

Chapter 137-32 WAC

PRISONS—ADMINISTRATIVE SEGREGATION AND INTENSIVE MANAGEMENT

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

137-32-020	Intermediate informal review. [00-09-063, § 137-32-020, filed 4/17/00, effective 5/19/00. Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-020, filed 12/17/84.] Repealed by 07-08-063, filed 3/29/07, effective 4/29/07.
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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) "Deputy secretary" means the deputy secretary of the prisons division of the department, or the deputy secretary's designee.
- (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.

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(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.

[07-08-063, § 137-32-002, filed 3/29/07, effective 4/29/07. 00-09-063, § 137-32-002, filed 4/17/00, effective 5/19/00. Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-002, filed 12/17/84.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing with history notes added by the code reviser's office.

WAC 137-32-005 Initial placement. (1) The superintendent/designee 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 inmate:

- (a) Poses a threat to himself/herself, others, or the security of the institution;
- (b) Requests protection or is deemed by staff to require protection;
- (c) Is pending or in transit to a more secure institution; or
- (d) Poses a serious escape risk.

(2) The authorizing department staff member must determine that placement in administrative segregation status is appropriate and document the facts supporting such reason.

[07-08-063, § 137-32-005, filed 3/29/07, effective 4/29/07. 00-09-063, § 137-32-005, filed 4/17/00, effective 5/19/00. Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-005, filed 12/17/84.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing with history notes added by the code reviser's office.

WAC 137-32-010 Initial review. (1) Immediately after an inmate's initial placement in segregation, a department staff member 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, the reasons supporting protective custody, special restrictions, including monitoring of special medications and/or diets, 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 should review the hearing officer's report, and within one working day after receipt, will prepare a written decision accepting or rejecting the hearing officer's recommendations.

[07-08-063, § 137-32-010, filed 3/29/07, effective 4/29/07. 00-09-063, § 137-32-010, filed 4/17/00, effective 5/19/00. Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-010, filed 12/17/84.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing with history notes added by the code reviser's office.

WAC 137-32-015 Segregation meeting procedures.

(1) The hearing officer will preside over segregation meetings of inmates assigned to administrative segregation status.

(2) Subsequent to the initial review a segregation review will occur every seven days for the first two months and at least every thirty days thereafter.

(3) Offenders will be provided advanced notice, of at least forty-eight hours, for any segregation review, to include:

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

(b) Related criminal charges, if known, evolving from the incident for which the inmate is placed on administrative segregation status;

(c) 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

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

(4) 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.

(5) 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 document the meeting setting forth the information presented, including all witness statements.

(c) The superintendent may 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 schedule inmates, institution staff members, or other persons to appear and present or clarify information which may be relevant to the hearing officer's decision. To the extent possible, confidential information presented to the hearing officer shall be presented by the individual receiving the information. 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 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 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 may be a staff member not ordinarily assigned responsibility for the inmate. 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.

(6) The hearing officer should make a written report to the superintendent and the inmate within one working day 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) An individual behavioral management plan which includes expectations for changes necessary in the inmate's behavior and appropriate program participation for the inmate's return to the general inmate population; provided, however, accomplishment of any such identified behavioral changes and/or program completions/referrals 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.

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

(8) The hearing officer should notify the inmate in writing within one working day after receiving 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.

(9) Inmates reviewed at the segregation review meeting will be considered for one or more of the following:

(a) Referral to the deputy secretary/designee 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 or unit, within or outside the state.

[07-08-063, § 137-32-015, filed 3/29/07, effective 4/29/07. 00-09-063, § 137-32-015, filed 4/17/00, effective 5/19/00. Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-015, filed 12/17/84.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing with history notes added by the code reviser's office.

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, after conducting a formal hearing, recommend to the superintendent that the inmate be placed on intensive management status stating the reasons therefore.

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

(3) The cases of all inmates assigned to intensive management status will have an assessment completed within the first thirty days. Reviews by the hearing officer will be held at intervals not to exceed thirty days.

Formal classification meetings will be held at intervals not to exceed one hundred eighty days.

[07-08-063, § 137-32-025, filed 3/29/07, effective 4/29/07. 00-09-063, § 137-32-025, filed 4/17/00, effective 5/19/00. Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-025, filed 12/17/84.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing with history notes added by the code reviser's office.

WAC 137-32-030 Conditions of confinement. (1) An inmate placed in an intensive management or administrative segregation unit shall, unless safety or security considerations dictate otherwise, be:

(a) Confined in an adequately lighted and ventilated environment at a reasonably comfortable temperature for the season, unless mechanical or other problems prevent such conditions on a temporary basis;

(b) Provided meals of the similar quality and quantity as provided to the general inmate population; however, methods of preparation and/or delivery may be modified for security reasons;

(c) Provided access to personal hygiene items;

(d) Provided the opportunities to shower (for a least ten minutes) and shave at least three times per week;

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(e) Afforded rights to telephone, mail, and approved correspondence, supplies, visiting, reading material(s), and legal representation consistent with reasonable custody and security precautions;

(f) Provided an opportunity for daily exercise for no less than one hour per day, five days per week, outside of the inmate's cell; however, when the inmate is on isolation or program modification status, daily in-cell fitness activities will be encouraged in lieu of out-of-cell opportunities;

(g) Afforded access to health care services and controlled access to prescribed and/or over-the-counter medications;

(h) Afforded access to unit sergeant, unit supervisor, and counselor;

(i) Provided exchange of clothing which may include T-shirts, underwear, socks, and towels, at least three times per week, and exchange of linens and coveralls weekly;

(j) Provided barbering services on a monthly basis, except for those inmates assigned to isolation and/or program modification status; and

(k) Provided access to the following, consistent with reasonable custody and security requirements: Religious guidance; education; self-help programs; library and law library; and grievance program.

(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 must be approved in advance by the unit supervisor. Limitations of rights imposed shall be reviewed within one working day by the superintendent.

[00-09-063, § 137-32-030, filed 4/17/00, effective 5/19/00. Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-030, filed 12/17/84.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing with history notes added by the code reviser's office.

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. An inmate who voluntarily requests segregation or protective custody in writing, on the security designation review form, may request to be returned to his or her housing unit at any time.

(2) Only the deputy secretary/designee has the authority to release an inmate from intensive management status.

[07-08-063, § 137-32-035, filed 3/29/07, effective 4/29/07. 00-09-063, § 137-32-035, filed 4/17/00, effective 5/19/00. Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-035, filed 12/17/84.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing with history notes added by the code reviser's office.

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 department shall develop and implement specific procedures governing the administrative segregation of inmates, which procedures shall be consistent with the provisions of this chapter.

[00-09-063, § 137-32-045, filed 4/17/00, effective 5/19/00. Statutory Authority: RCW 72.01.090. 85-01-059 (Order 84-15), § 137-32-045, filed 12/17/84.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing with history notes added by the code reviser's office.

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.]