

WAC 110-730-0070 Residential disciplinary standards. (1) Serious violations by a juvenile include:

- (a) Escape or attempted escape;
- (b) Violence toward others with intent to harm and/or resulting in significant bodily injury;
- (c) Involvement in or conviction of a criminal offense under investigation by law enforcement or awaiting adjudication for behavior that occurred during current placement;
- (d) Extortion or blackmail that threatens the safety or security of the facility or community;
- (e) Setting or causing an unauthorized fire with intent to harm self, others, or property, or with reckless disregard for the safety of others;
- (f) Possession or manufacture of weapons or explosives, or tools intended to assist in escape;
- (g) Interfering with staff or service providers in performing duties relating to the security, safety, or both, of the facility or community;
- (h) Intentional property damage in excess of one thousand five hundred dollars;
- (i) Rioting or inciting others to riot;
- (j) Refusal of urinalysis or search; or
- (k) Other behaviors which threaten the safety or security of the facility, its staff, or residents or the community.

(2) Other violations by a juvenile placed in a community facility or residential treatment and care program include:

- (a) Unaccounted for time when a juvenile is away from the community facility or residential treatment and care program;
- (b) Violation of conditions of authorized leave;
- (c) Intimidation or coercion against any person;
- (d) Misuse of medication such as hoarding medication or taking another person's medication;
- (e) Self-mutilation, self tattooing, body piercing, or assisting others to do the same;
- (f) Intentional destruction of property valued at less than fifteen hundred dollars;
- (g) Fighting;
- (h) Unauthorized withdrawal of funds with intent to commit other violations;
- (i) Suspensions or expulsions from school or work;
- (j) Violations of school, employment or volunteer work agreements related to custody and security concerns;
- (k) Escape talk;
- (l) Sexual contact or any other behavior, not defined as a serious violation, resulting in a referral to child protective services or law enforcement;
- (m) Lewd or disruptive behavior in the community; or
- (n) Possession, use, or distribution of drugs or alcohol, or use of inhalants.

(3) Juveniles must be held accountable when there is reasonable cause to believe they have committed a violation.

(a) Whenever a juvenile placed in a community facility or residential treatment and care program commits a serious violation, the juvenile must be returned to an institution. The JRA program administrator who receives a service provider report of a serious violation must make arrangements to transfer the juvenile to an institution as

soon as possible. Juveniles may be placed in a secure JRA or contracted facility pending transportation to an institution.

(b) Sanctions for serious violations committed by juveniles in an institution, and additional sanctions for serious violations committed by juveniles returned to an institution, must include one or more of the following:

- (i) Loss of privileges for up to thirty days;
- (ii) Loss of program level; or
- (iii) Room confinement up to seventy-two hours.

(c) Sanctions for serious violations may also include, but are not limited to, one or more of the following:

- (i) Change in release date;
- (ii) Referral for prosecution;
- (iii) Transfer to an intensive management unit;
- (iv) Increase in security classification;
- (v) Reprimand and loss of points;
- (vi) Restitution; or
- (vii) Community service.

(d) Sanctions for violations listed in WAC 388-730-0070(2) may include transfer to a higher security facility and must include one or more of the following:

- (i) Loss or privileges;
- (ii) Loss of program level;
- (iii) Room confinement up to seventy-two hours;
- (iv) Change in release date;
- (v) Reprimand;
- (vi) Loss of points;
- (vii) Additional restitution; or
- (viii) Community service.

(e) Sanctions for possession, use, or distribution of drugs or alcohol, or use of inhalants may include any listed in (d) of this subsection and the following:

(i) Review substance use screening tool;

(ii) Review current substance use assessment or refer for a new assessment; and

(iii) Consultation for appropriate level of intervention, treatment, and community safety.

(4) When a sanction is imposed, the juvenile must also receive a counseling intervention to address the violation.

(5) If the proposed sanctions for any violation includes extending the juvenile's established release date, the juvenile must be entitled to:

(a) A notice of an administrative review to consider extension of the release date and a written statement of the incident;

(b) An opportunity to be heard before a neutral review chairperson;

(c) Present oral or written statements, and call witnesses unless testimony of a witness would be irrelevant, repetitive, unnecessary, or would disrupt the orderly administration of the facility;

(d) Imposition of the sanction only if the administrative review chairperson finds by a preponderance of the evidence that the serious violation did occur; and

(e) A written decision, stating the reasons for the decision, by the administrative review chairperson.

(6) Each superintendent, regional administrator and service provider must clearly post, or make readily available, the list of serious violations and possible sanctions in all living units.

(7) Each program administrator must adopt procedures for implementing the requirements of this section.

[Statutory Authority: 2019 c 468 § 2 and chapters 43.216 and 34.05 RCW. WSR 20-01-029, § 110-730-0070, filed 12/6/19, effective 1/6/20. WSR 19-14-079, recodified as § 110-730-0070, filed 7/1/19, effective 7/1/19. Statutory Authority: RCW 13.40.460 and 72.05.150. WSR 03-03-070, § 388-730-0070, filed 1/15/03, effective 2/15/03. Statutory Authority: Chapter 72.05 RCW. WSR 00-22-019, amended and recodified as § 388-730-0070, filed 10/20/00, effective 11/20/00. Statutory Authority: RCW 72.05.400, [72.05.]405, [72.05.]410, [72.05.]415, [72.05.]425, [72.05.]430, [72.05.]435, [72.05.]440, 74.15.210, 13.40.460 and [13.40.]480. WSR 98-18-056, § 275-46-070, filed 8/31/98, effective 9/1/98. Statutory Authority: RCW 13.40.460. WSR 96-18-041, § 275-46-070, filed 8/29/96, effective 9/29/96.]