

NO. 80834-1

SUPREME COURT OF THE STATE OF WASHINGTON

In Re The Personal Restraint Petition Of:

JAY PULLMAN,

Petitioner,

**SUPPLEMENTAL BRIEF OF RESPONDENT
DEPARTMENT OF CORRECTIONS**

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I. INTRODUCTION

Mr. Pullman received four major infractions, and as a result, the Department of Corrections (DOC) reassessed his risk score. This resulted in his losing eligibility for earning early release credits at a rate of 50 percent of the prison sentence under RCW 9.94A.728(1)(b). Division One in *In re Adams*, 132 Wn. App. 640, 134 P.3d 1176 (2006), *as amended on denial of reconsideration*, held that minimal due process applies to the DOC's decision to change a risk assessment score and alter the eligibility for 50 percent time. After unsuccessfully challenging the risk score change administratively, Mr. Pullman filed a personal restraint petition based on *In re Adams*, which Division One dismissed.

The DOC notified Mr. Pullman both in person and in writing of the specific reasons for removing his eligibility for 50 percent time, and it notified him of his right to review and challenge any inaccuracies in the documents used. Therefore, the DOC complied with the due process requirements of *In re Adams*. Furthermore, Mr. Pullman does not show any harm or prejudice from the procedures applied to him.

II. BASIS OF CUSTODY

Mr. Pullman is currently housed at the McNeil Island Corrections Center under two consecutive sentences, King County Cause No. 01-1-08905-2 SEA and King County Cause No. 04-1-10110-3 SEA. The

sentences were originally under the Drug Offender Sentencing Alternative (DOSA). While still in prison, the DOC revoked Mr. Pullman's DOSAs. His current possible early release date is July 1, 2010. His sentence maximum expiration date is August 10, 2011.

III. STATEMENT OF THE CASE

1. ESSB 5990 and Earned Early Release Time

Washington law has long provided that prison sentences are subject to reduction for earned release time credits "in accordance with procedures that shall be developed and promulgated by" the DOC. RCW 9.94A.728(1)(2007). Prior to 2003, offenders committed to the DOC who were eligible for earned release time and who were convicted of a serious violent offense or a class A felony sex offense could receive a maximum of 15 percent earned release time. All other offenders were eligible for a maximum of 33 percent earned release time.

In 2003 the Legislature enacted Engrossed Substitute Senate Bill 5990. *See* Laws of 2003, ch. 376, § 2 (codified at RCW 9.94A.728(1)(b)), which among other things increased the maximum amount of earned release credits an inmate could receive from one-third of the total sentence

to 50 percent.¹ There are two eligibility criteria for the increased earned release credits under ESSB 5990, one based on the offender's criminal history (crime of conviction and prior offenses) and the other based upon his risk of reoffense. First, the ESSB 5990 changes do not apply to any offender with a current or prior conviction for a sex offense, violent offense, crime against persons, or a few other disqualifying offenses. RCW 9.94A.728(1).

The second eligibility criterion for 50 percent earned release time is an individualized one based on the offender's risk of reoffense. ESSB 5990 requires DOC to perform a risk assessment² on all inmates whose criminal history does not include any of the disqualifying crimes listed above. RCW 9.94A.728(1)(b)(iii).

2. The DOC's Risk Assessments

DOC risk assessments classify offenders into one of four risk management classifications, from highest to lowest risk. RCW 9.94A.728(1)(b)(iii); RCW 9.94A.501. Offenders who are classified in the two highest risk management (RM) levels ("RMA" and "RMB") are not

¹ Another key feature of ESSB 5990 was that certain eligible low risk offenders will not be supervised even if the judgment imposed a supervision term. *See* RCW 9.94A.501(3).

² "Risk assessment" means the application of an objective instrument supported by research The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations." RCW 9.94A.030(39) (2007).

eligible to earn early release time at the 50 percent rate. RCW 9.94A.728(1)(b)(ii)(B). Offenders in the two lower risk categories (RMC and RMD) are qualified to earn up to 50 percent earned release time unless their criminal history includes any of the disqualifying crimes above. RCW 9.94A.728(1)(b)(ii)(A). The increase to a maximum of 50 percent earned release time was effective July 1, 2003, and it will expire July 1, 2010. RCW 9.94A.728(1)(b).

The DOC had been using a classification system of one form or another to administer its prisons long before passage of ESSB 5990. *See* Appendix 1, former DOC Policy 300.380, Classification – Custody Level (effective 1993); Appendix 2, former DOC Policy Directive 300.380, Classification (effective 2004); Appendix 3, DOC Policy Directive 300.380, Classification and Plan Review (revised 2008); Appendix 4, former DOC Policy Directive 320.410, Offender Risk Management (effective 2002), at Directives II - V. The classification system is fundamental to prison administration. Among other things, it sets the restrictiveness level of an offender's in-prison custody, and it tells the DOC what treatment or education programs to put the offender through. *See e.g.*, Appendix 3, at Policies I & II & Guideline V; Appendix 5, DOC Policy Directive 320.400 (effective 2007), at Policy I. In addition, the classification system has long been a fundamental part of DOC's

supervision of offenders in the community. RCW 9.94A.715(2)(b) (“The department shall assess the offender's risk of reoffense and may establish and modify additional conditions”); Appendix 3, at Directives VII, VIII, & IX.

3. The DOC’s Risk Assessment Procedures

The DOC conducts risk assessments on all offenders either at the time of sentencing or within 30 days of their arrival at the DOC. Appendix 5, at Directives I.A.1 & I.B. The DOC also reassesses risk levels at regular intervals, and under the following circumstances: (1) if staff find inaccuracies in the offender’s latest risk assessment during the required review that occurs upon arrival at a new facility; (2) if new or additional conviction or behavioral information is discovered; and (3) when an event occurs that demonstrates an increase in risk-related behaviors, including infractions. *Id.*, at Directive II.A (Prison Reassessments). Hence, an offender’s risk level is always subject to change.

The DOC assesses risk using a risk management tool called Level of Service Inventory-Revised (LSI-R). Appendix 5, at 2. The LSI-R assesses an offender’s potential risk of re-offense, determines intervention targets, and measures offender change. *Id.* at 2. The LSI-R contains a list of questions that a DOC classification counselor must ask of every

offender during a risk assessment. The counselor also must verify the accuracy of the offender's answers with documents in the record. *Id.*, at Directive III.

Based on both the offender's answers and the documentation, the counselor assigns points to each risk factor, which results in a score for that offender. *Id.*³ A higher score indicates a risk of recidivism or danger to the community or to past or potential victims. The counselor then gives the offender a risk management classification level based in part on the LSI-R score. Appendix 6, Risk Management Identification Criteria.

4. The DOC's Implementation of ESSB 5990

The DOC implemented the relevant provisions of RCW 9.94A.728(1) by promulgating DOC Policy 320.400, titled "Risk Assessment Process." *See* Appendix 5. That policy prescribes the use of the LSI-R as DOC's primary, standardized instrument for assessing offender needs and risks of reoffense, and the Risk Management Identification (RMI) criteria.

³ "The LSI-R/RMI risk assessments will be based on behaviors and circumstances that occurred in the community prior to incarceration and any behaviors that occurred during confinement, past and present, that demonstrate increased risk." Appendix 5, at Directive I.B.5.

5. Pullman's Commitment to the DOC and Risk Assessment/Reassessments

A jury convicted Mr. Pullman of delivery of cocaine, possession of cocaine, and bail jumping. Appendix 7, 2001 Judgment and Sentence. The superior court originally imposed a DOSA sentence of 37.5 months of confinement and an equal period of community custody. *Id.* at 4. Mr. Pullman began his confinement at DOC on March 16, 2004. Appendix 8, Legal Face Sheet, at 2, lower left (“03/16/04 NEW COMMITMENT”). On March 30, 2004, the DOC completed his initial classification review. *Id.*, at 5, middle (“03/30/2004 41 INITIAL”).⁴ The DOC had not conducted a 5990 review at this point, however.

Another jury subsequently convicted Mr. Pullman of possession with intent to deliver. Appendix 9, 2004 Judgment and Sentence. The superior court imposed a DOSA sentence of 20 months of confinement (to run consecutively to the 2001 cause) followed by 20 months of community custody. *Id.* at 4.

In December 2004, the DOC revised its classification policy. Appendix 2. On February 24, 2005, staff completed Mr. Pullman's facility plan, which included review for 5990 eligibility. Appendix 10, Facility Plan dated 02/24/05. The plan listed an LSI-R score of 40 and a

⁴ The score listed (41) is not an LSI-R score. It is a custody level score. *See* Appendix 3, at Directive V.

risk level of RMC. *Id.* It also listed an early release date of April 1, 2007, based on 33 percent early release time. Staff determined that Mr. Pullman was eligible for 50 percent time and noted that his early release date could change to August 24, 2006, as a result. *Id.* at 3.

On March 16, 2005, records staff recalculated Mr. Pullman's sentence structure based on 5990 eligibility. Appendix 11, Release Date Calculation for commitment AB, printed March 16, 2005; Appendix 12, Release Date Calculation for commitment AC, printed March 16, 2005.

On April 21, 2005, Mr. Pullman committed a 557 serious infraction by "refusing to participate in an available education or work program or other mandatory programming assignment." *See* WAC 137-25-030(557); Appendix 13, Serious Infraction documents. On June 4, 2005, Mr. Pullman committed a 505 serious infraction by "[f]ighting with any person." *See* WAC 137-25-030(505); Appendix 14, Serious Infraction documents. On June 30, 2005, Mr. Pullman committed a 740 serious infraction by committing "[f]raud, embezzlement, or obtaining goods, services, money, or anything of value under false pretense." *See* WAC 137-25-030(740); Appendix 15, Serious Infraction documents.

On September 19, 2005, the DOC revised its risk assessment policies. Appendix 16, former DOC Policy Directive 320.400, Level of Service Inventory-Revised (effective 2003); Appendix 17, former DOC

Policy Directive 320.400, Risk Assessment Process (effective 2005); Appendix 18, former DOC Policy Directive 320.410 (effective 2005).

On November 11, 2005, Mr. Pullman committed 102 and 103 general infractions by “[f]ailure to follow any written rules or policies adopted by the institution,” and by “[r]efusing or failing to obey an order, oral or written, of any staff member.” WAC 137-28-220(102) & -(103); Appendix 19, General Infraction Report. On November 27, 2005, at 5:48 p.m., Mr. Pullman committed a second set of 102 and 103 general infractions. Appendix 20, General Infraction Report. On the same date, at 7:35 p.m., Mr. Pullman committed a third set of 102 and 103 general infractions. Appendix 21, General Infraction Report. On January 1, 2006, Mr. Pullman committed a fourth 103 general infraction and also a 203 general infraction (“Lying to a staff member”). WAC 137-28-220(203); Appendix 22, General Infraction Report. On January 6, 2006, the DOC infractioned Mr. Pullman for a 657 serious infraction because he had received four general infractions within a limited period of time. Appendix 23, Serious Infraction documents.⁵

⁵ The infraction notice states that the infraction occurs when an inmate has committed four general infractions within a six-month period. However, the administrative rule provides that the infraction shall accrue for four infractions within a 90-day period. Either way, Mr. Pullman’s infractions are sufficient to warrant the 657 infraction. His four general infractions occurred within a 51-day period. *See* WAC 137-25-030(657).

On February 3, 2006, the DOC reassessed Mr. Pullman's risk, and increased his LSI-R score from 40 to 41. Appendix 24, Letter from Kevin Mauss, dated July 11, 2006. However, due to an error, the facility plan did not reflect an increase on Mr. Pullman's risk management level from RMC to RMB, as it should have, even though the plan did reflect the correct LSI-R score of 41. Facility Plan, dated 02/03/06, attached as Appendix D & E to Pullman's Personal Restraint Petition. Hence, the plan incorrectly reflected an early release date (ERD) of October 13, 2006, which was based on 50 percent time.

