

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

FILED  
COURT OF APPEALS  
DIVISION II

08 OCT 23 AM 11:57

STATE OF WASHINGTON  
BY [Signature]  
DEPUTY

STATE OF WASHINGTON

CAUSE NO. 38224-5-II

Respondent

STATEMENT OF ADDITIONAL

v.

GROUND FOR REVIEW

TERRY BUMP

Appellant

I, Terry Bump, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

The Washington Department of Corrections (DOC) has displayed deliberate indifference by refusing to transfer me from full custody into community placement. DOC knows that my date of conviction is November 29, 1994. However, DOC refused to approve my proposed release address at the Boylston Hotel in Seattle by stating "it's near a school, in a known drug use area and juvenile, female prostitutes roam the neighborhood".

CERTIFICATE OF SERVICE

I certify that I have

1 copy of [Signature]  
to B. Sutton, T. Weaver  
&  
10/28/08 KSC  
Date Signed

In doing so, the DOC has imposed a residency restriction on me in violation of RCW 72.09.340(3)(a) which only applies to "any offender convicted of a felony sex offense against a minor victim after June 6, 1996.....". See letter addressed to: County of Origin Governance Board.

This also violates DOC POLICY 390.600 IMPOSED CONDITIONS under Directive (I)(F) which states: "The Department may impose conditions or request conditions be imposed on eligible causes that relate to the crime of conviction, the offender's risk to reoffend, and/or the safety of the community for the purposes of risk reduction and monitoring compliance to supervision requirements".

DOC 390.600 does not apply to anyone who was convicted prior to June 6, 1996 according to Directive (I)(B) which states: "The Department may impose appropriate conditions on all offenders who commit their crimes on or after June 6, 1996, during the term of community custody supervision".

This action by DOC violates my Due Process rights. "The statutory right to earned early release credit creates a limited liberty interest requiring minimal due process." In re Person Restraint of Fogle 128 Wn2d 56, 65-66 (1995)(citing In re Anderson 112 Wn2d 546, 548, 772 P.2d 510, cert. denied, 493 U.S. 1004 (1989).

"Federal appellate courts have consistently held that conduct deliberately indifferent to the substantive due process rights of detainees violates the constitution." See, e.g. Roeka 304 F3d at 994;

Nicini v. Morra 212 F3d 798, 811 (3rd Cir 2000); Kitzman-Kelly v. Warner 203 F3d 454, 458 (7th Cir 2000); White v. Chambliss 112 F3d 731 (4th Cir 1997); Meador 902 F2d at 476; Taylor v. Ledbetter 818 F2d 791, 796 (1st Cir 1987); Doe 649 F2d at 141.

"Deliberate indifference requires both knowledge that a harm to a federally protected right is substantially likely, and a failure to act upon that....likelihood." Duvall v. County of Kitsap 260 F3d 1124, 1138 (9th Cir 2001). See also City of Canton v. Harris 489 U.S. 378, 389 (1988).

#### Additional Ground II

The second ground is a violation of Petitioner's equal protection rights by the DOC regarding the transfer of offender Phillip Schefflin to community placement at the Boylston Hotel, and then denying me the very same address. To avoid repetition here, I direct the Court's attention to the County of Origin Governance Board letter for an explanation of this civil rights violation.

#### Additional Ground III

The DOC has knowingly deprived me of my equal protection and due process rights under the U.S. Constitution, and in doing so has violated federal law. In 18 U.S.C. §242 it states: "Whoever, under color of law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation any of rights, privileges, or immunities secured or protected by the Constitution or

laws of the United States,....shall be fined not more than \$1,000 or imprisoned not more than one year, or both;....

The DOC is acting in bad faith toward me by continually refusing to assist me in locating suitable release housing. The DOC opened unit resource rooms in every living unit at this prison many months ago specifically for those offenders who are being released. The information contained in these rooms included addresses for housing, employment, medical, clothing and food, but the DOC has now closed all of these resource rooms.

I am left without any way to find a pre-approved residence. The DOC is currently making no effort to assist me and continues to claim it is my responsibility to locate a release address. See STAFFORD CREEK CORRECTION CENTER FACILITY BULLETIN dated October 17, 2008 under UNIT RESOURCE ROOMS.

I need to point out a mistake in BRIEF OF APPELLANT on page 8 at lines 5 and 6. Attorney Weaver wrote "In Mr. Bump's trial court pleadings, he constantly complained about the requirement that he show an approved living arrangement". I believe Mr. Weaver is mistaken here when he wrote "living arrangement" instead of "residence location". These are statutory phrases which are highlighted on page 4 of BRIEF OF APPELLANT. They have entirely different meanings and cannot be interchanged. This sentence should read "residence location".

In summation, I believe the only reason I have not been moved into

community placement from full confinement is because I am not subject to all of the post-June 6, 1996 laws and DOC imposed conditions. DOC has little control over me and therefore will keep me in confinement, even if it is by illegal means.

RESPECTFULLY SUBMITTED on October 21, 2008.

