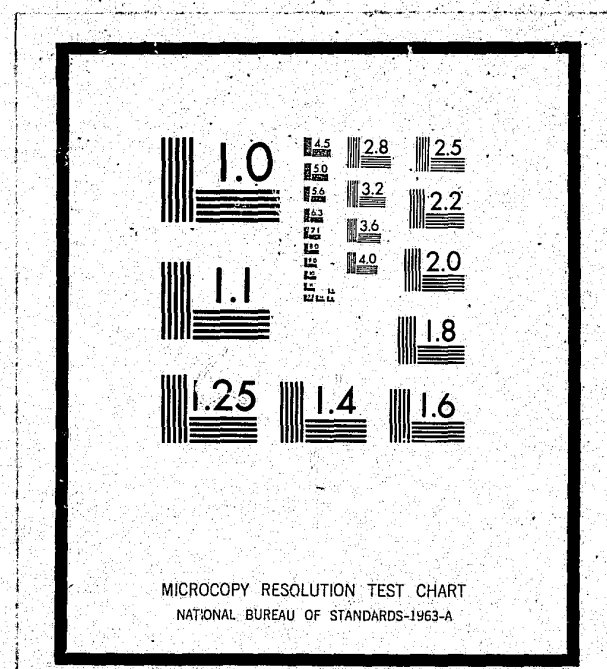


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RULES AND PROCEDURES

Governing

PROGRESS AND PAROLE MEETINGS

Washington -
BOARD OF PRISON TERMS AND PAROLES -

Effective October 1, 1972

012874

CHAPTER VI

Rule Number	Title
6.010	Scope
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CHAPTER VI

ADMINISTRATIVE PROCEDURES RELATING TO RECONSIDERATION OF MINIMUM TERMS AND PAROLE

- 6.010 SCOPE. Chapter VI of the Rules of the Board shall include the rules and regulations governing administrative procedures for the reconsideration of minimum terms and the parole of persons undergoing sentence in Washington State correctional institutions pursuant to Chapter 9.95 of the Revised Code of Washington.

Adopted July 24, 1972

- 6.020 ADOPTION, AMENDMENT, OR REPEAL. Rules of Chapter VI shall not be adopted, amended, or repealed prior to consultation with the Secretary, Department of Social and Health Services or his designee.

- (1) The Board shall give at least 45 days notice to the Secretary of its intended adoption prior to the adoption, amendment, or repeal of any rule of Chapter VI, Rules of the Board. Such notice shall include a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved.
- (2) Consultation with the Secretary shall include, but not be limited to, an opportunity for the Secretary to submit data, views, or arguments, orally or in writing, to the Board concerning the proposed adoption, amendment, or repeal of any rules of Chapter VI, Rules of the Board.
- (3) The Secretary may petition the Board requesting the promulgation, amendment, or repeal of any rule of Chapter VI of the Rules of the Board. The Board will act on this petition in the same manner and under the same circumstances as prescribed in the subparagraphs (1) and (2) of this rule.

Adopted July 24, 1972

- 6.030 RECONSIDERATION OF MINIMUM TERM. At any time after the Board has determined the minimum term of confinement of any person subject to confinement in a state correctional institution, the Board may request the superintendent of such correctional institution to conduct a full review of such persons prospects for rehabilitation and report to the Board the facts of such review and the resulting findings. Upon the basis of such report and other information and investigation that the Board deems appropriate, the Board may redetermine and refix such convicted person's minimum term of confinement.

The Board will review and consider any recommendation submitted by the superintendent for reduction or refixing of a resident's minimum term.

Adopted July 24, 1972

- 6.040 RECONSIDERATION MEETINGS. Any hearing, meeting, or interview (other than Disciplinary Hearing conducted pursuant to Chapter III and IV of the Board) conducted by the Board for the purpose of reviewing such person's duration of confinement shall be known as a reconsideration meeting. Reconsideration meetings are divided into two types: Progress Meetings and Parole Meetings.

