

Chapter 137-60 WAC

ADULT CORRECTIONAL INSTITUTIONS—RELEASE PROGRAMS—FURLOUGH

WAC

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WAC 137-60-010 Furlough of person confined in state correctional institution—Definitions. (1) "Furlough" is an authorized unaccompanied leave of absence for an eligible inmate.

(2) "Furlough plan" is an inmate's statement in his or her application of the purpose, place, dates of duration, and sponsor of a single furlough or series of furloughs.

(3) "Furlough sponsor" is an approved adult who has agreed to assume the responsibilities set forth in WAC 137-60-070.

(4) "Emergency furlough" is a specially expedited furlough granted to an inmate to enable him or her to meet an emergency situation such as the death or critical illness of a member of his or her family.

(5) "Inmate" is a person convicted of a felony and serving a sentence for a term of confinement in a state correctional institution or facility, or a state approved work or training release facility.

(6) "Secretary" is the secretary of the department of corrections or his or her designee.

(7) "Furlough year" begins with the date of the first furlough and ends twelve months from that date. Subsequent furlough years count backward for the twelve month time period.

(8) "Furlough day" is any combination of two twelve-hour time segments.

[Statutory Authority: RCW 72.66.080. 82-07-006 (Order 82-04), § 137-60-010, filed 3/4/82. Formerly WAC 275-93-005.]

(12/24/09)

WAC 137-60-020 Furlough of person confined in state correctional institution—Secretary's authority to grant or deny. (1) The institution superintendent or chief, classification and treatment, may grant or deny a furlough as authorized by chapter 72.66 RCW and subject to the rules in this chapter to an inmate of a state correctional institution, not including inmates of work release facilities.

(2) The supervisor of a work release facility may grant or deny a furlough as authorized by chapter 72.66 RCW and subject to the rules of this chapter to an inmate of a work release facility; provided, however, with respect to such inmates, the granting of a first furlough shall be subject to the prior approval of the community corrections regional administrator if:

(a) There is a dispute between the work release facility supervisor and field staff regarding the granting of the furlough; or

(b) The inmate has two or more convictions for crimes against persons; or

(c) The inmate is confined under a sentence for murder in the first or second degree, manslaughter, negligent homicide, rape in the first or second degree, kidnapping, burglary in the first degree, robbery in the first degree, assault in the first degree, or arson in the first degree.

[Statutory Authority: RCW 72.66.080. 85-04-015 (Order 85-02), § 137-60-020, filed 1/28/85; 82-07-006 (Order 82-04), § 137-60-020, filed 3/4/82. Formerly WAC 275-93-010.]

WAC 137-60-030 Furlough of person confined in state correctional institution—Purposes. A furlough may be authorized to enable the inmate:

(1) To meet an emergency situation, such as critical illness, death, emotional crisis, or similar situation experienced by members of his or her family;

(2) To obtain medical care not available in a facility maintained by the department;

(3) To seek employment or training opportunities;

(a) Provided specific job interviews have been arranged for the inmate, or

(b) When the inmate has been approved for work or training release status but his or her job or training placement has not been developed or concluded, or

(c) When necessary to prepare a parole plan for a parole hearing scheduled within one hundred twenty days of the commencement of the furlough;

(4) To make residential plans for parole which require his or her personal appearance in the community;

(5) To care for business affairs in person when the inability to do so could deplete the assets or resources of the inmate so seriously as to affect his or her family or his or her future economic security;

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(6) To visit his or her family for the purpose of strengthening or preserving relationships, exercising parental responsibilities, or preventing family division or disintegration;

(7) To accomplish any other purpose deemed to be consistent with plans for rehabilitation of the inmate.

[Statutory Authority: RCW 72.66.080. 82-07-006 (Order 82-04), § 137-60-030, filed 3/4/82. Formerly WAC 275-93-020.]

WAC 137-60-040 Furlough of person confined in state correctional institution—Who may apply. (1) Any inmate may apply for a furlough: Provided, That

(a) He or she has minimum custody classification,

(b) His or her minimum term has been fixed by the board of prison terms and paroles,

(c) If he or she has a detainer pending, approval of the detaining agency must be secured. Other jurisdictions with detainers against a Washington state inmate may provide approval on a class of applicants; for example, all those otherwise approved by this state, in lieu of action on individual applications.

(2) Persons convicted of rape in the first degree shall not be eligible to participate in the furlough program at any time during the first three years of confinement.

(3) Persons convicted after July 1, 1981, of murder in the first degree, may not be granted furloughs.

[Statutory Authority: RCW 72.66.080. 82-07-006 (Order 82-04), § 137-60-040, filed 3/4/82. Formerly WAC 275-93-040.]

