. The department reserves the right to determine if a public record requested in accordance with the procedures outlined in WAC 137-08-090 is exempt or nondisclosable under RCW 42.17.250 through 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 RCW 42.17.310 (1)(a); however, disclosure may be made to that person or that person's representative, except as otherwise prohibited 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) and (e), 10.97-.080 and 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 department 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 intraagency memoranda in which opinions are expressed or policies formulated or recommended; except that a specific record shall be disclosable when publicly cited by the department 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 department 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 department and the office of the attorney general privileged under RCW 5.60.060(2).

(7) Criminal history records information the disclosure of which is prohibited by chapter 10.97 RCW. [Statutory Authority: RCW 10.97.080, 42.17.250 and 72.01.090. 85-13-020 (Order 85-06), § 137-08-150, filed 6/10/85. Statutory Authority: RCW 42.17.250. 82-04-023 (Order 82-3), § 137-08-150, filed 1/26/82.]

Chapter 137-10 WAC

PETITION FOR PROMULGATION, AMENDMENT, OR REPEAL OF RULE OR FOR DECLARATORY RULING

WAC

- 137-10-005 Purpose.
- 137-10-010 Definitions.
- 137-10-015 Qualifications and filing.
- 137-10-020 Form of petition.
- 137-10-025 Consideration and disposition.

WAC 137-10-005 Purpose. The purpose of this rule is to establish the procedures by which an interested party may petition the department of corrections for the promulgation, amendment, or repeal of a rule pursuant to RCW 34.04.060, or for a declaratory ruling pursuant to RCW 34.04.080. [Statutory Authority: RCW 34.04-.060 and 34.04.080. 86-02-051 (Order 85-11), § 137-10-005, filed 12/31/85.]

WAC 137-10-010 Definitions. (1) "Department" means the department of corrections.

(2) "Secretary" means the secretary of the department of corrections or the secretary's designee. [Statutory Authority: RCW 34.04.060 and 34.04.080. 86-02-051 (Order 85-11), § 137-10-010, filed 12/31/85.]

WAC 137-10-015 Qualifications and filing. (1) Any interested person may petition the department for the promulgation of a new department rule, the amendment or repeal of an existing department rule, or for a declaratory ruling with respect to the applicability to any person, property, or state of facts of any rule or statute enforced by the department.

(2) All such petitions shall be delivered or mailed to the Office of the Secretary, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504. [Statutory Authority: RCW 34.04.060 and 34.04.080. 86-02-051 (Order 85-11), § 137-10-015, filed 12/31/85.]

WAC 137-10-020 Form of petition. (1) A petition filed under this chapter shall be typewritten or prepared in other legible form on 8 1/2" by 11" white paper.

(2) If such petition is for the promulgation, amendment, or repeal of a department rule, it shall be captioned as follows:

In the matter of the petition of (name of the petitioning party) } Petition for (state whether for promulgation, amendment, or repeal) of rule(s).

(3) If such petition is for a declaratory ruling it shall be captioned as follows:

In the matter of the petition of (name of petitioning party) } Petition for Declaratory Ruling

(4) The text of such petitions shall be set out in consecutively numbered paragraphs, the first of which shall contain the name and mailing address of the petitioning party. All petitions shall be dated and signed by the petitioning party.

(5) A petition for the promulgation, amendment, or repeal of a department rule shall set forth:

(a) A statement of whether the petition is for the promulgation of a new rule, or the amendment or repeal of an existing rule;

(b) The full text of any desired new rule, or the citation and full text of any existing rule and the full text of the amendment sought, or the citation and full text of any rule sought to be repealed;

(c) The reason for the requested promulgation, amendment, or repeal;

(d) The facts, allegations, and arguments on which the petitioning party relies in support of the requested promulgation, amendment, or repeal; and

(e) The nature of the interest of the petitioning party in the subject matter of the rule.

(6) A petition for a declaratory ruling of the department shall set forth:

(a) The full text and citation of the rule or statute upon which the declaratory ruling is sought;

(b) The nature of the declaratory ruling sought;

(c) The reasons why the declaratory ruling is sought;

(d) The facts, allegations, and arguments on which the petitioning party relies in support of the issuance of the declaratory ruling; and

(e) The nature of the interest of the petitioning party in the subject matter of the petition. [Statutory Authority: RCW 34.04.060 and 34.04.080. 86-02-051 (Order 85-11), § 137-10-020, filed 12/31/85.]

WAC 137-10-025 Consideration and disposition.

(1) Within thirty days after its receipt, a petition filed pursuant to this chapter will be considered by a member(s) of the department's staff appointed by the secretary for that purpose. Such staff member(s) may conduct a hearing on the petition, in which event the petitioning party will be given twenty days notice of the date, time, and place for such hearing. Upon completion of its consideration, the department staff will submit its recommendation with respect to the petition to the secretary.

(2) Within thirty days after receipt of the staff's recommendations the secretary will consider the petition and the recommendations and decide either to deny the petition or, as the case may be, to direct rule-making proceedings consistent with the petition be commenced; or decide that a declaratory ruling be issued.

(3) The petitioning party will be notified of the secretary's decision in writing. If the petition is denied, the reason for such denial will be set forth in the notice. If a declaratory ruling is issued, a copy will be mailed to the petitioning party. [Statutory Authority: RCW 34.04.060 and 34.04.080. 86-02-051 (Order 85-11), § 137-10-025, filed 12/31/85.]

Chapter 137-12 WAC

FUNDING FOR LOCATING SPECIFIED CORRECTIONAL FACILITIES

WAC

137-12-010 through 137-12-090 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

137-12-010	Definitions. [Statutory Authority: RCW 72.01.090. 81-19-001 (Order 2), § 137-12-010, filed 9/3/81.] Repealed by 84-06-009 (Order 84-03), filed 2/27/84. Statutory Authority: RCW 72.02.040 and 72.72.040. Later promulgation, see chapter 137-12A WAC.
137-12-020	Purpose. [Statutory Authority: RCW 72.01.090. 81-19-001 (Order 2), § 137-12-020, filed 9/3/81.] Repealed by 84-06-009 (Order 84-03), filed 2/27/84. Statutory Authority: RCW 72.02.040 and 72.72.040.
137-12-030	Eligible political subdivisions. [Statutory Authority: RCW 72.01.090. 81-19-001 (Order 2), § 137-12-030, filed 9/3/81.] Repealed by 84-06-009 (Order 84-03), filed 2/27/84. Statutory Authority: RCW 72.02.040 and 72.72.040.
137-12-040	Period of funding. [Statutory Authority: RCW 72.01.090. 81-19-001 (Order 2), § 137-12-040, filed 9/3/81.] Repealed by 84-06-009 (Order 84-03), filed 2/27/84. Statutory Authority: RCW 72.02.040 and 72.72.040.
137-12-050	Funding priority. [Statutory Authority: RCW 72.01.090. 81-19-001 (Order 2), § 137-12-050, filed 9/3/81.] Repealed by 84-06-009 (Order 84-03), filed 2/27/84. Statutory Authority: RCW 72.02.040 and 72.72.040.
137-12-060	Billing procedure. [Statutory Authority: RCW 72.01.090. 81-19-001 (Order 2), § 137-12-060, filed 9/3/81.] Repealed by 84-06-009 (Order 84-03), filed 2/27/84. Statutory Authority: RCW 72.02.040 and 72.72.040.
137-12-070	Cutoff date. [Statutory Authority: RCW 72.01.090. 81-19-001 (Order 2), § 137-12-070, filed 9/3/81.] Repealed by 84-06-009 (Order 84-03), filed 2/27/84. Statutory Authority: RCW 72.02.040 and 72.72.040.
137-12-080	Review committee. [Statutory Authority: RCW 72.01.090. 81-19-001 (Order 2), § 137-12-080, filed 9/3/81.] Repealed by 84-06-009 (Order 84-03), filed 2/27/84. Statutory Authority: RCW 72.02.040 and 72.72.040.
137-12-090	Special authorizations. [Statutory Authority: RCW 72.01.090. 81-19-001 (Order 2), § 137-12-090, filed 9/3/81.] Repealed by 84-06-009 (Order 84-03), filed 2/27/84. Statutory Authority: RCW 72.02.040 and 72.72.040.

WAC 137-12-010 through 137-12-090 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 137-12A WAC

ONE-TIME IMPACT FUNDS AVAILABLE TO QUALIFYING POLITICAL SUBDIVISIONS

WAC

137-12A-010	Purpose.
137-12A-020	Definitions.
137-12A-030	Eligibility.
137-12A-040	Funding priority.
137-12A-050	Application procedure.
137-12A-060	Department review committee.
137-12A-070	Contracts.
137-12A-080	Implied consent to audit.
137-12A-090	Limitation of funding.

WAC 137-12A-010 Purpose. The purpose of this chapter is to implement the distribution of funds appropriated by the legislature to reimburse political subdivisions for the one-time cost impact associated with

locating additional state correctional facilities within their boundaries or associated with other events specifically designated by the legislature. [Statutory Authority: RCW 72.01.090 and 1984 c 246 § 2. 84-14-077 (Order 84-10), § 137-12A-010, filed 7/2/84. Statutory Authority: RCW 72.02.040 and 72.72.040. 84-06-009 (Order 84-03), § 137-12A-010, filed 2/27/84. Formerly chapter 137-12 WAC.]

WAC 137-12A-020 Definitions. As used in this chapter, the following items shall have the following meanings:

- (1) "Secretary" shall mean the secretary of the department of corrections.
- (2) "Department" shall mean the department of corrections.
- (3) "Inmate" shall mean an individual sentenced to the custody of the department under state law and an individual transferred from another state or the federal government.
- (4) "Institution" shall mean a facility described in RCW 72.01.050(2), such other similar facility hereafter established and a community residence operated pursuant to chapter 72.65 RCW.
- (5) "Political subdivision" shall mean any city, town, county or other unit of local government.
- (6) "Additional correctional facility" shall mean (a) a new building constructed at a new location for use in housing or servicing inmates; (b) a new building constructed on the grounds of an existing institution for use in housing or servicing inmates; and/or (c) a preexisting building heretofore not used by the department as a correctional facility which is reopened for use in housing or servicing inmates.
- (7) "One-time cost impact" shall mean an economic impact experienced by a political subdivision associated with locating an additional correctional facility within its boundaries or associated with such other event specifically designated by the legislature.

(8) All references to the singular shall include the plural unless noted otherwise. [Statutory Authority: RCW 72.01.090 and 1984 c 246 § 2. 84-14-077 (Order 84-10), § 137-12A-020, filed 7/2/84. Statutory Authority: RCW 72.02.040 and 72.72.040. 84-06-009 (Order 84-03), § 137-12A-020, filed 2/27/84.]

WAC 137-12A-030 Eligibility. (1) A political subdivision is eligible to apply for funding under this chapter if it experiences a one-time cost impact. Provided, however, application must be made prior to the last day of the state fiscal biennium in which the one-time cost impact occurred. Applications made after that date will be considered only if funds appropriated by the legislature are available.

(2) A political subdivision which has been reimbursed for a one-time cost impact is thereafter not eligible to apply for additional funding under this chapter based on the same event which gave rise to the one-time impact for which reimbursement has been received. [Statutory Authority: RCW 72.01.090 and 1984 c 246 § 2. 84-14-

077 (Order 84-10), § 137-12A-030, filed 7/2/84. Statutory Authority: RCW 72.02.040 and 72.72.040. 84-06-009 (Order 84-03), § 137-12A-030, filed 2/27/84.]

WAC 137-12A-040 Funding priority. The impact committee established herein shall establish a priority of funding under this chapter. [Statutory Authority: RCW 72.01.090 and 1984 c 246 § 2. 84-14-077 (Order 84-10), § 137-12A-040, filed 7/2/84. Statutory Authority: RCW 72.02.040 and 72.72.040. 84-06-009 (Order 84-03), § 137-12A-040, filed 2/27/84.]

WAC 137-12A-050 Application procedure. (1) A political subdivision must request funding under this chapter by submitting a written request to:

Department of Corrections
Office of Contracts and Regulations
P.O. Box 9699
Olympia, WA 98504

(2) Requests must document the one-time cost impact for which reimbursement is requested. Such documentation may include reference to:

- (a) Criminal justice costs.
- (b) Social service or human service costs.
- (c) Transportation, roads and utility costs.
- (d) Other similar costs.

(3) The burden of demonstrating the impact shall be on the requesting political subdivision. [Statutory Authority: RCW 72.01.090 and 1984 c 246 § 2. 84-14-077 (Order 84-10), § 137-12A-050, filed 7/2/84. Statutory Authority: RCW 72.02.040 and 72.72.040. 84-06-009 (Order 84-03), § 137-12A-050, filed 2/27/84.]

WAC 137-12A-060 Department review committee.

(1) All requests shall be reviewed by a department committee composed of the following individuals or their designees:

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

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

(3) The committee decision shall be final unless appealed to the secretary within twenty days after a political subdivision receives notice of disapproval. [Statutory Authority: RCW 72.02.040 and 72.72.040. 84-06-009 (Order 84-03), § 137-12A-060, filed 2/27/84.]

WAC 137-12A-070 Contracts. Requests approved for funding under this chapter shall be evidenced in a written grant or contract document processed through the office of contracts and regulations and approved by the secretary and submitting jurisdiction. [Statutory

Authority: RCW 72.02.040 and 72.72.040. 84-06-009 (Order 84-03), § 137-12A-070, filed 2/27/84.]

WAC 137-12A-080 Implied consent to audit. (1) By submitting requests the requesting political subdivision agrees to maintain records which would support the request made for a period five years after the date of such request.

(2) If requested by the secretary, or his/her designee, the political subdivision shall make these records available for review and/or audit by the department. [Statutory Authority: RCW 72.02.040 and 72.72.040. 84-06-009 (Order 84-03), § 137-12A-080, filed 2/27/84.]

WAC 137-12A-090 Limitation of funding. Funding under this chapter shall be available only to the maximum allocated by the legislature. [Statutory Authority: RCW 72.02.040 and 72.72.040. 84-06-009 (Order 84-03), § 137-12A-090, filed 2/27/84.]