Adopted July 24, 1972

- 6.050 DOCUMENTS NECESSARY FOR PROGRESS MEETINGS. A Progress Meeting is a reconsideration meeting scheduled and conducted by the Board with the convicted person present for the purpose of reviewing such person's duration of confinement. Consideration may be given for reduction of minimum term, and increase of minimum term, or for parole of the convicted person. Before the Board will place a convicted person on a final schedule for a progress meeting, the Board's file must contain a "Progress Report" which shall include:

- (a) The institutional adjustment of the convicted person since his last appearance before the Board including program involvement and work assignments;
- (b) Length of time away from the institution of the person while on furlough and any information concerning behavior while on furlough that is available;

- (c) A recommendation of the superintendent concerning such convicted person's prospects for rehabilitation and whether or not he is a fit subject for release;
- (d) A certification from the superintendent recommending granting or denial of good time credits.

In the event the convicted person has been transferred to a work release or training release since his last appearance before the Board, a Progress Report will be prepared by the parent institution for the period of time the person was assigned to that institution and by the work and training release center for the period of time the person was assigned to the center.

Adopted July 24, 1972

- 6.060 DOCUMENTS NECESSARY FOR A PAROLE MEETING. A Parole Meeting is a reconsideration meeting, scheduled and conducted by the Board, with the convicted person present, for the purpose of reviewing such person's duration of confinement and to give special consideration to such person's readiness for release on parole. Before the Board will place a convicted person on a final schedule for a Parole Meeting, the Board's file must contain:

- (a) A Progress Report as defined in Rule 6.050;
- (b) A Pre-Parole Referral Report initiating a Pre-Parole Investigative Report and including information concerning pre-parole plans and recommendations of parole conditions and reasons for such recommendations;
- (c) A Pre-Parole Investigation Report verifying parole plans, evaluating suitability of the parole plans and recommending conditions of parole and reasons for such recommendations;
- (d) A certification from the superintendent recommending granting or denial of good time credits.

Adopted July 24, 1972

- 6.070 DESIGNATION OF PROGRESS AND PAROLE MEETINGS. The Board shall designate all reconsideration meetings as either progress or parole meetings.

Adopted July 24, 1972

CHANGE IN TIME OR TYPE OF MEETING. The Board will consider change in time or type of next meeting upon the written recommendation of the superintendent or upon the written recommendation of the Chief, Office of Probation and Parole, if the convicted person is in a work or training release center:

- (1) The written recommendation must be received in the Board office at least thirty (30) days prior to the proposed meeting date;
- (2) If the request is to change both time and type of meeting, it must be received at least sixty (60) days prior to the proposed meeting date;
- (3) The superintendent's request recommending change in type or time of reconsideration meeting shall include a report concerning resident's adjustment since the last meeting before the Board and shall state explicitly the reasons the request and recommendation are made;
- (4) The Board criteria in reviewing will be:
 - (a) An outstanding record of conduct and achievement which exceeds the criteria of the law for certification of good time credits;
 - (b) The recommended change is consistent with program planning within the institution, program achievements and parole planning;
 - (c) The recommendation for change in time or type of meeting will only be considered when the same results cannot be achieved by issuance of furlough or through transfer to a work or training release program.
- (5) When the Board does not follow a superintendent's recommendation that a scheduled progress meeting be either advanced or changed to a parole meeting, the Board will advise the superintendent of the reason for the request being denied.

Adopted July 24, 1972
Amended October 27, 1972

PERSONS PRESENT. The convicted person and such institutional persons as the members conducting the meeting deem appropriate may be present during the reconsideration meeting. A limited number of observers may be present by prior approval of the members and the convicted person. No family members, friends

relatives, interested parties, attorneys or advocates shall be present. In the event of a language communication problem, an interpreter designated by the Board shall be present to interpret and assist. The Board will accept information from any interested person, in writing, and may hold an interview with any person prior to the meeting, with the panel's approval as to time and place of the interview.

