



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
WORK RELEASE
OFFENDER MANUAL

REVISION DATE
5/24/16

PAGE NUMBER
1 of 10

NUMBER
DOC 460.135

POLICY

TITLE
DISCIPLINARY PROCEDURES FOR WORK RELEASE

REVIEW/REVISION HISTORY:

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- Revised: 7/31/07
- Revised: 1/19/10
- Revised: 9/3/10
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- Revised: 7/1/14
- Revised: 1/12/15
- Revised: 1/8/16
- Revised: 3/29/16
- Revised: 5/24/16

SUMMARY OF REVISION/REVIEW:

Removed Directive IX. That an offender found guilty of an 882 violation will lose telephone privileges with the exception of legal calls


APPROVED:

Signature on file

RICHARD "DICK" MORGAN, Secretary
Department of Corrections

5/16/16

Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 9.94A](#); [RCW 72.09.130](#); [RCW 72.09.500](#); [WAC 137-25](#); [WAC 137-56](#); [ACA 3A-01](#); [ACA 6A-03](#); [ACA 6C-01](#); [ACA 6C-02](#); [ACA 6C-03](#); [ACA 6C-04](#); [PREA Standards 115.278\(b\)-\(d\)](#)

POLICY:

- I. Each Work Release will have a defined disciplinary process that provides appropriate procedural safeguards, treats offenders fairly, and holds them accountable for their actions. Offenders will not be subjected to corporal or unusual punishment, humiliation, mental abuse, or punitive interference with the daily functions of living, such as eating or sleeping. [6A-03]

DIRECTIVE:

- I. General Requirements
 - A. Offenders will be required to abide by the facility rules, which will be published in the facility handbook or otherwise conspicuously posted in the facility for all employees, contract staff, and offenders. [3A-01] Violation of facility rules may result in an infraction.
 1. The facility will review all rules and regulations at least annually and update if necessary.
 - B. Each Work Release will have a process for both formal and informal resolution of infractions. [6C-01]
 - C. Per the Offender Accountability Act, as of July 1, 2000, the Department Hearings Unit will be responsible for conducting all major infraction hearings.
 - D. Community Corrections Officers (CCOs) will be responsible for taking action on known offender violations.
- II. Minor Infraction Disciplinary Process
 - A. [6C-03] The disciplinary process includes providing an offender with:
 1. Written notice of the alleged violation using DOC 17-079 Minor Infraction Report, [6C-02]
 2. Written notice of the scheduled time of review,
 3. Reasonable time to prepare for the review,
 4. Assistance if there is a language or communication barrier, and
 5. The opportunity to present evidence.

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- B. [6C-03] When a minor infraction is contested, a review will be conducted in a timely manner, generally within 5 working days of the service of notice of review and report of alleged violations, unless the Community Corrections Supervisor (CCS) authorizes a continuance.
- C. [6C-03] Designated facility employees/contract staff will hear minor infractions and make decisions in a fair and impartial manner. The offender will be provided written notice of the decision on DOC 17-079 Minor Infraction Report.
- D. [3A-01] [6C-01] [6C-04] Upon a guilty finding, the following progressive sanctions may be imposed:
 - 1. Verbal warning,
 - 2. Written warning,
 - 3. Completion of a written apology,
 - 4. Thinking Report or essay,
 - 5. Extra duty up to 16 hours,
 - 6. Facility restriction or loss of privileges for up to one week,
 - 7. Loss of phase level,
 - 8. Loss of social or visiting privileges, or
 - 9. Other sanctions as designated in the facility handbook.
- E. [6C-03] Offenders have the right to appeal any sanctions imposed for minor infractions. Appeals must be submitted in writing to the CCS/designee within 3 working days. Sanctions will not be postponed pending an appeal.