Chapter 137-20 WAC

SALE OF PRODUCTS AND SERVICES OF VOCATIONAL EDUCATION STUDENTS

WAC

137-20-005	Definitions.
137-20-010	Sale of products and services.
137-20-015	Proceeds of sales.

WAC 137-20-005 Definitions. As used in this chapter the following words shall have the following meanings:

(1) "Vocational education" shall have the same meaning as set forth in RCW 72.62.020.

(2) "Students" means inmates of adult correctional institutions or facilities enrolled in a vocational education program.

(3) "Products" means goods, wares, articles, or merchandise produced by students as part of a vocational education program.

(4) "Services" means work performed for others by students as part of a vocational education program not related to the production of products. [Statutory Authority: RCW 72.01.090. 86-02-052 (Order 85-12), § 137-20-005, filed 12/31/85. Formerly chapter 275-53 WAC.]

WAC 137-20-010 Sale of products and services. Superintendents and administrators of adult correctional institutions and facilities, or their designees, may adopt procedures for the sale of products and services on the open market. The prices for products sold on the open market may be established at levels sufficient to recover the cost of production, including the cost of materials used and the value of depreciation of equipment used to produce the products. The prices for services sold on the open market may be established at levels sufficient to recover the cost of performing the service. [Statutory Authority: RCW 72.01.090. 86-02-052 (Order 85-12), § 137-20-010, filed 12/31/85. Formerly chapter 275-53 WAC.]

WAC 137-20-015 Proceeds of sales. The proceeds from the sale of products shall be credited to the institution or facility where the products were produced, deposited in a revolving fund, and expended for the purchase of supplies, materials, and equipment for use in vocational education programs. The proceeds from the sale of services shall be credited to the institution or facility where the services were performed, and may be expended for the purchase of supplies, materials, and equipment for use in vocational education programs, and for the payment of wages earned by students in performing services. [Statutory Authority: RCW 72.01.090, 86-02-052 (Order 85-12), § 137-20-015, filed 12/31/85. Formerly WAC 275-53-065.]

Chapter 137-28 WAC PRISONS--DISCIPLINE

WAC

137-28-005	Purpose.
137-28-006	Definitions.
137-28-010	Supplementary rules.
137-28-015	Notification.
137-28-020	Definition of misconduct.
137-28-025	General infractions.
137-28-030	Serious infractions.
137-28-031	Cell tag.
137-28-032	Earned time, granting and denial.
137-28-035	Reporting to law enforcement authorities.
137-28-040	Infractions—On-site adjustment.
137-28-045	Infractions—Report on.
137-28-050	General infraction report—Action on report.
137-28-055	Appeal to hearing officer.
137-28-065	Appointment and disqualification of hearing officer.
137-28-072	Out-of-state inmates.
137-28-075	Prehearing procedures—Rights of inmates.
137-28-080	Prehearing procedures—Restriction of inmate.
137-28-085	Hearing officer—Preparation for hearing.
137-28-090	Conduct of hearing.
137-28-093	Decision of hearing officer.
137-28-095	Finding of no infraction.
137-28-097	Staff advisors.
137-28-100	Sanctions—Authority to impose.
137-28-105	Sanctions—Types.
137-28-110	Sanctions—Limitations.
137-28-115	Appeal to superintendent.
137-28-120	Reports to the board of prison terms and paroles.
137-28-130	Time limitations.

WAC 137-28-005 Purpose. (1) The rules in this chapter shall provide a standardized system consistent with constitutional due process for ascertaining whether misconduct by an inmate of an adult correctional institution has occurred.

(2) The rules in this chapter shall not apply to proceedings of the board of prison terms and paroles. [Statutory Authority: RCW 72.01.090, 84-17-058 (Order 84-13), § 137-28-005, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-005.]

WAC 137-28-006 Definitions. For the purposes of this chapter the following words shall have the following meanings:

(1) "Promptly" means to act as soon as reasonably possible, consistent with institutional goals of safety, security, and rehabilitation.

(2) "Working days" means normal Monday through Friday work days, excluding weekends and holidays.

(3) "Director" means the director of the division of prisons of the Washington state department of corrections or his/her designee.

(4) "Superintendent" means a superintendent of an adult correctional institution or his/her designee.

(5) "Directors review committee" means a committee appointed by the director.

(6) "Earned time" means that portion of the inmate's available sentence reduction which, by department of corrections' policy is earned specifically for program participation.

(7) "Good-conduct time credits" means that portion of an inmate's potential reduction to his/her minimum term which is authorized by RCW 9.95.070 and 72.09-.130 and which is gained by not receiving serious infractions as listed in WAC 137-28-030.

(8) "Earned-early release" means that combined earned time and good-conduct time credits which, together, allow an inmate to earn up to one-third reduction off the minimum term established by the board of prison terms and paroles or sentencing court.

(9) "Adult correctional institution" and "institution" mean a facility identified in RCW 72.01.050(2) and any similar facility hereafter established.

(10) "Hearing officer" means a trained correctional staff member designated by a superintendent to conduct disciplinary hearings. [Statutory Authority: RCW 72.01.090, 84-17-058 (Order 84-13), § 137-28-006, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-006.]

WAC 137-28-010 Supplementary rules. The superintendent of an adult correctional institution may promulgate local supplementary rules, policies, and procedures including the creation of new general and/or serious infractions, the reclassification of general and/or serious infractions set out in these rules, and the creation of new sanctions. All such new or reclassified infractions and sanctions shall be approved in writing by the director before being put into effect. [Statutory Authority: RCW 72.01.090, 84-17-058 (Order 84-13), § 137-28-010, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-010.]

WAC 137-28-015 Notification. (1) Each inmate of an adult correctional institution shall be advised in writing of:

- His/her rights and responsibilities;
- Acts prohibited in the institution; and
- Disciplinary action which may be taken in the event of misconduct.

(2) Each inmate upon entering the custody of the department of corrections shall be given a copy of the rules in this chapter and of all local disciplinary rules of the institution to which he/she is assigned.

(3) All amendments or additions to this chapter and all amendments or additions to local disciplinary rules, policies, and procedures shall be posted at a specifically designated place or places in each institution in advance

of their effective date if possible and for at least thirty days after their effective date. Inmates shall be responsible for informing themselves of such postings. Complete and up-to-date copies of these rules and all local rules shall be available at each institution for inmate examination.

(4) The superintendent shall ensure that each inmate has the opportunity to understand rules which relate to his/her conduct. If the inmate is unable to read or understand English, the rules shall be read to him/her promptly in his/her accustomed language. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-015, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-015.]

WAC 137-28-020 Definition of misconduct. Misconduct shall consist of:

(1) Any act described in WAC 137-28-025 as a general infraction;

(2) Any act described in WAC 137-28-030 as a serious infraction; or

(3) Any act proscribed by a rule adopted by an institution pursuant to WAC 137-28-010. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-020, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-020.]

WAC 137-28-025 General infractions. Any of the following types of behavior shall constitute a general infraction:

- 051 - Unauthorized possession of money or other negotiable instruments totaling less than five dollars;
- 052 - Loaning of property for profit;
- 053 - Possession of anything not authorized for retention or receipt by an inmate and/or not issued to him/her by regular institutional channels;
- 055 - Intentionally mutilating, altering, defacing or destroying items issued by the state the value of which is less than five dollars;
- 103 - Refusing to obey a lawful order of any staff member;
- 104 - Unexcused absence from work or any assignment;
- 110 - Theft of food;
- 202 - Abusive language directed to a staff member;
- 203 - Lying or knowingly providing a false statement to a staff member;
- 205 - Participating in a meeting or gathering that has been disapproved in advance, in writing, by the institution administrative staff;
- 210 - Being in an area identified by an institution as an area where the presence of inmates is unauthorized;
- 211 - Intentional failure to follow published safety or sanitary regulations;
- 212 - Using any equipment or machinery which is not specifically authorized;

- 213 - Using any equipment or machinery contrary to instructions or posted safety standards;
- 214 - Intentional failure to stand count;
- 251 - Smoking where prohibited;
- 301 - Failure to keep one's person and one's quarters in accordance with published and posted standards, rules, or regulations;
- 302 - Tattooing or self-mutilation;
- 303 - Unauthorized use of mail or telephone;
- 305 - Correspondence or conduct with a visitor in violation of published and posted regulations;
- 351 - Giving, selling, or trading money or anything of value to, or accepting or purchasing money or anything of value from another inmate, a member of his/her family, or his/her friend, except when authorized; or
- 400 - Attempting to commit any of the above offenses, or aiding another person to commit any of the above offenses shall be considered the same as the commission of the offense itself.

[Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-025, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-025.]

WAC 137-28-030 Serious infractions. Any of the following types of behavior shall constitute a serious infraction:

- 501 - Committing homicide;
- 502 - Assaulting any person;
- 503 - Extortion, blackmail, demanding or receiving money or anything of value in return for protection against others, or under threat of informing;
- 504 - Engaging in sexual acts with others, with the exception of conjugal visits authorized by the superintendent;
- 505 - Fighting with any person except in self-defense;
- 506 - Threatening another with bodily harm or with any offense against his/her person;
- 507 - Committing an act not otherwise proscribed by these regulations which constitutes a felony or misdemeanor under state or federal law;
- 508 - Throwing objects or material at staff members, institution visitors, or other inmates;
- 521 - Holding a person hostage;
- 525 - Violation of conditions of furlough;
- 550 - Escape or attempted escape;
- 551 - Lying to the disciplinary hearing committee or hearing officer;
- 552 - Lying to a staff member with the intention of causing an innocent person to be penalized or proceeded against;
- 553 - Intentionally or recklessly setting a fire;

- 554 - Intentionally or recklessly destroying or damaging state property, or the property of another person in excess of five dollars;
- 555 - Stealing (theft) or knowing possession of stolen property;
- 556 - Refusing to submit to a body search when lawfully ordered to do so by a staff member;
- 557 - Refusing and/or failing to work or attend other regularly scheduled assignments;
- 558 - Intentionally interfering with a staff member in the performance of his/her duties;
- 559 - Gambling;
- 600 - Tampering with or blocking any locking device or seal;
- 601 - Possession or introduction of an explosive, poison, or any ammunition or components thereof;
- 602 - Possession or introduction of any gun, firearm, weapon, sharpened instrument, knife, or unauthorized tool or components thereof;
- 603 - Possession, introduction, transfer, or use of any narcotics, controlled substance, or related paraphernalia; possession, transfer, or use of any intoxicant or drug not prescribed or authorized for the inmate or for the inmate to whom transferred, if applicable, by the medical staff; or being intoxicated, or under the influence of an unauthorized drug, narcotic, controlled substance, or other intoxicant;
- 605 - Unauthorized possession of any officer's or staff's clothing;
- 607 - Refusing to submit to a urinalysis when ordered to do so by an authorized staff member;
- 608 - Refusing to submit to a breathalyzer or other standard sobriety test;
- 650 - Rioting;
- 651 - Inciting others to riot;
- 652 - Engaging in or inciting a prohibited group demonstration;
- 653 - Intentionally interfering with the taking of count;
- 654 - Counterfeiting, forging or unauthorized reproduction of any document, article of identification, money, security, or official paper;
- 655 - Making intoxicants, controlled substances, narcotics;
- 656 - Giving or offering any official or staff member or a volunteer a bribe or anything of value for a favor or unauthorized service;
- 657 - Four or more general infractions arising out of separate incidents, all of which occur within the previous six-month period, and which have been reported in writing;
- 658 - Intentional failure to perform according to an administrative action taken pursuant to WAC 137-28-050(2), or resisting post-hearing sanctions as provided for in WAC 137-28-105;
- 660 - Unauthorized possession of money or other negotiable instruments of five dollars or more;
- 661 - Performing or taking part in performing a marriage in the institution buildings or on the institutional grounds, except when such marriage was approved by the superintendent of the institution, which may, in appropriate cases, also be deemed a violation of a visiting rule that can subject an inmate to the sanction contained in WAC 137-28-105 (1)(d), as well as other sanctions available for serious infractions;
- 662 - Solicitation of goods and/or services for which the provider would expect payment when the inmate knows or should have known he/she has no funds available to pay for such goods or services;
- 700 - Attempting to commit or aiding another person to commit a serious infraction as enumerated in this rule, and such action shall be considered the same as commission of the offense itself; or
- 701 - Commission of any general infraction as enumerated in WAC 137-28-025 or any local rule denominated as a general infraction in such a manner as likely to result in danger to life or limb or to create a risk to the orderly operation of the institution or the health and safety of its inmates, staff, or visitors shall be considered a serious infraction, provided there is substantial evidence which establishes there was such a danger.

[Statutory Authority: RCW 72.01.090, 85-08-026 (Order 85-06), § 137-28-030, filed 4/1/85; 84-17-058 (Order 84-13), § 137-28-030, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-030.]

WAC 137-28-031 Cell tag. Each inmate of a multiple-inmate cell will be held accountable for an infraction that occurs within the confines of such cell unless he/she can establish a lack of involvement in the infraction. [Statutory Authority: RCW 72.01.090, 84-17-058 (Order 84-13), § 137-28-031, filed 8/14/84, effective 10/10/84.]

WAC 137-28-032 Earned time, granting and denial. An inmate may receive earned time sentence reduction for participating or attempting to participate in institution work, education, or training programs in accordance with department policy. Prior to a denial of earned time, the basis for the proposed denial shall be explained to the inmate. Should the inmate wish to contest the proposed denial, he/she may request a hearing, which shall be held at least twenty-four hours after the inmate has received written notice scheduling the hearing and indicating the basis for the proposed denial. The hearing

shall be before an impartial official designated by the superintendent, pursuant to WAC 137-28-065. The inmate shall be provided a written statement from the hearing official showing the evidence relied on and the reasons for the decision. The hearing shall be conducted in accordance with WAC 137-28-090. Such a hearing and its result shall not be considered disciplinary in nature and the decision of the hearing shall be limited to recommending to the superintendent that earned time credits be granted or denied in whole or in part. Granting or denial of earned time credits for out-of-state inmates shall be handled in substantial accord with this rule. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-032, filed 8/14/84, effective 10/10/84.]

WAC 137-28-035 Reporting to law enforcement authorities. (1) It shall be the duty of the superintendent to report any violation of a federal, state, or local law to law enforcement authorities.