About 45 days later, on March 20, 2006, the DOC transferred Mr. Pullman to Olympic Corrections Center. Appendix 25A, Offender Chrono Screen, at entry dated 03/23/06. At this time a classification counselor noticed the error in the facility plan and updated Mr. Pullman's risk level to RMB. This removed his eligibility for 50 percent time and changed his release date to May 21, 2007. *Id.*; Appendix 8, at 7, middle of page. The classification counselor met with Mr. Pullman on March 23, 2006, informed him of his change in 5990 eligibility, and provided a "lengthy explanation" of the reasons for this change and how the major infractions increased his score. Appendix 25A; *see also* Appendix 8, at 7, middle of page ("He was notified of the changes, his ERD is now 05/21/07").

Mr. Pullman was upset about the change, so the counselor promised to investigate it and also to call Mr. Pullman's mother. Appendix 25A, at 1. Consequently, staff at DOC headquarters reviewed it, finding that RMB was the proper risk level. *Id.* at 2. The classification counselor and corrections unit supervisor met with Mr. Pullman in person on April 7, 2006, to explain the change to RMB. They told Mr. Pullman that it was appealable to the superintendent. *Id.* On April 10, 2006, the classification counselor spoke with Mr. Pullman's mother and told her Mr. Pullman could appeal his risk management level to the superintendent and gave her the address. *Id.* at 3.

Mr. Pullman wrote to the superintendent asking about the change. Appendix 25B, Memorandum from Superintendent Karen Brunson, dated April 13, 2006. On April 25, 2006, Mr. Pullman's facility risk management team met to discuss his risk classification status. Mr. Pullman waived his right to appear at that classification meeting. Appendix 25A, at 5.

On May 1, 2006, Division One issued its decision in *In re Adams*, 132 Wn. App. 640, 134 P.3d 1176 (2006).

Two months later, Mr. Pullman wrote to the DOC's headquarters regarding the DOC's 5990 eligibility decision in his case. The DOC responded by letter, explaining that the increase in risk level was due to

the four serious infractions that Mr. Pullman had committed on April 21, 2005, June 4, 2005, June 30, 2005, and January 6, 2006. Appendix 24, at 2.⁶ The letter also explained that Mr. Pullman has a right to review the information in his file that was used in the risk assessment process. *Id.*

On December 1, 2006, the DOC revoked Pullman's DOSA sentences due to Pullman's violations of his sentence conditions. Appendix 8, at 3, middle right ("DOSA RECLASSIFI").

Four months later, Mr. Pullman filed his personal restraint petition.

6. The DOC's Procedures to Comply with *In re Adams*

In the months following the *In re Adams* decision in May 2006, the DOC created new procedures and policies for providing due process to offenders who lose 5990 eligibility. Appendix 26, Administrative Bulletin AB-08-004 (notifying of changes to DOC's earned release time policy to conform with *In re Adams*); Appendix 27, DOC Policy 350.100, Earned Release Time (incorporating changes); Appendix 28, 50 percent Earned Time Eligibility Modified (providing specific procedures).

Under the procedures that the DOC developed, when an offender's score changes and it results in a loss of 5990 eligibility, he receives a classification hearing notice, notifying him of the upcoming classification

⁶ The letter contains a typographical error in that it lists the third serious infraction as having occurred in 2006, when it actually occurred in 2005. *See* Appendix 14.

meeting. Appendix 29, Classification Hearing Notice. At the hearing, the DOC verbally explains the reasons for the change in his risk level and release date and also provides him with a written notice of the reasons for the change. Appendix 30, 50% Earned Time Eligibility Change Notice.

IV. STANDARD OF REVIEW

An appellate court can grant appropriate relief to a petitioner if the petitioner is under a “restraint” that is unlawful for one or more of the reasons defined in RAP 16.4(c). Subsections (2) and (6) address when conditions or manner of the restraint of petitioner are in violation of the Constitution of the United States or the Constitution or laws of the State of Washington. Mr. Pullman’s petition complains that he was not provided due process of law in the reclassification of his risk management level, which disqualified him from enhanced earned release time. Mr. Pullman is now classified as a higher risk offender and therefore his earned release time is controlled by subsection (1)(c) (no more than 33 percent of a sentence can be served by earned early release).

A petitioner situated like Mr. Pullman is entitled to review of his restraint by the Department if he meets the requirements of RAP 16.4. *In re Cashaw*, 123 Wn.2d 138, 866 P.2d 8 (1994). A personal restraint petition must be supported by facts or evidence upon which the petitioner's claim of unlawful restraint is based and not solely upon conclusory

allegations. *In re Gronquist*, 138 Wn.2d 388, 396, 978 P.2d 1083 (1999). A petitioner must present evidence that is more than speculation, conjecture, or inadmissible hearsay. *Id.*, citing *In re Rice*, 118 Wash.2d 876, 886, 828 P.2d 1086, *cert. denied*, 506 U.S. 958, 113 S. Ct. 421, 121 L. Ed. 2d 344 (1992). Where a PRP challenges a prison disciplinary sanction, the petitioner must show the action was “so arbitrary and capricious as to deny the petitioner a fundamentally fair proceeding.” *In re Reismiller*, 101 Wn.2d 291, 294, 678 P.2d 323 (1984).

Prison discipline is not arbitrary and capricious if the petitioner was afforded minimum due process protections applicable in such cases. *Gronquist*, 138 Wn.2d at 396, citing *In re Burton*, 80 Wn. App. 573, 585, 910 P.2d 1295 (1996); *In re Anderson*, 112 Wn.2d 546, 548-49, 772 P.2d 510 (1989), *cert. denied*, 493 U.S. 1004, 110 S.Ct. 565, 107 L. Ed. 2d 559 (1989). Where “minimum due process” applies to prison discipline:

the prisoner must (1) receive notice of the alleged violation; (2) be provided an opportunity to present documentary evidence and call witnesses when not unduly hazardous to institutional safety and correctional goals; and (3) receive a written statement of the evidence relied upon and the reasons for the disciplinary action.

Gronquist, 138 Wn. 2d 396-97.

V. ARGUMENT

A. **THE DOC GAVE ADEQUATE DUE PROCESS WHEN IT UPDATED MR. PULLMAN'S RISK CLASSIFICATION BASED ON MULTIPLE MAJOR INFRACTIONS**

To evaluate the due process claims in this case, the Court must first identify when the constitutional obligation to provide due process applies and when it has no application. Three different Department decisions are implicated in Mr. Pullman's *pro se* arguments. First, he references a minor ("general") infraction on November 27, 2005 involving Mr. Pullman's failure to secure his cell door. Second, he references the major ("serious") infraction of January 6, 2006, which was based on the occurrence of four general infractions. (He describes this as a "four minors major infraction" in his Motion for Discretionary Review.) Finally, there is the Department's risk management reclassification during February and March 2006 in which he scored 41 on the LSI-R instrument and was reclassified as RMB and therefore ineligible for enhanced early release by virtue of RCW 9.94A.728(a)(b)(ii)(A).

For each of these three decisions, the Department's actions are consistent with the due process requirements.

1. **Due Process Does Not Apply To General Or Minor Infractions**

The constitutional obligation to provide due process does not apply to “minor” or “general” infractions. *E.g., In re Gronquist*, 138 Wn.2d at 397. For a general infraction, “due process is implicated only when the prisoner faces a sanction that ‘imposes atypical and significant hardship ... in relation to the ordinary incidents of prison life.’” *Id.*, quoting *Sandin v. Conner*, 515 U.S. 472, 484, 115 S. Ct. 2293, 132 L. Ed. 2d 418 (1995). *Sandin* definitively holds that where disciplinary segregation is the sanction, as for a general infraction, then the due process clause is not implicated and the prisoner has no entitlement to minimum due process. *Id.* at 486. *See also In re Galvez*, 79 Wn. App, 655, 657 904 P.2d 790 (1995) (an offender has no liberty interest in remaining in the general prison population, avoiding administrative segregation, or obtaining a status in prison that allows the offender to earn earned time credits).⁷

Under *Gronquist* and *Sandin*, Mr. Pullman fails to show that minimum due process even applies to the general infraction. The general infraction referenced by Mr. Pullman may have triggered temporary

⁷ *Sandin* is rooted in *Wolff v. McDonnell*, 418 U.S. 539, 571-72, 94 S. Ct. 2963, 41 L. Ed. 2d 935 (1974). There, the Court recognized that due process was required for deprivation of good time credits, but noted “[w]e do not suggest, however, that the procedures required ... for the deprivation of good time would also be required for the imposition of lesser penalties such as the loss of privileges”.

confinement to his cell, but that loss of privileges is within the ordinary scope of the sentence imposed. Instead, he was entitled to the process set forth in prison regulations. Mr. Pullman has no meritorious factual showing or argument that the Department did not provide the processes due for challenging that general infraction.

2. **Due Process Does Not Require Relitigation of General Infractions When A Major Infraction Consists Of Repeat Minor Infractions**

Minimum due process is required for a major infraction that can affect the length of confinement. The petition attacks only one of the major infractions cited by the Department in its reclassification—the major infraction on January 6, 2006 for four general infractions within six months. *See* Motion for Discretionary Review at 13. The record shows that the Department satisfied constitutional due process for this major infraction. *See* Appendix 23 (major infraction documents).

Mr. Pullman wants to challenge one of the four general infractions that were the basis for this major infraction, but his argument offers no evidence to suggest the DOC denied him due process. He states:

If I was given due process before I was reclassified I would have challenge [sic] the general infraction DOC relied on.

I would have told them how my cellmate would purposely leave the cell door open. [sic] So that I would have to do cell confinement with him. I was made aware of this after

the [general] infraction hearing. He led me to believe the cell door was malfunctioning.

Motion for Discretionary Review at 12-13. Mr. Pullman's own words confirm that the Department provided the general infraction hearing and that he is simply offering a new, untimely argument.

This Court has held that due process *does not* require that Mr. Pullman be allowed to relitigate the cell door general infraction when that general infraction became an element of a later major infraction. In *Gronquist*, a prisoner argued that due process was violated when he could not litigate the Department's prior finding of a general infraction that was part of a subsequent four minors major infraction. The Court (and the Department) recognized that minimum due process applied to the serious infraction. But, notwithstanding due process requirements, the Court held:

Plainly, every predicate infraction forming the basis for such a 657 violation [the "four minors major infraction"] need not be relitigated when the inmate has not availed himself or herself of the administrative procedures available to challenge an underlying minor infraction. On res judicata principles, the decisions on those minor infractions for which administrative relief has not been sought by the inmate are final. . . .

138 Wn.2d at 399-400. "[T]he Department's refusal to allow Gronquist an opportunity to relitigate collateral matters to his general infraction in a [major infraction] hearing did not constitute a deprivation of minimum due process and, therefore, is not a constitutional error." *Id.* at 401.

Other than claiming he should be able to litigate the cell door general infraction, Mr. Pullman does not otherwise claim that he was denied minimum due process for any of the four major infractions cited by the Department in the July 11, 2006 letter, as the factual bases for the reclassification. As in *Gronquist*, Mr. Pullman received due process for each of the serious infractions. He “received notice of the claimed [four minors major] infraction prior to the hearing.” *Id.* at 400; Appendices 13 - 15, at Hearing Notice; Appendix 23, at Notice of Infraction. He was provided an opportunity to present documentary evidence and call witnesses when not unduly hazardous to institutional safety and correctional goals. Appendices 13 - 15, at Disciplinary Hearing Minutes (indicating that no witness statement was returned or denied); Appendix 23 (showing guilty plea agreement in lieu of a hearing). And he received a written statement of the evidence relied upon and the reasons for the disciplinary action. *Id.* After the hearing, he received a report that indicated the evidence relied upon and the reasons for the disciplinary action. Appendices 13 - 15, at Serious Infraction Report; Appendix 23, at Negotiated Disciplinary Agreement.