III. Stipulated Agreements

- A. If the behavior constitutes a violation of facility rules, the offender admits to committing the alleged behavior, and it is determined that a Stipulated Agreement is appropriate, DOC 09-226 DOC Jurisdiction Only Notice of Violation/Stipulated Agreement will be written and signed in a face-to-face meeting with the offender.
 - 1. The Stipulated Agreement will:
 - a. List all infraction behaviors,
 - b. List the specific actions/measures that the offender will take to address or repair the harm done by the infraction behavior,
 - c. Include specific timeframe requirements, and
 - d. Be approved by the CCS.



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2. The appropriate Stipulated Agreement will be written and applied with regard for the offender’s crime of conviction, the infraction(s) committed, the offender’s risk of re-offending, and community safety.
 3. The CCO/designee will enter the Stipulated Agreement infraction(s) and agreed upon sanction in the offender’s electronic file.
- B. Failure to comply with the terms of a Stipulated Agreement constitutes an infraction.
- C. Stipulated Agreements will not be used to impose any loss of good conduct time.
- IV. Major Infraction Hearing Preparation
- A. Timeframes will begin when the CCO/designee becomes aware of the infraction. S/he will:
1. Investigate alleged infraction behavior and ensure evidence exists to substantiate the infraction before serving DOC 20-437 Work Release Major Infraction Report, [6C-03]
 2. Serve DOC 20-437 Work Release Major Infraction Report within one working day of discovering the infraction behavior if the offender has been incarcerated as a result, and [6C-03]
 3. Serve the offender DOC 09-230 Work Release Notice of Allegations, Hearing, Rights, and Waiver no later than 24 hours before the hearing. [6C-02] [6C-03]
- B. The CCO/designee will be responsible for requesting a Work Release disciplinary hearing.
1. The CCO/designee will contact Hearings Records Unit to schedule the hearing and will provide the following information:
 - a. Offender name and DOC number, and
 - b. Location of hearing.
 2. The Hearings Records Unit will notify the CCO/designee of the hearing time and place no later than the next business day following the request. [6C-03]
- C. To prepare for a hearing, the CCO/designee will:

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1. Ensure DOC 20-437 Work Release Major Infraction Report and DOC 09-186 Order of Suspension, Arrest and Detention if appropriate, is completed.
2. Arrange availability of witness(es) and/or statements, if applicable.
3. Obtain certified interpretive services for offenders with language or communication barriers, if necessary, when serving hearing documents and for the hearing. [6C-03]

V. Major Infraction Hearing Process

- A. [6C-03] The Hearing Officer will conduct the Work Release major infraction hearing, assess the evidence, and render decisions in a fair and impartial manner in accordance with statute, case law, Washington Administrative Code, and Department policy.
 1. Unless waived by the offender, Hearing Officers may not preside over a hearing in which they have personal involvement with any party or issue under consideration.
 2. Hearing Officers may not preside over a hearing in which they are unable to exercise fair judgment and render a fair and impartial decision for any reason. Hearing Officers will recuse themselves by notifying their supervisor and the hearing will be rescheduled with a different Hearing Officer.
 3. A Hearing Officer assigned to preside over a hearing may be replaced upon request and showing of good cause by the offender.
 4. Except during the hearing, Hearing Officers may not communicate directly or indirectly with the offender, CCO, CCS, other employees, or witnesses participating in the hearing or involved in preparing for the hearing regarding any issue related to the hearing other than communications necessary to maintaining an orderly process without notice and opportunity for all parties to participate.
 5. If the Hearing Officer receives an ex parte communication prior to rendering a decision, the Hearing Officer must disclose on the record the communication, the response, and identities of each person the Hearing Officer communicated with. All parties must be offered an opportunity to rebut the communication on the record.

