

# Chapter 137-96 WAC

## PRERELEASE PROGRAMS

**Reviser's note:** The following chapter has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was filed in the code reviser's office and was published in the Washington State Register. It is published in the Washington Administrative Code exactly as filed by the agency with history notes added by code reviser's office.

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

137-96-140	Purpose. [WSR 95-22-059, § 137-96-140, filed 10/30/95, effective 12/1/95.] Repealed by WSR 03-16-072, filed 8/4/03, effective 9/4/03.
137-96-150	Authority. [WSR 95-22-059, § 137-96-150, filed 10/30/95, effective 12/1/95.] Repealed by WSR 03-16-072, filed 8/4/03, effective 9/4/03.
137-96-160	Definitions. [WSR 95-22-059, § 137-96-160, filed 10/30/95, effective 12/1/95.] Repealed by WSR 03-16-072, filed 8/4/03, effective 9/4/03.

**WAC 137-96-010 Purpose.** The purpose of this chapter is to set forth the rules and regulations governing the administration of the department's prerelease programs.

[WSR 95-22-059, § 137-96-010, filed 10/30/95, effective 12/1/95.]

**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 137-96-020 Definitions.** (1) "Secretary" is the secretary of the department of corrections.

(2) "Deputy secretary" is the deputy secretary, prisons division, department of corrections.

(3) "Assistant deputy secretary" is the assistant deputy secretary, prisons division.

(4) "Superintendent" is the individual responsible for the planning, organizing, and implementation of programs at a prerelease facility.

(5) "Contract staff" is the staff member(s) of an agency under contract to the department of corrections to provide programming for offenders at prerelease.

(6) "Prerelease offender" is an offender who has been approved and placed in prerelease.

(7) "Volunteer escort" is a responsible citizen who has been screened, trained, and assigned to escort and supervise offenders during official and approved activities outside of the facility or to participate in approved activities inside the facility.

(4/2/07)

(8) "Prerelease" is a total confinement facility approved for housing and supervision of offenders under the jurisdiction of the department of corrections. The program provides the transitional services necessary to assist offenders in their successful return into the community.

[WSR 07-08-082, § 137-96-020, filed 4/2/07, effective 5/3/07. WSR 03-16-072, § 137-96-020, filed 8/4/03, effective 9/4/03. WSR 95-22-059, § 137-96-020, filed 10/30/95, effective 12/1/95.]

**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 137-96-030 Secretary's authority to grant or deny.** The secretary or his or her designee may grant or deny prerelease as authorized by Title 72 RCW subject to the rules of this chapter.

[WSR 95-22-059, § 137-96-030, filed 10/30/95, effective 12/1/95.]

**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 137-96-040 Reasons for placement.** Prerelease may be authorized for one or more of the following:

(1) Time remaining to release and behavior is appropriate for placement.

(2) Offender has violated the terms of community placement.

(3) Offender has violated the conditions of work release.

(4) Offender has violated the conditions established by the indeterminate sentence review board.

(5) For any reason deemed appropriate by the department.

[WSR 95-22-059, § 137-96-040, filed 10/30/95, effective 12/1/95.]

**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 137-96-100 Cell tag.** Each offender of a multiple-offender 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.

[WSR 95-22-059, § 137-96-100, filed 10/30/95, effective 12/1/95.]

**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 137-96-110 Earned time, granting, and denial.**

An offender may receive earned time sentence reduction for participating or attempting to participate in facility 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 offender. Should the offender wish to contest the proposed denial, he/she may request a hearing, which shall be held at least twenty-four hours after the offender 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 137-56-175. The offender 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 137-56-180. 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 offenders shall be handled in substantial accord with this rule.

[WSR 03-16-072, § 137-96-110, filed 8/4/03, effective 9/4/03. WSR 95-22-059, § 137-96-110, filed 10/30/95, effective 12/1/95.]

**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 137-96-120 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 offender 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 offender in accordance with administrative segregation rules appearing in this chapter.

[WSR 95-22-059, § 137-96-120, filed 10/30/95, effective 12/1/95.]

**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 137-96-130 Infractions—On-site adjustment.**

(1) In the event of a general infraction, a staff member may make an on-site adjustment which may consist of:

- (a) Counseling, warning, or reprimanding the offender; and/or
- (b) Causing the offender to remove himself/herself from the situation immediately involved in the violation.

(2) An on-site adjustment under this rule cannot be considered a general infraction for the purposes of determining whether an 877 serious infraction under WAC 137-56-110 has occurred.

[WSR 03-16-072, § 137-96-130, filed 8/4/03, effective 9/4/03. WSR 95-22-059, § 137-96-130, filed 10/30/95, effective 12/1/95.]

**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.