(2) If a violation has been reported to law enforcement authorities, the inmate shall not be questioned about the incident, outside of a formal disciplinary hearing or an administrative segregation hearing, held pursuant to this chapter, until after it has been determined that no prosecution will occur or until a finding of guilt is made.

(3) The provisions in this rule shall not preclude the reasonable segregation of the inmate in accordance with administrative segregation rules appearing in this chapter. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-035, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-035.]

WAC 137-28-040 Infractions--On-site adjustment. In the event of a general infraction, a staff member may make an on-site adjustment which may consist of:

(1) Counseling, warning, or reprimanding the inmate; and/or

(2) Causing the inmate to remove himself/herself from the situation immediately involved in the violation.

(3) An on-site adjustment under this rule cannot be considered a general infraction for the purposes of determining whether a 657 serious infraction under WAC 137-28-030 has occurred. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-040, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-040.]

WAC 137-28-045 Infractions--Report on. (1) In the event of a general infraction a staff member may prepare and submit an infraction report. In the event of a serious infraction the staff member shall prepare and submit an infraction report.

(2) The infraction report shall include:

(a) A description of the incident;

(b) The time and place of the incident;

(c) The names of witnesses;

(d) The specific rule alleged to have been violated;

(e) A description of any action taken; and

(f) A recommendation of any action to be taken.

(3) The infraction report shall be signed by the staff member and submitted promptly to the supervisory employee or unit team designated by the superintendent to receive such reports. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-045, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-045.]

WAC 137-28-050 General infraction report--Action on report. The supervisory employee or unit team receiving a general infraction report shall decide within five working days of receipt of the report, unless an extension is granted by the superintendent, whether to

(1) Take no further action, in which case the report shall be destroyed promptly; or

(2) Take administrative action as provided for in WAC 137-28-105(1).

(3) General infractions handled under this rule may be accumulated for purposes of invoking the provisions of WAC 137-28-030 with respect to serious infraction 657. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-050, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-050.]

WAC 137-28-055 Appeal to hearing officer. (1) The decision of the supervisory employee or the unit team to take administrative action pursuant to WAC 137-28-050(2) may be appealed by the inmate to the hearing officer. Such appeal must be in writing and include the reason why the inmate believes the administrative action taken was improper or inappropriate. The appeal must be delivered to the hearing officer within forty-eight hours after the inmate receives notice of the administrative action taken by the supervisory employee or the unit team.

(2) Within five working days after receipt of the appeal, unless such time is extended by the superintendent, the hearing officer will decide either to:

(a) Schedule a hearing on the appeal in accordance with the rules contained in this chapter; or

(b) Affirm, modify downward, or reverse the administrative action without a hearing; provided, however, if the administrative action imposes a sanction described in WAC 137-28-105 (1)(d), the hearing officer may not so affirm or modify without conducting a hearing.

(3) The inmate shall be notified orally of the decision of the hearing officer on the inmate's appeal within twenty-four hours after such decision, and in writing within seventy-two hours after such decision, unless such time periods are extended by the superintendent.

(4) All sanctions imposed by the administrative action of the supervisory employee or the unit team pursuant to WAC 137-28-050(2) shall be stayed pending the appeal under this section and any hearing scheduled by the hearing officer to consider such appeal. [Statutory Authority: RCW 72.01.090. 85-01-060 (Order 84-16), § 137-28-055, filed 12/17/84.]

WAC 137-28-065 Appointment and disqualification of hearing officer. (1) Hearings shall be conducted by a single hearing officer designated by the superintendent.

(2) The hearing officer may not function in such capacity when he/she has direct personal knowledge or interest in the incident under consideration. Such officer must disqualify himself/herself by giving notice to the superintendent, who will select a replacement.

(3) "Direct personal knowledge or interest," as that phrase is used in this rule, shall mean knowledge or interest acquired through witnessing or directly participating in the incident under consideration. This rule shall not preclude the hearing officer's participation where the individual has acquired knowledge or interest indirectly or through review of the incident which is conducted as part of the individual's regular institutional responsibilities.

(4) The hearing officer may disqualify himself/herself or be disqualified if it is felt the hearing officer is biased for or against the inmate so that he/she cannot render a fair judgment in the hearing, regardless of the manner by which such bias was acquired. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-065, filed 8/14/84, effective 10/10/84.]

WAC 137-28-072 Out-of-state inmates. Inmates committed to the department of corrections who have been transferred to a prison in another state shall be subject to the disciplinary rules and procedures applicable in the prison to which they have been transferred except that such prison may, in its discretion, utilize any presumptive sanction guidelines in current effect in Washington state institutions. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-072, filed 8/14/84, effective 10/10/84.]

WAC 137-28-075 Prehearing procedures--Rights of inmates. (1) Before being questioned about an alleged rule infraction, an inmate alleged to have committed a rule infraction shall be advised that his/her refusal to testify at the hearing may be used against him/her.

(2) The inmate shall retain his/her institutional status and corresponding rights and privileges prior to and during the hearing except as provided in WAC 137-28-080. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-075, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-075.]

WAC 137-28-080 Prehearing procedures--Restriction of inmate. (1) Prior to and during a hearing on a serious infraction:

(a) An inmate in minimum security status may be restricted to a security area without loss of his/her classification status when there is a reasonable belief that he/she is a substantial security risk; or

(b) An inmate who is reasonably believed to be of danger to himself/herself or to others, in serious danger from others, or a danger to the order and security of the institution may, upon written verification by the shift commander that such danger is reasonable believed to exist, be restricted to his/her own room or cell or placed in segregation. Such restriction must be approved by the superintendent within twenty-four hours after the confinement;

(c) An inmate shall not be confined or segregated for more than three working days unless there is an intervening hearing on the incident involved or the inmate or the institution, for good cause, require additional time not to exceed seventy-two hours to prepare its or his/her case for the hearing, or there is an administrative segregation hearing in accordance with the provisions of this chapter.

(2) Confinement or restriction as authorized in this rule shall not limit the right of an inmate to prepare an adequate defense to the charge(s) against him/her.

(3) An inmate confined or restricted as authorized in this section shall be entitled to the same rights as those committed to segregation by the hearing officer following the hearing, as set forth in WAC 137-28-110.

(4) An inmate confined or restricted as authorized in this section shall receive credit for time served in such manner if he/she is subsequently found guilty of the offense by the hearing officer. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-080, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-080.]

WAC 137-28-085 Hearing officer--Preparation for hearing. In preparation for the hearing, the clerk of the hearing officer shall at least twenty-four hours in advance of the hearing:

(1) Provide copies of the infraction report to the inmate;

(2) Advise the inmate, both orally and in writing, of his/her rights, subject to the relevant provisions and limitations of these rules:

(a) To have a hearing;

(b) That if he/she chooses not to testify at the hearing, his/her silence may be used against him/her;

(c) To present written statements from other inmates, staff or other persons in his/her behalf;

(d) To ask that staff members, other inmates, and other persons be present as witnesses for the hearing if it is determined by the hearing officer that to do so would not be unduly hazardous to institution's safety or correctional goals: *Provided, however,* Limitations may be made by the hearing officer if the information to be presented by the witnesses is deemed to be irrelevant, duplicative, or unnecessary to the adequate presentation of the inmate's case;

(e) To have a staff advisor to assist in preparation/presentation of his/her case when it is determined that the inmate is unable to adequately represent himself/herself on the basis of literacy or competence in accordance with WAC 137-28-097; and

(f) To have access to nonconfidential reports and records utilized by the hearing officer during the fact-finding stage: *Provided, however,* Where reports and records contain information, the disclosure of which to an inmate might reasonably compromise the security and/or safety of the institution or its inmates, such reports and records shall be specifically identified as confidential and withheld, and in such cases, the inmate shall be provided with a summary of such written documents with the classified information deleted.

(3) Obtain written acknowledgment of the receipt by the inmate of the information provided in accordance with WAC 137-28-085(2);

(4) Determine from the inmate whether he/she wishes to contest the allegation;

(5) Schedule the hearing within three working days after discovery of the incident, unless such time is extended by the superintendent; and

(6) Notify any staff member who witnessed the infraction of the hearing. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-085, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-085.]

WAC 137-28-090 Conduct of hearing. (1) The hearing officer shall assure that the inmate is competent to understand the charge against him/her and the proceedings, and to participate therein. He/she may order a postponement of the hearing to secure a report on the competence of the inmate, or take such other action as will assure the fairness and orderliness of the hearing.

(2) The inmate shall be present at all stages of the hearing except during the decisional deliberations and any inquiry the hearing officer may wish to make concerning the identity of unidentified witnesses. An inmate may waive his/her presence at a hearing.

(3) The inmate shall be informed that if he/she chooses not to testify in the hearing, his/her silence may be used against him/her.

(4) The clerk shall be responsible for presenting all appropriate paperwork to the hearing officer, but shall not be responsible for orally presenting facts and circumstances surrounding the incident.

(5) The hearing officer shall divide the hearing into two stages consisting of:

(a) Determination of the guilt or innocence of the inmate; and

(b) Determination of further action to be taken.

(6) Evidence, testimony, questions, and examinations shall be limited to facts relevant to the alleged infraction, or disposition if an infraction has been found.

(7) Where institution staff members are witnesses against the inmate, every effort shall be made to have such witnesses present to testify at the hearing: *Provided, however,* The written statements of such staff members may be considered in their absence upon a showing of good cause.

(8) The hearing officer shall have the authority to cross-examine the staff member reporting the infraction.

(9) The inmate shall be allowed to call witnesses and present documentary evidence in his/her defense when permitting him/her to do so will not be unduly hazardous to institutional safety or correctional goals unless the witness and/or information desired to be presented is deemed to be irrelevant, immaterial, unnecessarily duplicative of other information before the hearing officer, or otherwise found to be unnecessary to the adequate presentation of the inmate's case. The testimony of all witnesses from outside the institution shall be considered in writing. In the event the hearing officer determines that the presence of a witness is appropriate, the hearing

officer will call the witnesses or continue the hearing until such time as the witness is available. If the witness is unavailable, the hearing officer may, in his/her discretion, consider the written testimony previously submitted.

(10) The inmate may question witnesses against him/her in the discretion of the hearing officer. If the hearing officer determines that an inmate witness would be subject to risk of harm if his/her identity were disclosed, testimony of the inmate witness may be introduced by the testimony of a staff member to whom the information was provided by the inmate witness and/or the affidavit of the inmate witness. If the staff member to whom the inmate witness provided information is, for good cause, unavailable, the written statement of such uninvolved staff member may be used.

(11) The hearing officer shall, out of the presence of all inmates, inquire as to the identity of any anonymous inmate witness, and as to how the testifying staff member received such information. The refusal of the staff member presenting the testimony of the unidentified inmate witness to identify such inmate shall make the testimony inadmissible unless the refusal to identify the witness is approved by a staff member with the rank of captain or above based on that staff member's determination of good cause for nondisclosure and that the informant is reliable. The hearing officer must make an independent determination as to the reliability of informant and credibility of information offered, except that the hearing officer may accept an assurance of credibility from a staff member who approves the nondisclosure of identity of the inmate witness. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-090, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-090.]

WAC 137-28-093 Decision of hearing officer. (1) A report of the hearing shall be made by a secretary and shall include the charge, names of witnesses, summary of the testimony and cross-examination, a description of the physical evidence used, and the decisions and reasons therefore. The written report shall be placed in the inmate's institutional file if he/she is found guilty. All reports shall be maintained by the clerk as part of the hearing officer's records. A complete taped record of the hearing shall be taken but the tape shall not become a part of the inmate's file, and may be destroyed one hundred twenty days after the date of the hearing or the appeal decision, or any court proceedings resulting from the hearing, whichever is later.

(2) In reaching its decision on the guilt or innocence of the inmate, the hearing officer must rely solely on evidence presented in the hearing. However, during the dispositional stage of the hearing, such factors as the inmate's institutional file, prior conduct, and overall institutional adjustment may be considered.

(3) The inmate shall be informed personally of the decisions of the hearing officer. Such information shall be given to him/her orally within twenty-four hours of the hearing and in writing within seventy-two hours of

the hearing unless such periods are extended by the superintendent.

(4) The inmate shall be informed of his/her right to appeal the decisions of the hearing officer to the superintendent. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-093, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-093.]

WAC 137-28-095 Finding of no infraction. If the hearing officer determines that no infraction occurred, the inmate shall be reinstated to his/her previous status and all records pertaining to the charge shall be removed from the inmate's central file but may be retained for statistical and record-keeping purposes. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-095, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-095.]

WAC 137-28-097 Staff advisors. (1) An inmate may have a staff advisor appointed by the hearing officer to prepare for a hearing. The hearing officer shall consider such factors as the literacy, the complexity of the issue and the inmate's overall ability to speak for himself/herself and adequately present his/her case, prior to assigning a staff advisor. The assignment of a staff advisor will only be necessary when considering such factors, and should not be construed to mean that a staff advisor must be assigned. The staff advisor will be a staff member and not involved in the observation of the infraction. The staff advisor may attend the hearing, but shall not be responsible for presentation of the inmate's case, questioning witnesses, or making other oral presentation unless requested to do so by the hearing officer.

(2) A list of approved staff advisors will be maintained by the superintendent.

(3) Staff advisors shall be provided with:

(a) Copies of the written decisions of the hearing officer and the superintendent in cases in which the staff advisors are involved;

(b) An opportunity to have private conversation with inmates they are representing;

(c) Access to written information to be used by the hearing officer in the fact-finding stage as far in advance of the hearing as is reasonably possible; and

(d) Reasonable access to all witnesses. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-097, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-097.]

WAC 137-28-100 Sanctions—Authority to impose.

(1) If the hearing officer determines that an inmate is guilty of a serious infraction as enumerated in WAC 137-28-030, he/she may impose one or more of the sanctions provided in WAC 137-28-105.

(2) If the hearing officer determines that more than one infraction occurred, he/she shall not impose consecutive sanctions for the separate infractions but shall consider them together and impose penalties for the group of infractions.