A handwritten signature in black ink, appearing to read "Terry Bump". The signature is fluid and cursive, with a long horizontal line extending from the top of the first letter.

Terry Bump 729567 H6A74

Stafford Creek Correction Center

191 Constantine Way

Aberdeen, WA 98520

October 15, 2008

County of Origin  
Governance Board  
7345 Linderson Way S.W.  
Tumwater, WA 98501

Dear Governance Board:

This is an appeal from a denial of my transfer from Kitsap Co. to King Co., in particular, to an address listed as the Boylston Hotel, 1517 Boylston Ave., Seattle. I submitted my release plan for this hotel earlier in 2008. CC1 Denise Cook, my DOC counselor at Stafford Creek, stated from the beginning that this was an approved address and that I could move there.

In September she stated "the Boylston is a pre-approved address of last resort", without defining what the phrase "last resort" meant. On October 8, she stated that I wasn't allowed to live there because DOC-Seattle claimed it was near a school and teen-aged juvenile prostitutes roamed the neighborhood. (My conviction on November 29, 1994 involved a minor female.)

However, this denial of the Boylston address violates RCW 72.09.340(3)(a) which states: "For any offender convicted of a felony sex offense against a minor victim after June 6, 1996, the department shall not approve a residence location if the proposed residence;

(i) Includes a minor victim or child of similar age or circumstance as a previous victim who the department determines may be put at substantial risk of harm by the offender's residence in the household; or

(ii) is within close proximity of the current residence of a minor victim, unless the whereabouts of the minor victim cannot be determined or unless such a restriction would impede family reunification efforts

ordered by the court or directed by the department of social and health services.

The department is further authorized to reject a residence location if the proposed residence is within close proximity to schools, child care centers, playgrounds, or other grounds or facilities where children of similar age or circumstance as a previous victim are present who the department determines may be put at substantial risk of harm by the sex offender's residence in that location." (CC1 Cook specifically mentioned a school and juvenile females in the neighborhood).

I advised CC1 Cook of this DOC statutory violation on October 8th. She consulted with her immediate supervisor, H-6 Custody Unit Supervisor Liza Rohrer, who stated I couldn't live there because "the Boylston was in a known drug area". My conviction didn't involve the use of drugs or alcohol abuse. (This is a new and totally different reason altogether.)

The DOC currently uses DOC POLICY 390.600 IMPOSED CONDITIONS to place various restrictions on incarcerated offenders or those on community placement/custody. On page 2 of 7 at line (B), this policy states: "The Department may impose appropriate conditions on all offenders who commit their crimes on or after June 6, 1996, during the term of community supervision.

According to the section labeled DIRECTIVE I.(F) on page 2 of 7, it states: The Department may impose conditions or request conditions be imposed on eligible causes that relate to the crime of conviction, the offender's risk to reoffend, and/or the safety of the community for the purposes of risk reduction and monitoring compliance to supervision requirements.

This policy only applies to those offenders who are eligible causes or eligible offenders whose convictions are on or after June 6, 1996. Therefore, convictions like mine, prior to this date, requires DOC to get a court order to impose any conditions, including: staying out of parks, malls, certain buildings, going to rehabilitative classes,

performing affirmative conduct, obeying all laws, allowing DOC home visits, and obeying no-contact orders, curfews or wearing the newly announced GPS tracking bracelets for the first 30 days after release.

I suggest that you closely read the Capello case because it applies to me and it shows the dividing line between the trial court's authority and that controlled by the DOC in 1994. "We hold that the DOC could not lawfully require pre-approval of residence address because the statutes in effect at the time of the offense gave the power to impose this condition only to the trial court, not the DOC. State v. Capello 106 Wn App 576 (2001)

Any new imposed conditions would require my personal appearance in the trial court having proper jurisdiction over my case, which is the Kitsap Co. Superior Court. See Judgment and Sentence No. 94-1-00730-9, pg. 3.

When I read this policy, the phrases "eligible causes and eligible offenders" were without definition. I checked the DOC policy glossary, but these words were not defined there. I sent an OFFENDER'S KITE to CUS Rohrer asking her for an explanation of these phrases. On Department of Corrections stationary dated 09/19/08, she responded by stating:

Page 2 of 7 "Eligible Causes" refers to those causes that the Department of Corrections has jurisdiction to impose the condition.

- 1) All sex offenders who commit their crimes on or after June 6, 1996.
- 2) All offenders who commit their crimes after June 6, 1996 during the period of community custody.
- 3) All offenders sentenced to a term of community custody for a crime committed on or after July 1, 2000.
- 4) All offenders who have transferred to Washington from an out of state supervision contract.

Page 3 of 7 and Page 4 of 7, "Eligible Offenders", means those offenders that fall under the jurisdiction of the Department of Corrections and who have been sentenced under an eligible cause listed above.