Adopted July 24, 1972

GOOD TIME CREDITS. RCW 9.95.070 provides every convicted person who has a favorable record of conduct and who performs the work, duties, and tasks assigned to him to the satisfaction of the superintendent and in whose behalf the superintendent files a report certifying that his conduct and work have been meritorious and recommending allowance of time credits to him, shall, upon, but not until the adoption of such recommendation by the Board, be allowed time credits from the term of imprisonment fixed by the Board. The Board will consider granting of good time credits only when certification is received from the superintendent. In every case there shall be a report filed either certifying good time credits or denying them. This report shall set forth the reasons for the action taken. RCW 9.95.110 provides that in no case shall an inmate be credited with more than one-third of his sentence as fixed by the Board.

Adopted July 24, 1972

PAROLE OF LIFE PRISONERS. The Board has authority under RCW 9.95.110 to parole any person sentenced under a mandatory life sentence, who has been continuously confined therein for a period of twenty consecutive years less good time; provided the superintendent certifies to the Board that such person's conduct and work have been meritorious and recommends parole.

In mandatory life sentences other than Murder First or Second Degree (such as Kidnapping First Degree or Carnal Knowledge of a Female Child Under Ten Years) the superintendent may certify to the Board at any time that such person's conduct and work have been meritorious and the Board, in its discretion, may consider waiving the mandatory minimum term, following an in-person meeting.

Adopted July 24, 1972

- 6.120 ADMINISTRATIVE REVIEW PRIOR TO PAROLE MEETINGS. The Board may review the parole officer's pre-parole investigative field report in those cases scheduled for a parole meeting, along with other documents required for a parole meeting, prior to the scheduled docket for the purpose of taking appropriate action without an in-person meeting. In this manner, individuals may receive a redetermination of minimum term without appearing before the Board in person. However, the institutional superintendent shall be advised of the Board's decision at least one week prior to the scheduled meeting date to insure the convicted person will be given the Board decision. If such person, after receiving the Board's decision, requests a meeting with the Board, such request shall be granted.

Adopted July 24, 1972

- 6.130 ADMINISTRATIVE REVIEW PRIOR TO PROGRESS MEETINGS. The Board may review the progress reports and other file material of those persons scheduled for progress meetings prior to the scheduled docket for the purpose of taking appropriate action without an in-person meeting. In this manner, individuals may receive a redetermination of minimum term without appearance before the Board. However, the institutional superintendent shall be advised of the Board decision at least one week prior to the scheduled meeting date to insure the convicted person will be given the Board decision. If such person, after receiving the Board's decision, requests a meeting with the Board, such request shall be granted.

Adopted July 24, 1972

- 6.140 ORDERS OF ADJUSTMENT IN TERM. Orders adjusting the minimum term will be signed by the members who met with the resident at the time of the reconsideration meeting, as soon after the meeting as normal workload will allow. In the absence of a member, another member may sign the original order for the absent member by inserting the word "for" followed by the absent member's name. The original order will be filed in the resident's file in the office of the Board and a copy furnished to the institution of residence.

Adopted July 24, 1972

- 6.150 ORDERS OF PAROLE. Orders of parole will be signed by the members who met with the resident at the time of the reconsideration meeting. Orders of parole will be forwarded as soon after the parole meeting as normal workload will allow. Orders of parole will be forwarded as soon after a progress meeting as the Board has had an opportunity to review the Pre-Parole Investigation Report and fix a parole date.

Such orders shall be served in person on the resident and signed by the resident and witnessed on the day scheduled for parole. A resident will not be released on parole unless he has signed an Order of Parole. If a resident refuses to sign an order, the order will be returned to the Board with an explanation of the reasons that the resident refused to sign.

Adopted July 24, 1972

- 6.160 BOARD MINUTES CONFIDENTIAL. The Board members may dictate their comments, impressions, expectations, or reasons for their decision at the termination of a reconsideration meeting. The primary purpose of the Board minutes is to communicate, informally, to the other Board members, the thinking of the panel who made the decision. The minutes are shared with the Department of Social and Health Services with the understanding that such dictation is confidential and is not to be directly quoted or reproduced. Any communication of the content of the Board minutes to a resident must be interpreted in a responsible manner, relating the Board's comments to the resident's treatment goals and overall institutional progress.