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6. CCOs, CCSs, and Hearing Officers will ensure that hearings are conducted as safely as possible based on knowledge of the offender's behavior.
 - a. The CCO, CCS, and Hearing Officer will collaborate to plan for potential safety/security issues and will address them as needed throughout the hearing.
 7. Hearing Officers will control the conduct of the hearing and maintain orderly decorum.
 8. Hearings will be recorded electronically, which will be retained per the Records Retention Schedule.
 9. Hearing Officers will consider only the evidence presented at the hearing and will determine if the evidence meets the preponderance of the evidence standard.
 - a. The Hearing Officer will specify on the record the evidence considered and the basis for the findings and decision.
 - B. The CCO will state the infraction(s) alleged, present supporting evidence, and offer a sanction recommendation and the basis thereof at the hearing.
 1. The CCO may use the Negotiated Sanction process to address infraction behavior, which may include recommending loss of good conduct time.
 - a. The CCO will record the infraction(s) and agreed upon sanction on DOC 11-001 Negotiated Sanction for the CCS's approval.
 - C. The alleged infractions may be amended and/or new alleged infractions added before the disciplinary hearing, provided the offender is given notice of such amendments at least 24 hours before the hearing, unless such notice is waived in writing by the offender.
 - D. If an offender waives his/her right to be present at the hearing, a Hearing Officer will determine if the waiver was knowingly, intelligently, and voluntarily given. If the Hearing Officer accepts the waiver, the hearing may be conducted in the offender's absence.
- VI. Major Infraction Hearing Decision
- A. The Hearing Officer will:
 1. Consider only the evidence presented when making a decision, [6C-03]



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- a. The Hearing Officer may accept written or telephonic testimony, and will be responsible for weighing the credibility of this evidence.
2. Decide if the offender willfully committed the conduct and whether the conduct constitutes a major infraction, [6C-03]
3. Reduce the written major infraction to a lesser included minor, if applicable,
4. Consider factors such as the offender's overall adjustment to the facility, prior infractions, prior conduct, and mental status, and
5. [6C-04] Upon a guilty finding, impose appropriate sanctions per Disciplinary Sanction Table for Prison and Work Release (Attachment 1).
 - a. The Hearing Officer is authorized to suspend a sanction or impose a suspended sanction, if appropriate.
- B. [6C-03] The Hearing Officer will issue DOC 09-233 Hearing and Decision Summary Report at the conclusion of the hearing, unless the Hearing Officer takes a deferred decision.
- C. Hearing Officers may continue a hearing for good cause.
 1. Good cause includes, but is not limited to, the following:
 - a. A reasonable request by the CCO or the offender,
 - b. Unforeseen facility issues,
 - c. A need to determine the offender's mental status or competency,
 - d. A need to obtain:
 - 1) An interpreter,
 - 2) Witness testimony/statements,
 - 3) Reports or other documentation, and
 - 4) A replacement Hearing Officer due to a recusal.
 2. Hearing Officers who continue a hearing will ensure that the hearing is held within 5 business days and that the offender is advised in writing of the basis for the continuance and the date of the next hearing.
- D. Hearing Officers may defer a hearing decision using DOC 09-227 Deferred Decision Waiver for no more than 2 business days unless waived by the offender. The Hearing Officer will ensure that the offender is advised in writing of the reason for the deferral and the date of the deferred hearing.

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1. Hearing Officers that defer a hearing decision will ensure that the deferred hearing is held in a timely manner and on the record with the offender present unless the offender waives his/her right to be present.
 2. The hearing decision will be documented using DOC 09-233 Hearing and Decision Summary Report.
- E. At the hearing, the Hearing Officer will inform the offender of his/her right to appeal in writing within 7 days and provide him/her with DOC 09-275 Appeal of Department Violation Process. [6C-03]
 - F. If the offender is found guilty of an infraction for escape, the CCO will advise the local Records Unit to prepare written notification to the Prosecuting Attorney per local practice for possible escape prosecution based on circumstances, location, and risk to the community.
 - G. The Hearings Records Unit will send an email to the Headquarters Warrants Desk at DOCRecordsHQWarrants@doc.wa.gov and to the local Correctional Records Supervisor if the offender is found not guilty of an infraction for escape.
 - H. The CCO will enter new infractions on the Prison Discipline screen in the offender's electronic file.
- VII. Failing or Refusing to Maintain a Work or Education Program Assignment
- A. Per RCW 72.09.130, offenders found guilty of a 557 or 810 violation will lose good conduct time, all available earned time credits for the month in which the infraction occurred, and specified privileges determined by the Hearing Officer.
 1. Offenders found guilty of an 813 violation where a failure to work or program is involved may lose good conduct time and all available earned time credits for the month in which the violation occurred.
 - B. Sanctions will be progressive for subsequent adjudicated infraction behaviors as indicated in Work Release Mandatory Sanctioning Guidelines (Attachment 2).
- VIII. Weightlifting Restriction
- A. An offender who is found guilty of a 501, 502, 511, or 604 violation will be prohibited from participating in any form of weightlifting for a period of 2 years from the date the infraction was adjudicated. A Hearing Officer will impose this sanction upon a finding of guilt of one of the cited violations per RCW 72.09.500.
- IX. Prison Rape Elimination Act (PREA) Violations