Therefore, Mr. Pullman’s argument that due process should allow him to relitigate the cell door general infraction does not demonstrate constitutional error.

3. **Due Process Does Not Require That An Inmate Be Allowed To Relitigate Prior Infractions To Contest A Classification Decision**

Mr. Pullman's due process claim is apparently that at the time of reclassification he should be able to contest the Department's decisions on the general and major infractions that are facts considered in risk classification. Just as due process does not require the relitigation or collateral review of prior general infractions in *Gronquist*, there is no reason why due process would require collateral review of prior infractions in a reclassification decision.

4. **The Department Provided Due Process When It Reclassified Mr. Pullman**

In re Adams, 132 Wn. App. 640, 134 P.3d 1176 (2006), *as amended on denial of reconsideration*, holds that minimal due process applies to the Department's decision to change a risk assessment score and alter the eligibility for early release under RCW 9.94A.728. (Mr. Pullman's release date was far more remote than in *Adams* because of consecutive sentences.) *Adams* holds that where DOC's decision to change an offender's score and cancel a release date is retrospective in nature and based on information from the offender's file that the offender is entitled to review, then minimal due process requires notice of the reasons and an opportunity to be heard before a competent tribunal. The

Department does not dispute that due process applies here because the risk classification decision causes a recalculation of the earned early release credits at a lower 33 percent rate.⁸

DOC provided adequate due process under *Adams*. A classification counselor met with Mr. Pullman within a few days of having discovered that the DOC needed to recalculate his release date after the February 2006 assessment increased Mr. Pullman's LSI-R score from 40 to 41. The counselor provided a "lengthy explanation" of the reasons for this change and how the major infractions increased his score. Appendix 25A. A few weeks later, the classification counselor and corrections unit supervisor met with Mr. Pullman in a second meeting and again explained the change to RMB. They also informed him that he could appeal to the superintendent. *Id.* The classification counselor also subsequently told

⁸ It is significant to the liberty interest here that the classification decision causes a recalculation of Mr. Pullman's early release credits and that the effect is not purely prospective. An offender has no protected liberty interest in a tentative release date that is established based on Department discretion; due process attaches to actions that cancel or recalculate a release date. *Adams*, at 650, ¶ 18, citing *Monohan v. Burdman*, 84 Wn.2d 922, 929, 530 P.2d 334 (1975). *Adams* also confirms there is no protected liberty interest in earning the maximum percentage of early release time under RCW 9.94A.728(1). *Id.* citing *Gronquist*, 138 Wn.2d at 397. *See also Galvez*, cited above; RCW 9.94A.7281 ("The legislature declares that the changes to the maximum percentages of earned release time in chapter 379, Laws of 2003 do not create any expectation that the percentage of earned release time cannot be revised and offenders have no reason to conclude that the maximum percentage of earned release time is an entitlement or creates any liberty interest.")

Mr. Pullman's mother that Mr. Pullman could appeal his risk management level to the superintendent and gave her the address. *Id.* at 3. Mr. Pullman appealed to the superintendent, who denied his appeal. Appendix 25B. A few months later, Mr. Pullman wrote to the DOC's headquarters regarding the DOC's 5990 eligibility decision. The DOC responded by letter, explaining that the increase in risk level was due to the four serious infractions that Mr. Pullman had committed. Appendix 24, at 2. The letter also explained that Mr. Pullman has a right to review the information in his file that was used in the risk assessment process. *Id.*

Thus, Mr. Pullman has received notice, a written decision, and has had an opportunity to be heard.

5. **Mr. Pullman Can Show No Prejudice From The Timing Of The Department's Meetings With Him**

DOC staff explained at two meetings with Mr. Pullman why his score and release date changed. Although the first meeting occurred a month and 21 days after the February 2, 2005, assessment changed his LSI-R score, it occurred only a day or two after the DOC actually updated his release date to reflect 33 percent time. If Mr. Pullman argues that the process was flawed because of its timing, the Court of Appeals properly held that under the circumstances here, Mr. Pullman showed no legal or factual prejudice from how the change in risk assessment was

communicated to him. A prisoner claiming unlawful restraint must show that the unlawfulness he has alleged also causes the restraint. *Cf. State v. Kitchen*, 110 Wn.2d 403, 413, 756 P.2d 105 (1988). Absent proof of both error and prejudicial effect, a prisoner is not entitled to relief. *Id*

Here, Mr. Pullman has no competent evidence or arguments that affect the factual basis for reclassification -- the four major infractions. For example, he has not provided argument as to why the infractions are incorrect (e.g., that they involve a different "Jay Pullman"). Due process does not require the relitigation of prior general infractions.⁹

B. THE DEPARTMENT HAS IMPLEMENTED NEW PROCEDURES AFTER ADAMS

In re Adams was decided May 1, 2006. Since that time the Department has reviewed and implemented procedures that ensure prompt notice and opportunity to be heard on reclassification for enhanced early release. The exact timing of the meetings, notices, opportunities to

⁹ Furthermore, the Motion admits that Mr. Pullman was aware that his cell door was unsecured at the time of the violation, but that his failure to secure the door was based on a cellmate's statement that the door was broken. Motion at 12-13. This evidence is insufficient because he has not shown that he was not involved in the infraction. Also, in his Reply at the Court of Appeals, Mr. Pullman suggested that the Department's reference to a 6/30/06 fraud infraction was "impossible for me to incur," but as shown by Appendix 15, this occurred in 2005 and "2006" was simply a typographical error. In any event, this also appears to be a suggestion that he would relitigate a prior major infraction.

challenge, and the letters in Mr. Pullman's case are therefore not reflective of procedures subsequent to *Adams*. See Appendices 26 - 30.

VI. CONCLUSION

Respondent respectfully requests that this Court affirm the Court of Appeals ruling denying Mr. Pullman's personal restraint petition.

RESPECTFULLY SUBMITTED this 15th day of July, 2008.

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CERTIFICATE OF SERVICE

I certify that I served a copy of the SUPPLEMENT BRIEF OF
RESPONDENT DEPARTMENT OF CORRECTIONS on all parties or
their counsel of record as follows:

US Mail Postage Prepaid

TO:
MAUREEN M .CYR
WASHINGTON APPELLATE PROJECT
1511 THIRD AVENUE, SUITE 701
SEATTLE, WA 98101

EXECUTED this 15th day of July, 2008 at Olympia, Washington.



DARLENE JACOBS

APPENDICES

1. Former DOC Policy 300.380, Classification-Custody Level, effective August 16, 1993
2. Former DOC Policy 300.380, Classification-Custody Level, effective December 24, 2004
3. DOC Policy 300.380, Classification and Plan Review, effective February 4, 2008
4. Former DOC Policy 320.410, Offender Risk Management, effective November 7, 2002
5. DOC Policy Directive 320.400, Risk Assessment Process, effective April 30, 2007
6. Attachment 1 to DOC Policy Directive 320.400, Risk Management Identification (RWI) Criteria
7. Judgment and Sentence, State v. Pullman, King County Superior Court No. 01-1-08905 SEA
8. Department of Corrections Legal Face Sheet re: Jay R. Pullman,
9. Judgment and Sentence, State v. Pullman, King County Superior Court No. 04-1-10110-3 SEA
10. Department of Corrections Facility Plan re: Jay R. Pullman, February 24, 2005
11. Department of Corrections Release Date Calculations re: AB commitment, printed March 16, 2005
12. Department of Corrections Release Date Calculations re: AC commitment, printed March 16, 2005
13. Department of Corrections Serious Infractions Report re: Jay Pullman, April 21, 2005
14. Department of Corrections Serious Infractions Report re: Jay Pullman, June 4, 2005
15. Department of Corrections Serious Infractions Report re: Jay Pullman, June 30, 2005
16. Former DOC Policy Directive 320.400, Level of Service Inventory-Revised (LSI-R), effective April 15, 2003

17. Former DOC Policy Directive 320.400, Risk Assessment Process, effective September 19, 2005
18. Former DOC Policy Directive 320.410, Risk Management Teams, effective September 19, 2005
19. Department of Corrections General Infraction report re: Jay Pullman, November 11, 2005
20. Department of Corrections General Infraction report re: Jay Pullman, November 27, 2005
21. Department of Corrections General Infraction report re: Jay Pullman, November 27, 2005
22. Department of Corrections General Infraction report re: Jay Pullman, January 1, 2006
23. Department of Corrections General Serious Infraction report re: Jay Pullman, January 6, 2006
24. Letter to Jay Pullman re: ESSB 5990 Decision and Risk Assessment, July 11, 2006
- 25A. Department of Corrections Offender Chrono Screen re: Jay Pullman, March 16, 2006–April 25, 2006
- 25B. Memo from Superintendent Karen Brunson to Jay Pullman re: Denial 5990, April 13, 2006
26. DOC Administrative Bulletin re: change to DOC Policy Directive 350-100, Earned Release Time, March 10, 2008
27. DOC Policy Directive 350.100, Earned Release Time, effective August 28, 2006
28. Attachment 3 to DOC Policy Directive 350.100, Earned Release Time
29. Revised DOC Classification Hearing Notice/Appearance Waiver, effective March 25, 2008
30. Revised DOC 50% Earned Time Eligibility Change Notice, effective March 12, 2008
31. Declaration of Paula Byrne

APPENDIX 1

Copy

Superseded 11/1/9

DEPARTMENT OF CORRECTIONS



POLICY



POLICY NUMBER 300.380

TITLE CLASSIFICATION - CUSTODY LEVEL

Page 1 of 7

EFFECTIVE DATE: August 16, 1993

AUTHORITY:

General authority of the Secretary of Corrections to manage and direct the Department, RCW 72.09.050. The Secretary may issue Department policies which impact custody designation.

PURPOSE:

It is the policy of the Department to use objective criteria to classify offenders. The goal of the Custody Level Classification System is to place offenders at the least restrictive custody level, consistent with the need to provide for staff, offender, and public safety. The Custody Level Classification system is designed to be easily understood by staff and offenders, and to promote offender involvement in programming, education, treatment, and vocational opportunities.

Negative behavior is discouraged by providing disincentives for infractions, detainers, and escapes.

APPLICABILITY:

Divisions of Prisons, Community Corrections, and Offender Programs.

DEFINITIONS:

Custody Level — The degree of staff supervision required to manage offenders.

Custody Review — Concentrates on behavior demonstrated during confinement and risk factors, such as detainers and escape, when determining custody level.

Placement — Level of security necessary to ensure public safety.

POLICY:

Initial Custody Designation

The Initial Custody Designation form will be completed for all new commitment offenders and parole violators, effective May 1, 1989. Upon reception into the Washington Corrections Center - Reception Center or the Washington Corrections Center for Women, the following elements of the offender's behavior/history will be reviewed: DOC crime category; history of violence; detainers; escape history; and age. The cumulative score will result in the designation of Initial Custody, unless overridden. The final custody designation will be assigned by the Chief of Classification/designee, unless an override is requested through the Director, Division of Offender Programs.

New information received in any of the Initial Custody Designation criteria prior to the first regularly scheduled Custody Review that would alter the assigned custody level will result in an immediate review. The result will be a new Initial Custody Designation.

A new felony conviction, following the first regularly scheduled Custody Review, will result in the scoring of a new Initial Custody Designation. The offender will only receive a new custody designation if the new felony conviction would cause a more restrictive custody designation. When this occurs, the Classification Unit, Division of Offender Programs, should be contacted to determine appropriate placement, if the current location is not consistent with the new custody designation.