Her definition of these phrases is consistent with RCW 72.09.340(3)(a)

and that means I am not and cannot be considered an "eligible cause or eligible offender" for the purposes of any DOC imposed conditions. CUS Rohrer, an official with the DOC and part of the Re-entry Intensive Transition team (DOC POLICY 350.200) assigned to oversee my release from custody, signed this government document and it is in my possession.

Therefore, DOC-Seattle, without the trial court's authority, has silently imposed a "residency ban" on my Boylston address. This constitutes a clear violation of RCW 72.09.340(3)(a) and DOC POLICIES 350.200 and DOC 390.600.

I do not have a "residence location" requirement on my judgment and sentence, but the DOC is refusing to obey that. I was sentenced under RCW 9.94A.120(8)(b)(vi) which states: "The residence location and living arrangements are subject to the prior approval of the Department of Corrections during the period of community placement." A residence location and living arrangements are two separate things. On my Judgment and Sentence No. 94-1-00730-9 pg. 8 at section 9 it states: "Obtain the prior approval of the Department of Corrections regarding the LIVING ARRANGEMENTS if defendant is a sex offender". See MOTION TO CLARIFY JUDGMENT AND SENTENCE.

I filed the above motion in the Kitsap Co. Superior Court, it was transferred to the Washington Court of Appeals Div. II, who appointed attorney Thomas Weaver of Bremerton to represent me. The Cause No. is 38224-5-II. Either the trial court or the appellate court will decide whether I need a pre-approved address prior to release.

I believe the DOC is illegally denying my access to my earned release date because DOC is intent on forcing me to serve the entire 232 month sentence in prison.

#### EARNED RELEASE

"An inmate's interest in his earned early release credits is a limited, but protected liberty interest. Likewise, the Department's compliance with requirements of statutes affecting his release is a protected

liberty interest." In re Personal Restraint of Dutcher 114 Wn App 755 (2002).

"A decision by the department that, in essence, deprives an inmate of earned early release into community custody is an unlawful restraint, subject to review by this court in a personal restraint petition." Dutcher 114 Wn App at 758.

"A practice of institutionalized delay, though it may appear superficially sensible and administratively efficient, is actually at odds with both public safety and the purpose of earned early release." Dutcher 114 Wn App at 764.

"The community custody system was designed in part to help an offender become established in the community and minimize his risk to reoffend." Dutcher 114 Wn App at 765.

I have discovered that sex offenders can live at the Boylston. A case in point is Philip Schefflin, DOC No. 809592, who currently is at Stafford Creek in H6A-029, just downstairs from me. We were both convicted by Alford plea to similar charges. He is being released to the Boylston Hotel on October 21, 2008. He is under the Community Custody Board, I am not. He is from Thurston Co., I'm from Kitsap Co. He is also subject to all of the newer laws enacted since the legislature revised the Sentence Reform Act on June 6, 1996. I am not.

Some questions arise here. Why is Schefflin, a sex offender, being allowed to "live near a school, in a known drug use area, inhabited by juvenile, female prostitutes", but I am not approved for this address? Wouldn't RCW 72.09.340(3)(a) apply to Schefflin due to the fact he was convicted after June 6, 1996? IF this statute applies to him (it does) and isn't used to keep him out of the Boylston, but at the same time it does not apply to me, but is used to prevent me from living there, then DOC is using a double-standard of community placement.

This is punitive, discriminatory and illegal. Schefflin will be living

at the Boylston with Miranda Pingatore, another sex offender who was just removed from community placement. DOC placed Pingatore at the Curben Hotel, 1716 Summit Ave., (in September 2007) just two blocks west of the Boylston. This is in the same general area as the "school, the known drug area and the juvenile, female prostitutes who roam the streets".

The DOC has clearly established a precedent of allowing sex offenders to live in the Capitol Hill area of Seattle, even at the Boylston Hotel. This brings up the issue of equal protection as it applies to Schefflin and myself, since we have very similar cases, but very different dates of conviction.

#### EQUAL PROTECTION

The equal protection clause of the 14th Amendment and the Washington Constitution, art. 1, sec. 12, require that persons similarly situated receive like treatment under the law. State v. Scheaf 109 Wn2d 1 (1987); State v. Riles 85 Wn2d 10 (1997).

Denial of equal protection under the laws results when state officials enforce the law with "an evil eye and an unequal hand..." Yick Yo v. Hopkins 118 U.S. 356 (1886); Harman v. McNutt 91 Wn2d 126 (1978).

A valid law, administered in a manner that unjustly discriminates between similarly situated persons, violates equal protection. State v. Hendley 115 Wn2d 275 (1990).

It appears that since DOC has much less control over me, I can't live on Capitol Hill at the Boylston. But what is to stop DOC from denying me a residence anywhere based on the fact of lesser control? I've already watched it happen in Kitsap Co. when CUS Shanshen (formerly CUS from H-6) told me I couldn't live at the Chieftain Motel in Bremerton due to families in the neighborhood. But the DOC placed a homeless offender there just months before because it was on the T.V. news. I am not legally restricted from living near families according to RCW 72.09.340(3)(a). Nothing is being done by Stafford Creek or CUS Rohrer

to develop a new release plan for me as is required by DOC POLICY 350.200 Directive I D.(1) and II (A).