(3) The hearing officer may suspend the execution of a proposed disciplinary sanction for a fixed period of time, not to exceed six months, subject to the good behavior of the inmate and/or meeting other conditions as specified by the hearing officer. If the subsequent behavior of the inmate is appropriate, the hearing officer shall, at or prior to the end of the fixed period, cancel execution of the penalty. A suspended sentence may be revoked upon the inmate's being found guilty of either a general or serious infraction and/or violating the conditions attached to the original suspension. A suspended sentence may be revoked only by the institution hearing officer following notice to the inmate of possible revocation and an in-person meeting with the inmate.

(4) The hearing officer may review any decision he/she has previously made and may modify downward any sanction previously imposed.

(5) Sanctions shall not be imposed while an appeal from the hearing officer's decision is under consideration by the superintendent.

(6) In all cases, regardless of whether an appeal is taken, the superintendent may review a sanction imposed and may reduce its severity. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-100, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-100.]

WAC 137-28-105 Sanctions—Types. (1) For general infractions enumerated in WAC 137-28-025 or classified as general infractions by supplementary local rules, one or more of the following sanctions may be imposed:

(a) Reprimand and/or warning;

(b) Loss of specified privileges for not more than ten days on a first offense, twenty days on a second offense, and thirty days on a third offense within a six-month period;

(c) Confinement to room or cell except for attendance at work or school assignment, religious service, or meals, not to exceed ten days;

(d) Interruption or termination of correspondence or visiting with specified individuals for a maximum of ninety days, when there has been an infraction of rules on visits or correspondence as stated in chapters 137-48 and 275-80 WAC or in local rules regarding correspondence and/or visitors; and

(e) Up to one hundred twenty hours of extra work duty.

(2) For serious infractions enumerated in WAC 137-28-030, one or more of the following sanctions may be imposed:

(a) Any of the sanctions enumerated in this section;

(b) Loss of specified privileges for a period of time not to exceed twenty days except that an inmate shall not be deprived of an opportunity for daily exercise;

(c) Evening lockup or confinement to quarters for ten days;

(d) Weekend and/or holiday lockup or confinement to quarters for a thirty-day period. For purposes of this rule, a "weekend" shall be deemed to begin at the end of the Friday workday;

(e) Confinement to cell except for meals, or with meals in cell, with or without curtailment of job assignment for a period not to exceed ten days;

(f) Recommendation to the classification committee/classification officer for reconsideration of custody classification and/or, when the infraction committed is directly related to the inmate's program, recommendation of program change;

(g) Recommendations to the classification committee/classification officer for transfer to another institution only when, as a result of the infraction committed, the inmate is unable to function in the institution of present confinement, or if other disciplinary methods have been attempted and failed;

(h) Transfer to the maximum security or segregation section, for a period not to exceed thirty consecutive days;

(i) Confinement in an isolation cell for a period not to exceed ten consecutive days: *Provided*, That where a serious infraction occurs during a period of isolation imposed under this rule, additional periods of isolation not to exceed ten days may be imposed: *Provided further*, That in such situation when an inmate may be in isolation for more than ten consecutive days, the director's prior approval shall be required unless the inmate is released from isolation at least for seventy-two consecutive hours between the expiration of one isolation sentence and the imposition of another, where the combined time would exceed ten consecutive days;

(j) Restitution for damage done to any property or loss of any property assigned to the inmate. Funds may be withdrawn from the inmate's account to make restitution under this rule: *Provided*, That an inmate's account shall not be reduced to less than five dollars under this subparagraph;

(k) Recommendation to the superintendent that he/she not certify good conduct time credit for an inmate to the board of prison terms and paroles, pursuant to RCW 9.95.070 or that he/she deny good conduct time credit for those inmates not under jurisdiction of the board. Such recommendation will be consistent with guidelines established by the secretary of the department of corrections. Any sanctions for loss of good-conduct credits in excess of the guidelines established by the secretary of the department of corrections must have final approval by the director, division of prisons. For inmates not under the board's jurisdiction, all awards of good conduct time shall be considered tentative and therefore all good conduct time credits earned or to be earned may be addressed under this rule;

(l) Recommendation to the board of prison terms and paroles for a disciplinary hearing or reconsideration of minimum term should occur only with infractions providing for actual time loss of twelve months or more and consistent with guidelines established by the department;

(m) The sanction for the following major infractions will not result in loss of good-time credit: 557; 559; 653; 657; 661; and 701. [Statutory Authority: RCW 72.01-.090. 85-01-060 (Order 84-16), § 137-28-105, filed 12/17/84; 84-17-058 (Order 84-13), § 137-28-105,

filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-105.]

WAC 137-28-110 Sanctions—Limitations. (1) No inmate shall be subject to disciplinary action for violation of inmate conduct rules unless there has been reasonable advance notice to the inmate of the specific prohibited behavior unless such rule has been adopted on an emergency basis.

(2) Lowering the quantity or quality of food and deprivation of clothing, bedding, bed, or normal hygienic implements shall not be used as sanctions.

(3) Corporal punishment and physical restraint shall not be used as sanctions.

(4) An inmate placed in segregation shall:

(a) Be confined to an environment with healthful temperatures in cells substantially similar to those used for general population;

(b) Be provided the same opportunities for personal hygiene as are available to the general population;

(c) Be afforded his/her rights to correspondence, reading, and legal representation;

(d) Be provided daily opportunity for at least one hour of exercise unless staffing, space, institutional security, order and/or safety, or other similar circumstances make this unfeasible, in which cases such inmate shall be allowed as much exercise as is feasible in the judgment of staff; provided, however, any limitations of exercise shall be approved in advance by a staff member with the rank of lieutenant or higher; and

(e) Be visited by a physician or designated health care personnel at least three times per week; provided, however, if a physician has not personally visited the inmate for three consecutive days, a physician shall review the condition of the inmate with the health care personnel who have visited and shall review written comments and requests, and a record of visits by medical personnel shall be maintained; and provided further that inmates of forestry honor camps or small correctional institutions, as so designated by the director, shall receive medical care and observation in accordance with standard procedures in effect at such facility specified by the director of prisons.

(5) An inmate placed in isolation shall:

(a) Be confined in an environment with healthful temperatures in cells substantially similar to those used for the general population;

(b) Be provided the same opportunities for personal hygiene as are available to the general population;

(c) Retain his/her rights to correspondence, reading, and legal representation except that literature may be limited to educational, religious, legal, or program involvement material;

(d) Be visited by a physician or health care personnel at least once per day; provided, however, if a physician has not personally visited the inmate for three consecutive days, a physician shall review the condition of the inmate with the health personnel who have visited and shall review written comments and requests, and a record of visits by medical personnel shall be maintained; and provided, further, that inmates of forestry

honor camps or small correctional institutions, as so designated by the director, shall receive medical care and observation in accordance with standard procedures in effect at such facility to be specified by the director of prisons;

(e) Upon approval by the superintendent, be released immediately to an appropriate setting when medical personnel recommends such release on medical or psychological grounds;

(f) Be visited by a staff member at least twice during each daily shift to ascertain his/her well being, and each such visit and findings shall be recorded; and

(g) Be accessible to the counselor assigned to him/her. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-110, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-110.]

WAC 137-28-115 Appeal to superintendent. (1) An inmate may appeal the decision of the hearing officer to the superintendent by filing a written request for review and his/her reasons therefor with the clerk within twenty-four hours, exclusive of weekends and holidays, after receiving written notice of the decision of the hearing officer. The superintendent may, in his/her discretion, consider appeals filed beyond the twenty-four hour period.

(2) The clerk shall promptly transmit the request for review and the hearing officer record to the superintendent.

(3) The superintendent shall act on the request within five working days of its receipt by affirming the decision of the hearing officer, stating his/her reasons therefor; reducing the severity of the sanctions imposed; vacating the judgment of the hearing officer, or remanding the matter for a new hearing. Any new hearing may not result in an increase of the severity of the sanctions originally imposed.

(4) Pending the decision of the superintendent, the sanctions shall not be imposed on the inmate nor shall his/her custody be subject to change unless there are grounds for detention as provided in WAC 137-28-080 or if the superintendent has reason to believe that he/she is a substantial security risk.

(5) The inmate shall promptly be notified of the decision of the superintendent.

(6) In all cases where the superintendent approves a sanction requiring the loss of more than one hundred eighty days of future good conduct time credits, or the superintendent recommends that a parole board disciplinary hearing be scheduled, the case will be referred to the director for review and approval. This review may result in approval of the sanction imposed or a lesser sanction. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-115, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-115.]

WAC 137-28-120 Reports to the board of prison terms and paroles. (1) Whenever the hearing officer finds an inmate guilty of a serious infraction, and recommends either loss of good conduct time credits or an adjustment upward of the inmate's minimum term, it

shall be the duty of the hearing clerk to inform the board of prison terms and paroles of that decision within ten days or, if an appeal is taken, within ten days of the superintendent's decision. Said report shall include a copy of the summary of the hearing prepared by the hearing officer reporter.

(2) In all other cases where a finding of guilt is made for a serious infraction, it shall be the duty of the clerk to inform the board of prison terms and paroles of that decision within thirty days, or if an appeal is taken, within thirty days of the superintendent's decision. Said report shall include a copy of the summary of the hearing prepared by the hearing officer reporter.

(3) Where an inmate is found guilty of a serious infraction within forty-five days of an apparent release date, the board of prison terms and paroles shall be notified telephonically, with written notification to follow promptly.

(4) This section shall not apply to inmates who are in custody under the Sentencing Reform Act of 1981, chapter 9.94A RCW, and who are not under the jurisdiction of the board of prison terms and paroles or its successor. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-120, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-120.]

WAC 137-28-130 Time limitations. The time limitations expressed in these regulations shall not be deemed to be jurisdictional and failure to adhere to any particular time regulation shall not be grounds for automatic reversal and/or dismissal of a disciplinary proceeding. [Statutory Authority: RCW 72.01.090. 84-17-058 (Order 84-13), § 137-28-130, filed 8/14/84, effective 10/10/84. Formerly WAC 275-88-130.]

Chapter 137-32 WAC

PRISONS--ADMINISTRATIVE SEGREGATION AND INTENSIVE MANAGEMENT

WAC

137-32-001	Purpose.
137-32-002	Definitions.
137-32-005	Initial placement.
137-32-010	Initial review.
137-32-015	Classification meeting procedures.
137-32-020	Intermediate informal review.
137-32-025	Intensive management status.
137-32-030	Conditions of confinement.
137-32-035	Administrative release.
137-32-040	Interpreters.
137-32-045	Other procedures.
137-32-050	Time limitations.
137-32-060	Out-of-state transfers.

WAC 137-32-001 Purpose. The rules in this chapter define the reasons and establish the process for classifying inmates of adult correctional institutions to administrative segregation status, assigning such inmates to a segregation or intensive management facility or unit and continuing such classification status. [Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-001, filed 12/17/84. Formerly chapter 275-82 WAC.]

WAC 137-32-002 Definitions. For the purpose of this chapter the following words shall have the following meanings:

(1) "Department" means the department of corrections.

(2) "Adult correctional institution" and "institution" mean a facility identified in RCW 72.01.050(2) and any similar facility hereafter established.

(3) "Secretary" means the secretary of the department of corrections.

(4) "Director" means the director of the division of prisons of the department, or the director's designees.

(5) "Superintendent" means the superintendent of an institution, or the superintendent's designees.

(6) "Hearing officer" means the person named by a superintendent to act for the superintendent in reviewing the cases of inmates assigned to administrative segregation status.

(7) "Inmate" means any person assigned to the custody of the department, including any person transferred to an institution from another state or the federal government.

(8) "Administrative segregation status" means segregation of an inmate of an institution for nondisciplinary reasons.

(9) "Intensive management status" means an assignment to administrative segregation for an extended period after other alternatives have been explored.

(10) "Classification meeting" means a meeting with an inmate held to:

(a) Determine whether the inmate should be placed on administrative segregation status, continued on administrative segregation status, placed on intensive management status, continued on intensive management status, released to the general inmate population, recommended for either an in-state or out-of-state transfer; and/or

(b) Develop an action plan, expectations and goals relative to the rehabilitation of the inmate.

(11) "Working days" means Monday through Friday excluding holidays.

(12) "Intermediate informal review" means an informal review of the inmate's adjustment in administrative segregation by the hearing officer which is documented and may consist of, but not be limited to, discussions with the inmate involved, interviews with staff supervising the inmate and review of any documents relating to the inmate. [Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-002, filed 12/17/84.]

WAC 137-32-005 Initial placement. (1) The superintendent may segregate an inmate from the general inmate population and assign such inmate to a segregation or intensive management unit if, in the judgment of the superintendent, the presence of such inmate in the general inmate population would constitute a serious threat:

(a) To the safety of institution staff, visitors or other inmates;

(b) To such inmate's safety;

(c) Of an escape by such inmate; or

(d) To the orderly operation of the institution.

(2) The superintendent must verify the reason for placing the inmate in a segregation or intensive management unit and document the facts supporting such reason. [Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-005, filed 12/17/84.]

WAC 137-32-010 Initial review. (1) Immediately after an inmate's initial placement in segregation the hearing officer will inform the inmate in writing of the reason for the inmate's segregation and the date, time and place of the initial review meeting.

(2) The hearing officer will meet with such inmate within two working days after initial placement for the initial review of the basis for the assignment of such inmate to administrative segregation status. During this initial review the inmate will be provided an opportunity to respond to the reasons for such inmate's placement in a segregation or intensive management unit.

(3) The hearing officer will prepare a written report of the initial review meeting with the inmate and deliver such report to the superintendent. This report will include the information provided to the inmate, the reason for initial placement in a segregation or intensive management unit, the inmate's response to the allegation resulting in the initial placement in a segregation or intensive management unit and the hearing officer's recommendation whether to continue the administrative segregation or to release the inmate to the general inmate population, together with the facts supporting such recommendation.

(4) The superintendent will review the hearing officer's report, and within three working days after the inmate's initial placement in segregation will prepare a written decision accepting or rejecting the hearing officer's recommendations. A copy of the superintendent's decision will be forwarded to the inmate and the hearing officer. [Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-010, filed 12/17/84.]

WAC 137-32-015 Classification meeting procedures. (1) The hearing officer will preside over classification meetings of inmates assigned to administrative segregation status.

(2) A classification meeting will be held not more than ten working days after the initial review meeting decision.