The offender will receive a copy of the completed Initial Custody Designation form.

Review Dates

Offenders will be assigned a six month review date or an annual review date depending upon time to serve. Offenders with five years or more actual time to serve will be reviewed on an annual basis, beginning with the time start. Once an offender is within five years of the PERD/EPRD/EERD, he/she will be assigned a six month review date and will remain on that schedule until released.

Significant changes (i.e., infraction behavior, detainers, escape history) may result in immediate review, but will not alter the established six month or annual review schedule.

Custody Review

At an annual review, a six month review, or a review as a result of significant behavior (e.g., serious infraction), a Custody Review form will be completed by the counselor to determine the custody designation. The elements considered are: current custody designation, infraction behavior, program



TITLE **CLASSIFICATION - CUSTODY LEVEL**

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behavior, detainers, and escape history. The cumulative score will result in the custody level designation unless overridden. Final approval for custody designation will be made by the Superintendent/Work Release Supervisor or Director, Division of Offender Programs (see Override section). The only exception to this approval level will be maximum custody placement or release from Intensive Management status approved by the Director, Division of Prisons/designee. The offender will receive a copy of the completed Custody Review form.

Placement Review

Offenders are expected to successfully participate in case management plans which may include Security Level facility assignments consistent with the offender's custody designation.

Classification decisions that result in custody designations also require a placement decision to address security, medical, or other needs. Once an offender has been assigned a custody designation, he/she may be eligible for placement at a facility that is capable of receiving offenders of that assigned custody. Offenders, who are assigned a minimum custody designation may be placed in a Security Level 2 facility, a pre-release facility, or work release facility consistent with time frames designated by this policy.

Regardless of custody designation, placement recommendations within the Divisions of Prisons and Community Corrections may involve a variety of program and behavioral factors.

Minimum Custody Placement Security Designations

Minimum custody placement requires careful consideration due to issues of public, staff, and offender safety. Minimum custody offenders may be placed at a variety of Department facilities, consistent with the correct Placement Security Designation.

When an offender has been classified minimum custody, a Placement Security Designation is also assigned.

- Minimum 1 (MI1) Offender can be placed in a Security Level 1 setting when meeting the criteria for placement.
- Minimum P (MIP) Offender can be placed into any Security Level 2 facility, to include pre-release. An offender with this designation cannot be placed into a work release facility.
- Minimum 2 (MI2) Offender can be placed into any Security Level 2 facility or higher. The offender cannot be placed in pre-release or work release.

NOTE: Offenders four years from release may be considered for a long term MI2 custody designation (per policy (POL) override) for placement at MICC-A, WCC-TC, and CBCC provided all other MI2 custody and placement criteria are met. Female offenders may be assigned MI2 custody for placement at four years from release. For all other MI2 placements, the offender must be within three years of a PERD/ERD.

- Minimum 3 (MI3) Offender can be placed into a Security Level 3 facility or higher. The offender cannot be placed in camp, pre-release, or work release.

NOTE: Effective December 30, 1992, female offenders with an MI3 or lower designation, may be housed behind a single perimeter fence that meets the following standard:

1. Continuous varied concrete barricade (ratwall).
2. 12 foot height.
3. Bottom rail.
4. Top tension cable with breakaway bar and minimum one strand razor ribbon.

Placement Security Designations may be assigned by the Superintendent/Work Release Supervisor for the following reasons:

- Detainer: Offender is classified minimum but has an established INS detainer. The offender may be placed in MI2 or MIP facility but may not be placed in work release (MI1). An offender with an established felony detainer will not be granted minimum custody designation.



TITLE **CLASSIFICATION - CUSTODY LEVEL**

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- **Time Left to Serve:** Offender is classified minimum but has more than three years to serve to a release date (except as noted above MICC-A, WCC-TC, and CBCC and females four years.) The offender may be placed no lower than Minimum 3 (MI3).
- **Refuses Placement:** Offender is classified minimum but refuses placement in Security Level 2 facility. The offender may be placed no lower than Minimum 3 (MI3). When an offender refuses placement in work release, he/she may be considered for pre-release (MIP) or camp (MI2). When an offender refuses pre-release, he/she may be considered for camp (MI2) placement.

Offenders eligible for placement who refuse assignment to a designated facility may be infraacted for refusing to work/program consistent with WAC 137-28-030. Refusal of facility assignment may also result in review of the offender's assigned program and loss of earned time per DOC Policy 350.100 (Earned Release Time).
- **Medical/Dental:** Offender is classified minimum but has medical restrictions which require health care only available at a Security Level 3 (or higher) facility. The offender may be placed no lower than Minimum 3 (MI3), until medically cleared.
- **Indeterminate Sentence:** The offender is classified minimum and is under the jurisdiction of the Indeterminate Sentence Review Board for a current offense that is violent or sexual. The offender may be placed at Minimum pre-release (MIP) or higher but may not be placed in work release.

Placement Security Designations may also require review by the Headquarters Classification Screening Committee (HCSC). HCSC may assign any Placement Security Designation, after full review, for the following reasons:

- **Community Safety:** Offender is classified minimum/medium but the Superintendent/Work Release Supervisor has serious concerns regarding placement in a lower security facility, due to notoriety of offense, or risk that the offender poses for the community. HCSC will assign the appropriate Placement Security Designation.
- **Mental Health:** Offender is classified minimum but is not considered appropriate for placement at a Security Level 2 facility or lower. A request for placement restriction by HCSC must be supported by a current mental health evaluation which addresses community risk.

Placement Security Designations assigned by HCSC are appealable to Director, Division of Offender Programs.

Minimum Custody Placement Criteria

For minimum custody offenders, recommendations for placement within Security Level 2 facilities may consider the following factors:

1. Overall case management plan for the offender;
2. Program/treatment needs of the offender;
3. Health care resources of the facility;
4. Location of facility;
5. Location of offender's community support;
6. Current committing offense(s) involved sexual aggression or victim injury that required medical treatment; and
7. Victim/witness concerns.

These factors are not necessarily reasons to deny Security Level 2 placements, but are to be used as indicators in determining appropriate placement.



Work Release Placement

Work release placement recommendations should consider the above criteria and elements defined by the Division of Community Corrections (DCC) in DCC Directive 300D-W, criteria for denial of work release for CCI and parole violators, and offenders coming from prison/pre-release to work release.

Offender Profile Battery/Report and Mental Health Evaluations

The Offender Profile Battery (OPB) is administered at WCC-RC or other approved Department facility. From the results of the OPB, an Offender Profile Report (OPR) is generated. A file copy is available for review by authorized staff.

OPR provides indicators (scores) to assist classification and mental health staff in recommending custody, placement, and programming during the offender's incarceration. Program recommendations to address offense behaviors (anger management, victim awareness, etc.) are appropriate and should be made.

Scores available include:

- SUICI (Suicide)
- VICTM (Victimization)
- VIOLN (Violence)
- SUBAB (Substance Abuse)
- Psychiatric DX (diagnosis)

Offenders scoring three or less in VIOLN with no psychiatric diagnosis and who have been convicted of:

- Murder 2nd
- Manslaughter 2nd
- Rape 2nd
- Rape of a Child 2nd

must have an OPR not older than three years, and meet all other eligibility criteria for minimum custody prior to approving placement in an MI3, MI2, MIP, or MI1 facility.

When an offender convicted of one of the above offenses scores a 4 or 5 in violence potential (VIOLN), as measured by the OPB, and:

- there has been no program intervention; and/or
- documented observed behavior indicates the potential for violence remains at 4 or 5,

the offender will be referred to mental health staff for an in-person Mental Health Community Risk Assessment (MH-CRA) prior to approving placement in an MI2, MIP, or MI1 facility.

A request for a MH-CRA will include the reason for the referral documented in a classification referral, Form DOC 5-30.

Prior to placement in a minimum custody facility, offenders who meet the following criteria require a MH-CRA:

1. An offender with a psychological evaluation older than two years and convicted of:
 - Kidnapping 1st
 - Murder 1st
 - Manslaughter 1st
 - Indecent Liberties (with forcible compulsion)
 - Child Molestation 1st
 - Rape 1st
 - Homicide by Abuse
 - Assault 1st
 - Rape of a Child 1st



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2. Any offender who has serious, current (within the past 90 days) mental health problems (i.e., has been on suicide or intensive watch, has been actively psychotic, or has been self-mutilating). Developmentally disabled offenders who have unique management requirements may also require a mental health evaluation.

In instances where an offender is being considered for an override of scored custody for placement in a minimum custody facility, OPR and/or MH-CRA may be considered in the decision to request/not request a custody designation override.

With the exception of the above criteria, the Superintendent has the discretion to recommend placement of offenders at Security Level 2 facilities or lower.

Report Requirements

In addition to the Initial Custody Designation form or Custody Review form, a DOC 5-30 report will be completed by Division of Prisons staff addressing adjustment, program, and behavioral issues, consistent with Policy 330.310 of the Inmate Classification Manual. The DOC 5-30 report will be completed at regular case reviews, when there is negative behavior that would result in a more restrictive custody designation, and when an override is requested.

Override requests submitted to the Director, Division of Offender Programs, or HCSC do not need to address all of the instructions outlined in Policy 330.310 of the Inmate Classification Manual. Requests should address the offender's behavior/adjustment from the previous DOC 5-30 report to the present time, as well as specifically identify the justification for the request for the override. Any time a Custody Review results in a change in custody designation, a Criminal History Summary will accompany the DOC 5-30 report.

Within the Division of Community Corrections, reviews not driven by disciplinary action, but resulting in return to the Division of Prisons, will be addressed in the Classification Action Record (DOC 20-139A). This report will accompany the Custody Review form, and will be sent to the appropriate Division of Prisons' facility.

SRA Ten-Day Release

All SRA offenders shall be reviewed for SRA Ten-Day Release consideration at the classification review scheduled six months prior to an ERD. Specific guidelines and criteria for release consideration which shall be followed are outlined in DOC Policy 350.240, SRA Ten-Day Release.

Custody Promotion/Demotion

Custody promotion will typically occur at regularly scheduled, annual reviews, or six month reviews. Custody level demotion may occur at any time as a result of negative behavior (new infractions) or new information (new detainers filed; escape history updated).

Custody Classification/Disciplinary Hearings

Any time an offender is found guilty of a serious infraction, the counselor will review the new custody score on the Offender Based Tracking System (OBTS). If the resulting custody designation represents a change in custody level, a Custody Review form will be completed, a classification meeting must be held with the offender, and an updated DOC 5-30 report will be completed.

Within the Division of Prisons, a classification meeting is a separate process from the disciplinary hearing. Custody designation will not change as a sanction from a disciplinary hearing. Custody designation may only be changed as a result of a classification hearing.

Within the Division of Community Corrections, the custody classification process may occur following the disciplinary hearing. The custody designation may change following the hearing.

Administrative Segregation/Intensive Management Status

While on Administrative Segregation/Intensive Management status, the offender will not be eligible for custody promotion. Custody demotion, as a result of serious infractions, may occur while the offender is on Administrative Segregation status.



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If a scheduled review occurs while the offender is on Administrative Segregation or Intensive Management status, an additional Custody Review will be completed when the offender is released. If a review did not occur during Administrative Segregation status and infractions did not occur to cause a custody demotion, the offender will remain on the previous custody level until the regularly scheduled Annual/Semi-Annual Review.

Override of Custody Designation

An override of custody designation may increase or decrease assigned custody.

An override of custody designation should occur primarily due to supervision (custody) requirements, rather than because of a placement consideration.