In closing, I want to point out a discrepancy in DOC POLICY 380.600, IN-STATE TRANSFERS FOR COMMUNITY OFFENDERS. It states on page 5 of 5 in attachment 1 that in the event of an appeal, the Governance Board will make the final decision. This is not correct. The Department of Corrections is an officer of the court and it appears at this time that it will be the court, not DOC, who will make the final decision in this dispute.

RESPECTFULLY SUBMITTED,



Terry Bump 729567 HPA74

Stafford Creek Correction Center  
191 Constantine Way  
Aberdeen, WA 98520



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS  
**STAFFORD CREEK CORRECTIONS CENTER**  
191 Constantine Way, MS WA-39 - Aberdeen, Washington 98520

October 17, 2008

TO: ~~Offenders~~ & Staff of Stafford Creek Corrections Center  
FROM: Pat Glebe, Superintendent  
SUBJECT: FACILITY BULLETIN

**POLICY:**

The following policies, Operational Memorandums and their attachments, are available for viewing in the Law Library and Washington State Library:

|              |                             |
|--------------|-----------------------------|
| DOC 700.000  | Work Programs for Offenders |
| SCCC 540.255 | Television Rental Program   |
| SCCC 420.310 | Searches of Offenders       |

**HOLIDAY FOOD PACKAGES:**

Stafford Creek has decided to go with Access Secure Pak (O'Keefe) Company again this year for the holiday food packages. Please note that the price list provided to the unit liaisons was incorrect as provided by the company. The list will be provided when available. Due to the increases, the maximum order is raised to 125.00 from the previous 100 limit. We are in the process of getting the order forms, and catalogs and will have a schedule drafted up soon regarding the dates and more information. Watch the bulletin for this information.

**FAMILY TRANSPORTATION ASSISTANCE:**

Family Transportation Assistance (\$25.00 gas card assistance to those families who meet criteria): Watch for the flyer that will be posted in the units by Wednesday, October 22, 2008.

**WINTER HOLIDAY CELEBRATION:**

This years Winter Holiday Celebration will be held December 5, 6, 7<sup>th</sup>. Friday, December 5<sup>th</sup> is designated for Adults only (no kids will be allowed in visitation); whereas Saturday and Sunday are designated as children events (must have children to attend). Information and applications will be posted in your units October 27<sup>th</sup> through November 3<sup>rd</sup>. You must be 6 months infraction free to apply, and will be required to write a small essay on what participating in this event means to you and your family. Unfortunately, we cannot promise that every qualifying applicant will be approved to attend; so in the event we have to minimize the list, a lottery type drawing will determine attendees.

**VIDEO GREETING:**

A 15 minute DVD recorded message from you to your family! Watch for flyer and applications that will be posted in units by Wednesday, October 22, 2008. You must be 6 months infraction free to apply.

**UNIT RESOURCE ROOMS:**

The resource rooms in the units will be closed starting today for an indefinite period of time as the servers providing information are outdated. When a new Employment Security staff member is available we will update this information and work on getting the resource rooms operating again.



STATE OF WASHINGTON

**DEPARTMENT OF CORRECTIONS**  
**OFFICE OF CORRECTIONAL OPERATIONS**  
**STAFFORD CREEK CORRECTIONS CENTER**

191 Constantine Way • MS: WA-39 • Aberdeen, Washington 98520 • (360) 537-1800  
FAX (360) 537-1807

March 10, 2008

TO: Terry Bump, DOC #729567  
H-6 A74

FROM:   
Dan Pacholke, Superintendent

**SUBJECT: Correspondence Dated February 25, 2008**

I am in receipt of your correspondence dated February 25, 2008. In your letter you indicate that you are eligible for a ten day early release and in your Judgment and Sentence No. 94-1-00730-9 it does not state that you must have a pre-approved address in order to be released. However, the H-6 CUS and your counselor indicate that you do need a pre-approved address. You ask that I look into this matter.

Mr. Bump, per RCW 9.94A.700 2 (a): "The court shall sentence the offender to a term of community placement of two years or up to the period of earned early release awarded to pursuant to RCW 9.94A.728, whichever is longer for: (a) An offense categorizes as a sex offense committed on or after July 1, 1990, but before June 6, 1996, included in other offense categories;" Per RCW 9.94A.700 4 (e): "Unless a condition is waived by the court, the terms under this section shall include the following conditions: (e) The residence location and living arrangements shall be subject to the prior approval of the Department during the period of community placement."

The date of your crimes were January 1, 1994 and on page 8, paragraph 9 of your Judgment and Sentence, it specifically orders that you must obtain prior approval of the Department of Corrections regarding the living arrangements if defendant is a sex offender. As this condition was not waived by the Court, you must receive an approved address prior to release.