Adopted July 24, 1972

- 6.170 DEFERRED DECISION. Normally the members conducting a reconsideration meeting will make the decision at the time of the meeting, and will advise the residents in person of such decision. However, if the panel members cannot reach an agreement, if they wish further information, if they wish a legal opinion, if they wish to give the case further study and consideration, or if they wish to have the full Board consider waiver of a mandatory, the Board will designate the decision a "Deferred Decision". The institution of residence shall be advised in writing of the Board's decision as soon as the decision is final. The Board will act within 30 days on Deferred Decisions that result from a disagreement between the panel members. In the event that the Board is unable to finalize the decision within 30 days, a memorandum will be sent to the superintendent indicating the reason for the delay.

Adopted July 24, 1972

Amended October 27, 1972

6.180 SCHEDULING OF NEXT MEETING. The Board will, at the time of making its decision after a reconsideration meeting, designate the type and time of next meeting unless the convicted person is scheduled for release and has no need to appear before the Board.

Adopted July 24, 1972

6.190 CHANGE IN PAROLE DATE. Where a parole date has been determined without a further scheduled appearance before the Board, the Board will consider a change in the parole date upon receipt of a recommendation from the field officer making the field report, or upon the recommendation of the superintendent, or on the Board's own motion.

Adopted July 24, 1972

CHAPTER VII

Rule Number	Title
7.010	Scope
7.020	Conducting of Meeting
7.030	Factors to be Considered
7.040	Waiver of Mandatory Minimum Term
7.050	Pre-Screening of Progress and Parole Meeting Cases
7.060	Parole to Consecutive Sentence Under Appeal
7.070	Parole to Detainer
7.080	Order of Parole and Conditions

CHAPTER VII

RULES OF PRACTICE AND PROCEDURE RELATING TO PROGRESS AND PAROLE MEETINGS

- 7.010 SCOPE. Chapter VII of the Rules of the Board shall include the rules of practice and procedures for conducting progress and parole meetings.

Adopted July 24, 1972

- 7.020 CONDUCTING OF MEETING. Progress and parole meetings may be conducted by a panel of at least two duly appointed and acting members of the Board of Prison Terms and Paroles. The members designated to conduct the meeting shall exercise all the powers and duties of the Board in connection with such meetings. If the two members designated to conduct the meeting cannot unanimously agree as to the disposition of the meeting assigned to them, such decision shall be referred to the full Board, and the final decision will be by the majority of the Board. By prior agreement the panel appointed to conduct a progress or parole meeting may designate one of the members of the panel to preside singularly at the progress or parole meeting but no decision concerning reconsideration of duration of confinement or parole shall be final until both members have conferred and agreed or full Board action has been taken.

Adopted July 24, 1972

- 7.030 FACTORS TO BE CONSIDERED. In reconsidering the length of confinement and parole, the Board shall:

- (1) Consider a thorough analysis and report of the convicted person's prospects for rehabilitation prepared by institutional staff, and the recommendation of the superintendent;
- (2) Inform itself as thoroughly as possible as to such convicted person as a personality and any reports of physical, mental, or psychiatric examinations and such other relevant information as deemed necessary;
- (3) Review the circumstances of the crime and factors relating to incarceration, including prosecutor's and judge's recommendation, and prior criminal history;

(4) Give consideration to and take under advisement:

- (a) The degree or extent of threat that may be posed to the public by the individual;
- (b) The nature of his response to the correctional programs; his conduct during his term of imprisonment; and significant changes concerning insight and attitudes that he has demonstrated;
- (c) The kind of personal stability and responsibility evidenced in the past and currently in the institution; his ability to assume obligations and undertake responsibility; the factors available to continue responsible behavior upon release including family ties; satisfactory living arrangements; constructive associations; ability to form positive inter-personal relationships; and employability;
- (d) The kinds of personal deficiencies apparent at admission and overcome during incarceration, such as: educational achievement; completion of vocational training; assistance through staff counseling and therapy; and treatment for past use of addictive narcotics or habitual and excessive use of alcohol;
- (e) Determination of the sociological and psychological characteristics of the individual, his attitudes and value systems;
- (f) The willingness of the community to which he is returning to accept him and assist his reintegration into free society and the deterrent effect his continued incarceration has on other members of the community.