Overrides approved by the Superintendent/Work Release Supervisor:

- Death Sentence (DEA): Offenders sentenced to death will be imprisoned at the Washington State Penitentiary or the Washington Corrections Center for Women. The offender will be confined in the segregation unit, in a single person cell consistent with RCW 10.95.170 and RCW 72.15060. Death Sentence offenders can be designated close and maximum custody only.
- Murder First (MUR): Offenders will be placed no lower than close custody for the first five years of commitment. They may become eligible for promotion to medium custody provided they meet custody level designation criteria after five years of confinement. This applies to offenders with multiple Murder 1st convictions which are concurrent or consecutive. Murder 1st offenders will not be eligible for minimum custody until within three years of release. Offenders under the jurisdiction of ISRB must be within three years of release and be deemed parolable by ISRB to be considered for minimum. Offenders convicted for Murder 1st who pose significant community risk may be restricted to a Level 4 facility consistent with the Placement Security Designation (community safety) criteria included in this policy. If restricted to a Security Level 4 facility the offender will be designated close custody.
- Boarders (BOA): Offenders who are on Boarder status will not be reduced to any lower custody level than that permitted by agreement with the state of jurisdiction.
- Life Without Parole (LWP): Life without parole offenders may never be considered for minimum custody.
- Administrative Segregation/Intensive Management (ADM): The offender is on Administrative Segregation or Intensive Management status at the time of the review, and cannot receive a custody promotion while on this status.
- Grandfather (GRA): The offender was at a custody level lower than scored by the custody model prior to July 1, 1989, and has had no negative behavior since that time. The offender retains the lower custody level.
- Risk Management 1 (RM1): Following a guilty finding resulting from a "C" Category infraction (s), or a custody reduction due solely to loss of program points, the offender may be considered for an override to maintain current custody level, even though the Custody Review score indicates demotion.

Overrides approved by the Director, Division of Offender Programs

- Mental Health (MEN): Offenders with specific, documented current behavior which indicates mental health concerns documented in mental health evaluations or treatment reports by a mental health professional. The evaluation should address the offender's risk level when being considered for custody increase or decrease.
- Special Needs Unit (SNU): Override of custody to permit assignment of special needs offenders to the program available at the Washington Corrections Center.
- Sex Offender Treatment Program (SOTP): Override of custody to permit assignment of sex offenders to the program available at Twin Rivers Corrections Center.



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- Division of Juvenile Rehabilitation (DJR): Offenders placed within the Department at the request of the Secretary, Department of Social and Health Services, with the concurrence of the Secretary of the Department.
- Infractions in Reception Center (INF): If the offender becomes involved in disruptive behavior during the reception process, a recommendation for increased custody supervision may be considered.
- Risk Management 2 (RM2): Following a guilty finding resulting from an "A" or "B" level infraction, the offender may be considered for an override to maintain current custody level, even though the Custody Review score indicates demotion.
- Community Corrections Transition (CCT): Offenders who require placement in Division of Community Corrections facilities (pre release and work release) to meet case management plans. If the offender does not have the correct custody designation (MIP, MI1), an override may be considered, consistent with full consideration for public safety.
- Institution Security (INT): Override of custody designation when the Superintendent has concerns regarding the assignment of a less restrictive custody level due to the risk that offender poses for staff/inmate safety.
- Policy (POL): The Secretary of the Department has general authority to manage and direct the Department under RCW 72.09.050. The Secretary may issue Department policies which impact custody designation.

If an offender is considered to present exceptional circumstances not covered by the existing override reasons, the case may be referred by the Superintendent/Work Release Supervisor to the Director, Division of Offender Programs. Denial may occur at any level within the Divisions before referral to the Division of Offender Programs. The Directors of the Divisions of Prisons and Community Corrections may be consulted to determine appropriate overrides. The decision made regarding placement requests and overrides by the Director, Division of Offender Programs is final.

REFERENCES:

Division of Community Corrections, Work Training Release Manual.

Directive 800; DOC User's Manual for Inmate Classification, Chapters 2, 3, and 7.

SUPERSESION:

Policy 300.380 dated January 19, 1993.

Chase Riveland, Secretary

Date

APPENDIX 2

STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS  POLICY DIRECTIVE <input checked="" type="checkbox"/> Offender Manual <input checked="" type="checkbox"/> Spanish	PRISON/PRE-RELEASE/ WORK RELEASE	NUMBER DOC 300.380
	SIGNATURE  DATE	EFFECTIVE DATE 12/24/04
	JOSEPH D. LEHMAN, SECRETARY	PAGE NUMBER 1 of 17
TITLE CLASSIFICATION		

SUPERSESSSION:

DOC 300.380 effective 5/8/02

REFERENCES:

DOC 100.100 is hereby incorporated into this Policy Directive; RCW 9A.40; RCW 9A.44; RCW 9A.64; RCW 9.68A; RCW 9.79; RCW 9.94A; ACA 4-4286; ACA 4-4295; ACA 4-4302; ACA 4-4306; ACA 4-4444; ACA 2A-08; ACA 5A-03; ACA 5A-04; ACA 5A-06; DOC 300.500 Work Release Screening; DOC 320.100 Indeterminate Sentence Review Board Reports; DOC 320.200 Administrative Segregation; DOC 320.250 Intensive Management Unit (IMU) Placement/Transfer/Release; DOC 320.410 Offender Risk Management; DOC 350.100 Earned Release Time; DOC 350.200 Risk Based Transition for Offenders; DOC 350.240 Ten Day Release Denial; DOC 350.255 Registration Notification; DOC 390.600 Imposed Conditions; DOC 590.300 Resource and Program Management; Custody Classification Guide 1993

POLICY:

- I. The Department shall ensure that classification is a risk management tool with the goal of placing offenders in the least restrictive *custody designation* while meeting the need to provide for the safety of the public, staff, and offenders. An objective scoring system is used as a basis to evaluate offenders' risk to themselves, the community, staff, other offenders, facility guests and visitors, and the orderly operation of the facility. The scoring is designed to be easily understood by staff and offenders.
- II. The classification system is designed to encourage offender participation in work, education, treatment, and vocational programming in a manner, which results in movement to less restrictive custody. Negative behavior is discouraged by providing consequences for infractions, *detainers*, escapes, and refusal to program. The system is designed to assist offenders in understanding how conduct and program efforts affect their *custody designation* and facility placement assignment. [4-4444]
- III. Classification has 3 components: Assignment of *custody designation*, assignment of facility placement, and an offender risk assessment that results in the subsequent development of the offender's *facility plan*. Classification begins with the Reception Center process for assignment of an Initial Custody Designation (ICD) and facility placement.

DIRECTIVE:

EXHIBIT 6

UMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 300.380	CLASSIFICATION	12/24/04	2 of 17

I. Security Level is the Facility Designation

A. The appropriate levels are:

1. Security Level 5: Intensive Management Unit (IMU) housing,
2. Security Level 4: Close custody unit housing,
3. Security Level 3: Medium (MED) and Minimum 3 (MI3) custody unit housing,
4. Security Level 2: Minimum 2 (MI2) or Minimum P (MIP) Pre-Release custody unit housing and MI3 for Washington Corrections Center for Women (WCCW), and
5. Security Level 1: Minimum 1 (MI1) Work Release housing.

II. Initial Custody Designation/Classification

A. [4-4286] DOC 21-110 Initial Custody Designation will be completed and entered on Offender Based Tracking System (OBTS) DI88 at the Reception Centers for all newly committed offenders, re-admissions, revoked parolees, out of state boarders, DOSA revokes, and Work Ethic Program offenders terminated from community placement. The offender will receive a copy of the completed DOC 21-110 Initial Custody Designation.

1. The following elements of the offender's behavior/history will be reviewed:
 - a. Department crime category,
 - b. History of violence,
 - c. *Detainers*,
 - d. Escape history (i.e., escape from custody such as willful failure to return to Work Release, escape from a minimum facility, escape from a walled facility perimeter, escape from a county jail, juvenile escapes adjudicated through a court proceeding, bail jumping, failure to appear after release from personal recognizance, felony eluding, and adjudicated escapes from community custody. The following should not be scored as escape history: absconding from parole, community or post-release supervision, absent without leave (AWOL) from the military, non-adjudicated juvenile, or community custody escapes), and
 - e. Age.
2. A cumulative score will determine the ICD, unless overridden.

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3. Reception staff will assess and document basic program needs (i.e., General Education Development (GED) completion, chemical dependency, mental health, and sex offender treatment).
 4. Based on the ICD score, reception staff recommendations, and the basic program needs assessment, the ICD, including *overrides*, and the initial facility placement will be assigned by the Chief of Classification/designee.
 - a. An *override* should be recommended if the facts of the case, including the offender's conviction and time structure, make him/her eligible for other than the scored custody.
 - b. Adjudicated delinquent offenders and youths charged with offenses that would not be crimes if committed by adults do not reside in an adult facility. [4-4306]
- B. DOC 21-148 Criminal History Summary (CHS), to include wants and warrants, will be completed at reception on:
1. All offenders who score minimum and have less than 4 years to their *Earned Release Date (ERD)*,
 2. All youthful offenders regardless of time left to serve,
 3. Offenders who score medium or close and are within 2 years of their *ERD*, and
 4. All other offenders if an *override* is being requested.
- C. Offenders sentenced to death will be imprisoned at the Washington State Penitentiary (WSP) or WCCW and:
1. At initial classification, will be classified maximum custody for at least the first year of incarceration.
 2. Cannot be assigned custody lower than close.
 3. Will be confined in a single-person cell.
- D. Murder 1 offenders and Life Without Parole (LWOP) offenders, including persistent offenders, who have served less than 4 years in the Department on their sentence, cannot be assigned custody lower than close.
1. LWOP offenders may not be assigned custody lower than medium without the written approval of the Office of Correctional Operations (OCO) Deputy Secretary/designee.
 2. Placement is restricted to WSP, MCC-WSRU, CBCC, MCC-SOU, all Intensive Management Units (IMU), and WCCW main facility unless

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written approval for other placement is granted by the OCO Deputy Secretary/designee.

- E. Any time there is new information regarding any of the categories in the CHS, or ICD scoring factors, or for offenders who have more than 4 years left to serve at the time of initial classification, the assigned Counselor/staff will conduct an immediate review to determine if this information results in a change in custody level designation.
 - 1. A new ICD will be completed if a new *custody designation* is assigned that is not consistent with the current facility placement. The Headquarters Classification Unit must be contacted to determine an appropriate placement.
 - 2. This new information will be included at the next classification review.
- F. Appeals for initial classification decisions may be made to the Chief of Classification. The Chief's decision regarding the appeal is final.

III. Intake Classification Review Timeframes

- A. An intake classification review will be conducted within 30 days of the offender's arrival at the initial placement from reception. This will result in the development of a *facility plan* for the offender and be documented on DOC 20-030 Classification Referral. Content of the intake/*facility plan* will include targeting: [4-4295] [5A-03]
 - 1. Custody
 - a. Other than minimum,
 - b. MI3,
 - c. MI2,
 - d. MIP, and
 - e. MI1.
 - 2. Placement
 - a. Major facility,
 - b. MI3 placement (A08),
 - c. MI2 placement (A03),
 - d. MIP placement (A04), and
 - e. Work Release (specific facility).
 - 3. Program
 - a. Basic skills,
 - b. Jobs/work program,
 - c. Offender change programs, and
 - d. Vocational.
 - 4. Additional Expectations

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- a. Risk-related Court and Department imposed conditions per DOC 390.600 Imposed Conditions,
 - b. Risk-related classification expectations, not Department imposed conditions,
 - c. Psychological evaluations, and
 - d. Other (e.g., extended family visitation, no contact orders).
- B. Additional content and format guidelines for the intake/*facility plan* will be per the Offender Facility Plan and Event Driven Classification Instructions (attached).
- C. At the intake classification, the earliest an offender's ICD can be targeted for change and recommendations made for custody and placements is:
 1. 6 months from their *time start date* for offenders with 5 years or less to *ERD*,
 2. One year from their *time start date* for offenders with more than 5 years to *ERD*, and
 3. Subsequent custody promotions and placements may be targeted based on the offender's eligibility (i.e., time structure, *custody review* score, and Policy) and anticipated compliance with their *facility plan*.
- D. Exceptions to the timeframes for the earliest change to the offender's ICD include:
 1. LWOP must serve the first 4 years at close custody,
 2. Inmate Subject to the Death Penalty (ISDP) will be initially housed on Intensive Management Status (IMS) with Max. custody/Max. close custody and death row, and
 3. Minimum custody for MI2, MIP, or MI1 placement when:
 - a. Minimum custody requires a psychological evaluation,
 - b. Minimum custody requires *Headquarters Community Screening Committee (HCSC)* if community risk or mental health (HCR/HMH) *overrides* are required, or
 - c. Other Office of Correctional Operations (OCO) Classification Unit *override* requests made by the facility may preclude other than MI3 custody assignment.
- E. All offenders will be reviewed annually until the offender is assigned a Risk Management (RM) level for transition from the facility at 18 months or less from *ERD*. [4-4295] The first annual review will be calculated from the date the intake classification was initiated on OBTS DI89. All subsequent annual reviews will be

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calculated from the date that the previous regular or plan change review was initiated on OBTS DI89.