(3) If an inmate is kept in administrative segregation status following the first classification meeting and intermediate informal review, the status will be reviewed in a second classification meeting which will be held twenty working days after the superintendent's intermediate informal review decision. Subsequent classification meetings shall be held at intervals not exceeding one hundred eighty days.

(4) Not less than forty-eight hours prior to each classification meeting the hearing officer, or the hearing officer's designee, will advise the inmate in writing:

(a) Of the date, time and place of the classification meeting;

(b) Of the specific allegations supporting placement or retention in administrative segregation;

(c) Of related criminal charges, if any, evolving from the incident for which the inmate is placed on administrative segregation status;

(d) That the inmate has the opportunity to provide the hearing officer with names of inmates or institution staff from whom witness statements should be obtained; and

(e) That only written statements will be considered during the course of the hearing unless the hearing officer requires oral testimony for clarification.

(5) The hearing officer will ensure that all witnesses named by the inmate are provided with witness statement forms as soon as practical, but not less than twenty-four hours prior to the classification meeting.

(6) The following procedures will be adhered to during all classification meetings:

(a) The inmate may be present at all stages of the meeting except during discussions involving information from confidential sources.

(b) The hearing officer will maintain a record of the meeting setting forth the information presented, including all witness statements.

(c) The superintendent shall designate an institution staff member, other than the hearing officer, to present evidence either supporting continued administrative segregation or release therefrom.

(d) The hearing officer shall have the authority to request inmates, institution staff members, or other persons to appear and present or clarify information which may be relevant to the hearing officer's decision. If practical, information presented to the hearing officer from confidential sources shall be presented by the individual receiving information from the source. The source shall be identified to the hearing officer, except when the superintendent directs that the source is to remain confidential.

(e) The hearing officer will provide the inmate with an opportunity to present the inmate's views to the hearing officer and to clarify information from the witness statements. The inmate may present a written statement in lieu of, or in addition to oral testimony. The written statement will be included in the record.

(f) If the inmate refuses to attend the hearing, this fact will be documented along with all pertinent facts and actions taken by the hearing officer.

(g) An inmate may select an institution staff member, approved by the superintendent, to assist and advise the inmate at the hearing. The advisor shall not be an inmate. The advisor will be approved by the superintendent only if, in the superintendent's judgment, the inmate is unable to present his/her own case.

(7) The hearing officer shall make a written report to the superintendent and the inmate within three working days after the classification meeting, which will include:

(a) A recommendation that the inmate be continued in administrative segregation, released back to the general population, or transferred to a more appropriate facility, in or out of state;

(b) Changes necessary in the inmate's behavior for the inmate's return to the general inmate population; provided, however, accomplishment of any such identified

behavioral changes shall not necessarily require discharge from administrative segregation, but shall be considered along with all other circumstances; and

(c) A summary of the inmate's adjustment while in administrative segregation status.

(8) The inmate may appeal the report by submitting written objections and whatever other written information the inmate feels is relevant to the superintendent. Such material shall be filed within twenty-four hours of the inmate's receipt of the report.

(9) The superintendent shall notify the inmate in writing within five working days after receiving the hearing officer's recommendation of the superintendent's decision regarding retention of the inmate in administrative segregation or the inmate's release therefrom, other action directed by the superintendent, and the date of the next classification meeting, if any.

(10) Inmates reviewed at the second classification meeting will be considered for one or more of the following:

(a) Referral to the director with a recommendation that the inmate be placed on intensive management status;

(b) Return to the general inmate population with clear behavioral expectations for remaining there; or

(c) Transfer to a more appropriate facility, within or without the state. [Statutory Authority: RCW 72.01-090. 85-01-059 (Order 84-15), § 137-32-015, filed 12/17/84.]

WAC 137-32-020 Intermediate informal review. (1) Twenty working days after the superintendent's decision to retain an inmate on administrative segregation status following the first classification meeting, the hearing officer will conduct an informal review of the administrative segregation status with the inmate. In this process the hearing officer will discuss the continued need for administrative segregation with the inmate, review any written material submitted by the inmate, review the inmate's behavior and attitude while in segregation, and such other information as appears relevant. The hearing officer may review any institution records and may discuss the inmate's case with staff as part of this review process.

(2) The hearing officer shall prepare a written summary of the meeting with recommendations for the superintendent who may either release the inmate from or retain the inmate on segregation.

(3) Decisions and recommendations made in this process shall not be appealable, nor shall they be subject to review through the grievance process. [Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-020, filed 12/17/84.]

WAC 137-32-025 Intensive management status. An inmate will be placed on intensive management status in accordance with the following procedures:

(1) The hearing officer may recommend to the superintendent that the inmate be placed on intensive management status stating the reasons therefor.

(2) The superintendent will review the hearing officer's recommendation, and if approved will forward a copy thereof to the director for final approval.

(3) The cases of all inmates assigned to intensive management status will be reviewed by the hearing officer at intervals not to exceed one hundred eighty days; provided, however, if an inmate is assigned to intensive management status sooner than ninety days after the inmate's placement in administrative segregation, the review period shall be consistent with those set forth in WAC 137-32-015 and 137-32-020.

(4) Inmates not approved for intensive management status by the director will be retained on administrative segregation status pending implementation of the action ordered by the director in lieu of assignment to intensive management. The cases of such inmates will be reviewed by the hearing officer at intervals not to exceed one hundred eighty days. [Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-025, filed 12/17/84.]

WAC 137-32-030 Conditions of confinement. (1) An inmate placed on administrative segregation shall be:

(a) Confined in a reasonably lighted and ventilated environment at a reasonably comfortable temperature;

(b) Provided meals of the same quality and quantity as provided to the general inmate population, unless specific security reasons dictate otherwise;

(c) Provided access to personal hygiene items and facilities in a manner similar to the general inmate population;

(d) Afforded rights to correspondence, reading, legal representation and recreation consistent with reasonable custody and security precautions;

(e) Provided an opportunity for daily exercise for no less than one hour outside of the inmate's cell;

(f) Afforded an opportunity to be visited by a physician, nurse or designated health care person in a manner similar to the general inmate population; and

(g) Provided access to educational programs when available.

(2) The rights of an inmate in administrative segregation confinement with respect to meals, personal hygiene, correspondence, reading, legal representation and recreation may be limited when the provision of such rights will result in danger to the inmate, or to institution staff, or present a threat to the maintenance of reasonable order and security within the institution. Decisions to limit the rights of an inmate in administrative segregation confinement in other than emergency situations must be approved in advance by the superintendent or duty officer. Limitations of rights imposed in emergency situations by other members of the institution staff shall be reviewed as soon as possible by the superintendent. [Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-030, filed 12/17/84.]

WAC 137-32-035 Administrative release. (1) The superintendent may release an inmate from administrative segregation status at any time after determining that, in the superintendent's judgment, the conditions or

reasons which required the inmate's administrative segregation no longer exist. Recommendations for release may be submitted to the superintendent at any time by segregation unit staff or other staff familiar with the inmate's situation.

(2) Only the director has the authority to release an inmate from intensive management status. [Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-035, filed 12/17/84.]

WAC 137-32-040 Interpreters. An interpreter will be provided at the initial review meeting or any classification meeting for those inmates who do not speak or understand English or who are hearing impaired. [Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-040, filed 12/17/84.]

WAC 137-32-045 Other procedures. The superintendent of each institution shall develop and implement specific procedures governing the administrative segregation of inmates, which procedures shall be consistent with the provisions of this chapter. No such procedures shall become effective until approved by the director. [Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-045, filed 12/17/84.]

WAC 137-32-050 Time limitations. The time limitations expressed in this chapter shall not be deemed to be jurisdictional, and failure to adhere to any particular time limitation shall not be grounds for automatic reversal or dismissal of an administrative segregation or intensive management proceeding. [Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-050, filed 12/17/84.]

WAC 137-32-060 Out-of-state transfers. Recommendations for out-of-state transfer may be made by the superintendent to the secretary as specified in these rules, as well as anytime the superintendent believes the transfer to be in the best interests of the state or the welfare of the inmate. Transfer recommendations shall be in writing and shall specify reasons for the recommendations. [Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-060, filed 12/17/84. Formerly chapter 137-66 WAC.]

Chapter 137-48 WAC

INMATE MAIL AND COMMUNICATIONS

WAC

137-48-020 Definitions.
137-48-060 Mail costs.

WAC 137-48-020 Definitions. (1) "Contraband" consists of all illegal items, alcoholic beverages, and other items which a resident of a correctional institution may not have in his/her possession, as defined in regulations adopted by the superintendent of an institution and approved by the secretary.

(2) "Emergency situations" are critical illnesses, deaths, emotional crises, or similar situations experienced by members of the inmate's family or the inmate.

(3) "Illegal items" are controlled substances as defined and listed in chapter 69.50 RCW or any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to the person of another.

(4) "Indigent inmate" means an inmate who has less than a five dollar balance in his/her trust fund account on the day of the postage request and during the seven days preceding the postage request.

(5) "Inspection of mail" means the physical act of opening, touching, smelling, and/or reading of mail, the use of mechanical or chemical systems and/or the use of animals to determine the presence of contraband or illegal items.

(6) "Legal mail" is correspondence to or from courts and court staff (judges, clerks of the court, judicial law clerks, etc.), attorneys and persons working for attorneys and to established groups involved in the representation of inmates in judicial proceedings (ACLU, legal services groups, etc.), and government officials or agencies. To be considered "legal mail" the correspondence must clearly be marked "legal mail" on the outside of the envelope.

(7) "Letters" consists of personal communications and enclosures to and from inmates including, but not limited to, handwritten or typed communications.

(8) "Mail" consists of letters, publications, or packages delivered by the United States Post Office or by other means.

(9) "Packages" means the immediate container or wrapping and the contents therein in which any item is contained for consumption, use or storage by inmates, and for purposes of this chapter, also means any shipping container or outer wrapping and the contents therein used by retailers to ship or deliver any item to inmates where it is the only such container or wrapping.

(10) "Publications" consists of reproduced handwritten or pictorial materials including books, periodicals, newspapers, and pamphlets.

(11) "Secretary" is the secretary of the department of corrections or his/her designee(s).

(12) "Superintendent" means the superintendent of a correctional facility or his/her designee(s). [Statutory Authority: RCW 72.09.050, 72.08.103, 72.13.080 and 72.15.040. 84-08-011 (Order 84-04), § 137-48-020, filed 3/26/84. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140. 83-20-036 (Order 83-09), § 137-48-020, filed 9/27/83. Formerly WAC 275-96-005.]

WAC 137-48-060 Mail costs. (1) Except as otherwise stated in this section, mail costs shall be the responsibility of the inmate.

(2) Mail which arrives at the institution with postage due may, at the option of the superintendent, be delivered to the inmate. The institution may pay the postage due in accordance with subsection (3) of this section, or hold the mail for a reasonable period of time so as to allow the inmate to arrange for payment of the postage

due. If such arrangements are not made within the time provided, the package may be donated to charity or discarded.

(3) Indigent inmates shall be authorized to receive postage for a maximum of ten letters per week. This postage shall cover both legal and regular correspondence irrespective of the number of letters identified as legal mail. This shall also include costs advanced by the institution for postage due mail.

(4) Any expenditures made by the institution for postage for indigent inmates may be recouped by the institution whenever such indigent inmate has a five dollar or more balance in his/her trust fund account. [Statutory Authority: RCW 72.09.050, 72.08.103, 72.13.080 and 72.15.040. 84-08-011 (Order 84-04), § 137-48-060, filed 3/26/84. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140. 83-20-036 (Order 83-09), § 137-48-060, filed 9/27/83. Formerly WAC 275-96-060.]

Chapter 137-52 WAC

RESIDENTS OF ADULT CORRECTIONAL INSTITUTION ESCORTED LEAVE OF ABSENCE

WAC

137-52-005	Purpose.
137-52-010	Definitions.
137-52-015	Reasons allowed.
137-52-020	Conditions.
137-52-025	Application requests for escorted leave.
137-52-030	Approval.
137-52-035	Escort procedures.
137-52-040	Expenses.
137-52-045	Expenses—Paid by inmate.
137-52-050	Expenses—Paid by department.

WAC 137-52-005 Purpose. The purpose of this chapter is to set forth the reasons for and conditions under which a superintendent may extend the limits of confinement under the authority of RCW 72.01.370. [Statutory Authority: RCW 72.01.380. 85-07-042 (Order 85-07), § 137-52-005, filed 3/19/85. Formerly WAC 275-85-010.]

WAC 137-52-010 Definitions. (1) "Escorted leave" is an approved leave of absence by an inmate from a correctional facility under the continuous supervision of trained correctional staff.

(2) "Immediate family" includes an inmate's parents, stepparents, parent surrogates, legal guardians, spouse, brothers, sisters, half or step-brothers or sisters, children, stepchildren, and dependents whether or not in direct lineal relationship to the inmate.

(3) "Indigent" shall be understood to mean an inmate who has not been credited with five dollars or more total from any source(s) for deposit to the inmate's trust fund account during the thirty days preceding the request for an escorted leave and has less than a five dollar balance in his/her trust fund account on the day the escorted leave is requested, or together with his/her immediate family cannot post a five hundred dollar bond to secure the repayment of the expenses of the escorted leave on

the day the escorted leave is requested. A declaration of indigency shall be signed by the inmate and the inmate's family on forms provided by the department.

(4) "Director" means the director of the division of prisons or his/her designee(s).

(5) "Superintendent" means the superintendent of a state correctional institution, state honor camp, or other penal institutions as now or hereafter established under the jurisdiction of the department of corrections pursuant to law or his/her designee.

(6) "Department" means the department of corrections.

(7) "Secretary" means the secretary of the department of corrections or his/her designee(s).

(8) "Nonviolent offender" means any person convicted of a felony not classified as a violent offense under chapter 9.94A RCW. [Statutory Authority: RCW 72.01.380. 85-07-042 (Order 85-07), § 137-52-010, filed 3/19/85. Formerly WAC 275-85-005.]