(5) Not release a prisoner unless in its opinion rehabilitation has been complete and he is a fit subject for release.

Adopted July 24, 1972

7.040 WAIVER OF MANDATORY MINIMUM TERM. Except when a resident of an adult correctional institution has been convicted of Murder in the First Degree or Murder in the Second Degree, the Board may parole a resident prior to the expiration of a mandatory minimum term, provided, such resident has demonstrated a meritorious effort in rehabilitation and at least six members concur in such action; provided, that any resident who has a mandatory minimum term and is paroled prior to expiration of such term according to this rule and pursuant to RCW 9.95.040, shall not receive a Conditional Discharge From Supervision while on parole until after the mandatory minimum has expired. The question of waiver of mandatory minimum term may be referred to the full Board by any member of the panel which has been assigned to hear the matter, following an in-person meeting. The Board will review and consider any recommendation submitted by the superintendent for waiver of a mandatory minimum term.

Adopted July 24, 1972

7.050 PRE-SCREENING OF PROGRESS AND PAROLE MEETING CASES. The duly assigned Board panel may pre-screen progress and parole cases that have been assigned to that panel if both members agree. The cases will be pre-screened before the scheduled docket and the superintendent of the institution advised of the Board decision at least one week prior to the scheduled meeting. If the convicted person, upon receiving the Board decision, requests appearance before the Board, such request shall be granted.

Adopted July 24, 1972

7.060 PAROLE TO CONSECUTIVE SENTENCE UNDER APPEAL. The Board may, at its discretion, parole a person to a consecutive sentence which is under appeal. The Board shall, in such a case, impose the following special conditions, as applicable:

- (1) This parole is issued with the understanding that said resident shall remain in custody pending the resolution of his appeal, provided that:

- (a) If the resident is ordered released by court order or is granted the opportunity to post appeal bond the conditions of this parole become effective and he shall be given specific reporting instructions by the Board of Prison Terms and Paroles or by representatives of the Department of Social and Health Services;

- (b) If the resident's appeal is dismissed and the original court order is upheld, he will be scheduled to appear before the Board for a minimum term meeting concerning that cause within six (6) months from the date of the remittitur.

Adopted July 24, 1972

7.070 PAROLE TO DETAINER. A written notice, signed by the superintendent, will be provided to the Board as soon as any detainer is lodged and filed against a resident and copies of all correspondence referring to detainers and all written notices shall be sent immediately to the Board.

Six months prior to the anticipated release date or the anticipated parole hearing for release on each individual against whom a detainer has been lodged and is pending, the institutional staff will prepare an evaluation of such person, indicating whether a parole plan and program has been developed for him, and further will recommend whether, in the interest of the individual and society, an effort should be made to obtain a withdrawal of the detainer by the demanding jurisdiction, or whether, under all the circumstances, the detainer should be continued in effect.

In those instances in which a recommendation has been made by the institution's staff that an effort should be made to obtain a withdrawal of the detainer, communication will be made with the demanding authority to furnish it such information and recommendation, and make inquiry as to the intended course of action by the demanding state after reviewing such record and recommendation. Upon receipt of a response to such inquiry, and in all cases at least sixty (60) days prior to the anticipated release date or the parole meeting date, such response will be forwarded to the Board.

The Board will not fix a parole date for an individual who has a detainer lodged against him without adequate notice to all parties.

Adopted July 24, 1972

7.080 ORDER OF PAROLE AND CONDITIONS. The Board's Order of Parole and Conditions shall include four standard conditions of parole, as follows:

- (1) Upon release from the institution, report as instructed to the probation and parole officer (or any other person designated) and thereafter make a correct report as often

as directed;

- (2) Secure written permission of the probation and parole officer before leaving the State of Washington;
- (3) Obey all laws, and abide by any special conditions imposed by the Board of Prison Terms and Paroles or any written instructions issued by a probation and parole officer of the Department of Social and Health Services;
- (4) Notify the parole officer of any change in residence.

Additionally, the Board may impose special conditions of parole tailored to each individual case.

Adopted July 24, 1972

END