1. Offenders will be transitioned from the facility to the community per the time frames and process in DOC 350.200 Risk Based Transition for Offenders.
 2. When offenders enter transition time frames, the regular review schedule will change and be based on the offender's RM classification:
 - a. RM-A – quarterly,
 - b. RM-B – semi annual,
 - c. RM-C – annual, or
 - d. RM-D – annual.
- F. All regular (R) reviews will be documented on OBTS DI89 and DT37.
- G. Significant changes (i.e., infraction behavior, *detainers*, escapes, new felony conviction, or new information regarding criminal history/behaviors, etc.) that will require a new DOC 20-030 Classification Referral *facility plan* will result in an immediate plan change (P) review. [5A-04]
1. After an infraction has been entered on OBTS DI46, the Counselor or another designated staff shall calculate the custody score using OBTS DI89 to determine if custody should be changed.
 - a. If custody is to be changed, a classification meeting may be held with the offender and an updated *facility plan* on DOC 20-030 Classification Referral, if required, shall be completed. The action shall be documented on OBTS DI89 and DT37. The DT37 should address the infraction behavior and a summary of the offender's adjustment since the last review.
 - b. *Custody designation* may only be changed as a result of a classification Facility Risk Management Team (FRMT) meeting.
 - 1) Within Prisons, a classification meeting is a separate process from the disciplinary hearing. Custody change is not a disciplinary sanction.
 - 2) Within Pre-Release and Work Release facilities, the custody classification process may occur following the disciplinary hearing. *Custody designation* may change.
- H. All plan change (P) reviews will result in a new *facility plan*, documented on DOC 20-030 Classification Referral, OBTS DI89, and an updated DOC 21-148 Criminal History Summary, if charged, and OBTS DT37. Plan change reviews will affect the next scheduled regular review. The next regular review will be scheduled:

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1. A year from the date the plan change review was initiated if the offender is not within transition time frames, or
 2. Per the schedule for the next transition time frame review based on the offender's RM classification if the offender is within transition time frames.
- I. Previously targeted custody may result in a *custody designation* and facility placement change on the date established through classification and documented in the *facility plan* on DOC 20-030 Classification Referral, but will not alter the established review schedule.
 - J. Exception (X) type reviews may be conducted between regularly scheduled classification reviews at the discretion of classification staff to facilitate transfer of offenders.
 - K. Offenders who demonstrate chronic behavioral problems, have verified protective custody concerns, or pose a serious threat to the safety of staff or other offenders through a pattern of violent or seriously disruptive behavior may be referred for maximum custody and IMS by the process outlined in DOC 320.200 Administrative Segregation.
 1. Regularly scheduled reviews will be conducted and documented on OBTS DI89 on offenders in administrative segregation or IMS.

IV. Classification Reviews

- A. All regular review and plan change classification reviews will be coordinated by the assigned Counselor/facility Community Corrections Officer (CCO) through the FRMT. The FRMT is defined in DOC 320.410 Offender Risk Management.
 1. All FRMT plan change classification review recommendations will be reviewed by a *review committee*/designated reviewer who will forward a recommendation to the Superintendent/designee. FRMT regular review type classification reviews do not require secondary review provided there is no change to the *facility plan*.
 2. The Superintendent/designee will make the final decision on plan change reviews unless:
 - a. The case is referred to *HCSC* or an *override* request requires Chief of Classification approval, or
 - b. Maximum custody assignment and the placement and/or release from IMS are approved as specified in DOC 320.250 Intensive Management Unit (IMU) Placement/Transfer/Release.
- B. An offender will be notified at least 48 hours in advance of a classification review and will, whenever possible, have the opportunity to meet with the FRMT. [4-4302]

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1. *Custody designation*, placement assignment, and the *facility plan* will be addressed. Custody and placement requests should be consistent with the *facility plan*.
2. Other issues which may need to be addressed by the FRMT are:
 - a. Review of all Sentence Reform Act (SRA) offenders for 10-day release consideration per DOC 350.240 Ten Day Release Denial at the classification review scheduled prior to 6 months from the offender's anticipated release date,
 - b. Validation at least annually of the offender's Earned Release Time, per DOC 350.100 Earned Release Time,
 - c. .100 parolability reports for the Indeterminate Sentence Review Board (ISRB) per DOC 320.100 Indeterminate Sentence Review Board Reports,
 - d. Transfers for participation in programs related to *facility plan* objectives,
 - e. Transfers for medical/dental/mental health issues,
 - f. Validation of the electronic file, and
 - g. Other custody and placement issues identified by the facility or requested by the offender.
- C. The following reports will be completed as part of the classification process and a copy provided to the offender:
 1. DOC 21-110 Initial Custody Designation or DOC 05-095 Custody Review, and/or
 2. DOC 20-030 Classification Referral, only when the *facility plan* changes.
- D. Offenders may appeal classification recommendations and decisions made to the Superintendent at the facility where that action occurred. The Superintendent's decision is final. Appeals on interstate placement are made to the Department Secretary.
- E. CHS shall be completed at the first regularly scheduled classification review at the receiving facility if a CHS was not completed as part of the admission process.
- F. The Work Release FRMT will review each offender's release plan, adjustment, and status in the step system.
 1. Staff will notify the offender of the classification schedule. Offenders will be allowed to participate in the classification meeting if they choose.

[5A-03]

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2. Offenders will be notified by staff of their right to appeal the classification actions in writing within 48 hours to the facility Supervisor.
3. Facility Supervisors will respond to the offender's written appeal within 5 working days of receipt.
4. Staff will document action taken on OBTS DT37 using a "CA" chrono entry.
5. [5A-06] The facility Supervisor has the authority to remove or transfer an offender from the program when there are substantial reasons to justify removal. When transfer is requested, staff will:
 - a. Ensure a transfer order has been finalized for transfers from Work Release to Pre-Release or Prison, and
 - b. Ensure an order of classification move is approved for transfers between Work Release facilities.

V. *Custody Designation*

- A. A Counselor/designated staff may complete DOC 05-095 Custody Review and use OBTS DI89 to determine the scored *custody designation*. For custody demotions and *overrides*, the classification *review committee* will make a recommendation to the Superintendent.
 1. The offender's crime, time structure, and *facility plan* requirements must be reviewed against the custody level designation to ensure the offender is eligible for the scored custody.
 2. If the offender is not eligible, but the facility has information that indicates the custody demotion is appropriate, an *override* should be requested.
- B. OBTS DI89 may be used to confirm the offender's eligibility for a previously targeted custody promotion. If, after review of the electronic and central file, and contact with the Hearing Officer and other appropriate facility staff the offender remains eligible for a previously targeted custody, the assigned Counselor/CCO will complete DOC 05-095 Custody Review and assign the previously targeted custody on OBTS DI89. The Counselor/CCO will make a corresponding OBTS DT37 entry documenting the offender's adjustment since the last review and the action just taken.
- C. Offenders in administrative segregation for protective custody reasons may be considered for custody promotion during their regularly scheduled review. If a review did not occur during administrative segregation status and infractions did not occur to cause a custody demotion, the offender will remain on the previous custody level until the regularly scheduled review.

VI. Minimum Custody Referrals

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- A. If an offender's PULHES codes conflict with the approved facility profile, the referral will be initiated; however, placement must be negotiated prior to the transfer being finalized.
- B. All offenders assigned or targeted for MI3, except those needing placement in a special needs unit will be referred for placement using OBTS DI66.
 - 1. The earliest transfer date will be set to the date targeted for the offender's assignment of MI3 custody.
 - 2. Offenders who have been referred for civil commitment as part of the *End of Sentence Review (ESR)* process are precluded from being designated any level of minimum except MI3.
 - 3. Offenders who have been referred for civil commitment during a previous incarceration and returned to the Department's custody require approval of the OCO Deputy Secretary/designee to receive minimum facility placement.
- C. Offenders should be targeted for MI2 custody and placement at a level 2-security facility at 4 years from *ERD*.
 - 1. If the offender meets the criteria for Long Term Minimum (LTM) MI2, s/he may be referred for MI2 and placement at McNeil Island Corrections Center (MICC) North Complex at 6 years from *ERD*.
 - 2. Immigration and Naturalization Service (INS) detainees may not be placed at MI2 or a less restrictive security level placement prior to serving 6 months in a major facility. Offenders who have been previously deported may not be assigned less restrictive custody than MI3.
 - 3. Offenders shall be referred for placement using OBTS DI66.
 - a. The destination code is A03, and
 - b. The earliest transfer date will be set to the date targeted for the offender's assignment of MI2 custody.
 - 4. If an offender refuses transfer to an MI2 facility, his/her custody must be demoted.
- D. Offenders should be targeted for MIP custody and placement at a Pre-Release facility 2 years from *ERD*.
 - 1. All offenders assigned or targeted for MIP or MI1 custody will be referred for Pre-Release placement.
 - 2. Transfer requests will be made using OBTS DI66.
 - a. The destination code is A04;

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- b. The earliest transfer date will be set to the date targeted for the offender's assignment of MIP custody,
 - c. The transfer priority will be set at priority one pending screening (1P), and
 - d. The special concern section of OBTS DI66 will be used to indicate the recommended final priority for placement (i.e., 1, 6, or 9).
 - 3. If an offender refuses transfer to a MIP facility, his/her custody must be demoted to MI3 or higher and s/he may be infraacted.
- E. Offenders will be targeted for assignment of MI1 custody and Work Release placement 6 months from release or expiration of mandatory minimum term.
 - 1. Offenders will be referred using OBTS DI66.
 - 2. The destination will be the specific Work Release facility where the offender requests placement, except Seattle. All Seattle Work Release referrals will be made to destination 700. In most cases, the offender must plan to reside in the Work Release facilities catchment area.
 - 3. The earliest transfer date will be set to the date targeted for the offender's assignment of MI1 custody.
 - 4. Facility staff shall send DOC 20-047 Community Release Plan Packet Checklist and packet to the designated Work Release for screening per DOC 300.500 Work Release Screening.
 - a. Referrals for Seattle Work Releases are sent to the West Central Region Seattle Office.
 - 5. After screening, the decision will be sent back to the facility where the offender is assigned and noted on OBTS DI66. [2A-08]
 - 6. Any offender with an enhancement as a result of the Hard Time for Armed Crime initiative is not eligible for Work Release while serving the mandatory portion of his/her sentence. OBTS DI89 will not allow the assignment of MI1 during the mandatory.
 - 7. Offenders refusing placement in Work Release must have their custody overridden to MIP or higher.
- F. Facility staff must enter a custody hold on OBTS DI63 when targeting custody for future assignment. The transfer flag (T) for a custody hold must be set to no impact on transfer (N).
 - 1. Once targeted, custody will be assigned when the offender is eligible for the reduced custody.