DP:cpm:Supt-548

cc: CUS Shanahan  
Counselor Tully  
Central File  
File

*"Working Together for SAFE Communities"*



STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
P.O. Box 41100 • Olympia, Washington 98504-1100

March 26, 2008

Terry Bump, DOC 729567  
Stafford Creek Corrections Center  
191 Constantine Way H6A74  
Aberdeen, WA 98520

Dear Mr. Bump:

I have been asked to respond to your recent letter addressed to Secretary Vail, Department of Corrections. Your letter claims that you do not need to have an approved release address and that CCO Nelson needs to help you find an apartment.

Unlike other offenders sentenced under the Sentencing Reform Act of 1981, drug offenders, sex offenders, and violent offenders are excluded from general release for earned time. In re Crowder, 97 Wn. App. 598, 600, 985 P.2d 944 (1999). Instead, they must serve a period of community custody "in lieu of earned release time." Id. The pre-approved address requirement has been a mandatory court-imposed condition of supervision for all offenders since June 11, 1992. See Laws of 1992, ch. 75, sec. 2; see also RCW 9.94A.715(2)(a); RCW 9.94A.700(4)(e) ("The residence location and living arrangements shall be subject to the prior approval of the department during the period of community placement"). Hence, since 1992, trial courts imposing community custody have been required to impose the pre-approved address requirement.

Also, since that time, DOC has had the authority to require a pre-approved address. See RCW 9.94A.715(2)(a) ("A person convicted of a sex offense ... committed before July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time"). Finally, since 2002, DOC has a statutory mandate to require pre-approval. See RCW 9.94A.728(2)(c). *SEE RCW 9.94A.728(2)(c)*

Your J&S has not waived the pre-approved address requirement, either explicitly or implicitly. Please work with your counselor to assist you in submitting a possible release address.

Sincerely,

R. Morgan  
Prison Administrator

RM:rem:SEC 4053

cc Eldon Vail, Secretary  
Dan Pacholke, Superintendent  
Offender's Central File

**"Working Together for SAFE Communities"**



STATE OF WASHINGTON  
DEPARTMENT OF  
CORRECTIONS

**OFFENDER'S KITE  
PAPELETA DE PETICION DEL RECLUSO**

|  |                            |              |
|--|----------------------------|--------------|
| OFFENDER NAME (PRINT) NOMBRE DEL RECLUSO (LETRA DE MOLDE)                  |                            |              |
| TERRY BUIMP  |                            |              |
| DOC NUMBER / NUMERO DOC  | UNIT, CELL / UNIDAD, CELDA | DATE / FECHA |
| 729567   | H6A74                      | 06/18/08     |
| DESIRE INTERVIEW WITH OR ANSWER FROM / DESEA ENTREVISTA CON O RESPUESTA DE |                            |              |
| SUPERINTENDENT PATRICK GLEBE   |                            |              |

Interpreter needed for \_\_\_\_\_ (language).  
Necesito intérprete para \_\_\_\_\_ (idioma).

REASON/QUESTION  
RAZON/PREGUNTA

My ERD was MARCH 30, 2008. CUS SHANAHAN HAS REFUSED TO SEND my PROPOSED RELEASE PLAN TO THE NEXT LEVEL. I NEED TO CHANGE FROM KITSAP TO KING Co. My ADDRESS would be THE CURBEN HOTEL 1726 SUMMIT AVE SEATTLE. SHANAHAN SAID KING Co. would NOT ACCEPT ME AND I could NOT LIVE AT A HOTEL. DOC Policy 380.600 Attachment 2 REQUIRES SHANAHAN TO SEND my plan TO THE NEXT LEVEL.

SIGNATURE/FIRMA

DAYS OFF/DIAS LIBRES

Terry Buimp

RESPONSE  
RESPUESTA

FORMER S.C.C.C INMATE MIRANDA PINGATORE LIVES AT THE CURBEN. FIRMATE TORREY WASHINGTON, H-4, COUNSELOR WRIGHT, IS CHANGING FROM KITSAP TO KING Co. Find out why SHANAHAN has stopped my RELEASE PLAN. Please see attached response

Thank you

RECEIVED

RESPONDER/PERSONA QUE RESPONDE

DATE/FECHA

CP for Smith

JUN 24 2008

Distribution: WHITE/YELLOW-Responder, YELLOW-Return to Offender with...  
Distribución: BLANCA/AMARILLA-Persona que responde, AMARILLA-Devolución al recluso  
DOC 21-473 E/S (11/26/07)

TAFFORD CREEK CORR CTR  
SUPERINTENDENT'S OFFICE



STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
**OFFICE OF CORRECTIONAL OPERATIONS**  
**STAFFORD CREEK CORRECTIONS CENTER**

191 Constantine Way • MS: WA-39 • Aberdeen, Washington 98520 • (360) 537-1800  
FAX (360) 537-1807

July 1, 2008

**TO:** Terry Bump, DOC #729567  
H6-074U

**FROM:** Michael L. Kenney, Superintendent 

**SUBJECT:** Correspondence Dated June 18, 2008

I have received your correspondence dated June 18, 2008. After reviewing your correspondence I have talked with your assigned Classification Counselor, Denise Cook. She has informed me that she has explained to you that to be released out of your county of origin, you must first exhaust all of your resources in your county of origin, which is Kitsap.