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A. An offender who is found guilty of a 611, 613, 635, or 637 violation may be sanctioned to a multidisciplinary FRMT review for consideration of available interventions (e.g., Mental Health therapy, Sex Offender Treatment Program, Anger Management).


X. Major Infraction Hearing Appeal Process [6C-03]

A. The Hearings Administrator/designee will establish appeals panels throughout the state, each consisting of:

1. One CCS, serving a 6 month term,
2. One Hearing Officer, serving a 6-month term, and
3. One Hearing Supervisor, serving continually as the appeals panel Chair.

B. Appeals panels will:

1. Respond to all appeals within 15 business days of receipt.
2. Review only the appeal, the record, and evidence presented at the hearing. The panel may not solicit or consider additional evidence and must guard against allowing personal experience to weigh into their decisions.
 - a. The panel will determine whether an error occurred, including procedural or jurisdictional error, an error in the finding of guilt, or an error in the sanction imposed.
 - b. The panel will review whether the sanction was reasonably related to the:
 - 1) Crime of conviction,
 - 2) Infraction committed,
 - 3) Offender's risk of re-offending, or
 - 4) Safety of the community.
3. Affirm, modify, reverse, vacate, or remand the decision by majority vote using DOC 09-235 Appeals Panel Decision. The panel may not increase the severity of the sanction.
 - a. If a majority of the panel finds that the sanction was not reasonable or that any finding of an infraction was based solely on unconfirmed allegations, the appeals panel will modify, reverse, vacate, or remand the decision.

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- C. The Hearings Unit will notify the presiding Hearing Officer and supervising CCO of the outcome of the appeal.
- D. Copies of all documents related to the appeal(s) will be placed in the offender's central/Work Release file and scanned into the offender's electronic imaging file.

XI. Hearings Administrator Review

- A. If after completion of the hearing or appeal process, an error is brought to the attention of the Hearings Administrator, s/he has the authority to affirm, modify, reverse, vacate, or remand the Hearing Officer/appeal panel's decision.
- B. The Hearings Administrator may not increase the severity of the sanction.
- C. The Hearings Administrator will notify the Senior Operations Administrator for Offender Change of the decision.

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

[Disciplinary Sanction Table for Prison and Work Release \(Attachment 1\)](#)
[Work Release Mandatory Sanctioning Guidelines \(Attachment 2\)](#)

DOC FORMS:

[DOC 09-186 Order of Suspension, Arrest and Detention](#)
[DOC 09-226 DOC Jurisdiction Only Notice of Violation/Stipulated Agreement](#)
[DOC 09-227 Deferred Decision Waiver](#)
[DOC 09-230 Work Release Notice of Allegations, Hearing, Rights, and Waiver](#)
[DOC 09-233 Hearing and Decision Summary Report](#)
[DOC 09-235 Appeals Panel Decision](#)
[DOC 09-275 Appeal of a Department Violation Process](#)
[DOC 11-001 Negotiated Sanction](#)
[DOC 17-079 Minor Infraction Report](#)
[DOC 20-437 Work Release Major Infraction Report](#)