WAC 137-60-045 Minimum time served requirement. A furlough shall not be granted to an inmate if the furlough would commence prior to the time the inmate has served the minimum amounts of time provided under this section and is within two years of his or her minimum term being served;

(1) If his or her minimum term of imprisonment is longer than twelve months, he or she shall have served at least six months of the term;

(2) If his or her minimum term of imprisonment is twelve months or less, he or she shall have served at least ninety days and shall have no longer than six months left to serve on his or her minimum term, or the mandatory term has been waived by the parole board;

(3) If he or she is serving a mandatory minimum term of confinement, he or she shall have served all but the last six months of such term subject to restrictions in WAC 137-60-040 (2) and (3).

[Statutory Authority: RCW 72.66.080. 82-07-006 (Order 82-04), § 137-60-045, filed 3/4/82.]

WAC 137-60-050 Furlough of person confined in state correctional institution—Conditions imposed. (1) The applicant must agree to abide by all terms and conditions of the approved furlough plan. Any violation may be cause for suspension or revocation of the furlough, and possible disciplinary action.

(2) The furlough plan will specify the residence address at which the applicant will reside during the period of furlough and will designate the names and relationships of the persons with whom he or she will live.

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(3) Upon arrival at his or her destination the furloughed person will, when so required, report to a state probation and parole officer in accordance with instructions given prior to release on furlough. He or she shall report as frequently as may be required by the state probation and parole officer.

(4) The furloughed person shall abide by all local, state, and federal laws, ordinances, and statutes.

(5) With approval of either the designated state probation and parole officer, or institution staff, the furloughed person may accept temporary employment during a period of furlough. Earnings may be used to defray the costs of the furlough, including transportation, living expenses, family support, and incidental needs.

(6) Furloughed persons may not leave the state at any time while on furlough.

(7) Other limitations on movement within the state may be imposed as a condition of furlough. Unless it is part of the approved travel plan, travel outside the county to which furlough is granted must be approved in advance by the probation and parole officer in that county.

(8) A furlougee shall not drink, ingest, possess, or be under the influence of intoxicating beverages or nonprescribed drugs. All public taverns, bars, liquor stores, and cocktail lounges will be considered "off limits" to furlougees.

(9) A furlougee who drives a motor vehicle must:

(a) Have a valid Washington driver's license in his or her possession;

(b) If unaccompanied by the owner, have the owner's written permission in his or her possession to drive any vehicle not his or her own or his or her spouse's or state-registered domestic partner's;

(c) Have at least minimum personal injury and property damage liability coverage on the vehicle he or she is driving,

(d) Observe all traffic laws.

(10) Clothing issued for use during the furlough is to be returned to the institution at the completion of the furlough.

(11) Other conditions of furlough specific to the individual may be imposed in writing, prior to the inception of the furlough.

(12) All conditions of furlough, general and specific, shall be listed on the furlough order, and shall be discussed with the inmate by his or her counselor before he or she leaves the institution. The furlougee shall carry a copy of the furlough order and furlough identification card, with him or her at all times while on furlough. The furlough identification card will be issued to the inmate prior to departure from the institution, and returned at the end of the furlough.

(13) Willful failure to return from a furlough at the time specified in the furlough order constitutes an escape from confinement which is a violation of criminal law.

[10-02-008, § 137-60-050, filed 12/24/09, effective 1/24/10. Statutory Authority: RCW 72.66.080. 82-07-006 (Order 82-04), § 137-60-050, filed 3/4/82. Formerly WAC 275-93-050.]

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.

WAC 137-60-060 Furlough of person confined in state correctional institution—Duration. (1) Furloughs may not exceed thirty days at a given time or a total of sixty days in any twelve-month period. The sixty day total is designed to permit a reasonable pattern of short releases over the course of a year, or an extended period of release for special placement on furlough status in preparation for work release, training release, parole planning, medical treatment not available in a state facility, or a combination of these reasons.

(2) First and second furloughs will not exceed five days absent unusual circumstances.

(3) Emergency furloughs will be limited to forty-eight hours plus travel time absent unusual circumstances.

(4) Any furlough may be extended by the institution superintendent or work/training release supervisor within the maximum time limits set by this section.

[Statutory Authority: RCW 72.66.080. 82-07-006 (Order 82-04), § 137-60-060, filed 3/4/82. Formerly WAC 275-93-060.]