WAC 137-52-015 Reasons allowed. An escorted leave may be granted by the superintendent to extend limits of confinement into the community to permit an inmate to:

(1) Receive necessary medical or dental care which is not available in the institution;

(2) Visit a seriously ill member of the inmate's immediate family or attend the funeral of a member of the inmate's immediate family upon verification, by the superintendent, of such illness or death;

(3) Participate in athletic contests as a member of a group or team only if the inmate is in minimum custody; or

(4) Participate in supervised work of the department to include industrial, educational, and agricultural programs;

(5) Participate as a volunteer in community service work projects, which are approved by the superintendent for selected minimum custody nonviolent offenders, if such work project is requested by the local community. [Statutory Authority: RCW 72.01.380. 85-07-042 (Order 85-07), § 137-52-015, filed 3/19/85. Formerly WAC 275-85-015.]

WAC 137-52-020 Conditions. (1) An escorted leave shall be authorized only for trips within the boundaries of the state of Washington.

(2) The duration of an escorted leave to the bedside of a seriously ill member of the inmate's immediate family or attendance at a funeral shall not exceed forty-eight hours unless otherwise approved by the superintendent.

(3) The duration of escorted leaves granted for reasons other than those mentioned in WAC 137-52-015(2) shall not exceed the normal work day (eight hours) with the exception of extended medical treatment requiring placement at a local hospital.

(4) The inmate shall be in the visual or auditory contact of an approved correctional staff member at all times and shall be considered under the custody of the superintendent.

(5) The inmate shall be housed in a city or county jail or state institution at all times when not in transit or actually engaged in the activity for which the escorted leave was granted.

(6) An agreement for reimbursement for expenses not to be paid by the state and escort arrangements must be established in advance of the requested date of escorted leave.

(7) County and city law enforcement agencies with jurisdiction in the area of the inmate's destination shall be notified by the superintendent before allowing any escorted leave of absence under RCW 72.01.375. [Statutory Authority: RCW 72.01.380. 85-07-042 (Order 85-07), § 137-52-020, filed 3/19/85. Formerly WAC 275-85-020.]

WAC 137-52-025 Application requests for escorted leave. The superintendent of each institution shall establish procedures governing the method of handling requests by individual inmates or the institution for an escorted leave of absence. Each leave request will be evaluated within forty-eight hours. If the leave request is initiated by the institution, the superintendent will advise the inmate of the reason for the escorted leave, including leaves for family emergency or medical requirement. [Statutory Authority: RCW 72.01.380. 85-07-042 (Order 85-07), § 137-52-025, filed 3/19/85. Formerly WAC 275-85-025.]

WAC 137-52-030 Approval. Escorted leaves for medium and minimum custody inmates shall be approved or denied by the superintendent. Escorted leaves for close and maximum custody inmates for the purpose of medical or dental treatment shall be approved or denied by the superintendent. Escorted leaves for close and maximum custody inmates, with the exception of medical or dental treatment, shall be approved or denied by the secretary. In approving a request for escorted leave, the following factors will be considered:

(1) The nature of the request for escorted leave;

(2) The community risk associated with granting the request for an escorted leave based on the security or escape risk;

(3) The inmate's overall history of stability and any tendencies toward violent disruptive behavior;

(4) Any history of unusual disciplinary problems;

(5) The inmate's degree of trustworthiness as demonstrated by his/her performance in work assignments and maintenance of a clear disciplinary record;

(6) Any significant health problems that might be aggravated as a result of the leave; and

(7) Such other information as may be deemed relevant. [Statutory Authority: RCW 72.01.380. 85-20-081 (Order 85-10), § 137-52-030, filed 9/30/85; 85-07-042 (Order 85-07), § 137-52-030, filed 3/19/85. Formerly WAC 275-85-030.]

WAC 137-52-035 Escort procedures. (1) Only correctional staff approved by the superintendent will be authorized to serve as escorts. Single escorts must have

attained permanent employee status. At least one experienced, permanent status employee will accompany all inmates on escorted leave.

(2) Medium and close custody inmates shall be escorted by at least two correctional staff. No more than five medium/close inmates may be escorted with two correctional staff. Maximum custody inmates will be escorted in ratio of two staff to one inmate. Medium, close, and maximum custody inmates shall be escorted in hand and leg restraints. Inmates in these custody levels shall be escorted with at least one staff member carrying a sidearm and safely separated from a second officer who will be the immediate escort for the inmate. The unarmed officer may be the immediate supervisor, counselor, or other state correctional staff approved by the superintendent. Only with the approval of the superintendent will escorts remove waist and leg restraints from inmates.

(3) Minimum custody inmates shall be escorted under circumstances deemed appropriate by the superintendent. Correctional staff may be instructed to wear their uniforms and sidearms in appropriate circumstances.

(4) A correctional officer serving as escort may wear civilian clothing when escorting an inmate to a bedside visit or a funeral unless otherwise directed by the superintendent. [Statutory Authority: RCW 72.01.380. 85-07-042 (Order 85-07), § 137-52-035, filed 3/19/85. Formerly WAC 275-85-035.]

WAC 137-52-040 Expenses. (1) Correctional staff assigned escort duties shall be authorized per diem reimbursement for meals, lodging, and transportation at the rate established by the departmental travel policy.

(2) Correctional staff assigned escort responsibility shall receive appropriate compensation at regular salary or overtime for all hours spent in actual escort of the inmate, but not including hours sleeping or not engaged in direct supervision of the inmate. The salary shall be paid at the appropriate straight time and overtime rates as provided in the merit system rules.

(3) Cost of housing the inmate in a city or county jail when not in transition or actually engaged in the activity for which the escorted leave was granted shall be charged the inmate in accordance with WAC 137-52-045. [Statutory Authority: RCW 72.01.380. 85-07-042 (Order 85-07), § 137-52-040, filed 3/19/85. Formerly WAC 275-85-040.]

WAC 137-52-045 Expenses--Paid by inmate. (1) The expenses of the escorted leave as enumerated in WAC 137-52-040 shall be reimbursed by the inmate or his/her immediate family unless the superintendent has authorized payment at state expense in accordance with WAC 137-52-050.

(2) Payments by the inmate, inmate's immediate family, or bonding company shall be made to the institution's business office and applied to the appropriate fund as defined by law, applicable provisions of the

Washington Administrative Code, or department policy. [Statutory Authority: RCW 72.01.380. 85-07-042 (Order 85-07), § 137-52-045, filed 3/19/85. Formerly WAC 275-85-045.]

WAC 137-52-050 Expenses--Paid by department. The expenses of the escorted leave shall be absorbed by the state if:

(1) The inmate and his/her immediate family are indigent in accordance with WAC 137-52-010(3); or

(2) The expenses were incurred for the purpose of the inmate's participation in a program activity, academic or vocational activity, work activity, or to secure medical care; or

(3) The expenses were incurred as a result of a reclassification of an inmate and the return of such inmate from a minimum custody facility to a more secure facility. [Statutory Authority: RCW 72.01.380. 85-07-042 (Order 85-07), § 137-52-050, filed 3/19/85. Formerly WAC 275-85-050.]

Chapter 137-54 WAC

INMATE MARRIAGES--ADULT CORRECTIONAL FACILITIES

WAC

137-54-010	Definitions.
137-54-020	Eligibility and notice.
137-54-030	Superintendent's procedures.
137-54-040	Marriage ceremony.

WAC 137-54-010 Definitions. As used in this chapter, the following words have the following meanings:

(1) "Institution" means an adult correctional facility identified in RCW 72.01.050(2) or any similar facility hereafter established, or a work/training release facility established pursuant to chapter 72.65 RCW;

(2) "Superintendent" means the superintendent of an adult correctional facility identified in RCW 72.01.050(2) or any similar facility hereafter established or the supervisor of a work/training release facility established pursuant to chapter 72.65 RCW;

(3) "Inmate" means a person under the custody of the state department of corrections but does not include a parolee or a probationer. [Statutory Authority: RCW 72.01.090 and 72.09.050. 85-05-019 (Order 85-03), § 137-54-010, filed 2/13/85.]

WAC 137-54-020 Eligibility and notice. An inmate may marry while confined to or on furlough from an institution if such marriage is legally permissible under the laws of the state of Washington. An inmate must give written notice of his or her intention to marry. Such notice shall be given to the superintendent of the institution in which the inmate resides. [Statutory Authority: RCW 72.01.090 and 72.09.050. 85-05-019 (Order 85-03), § 137-54-020, filed 2/13/85.]

WAC 137-54-030 Superintendent's procedures. (1) Superintendents shall develop written procedures for inmate marriages. Said procedures shall address, but not be limited to:

- (a) The inmate's notice of intent to marry;
- (b) Requested premarriage counseling for the inmate and the intended spouse;
- (c) The visitation privileges between the inmate and intended spouse; and
- (d) The conduct of the marriage and related matters, giving due consideration to the requirements of security, safety, health, and orderliness.

(2) Inmates will be advised of such procedures developed by the superintendent. [Statutory Authority: RCW 72.01.090 and 72.09.050. 85-05-019 (Order 85-03), § 137-54-030, filed 2/13/85.]

WAC 137-54-040 Marriage ceremony. All marriage arrangements will be planned in conjunction with and supervised by the chaplain assigned to the institution in which the inmate resides. When the marriage ceremony takes place within an institution the superintendent may permit outside clergy or other lawfully authorized persons to perform the marriage ceremony. [Statutory Authority: RCW 72.01.090 and 72.09.050. 85-05-019 (Order 85-03), § 137-54-040, filed 2/13/85.]

Chapter 137-57 WAC

SELECTING CONTRACTORS FOR AND SITING OF COMMUNITY RESIDENTIAL PROGRAMS (WORK/TRAINING RELEASE FACILITIES)

WAC

137-57-005	Purpose.
137-57-010	Definitions.
137-57-020	Secretary's authority.
137-57-040	Contractor selection.
137-57-050	Site selection.
137-57-060	Public notice, hearing requirements.
137-57-070	Contract/lease.

WAC 137-57-005 Purpose. The purpose of this chapter is to establish procedures for the selection of contractors providing work/training release programs, ensure department cooperation with local jurisdictions in the siting of work/training release facilities, and encourage public comment and advice in the siting decisions. [Statutory Authority: RCW 72.65.100. 84-11-032 (Order 84-05), § 137-57-005, filed 5/14/84; 82-08-055 (Order 82-06), § 137-57-005, filed 4/5/82. Formerly Title 275 WAC.]

WAC 137-57-010 Definitions. (1) "Secretary" is the secretary of the department of corrections or his/her designee.

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

(3) "Work/training release facility" is an institution, community residential program or other establishment approved for housing and supervision of work/training

release inmates or residents as defined in WAC 137-56-010.

(4) "Search committee" is a committee appointed by the secretary to locate potential work/training release contractors or work/training release sites. [Statutory Authority: RCW 72.65.100. 84-11-032 (Order 84-05), § 137-57-010, filed 5/14/84; 82-08-055 (Order 82-06), § 137-57-010, filed 4/5/82.]

WAC 137-57-020 Secretary's authority. Pursuant to RCW 72.65.080 the secretary may enter into contracts with the appropriate authority for the payment of the cost of feeding and lodging and other expenses of having work release participants. Such contracts may include any other terms and conditions as may be appropriate for the implementation of the work release program as defined in chapter 137-56 WAC. In addition, the secretary is authorized to acquire by lease or contract, appropriate facilities for the housing of work release participants and providing for their subsistence and supervision. [Statutory Authority: RCW 72.65.100. 84-11-032 (Order 84-05), § 137-57-020, filed 5/14/84; 82-08-055 (Order 82-06), § 137-57-020, filed 4/5/82.]

WAC 137-57-040 Contractor selection. (1) When the department is seeking a contractor to provide a work/training release program, the secretary will appoint a search committee which shall conduct a search in the manner it deems appropriate to identify potential contractors who would be qualified to develop and provide a work/training release program conforming with applicable regulations, standards, and procedures adopted by the department. The search committee shall also obtain such information as is necessary to evaluate the qualifications and reliability of the potential contractors, the scope of the proposed programs and the cost of such programs.

(2) The names of the potential contractors determined by the search committee, information gathered during the search, the search committee's ranking of the potential contractors, and the search committee's recommendations shall be submitted to the secretary.

(3) The secretary, based on the information, rankings, and recommendations so submitted by the search committee, may approve one of the potential contractors as the provider of the work/training release program. [Statutory Authority: RCW 72.65.100. 84-11-032 (Order 84-05), § 137-57-040, filed 5/14/84; 82-08-055 (Order 82-06), § 137-57-040, filed 4/5/82.]

WAC 137-57-050 Site selection. (1) When the department is seeking a work/training release site, the secretary will appoint:

(a) A search committee which shall conduct a search for possible locations in the manner it deems appropriate; and

(b) An advisory committee composed of local elected or public officials, local law enforcement personnel, interested citizens, and department staff.

(2) After the sites have been identified, the search committee shall submit a description of them to the advisory committee for review. The advisory committee's review shall evaluate the following factors:

(a) The cost of acquiring the use of the site, and the cost of improvements that would be required to renovate, repair, remodel, or alter the site to make it suitable for a work release program;

(b) The desirability of the site for program activities;

(c) The access to public transportation available at the site;

(d) The community impacts associated with the site; and

(e) The zoning restrictions applicable to the geographical area in which the site is located.

(3) After it completes its review, the advisory committee shall submit its recommendations to the secretary, and the secretary may give preliminary approval to one of the recommended sites. [Statutory Authority: RCW 72.65.100. 84-11-032 (Order 84-05), § 137-57-050, filed 5/14/84; 82-08-055 (Order 82-06), § 137-57-050, filed 4/5/82.]

WAC 137-57-060 Public notice, hearing requirements. (1) After the secretary gives preliminary approval to a site, the department shall either apply for or assist others in applying for any permits which may be required by local zoning laws with respect to the operation of a work/training release facility.

(2) In the event there are no local zoning requirements, or hearing requirements with respect to the operation of a work/training release program on the site which has received the secretary's preliminary approval, the department shall hold a public hearing to encourage citizen input. Notice of such a hearing shall be provided in a manner best designed to notify residents within the immediate area and within the budget limitations of the department.

(3) After the required zoning permits, if any, have been obtained, and after the secretary has considered the comments expressed by members of the public during any zoning process or during the public hearing conducted by the department, the secretary may grant or withhold final approval of the proposed site. [Statutory Authority: RCW 72.65.100. 84-11-032 (Order 84-05), § 137-57-060, filed 5/14/84; 82-08-055 (Order 82-06), § 137-57-060, filed 4/5/82.]