If you have any questions, please continue to work with your assigned Classification Counselor who is in the best position to assist you.

MK:cp:ev

cc: Counselor D. Cook  
CPM May  
Central File  
File

***"Working Together for SAFE Communities"***



STATE OF WASHINGTON  
DEPARTMENT OF  
CORRECTIONS

**OFFENDER'S KITE**

**PAPELETA DE PETICION DEL RECLUSO**

|  |                            |                 |
|--|----------------------------|-----------------|
| OFFENDER NAME (PRINT) NOMBRE DEL RECLUSO (LETRA DE MOLDE)                  |                            |                 |
| <i>TERRY Bump</i>  |                            |                 |
| DOC NUMBER / NUMERO DOC  | UNIT, CELL / UNIDAD, CELDA | DATE / FECHA    |
| <i>729567</i>  | <i>H6A74</i>               | <i>09/15/08</i> |
| DESIRE INTERVIEW WITH OR ANSWER FROM / DESEA ENTREVISTA CON O RESPUESTA DE |                            |                 |
| <i>CUSTODY Unit SUPERVISOR ROHRER (H-6)</i>                                |                            |                 |

Interpreter needed for \_\_\_\_\_ (language).

**REASON/QUESTION** Necesito intérprete para \_\_\_\_\_ (idioma).  
**RAZON/PREGUNTA**

*Please define the following phrases  
as found in Doc Policy 390.0600  
'Imposed Conditions'*

*Page 2 of 7 - I.F. "ELIGIBLE CAUSES"*

*Page 3 of 7 - I.F.6. "ELIGIBLE OFFENDERS"*

*Page 4 of 7 - I.F.10. "ELIGIBLE OFFENDERS"*

|                 |                      |
|-----------------|----------------------|
| SIGNATURE/FIRMA | DAYS OFF/DIAS LIBRES |
| <i>T. Bump</i>  |                      |

**RESPONSE**  
**RESPUESTA**

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|                                |            |
|--------------------------------|------------|
| RESPONDER/PERSONA QUE RESPONDE | DATE/FECHA |
|                                |            |

Distribution: **WHITE/YELLOW**-Responder, **YELLOW**-Return to Offender with Response, **PINK**-Offender keeps  
Distribución: **BLANCA/AMARILLA**-Persona que responde, **AMARILLA**-Devuelva al recluso con respuesta, **ROSA**-Se le queda al recluso  
DOC 21-473 E/S (11/26/07)



**STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS  
MEMORANDUM**

**STAFFORD CREEK CORRECTIONS CENTER**

191 Constantine Way • MS: WA-39 • Aberdeen, Washington 98520 • (360) 537-1800  
Fax (360) 537-1807.

TO: Bump, Terry # 729567  
FROM: Liza Rohrer, CUS  
DATE: 09/19/08  
SUBJECT: Correspondence Dated 09/15/08

I am in receipt of your kite requesting a definition to some terms used in DOC policy 390.600 Imposed Conditions.

Page 2 of 7 "Eligible Causes" refers those causes that the Department of Corrections has jurisdiction to impose the condition.

- 1) All sex offenders who commit their crimes on or after June 6, 1996.
- 2) All offenders who commit their crimes after June 6, 1996 during the period of community custody.
- 3) All offenders sentenced to a term of community custody for a crime committed on or after July 1, 2000.
- 4) All offenders who have transferred to Washington from an out of state supervision contract.

Page 3 of 7 and Page 4 of 7, "Eligible Offenders", means those offenders that fall under the jurisdiction of the Department of Corrections and who have been sentenced under an eligible cause listed above.

The definitions used above are my interpretation of the Imposed Conditions policy and may not reflect the Department of Corrections intent. If you have a specific question pertaining to the policy, please see me at my open door.

Liza Rohrer, CUS



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY  
**PRISON/WORK RELEASE/FIELD**  
OFFENDER/SPANISH MANUALS

REVISION DATE  
7/9/07

PAGE NUMBER  
1 of 7

NUMBER  
**DOC 390.600**

**POLICY**

TITLE  
**IMPOSED CONDITIONS**

**REVIEW/REVISION HISTORY:**

Effective: 10/36/96  
Revised: 1/18/00  
Revised: 7/1/00  
Revised: 6/8/01  
Revised: 2/21/03  
Revised: 4/22/04  
Revised: 9/19/05  
Revised: 7/9/07

**SUMMARY OF REVISION/REVIEW:**

Major changes. Read carefully.