WAC 137-60-070 Furlough of person confined in state correctional institution—Sponsor's responsibilities. A furlough plan must designate a sponsor for the inmate while he or she is on furlough. The sponsor must sign a statement agreeing to:

(1) Provide the furlougee with appropriate living quarters for the duration of the furlough,

(2) Notify the institution immediately if the furlougee does not appear as scheduled, departs from the furlough plan at any time, becomes involved in serious difficulty during the furlough, or experiences problems that affect his or her ability to function appropriately,

(3) Assist the furlougee in other appropriate ways, such as discussing problems, providing transportation to job interviews, etc.,

(4) Assure that the furlougee returns to the institution on time.

[Statutory Authority: RCW 72.66.080. 82-07-006 (Order 82-04), § 137-60-070, filed 3/4/82. Formerly WAC 275-93-070.]

WAC 137-60-080 Furlough of person confined in state correctional institution—Criteria for evaluating application. (1) An application for furlough shall be considered with respect to:

(a) Consistency with the purposes described in WAC 137-60-030 and 137-60-040, and

(b) Adequacy of the furlough plan, and

(c) Possible risk to the community, and

(d) Findings of a field investigation.

(2) The application shall be evaluated without regard to the race, sex, color, national origin, or creed of the applicant.

[Statutory Authority: RCW 72.66.080. 82-07-006 (Order 82-04), § 137-60-080, filed 3/4/82. Formerly WAC 275-93-080.]

WAC 137-60-090 Furlough of person confined in state correctional institution—Application for furlough.

(1) An application for furlough must be made on forms prescribed by the secretary, must include a furlough plan, and must be submitted by the inmate to his or her counselor.

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(2) An application for furlough, other than an emergency furlough, must be made at least seven weeks prior to the date of the furlough.

(3) Any inmate whose furlough application has been rejected may reapply after such period of time has elapsed as was determined by the superintendent, work/training release supervisor, or chief, classification and treatment, at the time of rejection, such time period being subject to modification by the persons listed in this section.

(4) A furlough plan shall specify in detail the purpose of the furlough and how it is to be achieved, the address at which the applicant would reside, the names of all persons residing at such address and the relationships of such persons to the applicant.

[Statutory Authority: RCW 72.66.080. 82-07-006 (Order 82-04), § 137-60-090, filed 3/4/82. Formerly WAC 275-93-090.]

WAC 137-60-100 Furlough of person confined in state correctional institution—Notifying inmate of decision on application. (1) The inmate and his or her sponsor shall both be notified promptly of the disposition of his or her application.

(2) If a furlough is authorized, a copy of the furlough order will be mailed to the sponsor.

[Statutory Authority: RCW 72.66.080. 82-07-006 (Order 82-04), § 137-60-100, filed 3/4/82. Formerly WAC 275-93-100.]

WAC 137-60-110 Furlough of person confined in state correctional institution—Escape. The department has the duty, as soon as possible, to notify the state patrol of the escape of a furlougee.

[Statutory Authority: RCW 72.66.080. 82-07-006 (Order 82-04), § 137-60-110, filed 3/4/82. Formerly WAC 275-93-110.]

WAC 137-60-120 Furlough of person confined in state correctional institution—Revocation or suspension.

(1) Any employee of the department having knowledge of a furlough infraction shall report the facts to the superintendent or work/training release facility supervisor as appropriate. Upon verification, the superintendent or work/training release supervisor will cause the custody of the furlougee to be regained and, for this purpose, may cause a furlough suspension warrant to be issued.

(2) The superintendent or work/training release facility supervisor as appropriate will determine whether to suspend or revoke the furlough. If the furlough is suspended, the superintendent or work/training release supervisor will indicate when and under what circumstances the inmate may reapply.

[Statutory Authority: RCW 72.66.080. 82-07-006 (Order 82-04), § 137-60-120, filed 3/4/82. Formerly WAC 275-93-120.]

WAC 137-60-130 Furlough of person confined in state correctional institution—Law enforcement officers to be notified. (1) Appropriate law enforcement agencies will be notified of a planned furlough via the state patrol communications network at least forty-eight hours prior to the beginning of the furlough.

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(2) In the event of an emergency furlough, the state patrol will be notified as early as possible but the forty-eight hour requirement will not apply.

[Statutory Authority: RCW 72.66.080. 82-07-006 (Order 82-04), § 137-60-130, filed 3/4/82. Formerly WAC 275-93-130.]

WAC 137-60-140 Furlough of person confined in state correctional institution—Exceptions to rules. In emergency situations or as otherwise allowed by statute, the secretary may authorize exceptions to the rules in chapter 137-60 WAC: Provided, That no exception may be made to WAC 137-60-040 (1)(a), (b), (c), (2), and (3), 137-60-045, 137-60-050, 137-60-060, and 137-60-070.

[Statutory Authority: RCW 72.66.080. 82-07-006 (Order 82-04), § 137-60-140, filed 3/4/82. Formerly WAC 275-93-140.]