WAC 137-57-070 Contract/lease. Upon final approval by the secretary of a proposed contractor pursuant to WAC 137-57-040 or the proposed site pursuant to WAC 137-57-060 the department shall, by appropriate instruments, obtain the services of the approved contractor or acquire the use of the approved site. [Statutory Authority: RCW 72.65.100. 84-11-032 (Order 84-05), § 137-57-070, filed 5/14/84; 82-08-055 (Order 82-06), § 137-57-070, filed 4/5/82.]

Chapter 137-60 WAC

ADULT CORRECTIONAL INSTITUTIONS-- RELEASE PROGRAMS--FURLOUGH

WAC

137-60-020 Furlough of person confined in state correctional institution--Secretary's authority to grant or deny.

WAC 137-60-020 Furlough of person confined in state correctional institution--Secretary's authority to grant or deny. (1) The institution superintendent or chief, classification and treatment, may grant or deny a furlough as authorized by chapter 72.66 RCW and subject to the rules in this chapter to an inmate of a state correctional institution, not including inmates of work release facilities.

(2) The supervisor of a work release facility may grant or deny a furlough as authorized by chapter 72.66 RCW and subject to the rules of this chapter to an inmate of a work release facility; provided, however, with respect to such inmates, the granting of a first furlough shall be subject to the prior approval of the community corrections regional administrator if:

(a) There is a dispute between the work release facility supervisor and field staff regarding the granting of the furlough; or

(b) The inmate has two or more convictions for crimes against persons; or

(c) The inmate is confined under a sentence for murder in the first or second degree, manslaughter, negligent homicide, rape in the first or second degree, kidnapping, burglary in the first degree, robbery in the first degree, assault in the first degree, or arson in the first degree. [Statutory Authority: RCW 72.66.080. 85-04-015 (Order 85-02), § 137-60-020, filed 1/28/85; 82-07-006 (Order 82-04), § 137-60-020, filed 3/4/82. Formerly WAC 275-93-010.]

Chapter 137-66 WAC

OUT-OF-STATE TRANSFER OF INMATES-- PROCEDURE

WAC

137-66-010 through 137-66-130 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

137-66-010 Purpose. [Statutory Authority: RCW 72.09.050, chapters 72.68 and 72.70 RCW. 83-01-138 (Order 82-17), § 137-66-010, filed 12/22/82.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-32-060

137-66-015 Definitions. [Statutory Authority: RCW 72.09.050, chapters 72.68 and 72.70 RCW. 83-01-138 (Order 82-17), § 137-66-015, filed 12/22/82.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.

137-66-020 Scope of this chapter. [Statutory Authority: RCW 72.09.050, chapters 72.68 and 72.70 RCW. 83-01-138 (Order 82-17), § 137-66-020, filed 12/22/82.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.

- 137-66-030 Referral for transfer. [Statutory Authority: RCW 72.09.050, chapters 72.68 and 72.70 RCW. 83-01-138 (Order 82-17), § 137-66-030, filed 12/22/82.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.
- 137-66-040 Transfer committee—Composition. [Statutory Authority: RCW 72.09.050, chapters 72.68 and 72.70 RCW. 83-01-138 (Order 82-17), § 137-66-040, filed 12/22/82.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.
- 137-66-050 Basis for transfer. [Statutory Authority: RCW 72.09.050, chapters 72.68 and 72.70 RCW. 83-01-138 (Order 82-17), § 137-66-050, filed 12/22/82.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.
- 137-66-060 Transfer committee—Procedures. [Statutory Authority: RCW 72.09.050, chapters 72.68 and 72.70 RCW. 83-01-138 (Order 82-17), § 137-66-060, filed 12/22/82.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.
- 137-66-070 Representation of inmate. [Statutory Authority: RCW 72.09.050, chapters 72.68 and 72.70 RCW. 83-01-138 (Order 82-17), § 137-66-070, filed 12/22/82.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.
- 137-66-080 Conduct of hearing. [Statutory Authority: RCW 72.09.050, chapters 72.68 and 72.70 RCW. 83-01-138 (Order 82-17), § 137-66-080, filed 12/22/82.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.
- 137-66-090 Proposed transfers. [Statutory Authority: RCW 72.09.050, chapters 72.68 and 72.70 RCW. 83-01-138 (Order 82-17), § 137-66-090, filed 12/22/82.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.
- 137-66-100 Decision of transfer committee. [Statutory Authority: RCW 72.09.050, chapters 72.68 and 72.70 RCW. 83-01-138 (Order 82-17), § 137-66-100, filed 12/22/82.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.
- 137-66-110 Appeal. [Statutory Authority: RCW 72.09.050, chapters 72.68 and 72.70 RCW. 83-01-138 (Order 82-17), § 137-66-110, filed 12/22/82.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.
- 137-66-120 Time limits. [Statutory Authority: RCW 72.09.050, chapters 72.68 and 72.70 RCW. 83-01-138 (Order 82-17), § 137-66-120, filed 12/22/82.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.
- 137-66-130 Emergency transfer. [Statutory Authority: RCW 72.09.050, chapters 72.68 and 72.70 RCW. 83-01-138 (Order 82-17), § 137-66-130, filed 12/22/82.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.

- 137-67-030 Process for application.
- 137-67-035 Referral by the secretary to the Office of International Affairs, Criminal Division, Department of Justice.
- 137-67-040 Verification hearing.
- 137-67-045 Return to state custody.

WAC 137-67-010 Purpose. The rules in this chapter establish the process for inmates of adult correctional institutions to apply for transfer to their countries of citizenship or origin in accordance with RCW 43.06.350. [Statutory Authority: RCW 72.68.010. 85-18-061 (Order 85-07), § 137-67-010, filed 9/3/85.]

WAC 137-67-015 Definitions. (1) "Department" is the department of corrections.

(2) "Adult correctional institution" and "institution" is a facility identified in RCW 72.01.050(2) and any similar facility hereafter established.

(3) "Secretary" is the secretary of the department of corrections or the secretary's designee.

(4) "Director" is the director of the division of prisons of the Washington state department of corrections or the director's designee.

(5) "Superintendent" is a superintendent of an adult correctional institution or the superintendent's designee.

(6) "Treaty nation" is a country which has entered into a treaty with the United States on the execution of penal sentences.

(7) "Treaty" is a treaty under which an offender, sentenced in the courts of one country, may be transferred to the country of which the offender is a citizen or national, for the purpose of serving the sentence.

(8) "Country of origin or citizenship" is the country in which the inmate was born or in which the inmate has duly recognized citizenship.

(9) "OIA" is the Office of International Affairs, Criminal Division, United States Department of Justice.

(10) "United States" is the United States of America.

(11) "Detainer" is a hold or request for notification placed by any local, state, or federal law enforcement, penal, or prosecutorial agency based on untried charges, parole or probation violation, escape, unexpired sentence, bond-jumping, or any other fugitive matter. [Statutory Authority: RCW 72.68.010. 85-18-061 (Order 85-07), § 137-67-015, filed 9/3/85.]

WAC 137-67-020 Request for transfer. An inmate committed to the Washington corrections system who is a citizen of a foreign country may make an application for a voluntary transfer to the inmate's country of origin or citizenship, provided the following conditions exist:

(1) The inmate is able to establish citizenship in a treaty nation;

(2) The inmate voluntarily requests the transfer;

(3) There is no unresolved detainer lodged against the inmate;

(4) There is no pending fine or restitution obligation imposed on the inmate by a court of competent jurisdiction in the United States;

(5) There is no pending or actual sentence for civil contempt against the inmate; and

WAC 137-66-010 through 137-66-130 Repealed.
See Disposition Table at beginning of this chapter.

**Chapter 137-67 WAC
TRANSFER OF CITIZENS OF FOREIGN
COUNTRIES**

- WAC
- 137-67-010 Purpose.
- 137-67-015 Definitions.
- 137-67-020 Request for transfer.
- 137-67-025 Initial notification.

(6) There is no pending appeal or collateral attack on the underlying sentence or sentences which form the basis of the inmate's custody. [Statutory Authority: RCW 72.68.010. 85-18-061 (Order 85-07), § 137-67-020, filed 9/3/85.]

WAC 137-67-025 Initial notification. At the time of admission to the Washington corrections center, or the Purdy corrections center for women, the orientation information given to all inmates will include information on international offender transfers. An inmate who is a citizen of a treaty nation will be informed of the existing treaty and be provided with the opportunity to indicate an interest or noninterest in a transfer to the inmate's country of origin or citizenship on an application form provided by the department. Whenever possible, the form will be bilingual or translated into the inmate's native language. The application will be processed consistent with the purpose and provisions of the applicable treaty. [Statutory Authority: RCW 72.68.010. 85-18-061 (Order 85-07), § 137-67-025, filed 9/3/85.]

WAC 137-67-030 Process for application. After the inmate's foreign country citizenship has been verified and that country has been identified as a treaty nation, the superintendent will forward the inmate's application for transfer and the verification of citizenship to the director. All applications for international transfer will be submitted by the director to the secretary for final department approval and recommended to the governor or the governor's designee pursuant to RCW 43.06.350. [Statutory Authority: RCW 72.68.010. 85-18-061 (Order 85-07), § 137-67-030, filed 9/3/85.]

WAC 137-67-035 Referral by the secretary to the Office of International Affairs, Criminal Division, Department of Justice. After approval of an inmate's application for transfer by the governor or the governor's designee, the secretary will refer the inmate's application to OIA. [Statutory Authority: RCW 72.68.010. 85-18-061 (Order 85-07), § 137-67-035, filed 9/3/85.]

WAC 137-67-040 Verification hearing. Following OIA approval and approval of the treaty country, the inmate will be referred by OIA to a United States magistrate or a United States district court judge, or other appointed United States official to assure and document the inmate's voluntary request for transfer. Federal authorities will complete the necessary procedures to effect voluntary transfer under the applicable treaty and laws of the United States. [Statutory Authority: RCW 72.68.010. 85-18-061 (Order 85-07), § 137-67-040, filed 9/3/85.]

WAC 137-67-045 Return to state custody. If for any reason an inmate's transfer is determined to be invalid, the state of Washington will reaccept the inmate for imprisonment for the remainder of the inmate's original sentence. [Statutory Authority: RCW 72.68.010. 85-18-061 (Order 85-07), § 137-67-045, filed 9/3/85.]

Chapter 137-70 WAC

REIMBURSEMENT FOR CRIMINAL JUSTICE COSTS AND CONTINGENCY PLAN EXPENSES

WAC

137-70-010	Purpose.
137-70-020	Definitions.
137-70-030	Eligibility.
137-70-040	Reimbursable impacts/rates—Criminal justice costs.
137-70-050	Limitation of funds—Criminal justice costs.
137-70-055	Reimbursable impacts—Contingency plan expenses.
137-70-057	Funds—Contingency plan expenses.
137-70-060	Billing procedure.
137-70-070	Department review committee.
137-70-080	Implied consent to audit.

WAC 137-70-010 Purpose. Chapter 72.72 RCW creates an institutional impact account, in the general fund, for the purpose of reimbursing political subdivisions for criminal justice costs they incur directly as a result of crimes committed by adult offenders residing in correctional institutions, and for expenses they incur directly as a result of their providing personnel and material pursuant to a contingency plan. The purpose of these rules is to implement that statute and to set forth the procedures under which these funds will be distributed. [Statutory Authority: RCW 72.72.040. 84-11-033 (Order 84-06), § 137-70-010, filed 5/14/84. Statutory Authority: Chapter 72.72 RCW. 82-17-044 (Order 82-10), § 137-70-010, filed 8/16/82.]

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

(1) "Secretary" shall mean the secretary of the department of corrections.

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

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

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

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

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

(7) All references to the singular shall include the plural unless noted otherwise. [Statutory Authority: RCW 72.72.040. 84-11-033 (Order 84-06), § 137-70-020, filed 5/14/84. Statutory Authority: Chapter 72.72 RCW. 82-17-044 (Order 82-10), § 137-70-020, filed 8/16/82.]

WAC 137-70-030 Eligibility. (1) Reimbursement for criminal justice costs shall be available to any political subdivision which incurs an incremental cost, reimbursable under this chapter, which is specifically and exclusively attributable to the criminal behavior of an inmate incarcerated in or who has escaped from an institution. For the purposes of this chapter parolees or probationers are deemed to be inmates only if they are assigned to an institution. Reimbursement shall be made only with respect to new crimes and shall not be made for violations of the conditions of parole or probation and the resulting revocation hearings.

(2) Reimbursement for contingency plan expenses, including costs incurred under chapter 41.26 RCW, if such costs are the direct result of physical injury sustained in the implementation of a contingency plan, shall be available to any political subdivision which incurs such expense in providing personnel and/or material, when requested by the secretary or the secretary's designee, to carry out the provisions of a duly adopted contingency plan. Provided, however, reimbursement for costs incurred under chapter 41.26 RCW will not be made:

(a) Unless the physical injury occurs within the walls or other perimeter of the secured area, if the secretary identifies in the contingency plan the prison walls or other perimeter of the secured area; or

(b) Unless the physical injury results from providing assistance requested by the secretary or the secretary's designee which is beyond the description of the assistance contained in the contingency plan, if the secretary does not identify the prison walls or other perimeter of the secured area; or

(c) If the physical injury results from conduct which either is not requested by the secretary or the secretary's designee, or is in violation of orders by superiors of the local law enforcement agency. [Statutory Authority: RCW 72.72.040. 84-11-033 (Order 84-06), § 137-70-030, filed 5/14/84. Statutory Authority: Chapter 72.72 RCW. 82-17-044 (Order 82-10), § 137-70-030, filed 8/16/82.]