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2. The electronic file must be reviewed and eligibility validated prior to the assignment of custody.
 3. The offender's model score must allow for the assignment of the targeted custody placement unless an *override* is requested and approved.
- G. The Department will make discretionary decisions regarding the placement and movement of offenders to lower levels of custody based on the outcome of risk assessments and evaluations for Seriously Mentally Ill (SMI) and sex offenders convicted of registerable offenses per DOC 350.255 Registration Notification.
1. These evaluations will address, at a minimum:
 - a. Community threat or risk to self or others,
 - b. Any limitations on work capacity due to mental illness,
 - c. Escape risk,
 - d. Offender management issues, and
 - e. Offender health issues which would impact placement and, if known, decompensation pattern.
 2. A psychological evaluation less than 2 years old is required prior to recommendation for minimum custody of MI2 or lower as specified in a Psychological evaluation request for:
 - a. Any offender being considered for designation as a Dangerous Mentally Ill Offender (DMIO).
 - b. Any offender who has been designated SMI or has current, serious mental health problems (i.e., has been on suicide or intensive watch, has been actively psychotic, or has been self-mutilating) within the past 90 days.
 - c. Developmentally disabled offenders who have unique management requirements relating to mental health.
 3. All sex offenders entering the Reception Centers with less than 5 years to serve will be evaluated using the Washington State Risk Level Classification (RLC) rating scale.
 - a. Those posing a Level II or Level III risk will be subject to a complete sex offender psychological evaluation prior to placement in less than MI3 custody or release to community placement.
 4. Sex offenders with more than 5 years to serve will be evaluated by facility psychological staff, using RLC rating scale, prior to release or reduction in custody or movement to less than an MI3 facility.
 5. The sex offender risk evaluation shall be considered whenever decisions are made regarding custody, *ESR*, community placement, extended family visits, and Transition and Relapse Prevention Program (TARP) participation.

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6. All sex offenders will be referred by their assigned Counselor for evaluation 5 years prior to the offender's *ERD*. The Counselor will ensure the evaluations are completed no later than 6 months prior to the offender's *ERD*.

VII. Overrides

- A. *Overrides* may result in a demotion or promotion of scored custody. *Overrides* must be requested if:
 1. The offender's scored custody and time structure does not match the security level of the facility and a transfer is not being considered,
 2. Staff feel that documented behavior, mental health issues, medical and/or dental needs, and/or program needs indicate another *custody designation* is more appropriate, or
 3. An offender scores minimum and does not meet other criteria for minimum.
- B. An *override* reason will be entered on OBTS DI89 by staff at the authorizing level.
- C. *Overrides* will not be recommended to allow MI2 or less restrictive placement of offenders with untried felony or hard *detainers* for a violent felony.
- D. Requests are submitted on DOC 20-030 Classification Referral or approved electronic referral.
- E. The *Override Reasons/Decisions* (attached) outlines the various types of *overrides*, and authority for approval. Headquarters will not review *overrides* denied at the facility level.
- F. MI2 facilities recommending an offender for *override* consideration to retain minimum custody or to assign MI3 custody may submit an electronic referral to the Headquarters Minimum Facility Screening Committee (MFSC). The *Override* request shall contain:
 1. The offender's name,
 2. DOC number,
 3. Description of the behavior causing the custody score to change, and
 4. The rationale for the *override*.
- G. All *override* reasons must be entered on OBTS DI89 by staff at the authorized level.

VIII. Referrals to Headquarters Community Screening Committee

- A. Any case may be referred to *HCSC* when the facility Superintendent/Supervisor has a serious concern regarding:

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1. Public safety or community risk (*HCR override*),
2. Notoriety of the offense, and/or
3. Mental health issues that make placement at a level 2 or lower facility inappropriate (*HMH override*). A current mental health evaluation supporting the *override* recommendation and addressing community risk must be attached to the request.

B. A referral will be completed using DOC 20-030 Classification Referral or approved electronic referral and routed via the Headquarters Classification Unit.

C. A referral may result in a change in *custody designation*. The following actions require *HCSC* approval for MI2 custody or lower:

1. ISRB Disciplinary Hearing if initiated by Department staff,
2. Mutual Agreement Program development or modification,
3. .100 Hearing if initiated by Department staff,
4. Commutation of Sentence,
5. Referrals from Headquarters Correctional Program Managers (CPM),
6. Recommended denial of Work Release by Community Corrections staff, and
7. Custody promotions for those previously assigned a more restrictive custody by *HCSC*.

D. Placement decisions made by Headquarters Classification Unit are final. However, if the approved receiving facility has a concern not based on new information about the placement, the Headquarter Classification Program Manager will refer to *HCSC* for a final decision.

IX. Facility Placement Assignment

A. Facility placements should be targeted through the use of the offender's *facility plan*. Recommendations for facility placement must consider:

1. Custody,
2. Security,
3. Program,
4. Medical/dental/mental health,
5. Offender's *facility plan*, and/or
6. Other identified offender/facility needs.

B. Offenders should be placed at the lowest security level facility possible consistent with their *custody designation*.

1. When the offender's assigned or targeted custody does not match current facility security level, a transfer request will be initiated.
2. If an offender is assigned or targeted for MIP or MI1 and is not already in an MI2 facility, a minimum facility referral should be made.

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3. Notification felony *detainers* do not necessarily preclude movement to an MI2 facility. Seriousness of the behavior and length of time to be served on the *detainer* shall be considered if the referral is for less than MI3.
- C. Exceptions may be considered if the transfer affects the offender's ability to continue or complete a program and/or the stability and business needs of an industries program. This consideration shall not be used to delay or prohibit a transfer necessary for legitimate safety or security reasons.
1. Exceptions to the standards for transfer may be requested in writing by the Superintendent/designee to the Chief of Classification/designee.
 2. Denials of exception requests must have the concurrence of the OCO Deputy Secretary.
 3. Offenders enrolled in education/vocation programs will be allowed to complete the school quarter. Offenders participating in time-limited, structured self-help programs (i.e., Chemical Dependency, Victim Awareness, Anger/Stress Management, etc.) may be retained at the current facility pending program completion.
- D. The FRMT will notify Class I or Class II industries Program Supervisors of possible offender transfer at the time of classification. Correctional Industries (CI) Program Supervisors may request the Superintendent defer transfer for up to 90 days from the date of notice. If deferral is authorized by the Superintendent, a Critical Institution Need (CIN) hold will be placed and the earliest transfer date updated in OBTS.
- E. Eligible offenders who refuse assignment to a designated facility, other than Work Release, will be infraacted for refusing to work/program. This may also result in review of the offender's assigned program and loss of earned time per DOC 350.100 Earned Release Time.
- F. Offenders within 30 days of release will not be transferred except:
1. Eligible offenders may move to Work Release and/or Pre-Release; or
 2. High Risk Transition cases may be moved if requested through an RMIT Team per DOC 350.200 Risk Based Transition for Offenders.
- X. Programming
- A. Programming issues must be addressed and documented for all offenders through the classification process using DOC 20-030 Classification Referral. [4-4295]
1. The *assigned Counselor/CCO in conjunction must develop the facility plan* with the offender and the FRMT.

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2. At each time-based and event-driven review, the offender's compliance and progress with the *facility plan* will be reviewed and documented on OBTS DI89 and DT37.
3. An event-driven review also requires:
 - a. Documentation on DOC 20-030 Classification Referral, and
 - b. The *facility plan* to be updated and:
 - 1) Reviewed by the facility *review committee*/reviewer who will make recommendations to the Superintendent regarding targeted actions, and
 - 2) Reviewed and approved by the facility Superintendent/Supervisor/designee.

B. When making programming/*facility plan* recommendations, staff shall consider:

1. The offender's time structure and eligibility time frames for custody promotions and placement in less restrictive levels of security,
2. The *OPBR* generated at the Reception Center,
3. Any pre-sentence or post conviction risk assessment information,
4. Criminal history and offense-related behaviors,
5. Facility behavior/adjustment,
6. Concerns expressed by the offender,
7. Recreational preference of the offender, and
8. Any policy based requirements.

C. When establishing goals and steps for *the facility plan*, the offender's eligibility date for placement in a minimum facility must be considered.

D. The completion date for education programs should not interfere with an offender's transfer to a minimum facility.

1. Holds for completion of a program may be for no more than 90 days and will only be granted when the offender is in total compliance with his/her *facility plan*.

E. The *facility plan* shall be documented on OBTS, and supporting information on programming expectations and progress shall be documented on OBTS and DOC 20-030 Classification Referral.

F. Program referrals for offenders will be made using OBTS DE02 per DOC 590.300 Resource and Program Management.

G. At the time of any regular or plan change review, the offender may initiate request(s) for classification action(s) to be addressed at the review.

XI. Holds

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- A. When circumstances arise which temporarily impact an offender's eligibility for transfer, a hold will be placed on OBTS DI63. A completion/removal date must be provided.
- B. Regular and periodic reviews utilizing computer-generated batch reports (i.e., JET 21 report, IIS 68 hold reports, and other OTS and IIS reports) should be used to monitor cases and assist in identifying and removing holds when appropriate.

DEFINITIONS:

The following words/terms are important to this Policy Directive and are italicized and defined in the Glossary section of the Policy Directive Manual: *Custody Designation*; *Custody Review*; *Detainer*; *Earned Release Date (ERD)*; *End of Sentence Review (ESR)*; *Facility Plan*; *Headquarters Community Screening Committee (HCSC)*; *Offender Profile Battery Report (OPBR)*; *Override*; *Review Committee*; *Time Start Date*. Other words/terms appearing in this Policy Directive may also be defined in the Glossary.

ATTACHMENTS:

Offender Facility Plan and Event Driven Classification Instructions
Criminal History Format – Recommended
Document Search Procedure
Override Reasons/Decisions

DOC FORMS (See Appendix):

DOC 05-095 Custody Review
DOC 20-030 Classification Referral
DOC 20-047 Community Release Plan Packet Checklist
DOC 21-110 Initial Custody Designation
DOC 21-148 Criminal History Summary

APPENDIX 3



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON/WORK RELEASE
OFFENDER/SPANISH MANUALS

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2/4/08

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POLICY

TITLE
CLASSIFICATION AND PLAN REVIEW

REVIEW/REVISION HISTORY:

- Effective: 7/1/89
- Revised: 6/1/90
- Revised: 1/19/93
- Revised: 8/16/93
- Revised: 11/1/95
- Revised: 12/31/96
- Revised: 10/13/00
- Revised: 5/8/02
- Revised: 12/24/04
- Revised: 11/26/06
- Revised: 1/9/07 AB
- Revised: 10/4/07 AB
- Revised: 11/1/07 AB
- Revised: 2/4/08

SUMMARY OF REVISION/REVIEW:

Major changes. Read carefully.