**APPROVED:**

**HAROLD W. CLARKE**, Secretary  
Department of Corrections

5/25/07  
Date Signed



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY  
**PRISON/WORK RELEASE/FIELD**  
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**DOC 390.600**

**POLICY**

TITLE  
**IMPOSED CONDITIONS**

**REFERENCES:**

DOC 100.100 is hereby incorporated into this policy; RCW 9.94; RCW 9.94A.712; DOC 320.155 Violation Process/Violations of Conditions; DOC 380.240 Field Contacts; DOC 380.605 Interstate Compact; DOC 450.050 Prohibited Contact

**POLICY:**

- I. The Department may not impose conditions that contravene or decrease the court's imposed conditions.
- II. All conditions imposed by the Department, with the exception of emergency conditions, will remain in effect and enforceable while the offender is under the jurisdiction of the Department or until the Department or the court removes the condition(s).

**DIRECTIVE:**

- I. Department of Corrections Jurisdiction
  - A. The Department may impose appropriate conditions on incarcerated sex offenders who commit their crimes on or after June 6, 1996, to protect the victim(s) and any potential victim(s).
  - B. The Department may impose appropriate conditions on all offenders who commit their crimes on or after June 6, 1996, during the term of community custody supervision.
  - C. The Department may impose appropriate conditions on offenders sentenced to terms of community custody for crimes committed on or after July 1, 2000.
  - D. For offenders sentenced to terms of community custody for crimes committed on or after July 1, 2000, the Department may require the offender to participate in rehabilitative programs or otherwise perform affirmative conduct and to obey all laws, whether the offender resides in a facility or in the community.
  - E. The Department may impose appropriate conditions on offenders From Out of State (FOS) who have been transferred to Washington through Interstate Compact during the term of supervision, regardless of date of offense. The Headquarters Interstate Compact Office will be notified of conditions per DOC 380.605 Interstate Compact.
  - F. The Department may impose conditions or request conditions be imposed on eligible causes that relate to the crime of conviction, the offender's risk to re-offend, and/or the safety of the community for purposes of risk reduction and monitoring compliance to supervision requirements.



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### **IMPOSED CONDITIONS**

1. When sex offender release plans are denied for inappropriateness of the residence due to the presence of the victim(s) or victim-age children, and the offender remains in confinement until the maximum expiration date of the sentence, the Counselor/Community Corrections Officer (CCO) will, prior to release, impose the condition restricting the offender from residing in any residence that was denied unless the circumstances that resulted in the denial have changed. Any change to the circumstances must be verified and documented. This does not apply to offenders releasing to the jurisdiction of the Indeterminate Sentence Review Board (ISRB).
2. For all sex offenders who committed their crimes on or after June 6, 1996, with minor children as victims, a no contact condition prohibiting contact with minors will be imposed if one was not ordered by the court, unless the CCO deems otherwise. CCOs will consult with Child Protective Services before determining a no contact condition is appropriate per DOC 450.050 Prohibited Contact.
3. Conditions imposed during confinement will remain in effect and enforceable upon release unless the supervising CCO determines that the conditions are not warranted or the cause is under the jurisdiction of the ISRB.
  - a. Supervisor approval is required to end a Department condition imposed during confinement.
  - b. The offender will be notified the condition is no longer in effect.
  - c. Update Offender Based Tracking System (OBTS) DT90 with condition end date.
4. Imposed conditions will generally be limited to Risk Management (RM)-A and RM-B cases and require Correctional Program Manager or Community Corrections Supervisor approval.
5. Imposed conditions for RM-C offenders in the community require Field Administrator approval.
6. The condition to obey all laws will be imposed on all eligible offenders and does not require prior supervisory approval.
7. Other than obey all laws, the Department will not impose conditions on RM-D offenders.

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8. If an offender is reclassified by an override to RM-D, any previously imposed conditions will remain in effect.
9. If an offender is reassessed to RM-D classification, any Department imposed conditions will no longer remain in effect. This will be documented by entering an end date on OBTS DT90.
10. CCOs may impose home visit conditions for eligible offenders to monitor compliance with specific conditions of supervision and to develop relationships that encourage compliance of supervision.
  - a. The home visit condition will read, "Must consent to allow Department home visits to monitor compliance with supervision. Home visits include access for purposes of visual inspection of all areas of residence, in which the offender lives or has exclusive or joint control/access."
  - b. A home visit condition will generally be limited to RM-A and RM-B offenders.
  - c. Home visits must be conducted in compliance with DOC 380.240 Field Contacts.
- G. Investigations (i.e., Community Release Referral (CRR), FOS, Interstate Transfer, Warrants, etc.) do not require that a home visit condition be imposed prior to actions being taken on the investigation.
- H. Process for imposing Department conditions:
  1. The Counselor/CCO will:
    - a. Identify the condition to be imposed.
    - b. Obtain approval from the Correctional Program Manager or Community Corrections Supervisor.
    - c. Enter the conditions on OBTS DT90 as a Department imposed condition with a scheduled end date.
    - d. Notify the offender the condition is being imposed. Obtain the offender's signature on a printout of the Offender Accountability Plan (OAP) or OBTS DT90 that includes the imposed conditions, and provide the offender with a copy of the signed document. If the offender refuses to sign, staff will witness and document the refusal.