WAC 137-70-040 Reimbursable impacts/rates--Criminal justice costs. Reimbursement shall be restricted to fully documented law enforcement, prosecutorial, judicial and jail facility costs, as defined herein, at the actual costs of the submitting jurisdiction, not to exceed the following rates:

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

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

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

(2) If an escape or investigation results in the filing of a criminal complaint, the impacted political subdivision

shall be entitled to attorney costs associated with the prosecution and/or defense of the filed action. These costs are reimbursable at the following maximum rates:

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

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

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

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

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

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

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

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

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

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

(6) Medical costs - Where an inmate is in the custody of a local jurisdiction as a result of a crime committed while incarcerated in a state institution, extraordinary medical costs, beyond the routine medical services of the jail, may be reimbursed at the discretion of the committee. Counties, cities, and towns shall notify the department prior to incurring expenses for extraordinary medical expenses, where practicable, to allow the department an opportunity to provide the necessary medical care directly. [Statutory Authority: RCW 72.72.040. 86-02-053 (Order 85-13), § 137-70-040, filed 12/31/85. Statutory Authority: Chapter 72.72 RCW. 85-12-020 (Order 85-08), § 137-70-040, filed 5/29/85, effective 7/1/85. Statutory Authority: RCW 72.72.040. 84-11-033 (Order 84-06), § 137-70-040, filed 5/14/84. Statutory Authority: Chapter 34.04 RCW. 83-24-058 (Order 83-13), § 137-70-040, filed 12/6/83. Statutory Authority: Chapter 72.72 RCW. 82-17-044 (Order 82-10), § 137-70-040, filed 8/16/82.]

WAC 137-70-050 Limitation of funds--Criminal justice costs. Claims for reimbursement under WAC 137-70-040 shall be paid in the order they are received until the legislative appropriation for the biennium is fully expended. If the impact fund is fully expended before the end of the biennium, political subdivisions should continue to submit claims for the purpose of developing future impact account funding requests. [Statutory Authority: RCW 72.72.040. 84-11-033 (Order 84-06), § 137-70-050, filed 5/14/84. Statutory Authority: Chapter 72.72 RCW. 82-17-044 (Order 82-10), § 137-70-050, filed 8/16/82.]

WAC 137-70-055 Reimbursable impacts--Contingency plan expenses. Reimbursement shall be restricted to applicants eligible under WAC 137-70-030(2) for fully documented expenses incurred directly as a result of their providing personnel and/or material pursuant to a contingency plan. [Statutory Authority: RCW 72.72.040. 84-11-033 (Order 84-06), § 137-70-055, filed 5/14/84.]

WAC 137-70-057 Funds--Contingency plan expenses. Reimbursement under WAC 137-70-055 shall be made solely from the institutional impact account from funds available in that account. If full reimbursement would exceed available funds, the secretary will request the legislature to appropriate sufficient funds to enable the secretary to make full reimbursement, and if so appropriated, the secretary will make such reimbursement. [Statutory Authority: RCW 72.72.040. 84-11-033 (Order 84-06), § 137-70-057, filed 5/14/84.]

WAC 137-70-060 Billing procedure. (1) All requests for reimbursement under this chapter must be submitted on a standard Washington State Invoice Voucher Form, A-19, in triplicate, showing the total reimbursement requested, accompanied by a completed request for reimbursement form issued by the department. The vouchers and form should be mailed or delivered to the Department of Corrections, Division of Management and Budget, Office of Contracts and Regulations, P.O. Box 9699, FN-61, Olympia, Washington 98504.

(2) The department may require the requesting political subdivision to submit such other documentation and information the department deems necessary to further support or explain the request. [Statutory Authority: RCW 72.72.040. 85-07-017 (Order 85-04), § 137-70-060, filed 3/11/85; 84-11-033 (Order 84-06), § 137-70-060, filed 5/14/84; 82-17-044 (Order 82-10), § 137-70-060, filed 8/16/82.]

WAC 137-70-070 Department review committee.

(1) All requests for reimbursement shall be reviewed by a department committee composed of the following individuals or their designees:

- (a) Deputy secretary;
- (b) Director, division of management and budget;
- (c) Director, division of community services;
- (d) Director, division of prisons;

(e) Contracts and regulations administrator;
 (f) Capital programs administrator; and the
 (g) Senior assistant attorney general assigned to the department.

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

(3) The committee decision shall be final unless appealed to the secretary within twenty days after a political subdivision receives notice of disapproval. [Statutory Authority: RCW 72.72.040. 85-07-017 (Order 85-04), § 137-70-070, filed 3/11/85; 84-11-033 (Order 84-06), § 137-70-070, filed 5/14/84; 82-17-044 (Order 82-10), § 137-70-070, filed 8/16/82.]

WAC 137-70-080 Implied consent to audit. By submitting requests for reimbursement, the requesting political subdivision agrees to:

(1) Maintain records which would support the request made for a period five years after the date of such request; and

(2) Make such records available for review and/or audit by the department if requested by the secretary or the secretary's designee. [Statutory Authority: RCW 72.72.040. 84-11-033 (Order 84-06), § 137-70-080, filed 5/14/84. Statutory Authority: Chapter 72.72 RCW. 82-17-044 (Order 82-10), § 137-70-080, filed 8/16/82.]

Chapter 137-75 WAC

JAIL AND MEDICAL COST REIMBURSEMENT TO CITIES AND COUNTIES

WAC

137-75-010	Purpose.
137-75-020	Definitions.
137-75-030	Department financial responsibility.
137-75-040	Extraordinary emergency medical treatment.
137-75-050	Request for reimbursement.
137-75-060	Implied consent to audit.

WAC 137-75-010 Purpose. Chapter 70.48 RCW as amended by chapter 235, Laws of 1984, imposes certain financial responsibility on the department of corrections for certain persons imprisoned in a city or county jail. The purpose of these rules is to establish procedures by which the department of corrections will discharge said financial responsibility. [Statutory Authority: RCW 72.01.090 and 1984 c 235. 84-15-053 (Order 84-09), § 137-75-010, filed 7/17/84, effective 9/2/84.]

WAC 137-75-020 Definitions. As used in this chapter, the following words shall have the following meanings:

- (1) "Secretary" shall mean the secretary of the department of corrections or the secretary's designee;
- (2) "Department" shall mean the department of corrections;

(3) "Director" shall mean the director of the division of prisons or the director of the division of community services of the department, or their designees;

(4) "Institution" shall mean a facility designated in RCW 72.01.050(2), any similar facility hereafter established, and a work release facility;

(5) "Work release facility" shall mean a community residence operated pursuant to chapter 72.65 RCW;

(6) "Jail" shall mean a city or county holding facility as defined in RCW 70.48.020(1);

(7) "Parole hold" shall mean a detention of a person pursuant to an order of parole suspension or revocation issued in accordance with RCW 9.95.120;

(8) All references to the singular shall include the plural, unless otherwise noted. [Statutory Authority: RCW 72.01.090 and 1984 c 235. 84-15-053 (Order 84-09), § 137-75-020, filed 7/17/84, effective 9/2/84.]

WAC 137-75-030 Department financial responsibility. (1) The financial responsibility of the department under this chapter shall be limited to reimbursing cities and counties for the costs and at the rates set forth in chapter 235, Laws of 1984 or any amendment thereto hereafter enacted.

(2) The financial responsibility of the department for a person convicted of a felony as defined by RCW 9A-.04.040 and committed to the care and custody of the department, but detained in a jail after June 30, 1984, shall begin upon the eighth day, excluding Saturdays, Sundays, and holidays, following the sentencing of such person for the felony and notification to the department by the city or county that such person is available for movement to an institution. Provided, however, if such person is detained in the jail beyond such eight-day period pursuant to an order of a superior court, the financial responsibility of the department shall not begin until the expiration of the period ordered by the court. The notification required hereunder is to be given by telephone or teletype to the supervisor of the reception center at the Washington Corrections Center, Shelton, Washington.

(3) The financial responsibility of the department for a person detained in a jail solely by reason of a parole hold after June 30, 1984, shall begin upon the sixteenth day following the commencement of such detention. Provided, however, the department shall have no such financial responsibility if a felony charge is filed against a person so detained.

(4) The financial responsibility of the department for an inmate, as defined in RCW 72.09.020, who resides in a work release facility and who is detained in a jail after June 30, 1984, shall begin when such detention commences. [Statutory Authority: RCW 72.01.090 and 1984 c 235. 84-15-053 (Order 84-09), § 137-75-030, filed 7/17/84, effective 9/2/84.]

WAC 137-75-040 Extraordinary emergency medical treatment. (1) The department shall reimburse a city or county the actual cost of extraordinary emergency medical treatment provided to a person for whom the department is financially responsible.

(2) If a person for whom the department is financially responsible requires extraordinary and emergency medical treatment, the department is to be notified by a competent medical authority of the nature and course of such treatment as far in advance as practical. The department will then authorize such treatment or advise of alternative means by which such treatment may be provided. If it is not practical to give such notice prior to such treatment, notice will be given to the department as soon as practical after such treatment has been given.

(3) The notice required shall, in the case of parolees and work release inmates, be given to the director of the division of community services, and in all other cases such notice shall be given to the director of the division of prisons. [Statutory Authority: RCW 72.01.090 and 1984 c 235. 84-15-053 (Order 84-09), § 137-75-040, filed 7/17/84, effective 9/2/84.]

WAC 137-75-050 Request for reimbursement. (1) A city or county requesting reimbursement under this chapter shall complete a form supplied by the department and file it with the Administrator, Office of Contracts and Regulations, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504, who will forward the request to the director. The director will confirm the accuracy of the information submitted with the request and determine whether the amount requested is properly reimbursable under chapter 70.48 RCW and this chapter.

(2) All such requests should be filed within thirty days after the costs for which reimbursement is requested were incurred, but in no event later than ten days after the close of the state fiscal biennium during which such costs were incurred. [Statutory Authority: RCW 72.01.090 and 1984 c 235. 84-15-053 (Order 84-09), § 137-75-050, filed 7/17/84, effective 9/2/84.]

WAC 137-75-060 Implied consent to audit. By submitting a request for reimbursement under this chapter, the requesting city or county agrees to maintain for a period of five years after the date of the request records which would support such request, and to make such records available for review or audit by the department. [Statutory Authority: RCW 72.01.090 and 1984 c 235. 84-15-053 (Order 84-09), § 137-75-060, filed 7/17/84, effective 9/2/84.]

Chapter 137-91 WAC

**ADULT CORRECTIONAL INSTITUTIONS--
MEDICAL CARE--HEALTH CARE**

WAC	
137-91-011	Medical/dental care--General policy.
137-91-021	Medical/dental services.
137-91-050	Use of allied health professionals.
137-91-060	Records.
137-91-070	Supplemental care.

WAC 137-91-011 Medical/dental care--General policy. The policy of the department of corrections with regard to medical and dental care for inmates of adult

correctional institutions is to provide, at a minimum, a degree of care which is designed to reasonably respond to an inmate's serious medical and dental needs. The considerations of proper medical/dental procedure, time and available resources are material in defining what is a reasonable response in any particular situation. More than the minimum level of care may be provided when such additional care comports with proper medical practice and is reasonably affordable from the department's resources. Serious medical needs are those which, if not responded to, will

(1) Cause or allow to continue significant or debilitating pain; or

(2) Cause significant deterioration of the inmate's medical condition during the period of his incarceration. [Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. 84-16-066 (Order 84-11), § 137-91-011, filed 7/30/84, effective 9/4/84. Formerly WAC 275-91-011.]

WAC 137-91-021 Medical/dental services. The medical/dental treatment program operated by the department of corrections shall include the following services:

(1) Regular environmental health inspections and, where appropriate, recommendations.

(2) Initial examination when the inmate enters the adult correctional system. This examination shall include:

(a) A medical history;

(b) A physical examination, including fundoscopy and ocular tonometry for residents over forty years of age, rectal examination as indicated, and other examinations as indicated;

(c) A chest film as indicated;

(d) Serology;

(e) Blood count;

(f) Urinalysis;

(g) Electrocardiogram as indicated;

(h) Visual and auditory acuity;

(i) Dental examination;

(j) For female residents, gonorrhea culture and Pap smear as indicated.

(3) Immunizations as indicated.

(4) Evaluation of capacity for work and recreation.

(5) Period consultations, examinations and treatment as required for the medical and dental maintenance of each inmate in accordance with the policy discussed at WAC 137-91-011. [Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. 84-16-066 (Order 84-11), § 137-91-021, filed 7/30/84, effective 9/4/84. Formerly WAC 275-91-021.]

WAC 137-91-050 Use of allied health professionals. Allied health professionals may be used in the medical and dental health programs at each institution. When operating under the supervision of a licensed physician or dentist, an allied health professional may conduct initial screening, treat minor illnesses, and do related tasks. [Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. 84-16-066 (Order 84-11), § 137-91-050,

filed 7/30/84, effective 9/4/84. Formerly WAC 275-91-050.]

WAC 137-91-060 Records. Medical and dental records shall be maintained at the institution in which an inmate is housed. Upon the transfer of an inmate between state institutions, that inmate's medical and dental records shall be transferred along with the inmate. Records shall include all items of material interest to medical personnel and shall include

(1) Detailed reports of admission medical evaluation and recommendations;

(2) Progress notes regarding continuing health status including illnesses, hospitalizations, surgery, results of consultations and examinations, reports of tests done, and immunizations;

(3) Reports made by outside consultants. [Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. 84-16-066 (Order 84-11), § 137-91-060, filed 7/30/84, effective 9/4/84. Formerly WAC 275-91-060.]

WAC 137-91-070 Supplemental care. Any inmate may, at his or her own expense, obtain medical or dental care additional to that mandated by the provisions of this chapter: *Provided*, That a doctor or dentist in the department's employ certifies that the proposal for supplemental treatment comports with sound medical or dental practice. The time and place of the performance of the supplemental care are subject to the convenience of the prison's custody staff. [Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. 84-16-066 (Order 84-11), § 137-91-070, filed 7/30/84, effective 9/4/84. Formerly WAC 275-91-070.]

Title 139 WAC CRIMINAL JUSTICE TRAINING COMMISSION

Chapters

139-04	Public records and organizational description.
139-08	Practice and procedure rules.
139-22	Requirements of certification for basic law enforcement training.
139-36	Correctional training.
139-50	Fire marshal training.

Chapter 139-04 WAC

PUBLIC RECORDS AND ORGANIZATIONAL DESCRIPTION

WAC

139-04-010 Description of central and field organization.

WAC 139-04-010 Description of central and field organization. The Washington state criminal justice