

Chapter 137-52 WAC
RESIDENT OF ADULT CORRECTIONAL INSTITUTION ESCORTED LEAVE OF ABSENCE

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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. WSR 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 incarcerated individual from a correctional facility under the continuous supervision of trained correctional staff.

(2) "Immediate family" includes an children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, aunts, uncles, and a person legally married to or in a state registered domestic partnership with an incarcerated individual. "Immediate family" includes the immediate family of an incarcerated individual who was adopted as a child or an adult, but does not include an incarcerated individual adopted by another incarcerated individual.

(3) "Indigent" shall be understood to mean an incarcerated individual who has not been credited with twenty-five dollars or more total from any source(s) for deposit to the incarcerated individual's trust fund account during the thirty days preceding the request for an escorted leave and has less than a twenty-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 pay or reimburse the expenses of the escorted leave on the day the escorted leave is requested. A declaration of indigency shall be signed by the incarcerated individual and the incarcerated individual's family on forms provided by the department.

(4) "Director" means the deputy secretary of the prisons division 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.

[WSR 20-15-098, § 137-52-010, filed 7/15/20, effective 8/14/20. WSR 10-02-008, § 137-52-010, filed 12/24/09, effective 1/24/10. WSR

07-08-082, § 137-52-010, filed 4/2/07, effective 5/3/07. WSR 01-04-001, § 137-52-010, filed 1/24/01, effective 2/22/01. Statutory Authority: RCW 72.01.380. WSR 85-07-042 (Order 85-07), § 137-52-010, filed 3/19/85. Formerly WAC 275-85-005.]

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

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

(2) Visit a seriously ill member of the incarcerated individual's immediate family or attend the funeral of a member of the incarcerated individual'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 incarcerated individual 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.

[WSR 20-15-098, § 137-52-015, filed 7/15/20, effective 8/14/20. Statutory Authority: RCW 72.01.380. WSR 85-07-042 (Order 85-07), § 137-52-015, filed 3/19/85. Formerly WAC 275-85-015.]

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 137-52-020 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 incarcerated individual'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 incarcerated individual 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 incarcerated individual 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 incarcerated individual's destination shall be notified by the superintendent before allowing any escorted leave of absence under RCW 72.01.375.

[WSR 20-15-098, § 137-52-020, filed 7/15/20, effective 8/14/20. Statutory Authority: RCW 72.01.380. WSR 85-07-042 (Order 85-07), § 137-52-020, filed 3/19/85. Formerly WAC 275-85-020.]

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 137-52-025 Application requests for escorted leave. The superintendent of each institution shall establish procedures governing the method of handling requests by individual incarcerated individuals 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 incarcerated individual of the reason for the escorted leave, including leaves for family emergency or medical requirement.

[WSR 20-15-098, § 137-52-025, filed 7/15/20, effective 8/14/20. Statutory Authority: RCW 72.01.380. WSR 85-07-042 (Order 85-07), § 137-52-025, filed 3/19/85. Formerly WAC 275-85-025.]

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 137-52-030 Approval. Escorted leaves for medium and minimum custody incarcerated individuals shall be approved or denied by the superintendent. Escorted leaves for close and maximum custody incarcerated individuals for the purpose of medical or dental treatment shall be approved or denied by the superintendent. Escorted leaves for close and maximum custody incarcerated individuals, 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 incarcerated individual's overall history of stability and any tendencies toward violent disruptive behavior;
- (4) Any history of unusual disciplinary problems;
- (5) The incarcerated individual'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.

[WSR 20-15-098, § 137-52-030, filed 7/15/20, effective 8/14/20. Statutory Authority: RCW 72.01.380. WSR 85-20-081 (Order 85-10), § 137-52-030, filed 9/30/85; WSR 85-07-042 (Order 85-07), § 137-52-030, filed 3/19/85. Formerly WAC 275-85-030.]

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 137-52-035 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 incarcerated individuals on escorted leave.

(2) Medium and close custody incarcerated individuals shall be escorted by at least two correctional staff. No more than five medium/close incarcerated individuals may be escorted with two correctional staff. Maximum custody incarcerated individuals will be escorted in ratio of two staff to one incarcerated individual. 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 incarcerated individual. 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 incarcerated individual to a bedside visit or a funeral unless otherwise directed by the superintendent.

[WSR 20-15-098, § 137-52-035, filed 7/15/20, effective 8/14/20. Statutory Authority: RCW 72.01.380. WSR 85-07-042 (Order 85-07), § 137-52-035, filed 3/19/85. Formerly WAC 275-85-035.]

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 137-52-040 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 incarcerated individual, but not including hours sleeping or not engaged in direct supervision of the incarcerated individual. 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 incarcerated individual 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 incarcerated individual in accordance with WAC 137-52-045.

[WSR 20-15-098, § 137-52-040, filed 7/15/20, effective 8/14/20. Statutory Authority: RCW 72.01.380. WSR 85-07-042 (Order 85-07), § 137-52-040, filed 3/19/85. Formerly WAC 275-85-040.]

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 137-52-045 Expenses—Paid by incarcerated individual. (1)

The expenses of the escorted leave as enumerated in WAC 137-52-040 shall be reimbursed by the incarcerated individual 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 incarcerated individual or the incarcerated individual's immediate family 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.

[WSR 20-15-098, § 137-52-045, filed 7/15/20, effective 8/14/20. Statutory Authority: RCW 72.01.380. WSR 85-07-042 (Order 85-07), § 137-52-045, filed 3/19/85. Formerly WAC 275-85-045.]

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 137-52-050 Expenses—Paid by department. The expenses of

the escorted leave shall be absorbed by the state if:

(1) The incarcerated individual 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 incarcerated individual'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 incarcerated individual and the return of such incarcerated individual from a minimum custody facility to a more secure facility.

[WSR 20-15-098, § 137-52-050, filed 7/15/20, effective 8/14/20. Statutory Authority: RCW 72.01.380. WSR 85-07-042 (Order 85-07), § 137-52-050, filed 3/19/85. Formerly WAC 275-85-050.]

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.