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- e. Update the Offender Accountability Plan.
2. By the close of the next business day after receiving notice of a condition imposed or modified by the Department, an offender may request an administrative review. The request for review will be forwarded to the Superintendent/Field Administrator or designee.
  - a. Unless under the jurisdiction of the ISRB, or the condition was ordered by the court, the condition(s) will remain in effect unless the Superintendent/Field Administrator or designee finds that it is not reasonably related to the crime of conviction, the offender's risk of re-offending, or the safety of the community.
3. Offenders may be violated for failing to comply with a Department imposed condition in accordance with 320.155 Violation Process/ Violations of Conditions.

## II. Indeterminate Sentence Review Board (ISRB) Jurisdiction

- A. The Department may impose emergency conditions on offenders released to the community on parole supervision and/or community custody board (crimes committed on or after September 1, 2001) who are under the jurisdiction of the ISRB, in order to intervene in offender's crime related behavior, or if an emergency exists requiring the immediate imposition of conditions of supervision.
- B. Process for imposing emergency conditions
  1. CCOs will:
    - a. Identify the emergency condition to be imposed.
    - b. Obtain approval from the Community Corrections Supervisor or designee.
    - c. Enter the conditions on OBTS DT90 as an emergency condition with a 7-working-day end date.
    - d. Obtain the offender's signature on a printout of the OBTS DT90 that includes the emergency imposed conditions, and provide the offender with a copy of the signed document. If the offender refuses to sign, staff will witness and document the refusal.
      - 1) Conditions will take effect immediately upon personally serving the offender with the conditions, but will not remain

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in effect longer than 7 working days unless approved by the ISRB.

- e. Fax the signed document to the ISRB.
- f. Update OBTS DT90 with ISRB decision.
  - 1) Enter "DOC/BRD DY" to indicate the request for the emergency condition(s) denied by the ISRB and notify the offender the condition is no longer in effect.
  - 2) Enter "DOC/BRD AP" to indicate the request for an emergency conditions was approved by the ISRB and obtain the offender's signature on the ISRB addendum.
  - 3) Forward a copy of the signed addendum to the ISRB and Regional Correctional Records Manager.
- g. Update the Offender Accountability Plan.

### III. Court Jurisdiction

- A. The Department may request the court to impose risk related conditions on offenders who have gross/misdemeanor causes sentenced in superior court and are ordered to be under the jurisdiction of the Department.
  - 1. The Department will not request the court to impose a home visit condition or request the court to modify an existing home visit condition.
- B. Process for requesting court-imposed conditions:
  - 1. The CCO will submit DOC 09-061 Court - Special Imposed Conditions, or local version, and attach DOC 09-041 Order - Modifying Conditions of Sentencing.
  - 2. The Regional Correctional Records Manager will enter court-imposed conditions on OBTS DT90.

### IV. Process for Extending Conditions

- A. The court may impose and enforce an order extending any or all of the conditions imposed at any time prior to the completion of a sex offender's term of community custody if the court finds that public safety would be enhanced.
  - 1. CCOs will:

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- a. Submit DOC 09-259 Court - Special & Order Extending Conditions to the sentencing court at least 90 days prior to the termination of the community custody term. Under no circumstances will CCOs make a recommendation for supervision to extend past the term of community custody.
- b. In cases where the court has extended conditions, CCOs will inform:
  - 1) The offender that the extended conditions are in effect and enforceable up to the statutory maximum term for the crime,
  - 2) Local law enforcement agencies, in all cases where conditions have been extended beyond the term of community custody, and
  - 3) Child Protective Services that the court has extended conditions and the Department no longer has jurisdiction if there are minor victims involved.

**DEFINITIONS:**

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Community Custody. Other words/terms appearing in this policy may also be defined in the glossary.

**ATTACHMENTS:**

None

**DOC FORMS:**

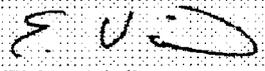
- DOC 09-041 Order - Modifying Conditions of Sentence
- DOC 09-061 Court - Special Imposed Conditions
- DOC 09-259 Court - Special & Order Extending Conditions

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STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS  
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**ADMINISTRATIVE BULLETIN AB-08-006**

**DATE:** March 24, 2008  
**TO:** Executive Staff  
  
**FROM:** Eldon Vail  
Secretary  
**RE:** DOC 390.600 Imposed Conditions

AB 07-030 is being rescinded.

I.F.2.a. is being added and should state the following, The CCO may impose a more restrictive visitation and overnight stay condition based upon knowledge of the offender's offense cycle and risk to the community. In granting or denying permission, the CCO will consider factors to include:

- 1) Location to be visited,
- 2) Occupants of the residence/location,
- 3) Length of time that the offender has been on supervision,
- 4) Progress in sex offender treatment,
- 5) Compliance with supervision conditions, and
- 6) Offender's overall adjustment to supervision.

If you have any questions about this change, please contact Donna Cayer, Field Supervision Administrator.

EV:

cc: Kerry Arlow, Policy Program Manager

Tommy Brumby 729567 #6074  
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