APPROVED:

Signature on File

ELDON VAIL, Secretary
Department of Corrections

12/27/07

Date Signed

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	TITLE CLASSIFICATION AND PLAN REVIEW		

REFERENCES:

DOC 100.100 is hereby incorporated into this policy; RCW 9.94A; ACA 4-4295; ACA 4-4296; ACA 4-4300; ACA 4-4301; ACA 4-4302; ACA 4-4303; ACA 4-4444; DOC 310.150 Reception, Initial Classification, and Facility Plan; DOC 300.500 Work Release Screening; DOC 320.100 Indeterminate Sentence Review Board (ISRB) Reports; DOC 320.110 Community Custody Board (CCB)/.420 Hearings; DOC 320.150 Disciplinary Sanctions; DOC 320.200 Administrative Segregation; DOC 350.100 Earned Release Time; DOC 350.200 Risk Based Offender Transition and Release; DOC 350.300 Mutual Re-entry Program; DOC 350.500 End of Sentence Review/Post Confinement Review; DOC 490.800 Prison Rape Elimination Procedures; DOC 590.300 Resource Program Management; DOC 630.500 Mental Health Care Management; ESSB 6157; HB 5990; SHB 1290

POLICY:

- I. Classification is the management tool used to assign an offender to the least restrictive custody designation while providing for the safety of the staff, the community, and other offenders. The classification process will be documented on the applicable Facility Plan and in the Department's information system. [4-4295]
- II. [4-4444] The classification system is designed to promote offender participation in work, education, treatment, offender change, and vocational programming in a manner that results in graduated release through a systematic decrease in supervision and corresponding increase in offender responsibility and re-entry into the community.

DIRECTIVE:

- I. General Requirements
 - A. For classification purposes, convictions of any offense classified as attempted, conspiracy, or solicitation will be treated the same as the offense itself.
 - B. Classification review has 3 components: custody designation, program needs and expectations, and facility placement. [4-4301] The Facility Plan documents classification reviews.
 - C. The Facility Plan and/or Offender Release Plan (ORP) will be updated as needed.
 - D. All initial classification will be conducted per DOC 310.150 Reception, Initial Classification, and Facility Plan.
- II. Classification Reviews



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- A. In Prison, the Counselor will conduct an intake interview with the offender within 30 days of assignment to the parent facility. The interview will include an overview of the Facility Plan developed at the Reception Diagnostic Center (RDC) or the preparing facility.
- B. The Counselor will enter a CA code on the DT37 chrono screen of the Offender Based Tracking System (OBTS) per Types of Reviews on OBTS and DT37 Instructions (Attachment 3).
- C. An offender who arrives at his/her parent facility within 12 months of his/her Earned Release Date (ERD) will have a Re-entry Review completed within 30 days of arrival. The review will be documented per Types of Reviews on OBTS and DT37 Instructions (Attachment 3). Review may result in custody and placement changes unless he/she is under the jurisdiction of the Indeterminate Sentence Review Board and has not been assigned a parole date or found releasable.
- D. Within 14 days of admission to a Work Release facility, the Community Corrections Officer (CCO) will conduct an initial interview with the offender and complete the Facility Plan.
- E. [4-4295] [4-4296] Time frames for planned reviews will be:
 1. Annually on the anniversary of the Earned Release Date when the offender is 5 years or more until the Earned Release Date. [4-4300]
 2. Every 6 months or as targeted in the Facility Plan, when the offender is within 5 years of the Earned Release Date. [4-4300]
- F. All classification reviews will be initiated by the assigned Counselor/CCO through the Facility Risk Management Team.
 1. [4-4303] An offender may request to review his/her progress or program status with the assigned Counselor/CCO. The Counselor/CCO will determine if further action is necessary.
 2. The Superintendent/Community Corrections Supervisor/designee will make the final decision on all Facility Plans unless the offender is being referred to the Headquarters Community Screening Committee (HCSC) or a specific override request requires the Headquarters Classification Unit's approval.

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- G. All reviews will be documented on OBTS DI89, with a Facility Plan, or a DT37 chrono entry per Types of Review on OBTS and DT37 Instructions (Attachment 3).
1. Significant new risk related information or behavior (e.g., infraction behavior, detainers, escapes, new felony convictions, changes in sentence structure, or new information regarding criminal history/behavior, resulting in a classification or custody change) requires a plan change.
 2. A change in offender Custody Review Score following infraction behavior or changes in programming will be tracked as a plan change and may be used to accommodate any unscheduled facility transfer.
 3. A regular review will be conducted for all scheduled classification reviews that do not require a Facility Plan change. Progress will be documented on the Facility Plan or a DT37 chrono entry.
 4. Targeted custody and placement changes will be documented on OBTS DI89 with an X entry and a DI66 transfer request.
- H. The classification review process will include:
1. Providing notice to the offender at least 48 hours in advance of classification reviews, unless precluded for security or other substantial reasons, and the opportunity to meet with the Facility Risk Management Team, or waive appearance using DOC 05-794 Classification Hearing Notice/Appearance Waiver. [4-4302] The offender will be encouraged to attend and participate in classification reviews or action.
 2. Providing notice to the offender of the opportunity to purchase his/her Conviction Criminal History Record from the Washington State Patrol and request corrections per Washington State Patrol Request for Conviction Criminal History Record (Attachment 4), available from his/her Counselor,
 3. Reviewing the offender file and electronic files with particular attention to risk related behavior, facility prohibitions, and Security Threat Group activity,
 4. Screening per DOC 490.800 Prison Rape Elimination Procedures, documented on OBTS HS06 or DT37 with a PS chrono code,
 5. Reviewing detainer and warrant status,



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6. Reviewing and updating the Offender Management Network Information (OMNI) Criminal History Narrative as needed,
 7. Ensuring Risk Assessments are completed,
 8. Interviewing the offender, and addressing what they can expect regarding custody, placement, and programming,
 9. Updating the offender's emergency contact information,
 10. Reviewing and updating the Facility Plan as needed, and making recommendations for transfer based on individual programming, medical, or mental health needs, as appropriate,
 11. Targeting custody levels and placements for effective transition to lower levels of custody. If an offender is not targeted for custody promotion, the Facility Plan and OBTS/OMNI will be updated with an explanation,
 12. Updating Earned Release Time per DOC 350.100 Earned Release Time,
 13. Reviewing for 50% Earned Time eligibility,
 14. Reviewing for 10 day release eligibility,
 15. Restoring Good Conduct Time (GCT), if applicable,
 16. Considering need for Mutual Re-entry Plan, if applicable, per DOC 350.300 Mutual Re-entry Program,
 17. Screening for End of Sentence Review screening per DOC 350.500 End of Sentence Review/Post Confinement Review, and
 18. Determining Offender Release Plan preparation timeframes.
- I. The Facility Plan review process will include:
1. Offender risk level classification and program needs. [5A-01]
 2. The offender's compliance with and progress towards the goals in the Facility Plan. Results will be documented on OBTS DI89 and DT37, including additional expectations, program issues, and objectives. [4-4295]
 3. Awarding programming points for the period reviewed, to be calculated into the Custody Review Score using OBTS DI89. If terminated from



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programming due to negative behavior, the offender will lose programming points for the month the behavior occurred.

4. Reviewing Facility Plan expectations and recommendations, taking into consideration:
 - a. Sentence length and eligibility time frames for custody promotions and placement in less restrictive levels of security,
 - b. Available pre-sentence or post conviction risk assessment information,
 - c. Criminal history and offense related behaviors,
 - d. Facility behavior and adjustment,
 - e. Concerns expressed by the offender, and
 - f. Any policy based requirements.
5. Referral for offender programs made per DOC 590.300 Resource Program Management using local facility processes.
6. Plan for re-entry:
 - a. If the offender is within 12 months to release, the Re-entry Review will be documented on a Facility Plan and will include, at minimum:
 - 1) The initial expectations of a proposed release plan,
 - 2) Specifics of release (e.g., sponsor name and address, relationship to offender, other residents in the home, or no address available).
 - 3) Whether the sponsor or others residing in the home have been a victim of the offender,
 - 4) The county of origin, to which the offender will be returned unless there are:
 - a) Victim safety concerns,
 - b) Court ordered conditions on the sentence,
 - c) Negative influences in the community, or
 - d) Family or other sponsoring persons or organizations in another location.
 - 5) Verified terminations or completions of high school diploma, GED, offender change programs, and vocational programs/certifications.



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- 6) Verification of active detainers. Provide information to the offender for possible resolution avenues.
- 7) Employment skills and experience to targeted employment applicable to the release plan.
- 8) Requirements for notification for continuum of care for community based medical or mental health per DOC 630.500 Mental Health Care Management.
- 9) Additional classification expectations that relate to re-entry per DOC 350.200 Risk Based Offender Transition and Release (e.g., Risk Management Intensive Transition (RMIT) participation, no contact orders, etc.).
- 10) Work Release eligibility.
- 11) Verification of completion of End of Sentence Review (ESR) screening process.
- 12) Verification and/or update of Earned Release Time per DOC 350.100 Earned Release Time.
- 13) Compliance with Drug Offender Sentencing Alternative (DOSA) requirements. Review for compliance of court ordered treatment and refer.

J. Facility Risk Management Team

1. The Facility Risk Management Team will address custody designation, program expectations, and facility placement in the review of the Facility Plan during classification. Offender privileges may also be addressed (e.g., visiting, Extended Family Visit Program, recreation, escorted leave, etc). [4-4301]
2. The Facility Risk Management Team may impose conditions per DOC 390.600 Imposed Conditions.
3. The Facility Plan will be completed per DOC 320.100 Indeterminate Sentence Review Board (ISRB) Reports and DOC 320.110 Community Custody Board (CCB)/.420 Hearings and available for hearings scheduled by the Indeterminate Sentence Review Board for indeterminate or determinate plus offenders (i.e., less than 6 months).

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4. The Counselor/CCO will ensure the offender has an opportunity to receive a copy of the Facility Plan.
5. Offenders may appeal classification recommendations and decisions to the Superintendent/Community Corrections Supervisor at the facility where the action occurred. [4-4301] The Superintendent/Community Corrections Supervisor decision is final.
6. Offenders may appeal decisions on interstate placement to the Secretary/designee.
7. Offenders being released from Intensive Management Status (IMS) will have an Intensive Management Status transition plan that will target programs, custody, and placement, to address the offender's placement and transition into general population. Offenders housed in segregation for disciplinary reasons will have their annual review conducted as scheduled. Offenders housed in segregation for Administrative Segregation reasons will have their annual review conducted as scheduled per DOC 320.200 Administrative Segregation using DOC 17-083 Administrative Segregation/IMS Referral.

III. Custody Promotion

- A. Prior to any custody promotion, the following will be reviewed at a minimum:
 1. Community threat and risk to self or others.
 2. Escape history and risk.
 3. Offender management issues.
 4. Eligibility for previously targeted custody.
 - a. If the offender remains eligible for previously targeted custody, the Counselor/CCO/designee will initiate the OBTS DI89, using an X type review, and assign the previously targeted custody through an approved facility procedure. The Counselor/CCO will make a corresponding OBTS DT37 CA chrono entry documenting the offender's adjustment since the last review and the action taken.
 - b. For offenders not meeting their target requirements, the DI63 will be changed to reflect the adjusted custody promotion. The Counselor/CCO will make a corresponding OBTS DT37 CA chrono entry documenting the reason for ineligibility/adjustment.

IV. Custody Demotion



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- A. The Counselor/CCO/designee will monitor the offender's conduct and adjustment, when the offender's current Custody Review Score drops below the current level. When the offender is being considered for a custody demotion (i.e., due to Custody Review Score or an override request):
1. The assigned Counselor/CCO/designee will run an OBTS DI89.
 - a. Using a Plan Change (P) type review, when the offender is more than 30 days from the Next Review Date.
 - b. Using a Regular (R) type review, when the offender is within 30 days of the Next Review Date.
 2. The assigned Counselor/CCO will initiate a review of Earned Time.
 3. The assigned Counselor/CCO/designee may also complete DOC 05-095 Custody Review.
 4. The Facility Risk Management Team will meet with the offender, explain the reason(s) s/he has lost custody, and make a placement recommendation.
 5. A Facility Plan and all documents required prior to a Plan Change review will be completed explaining the reason for the demotion and the Facility Risk Management Team recommendations. Refer to Class A, B, and C Infractions for Classification for the scoring of infractions for classification purposes, per the Disciplinary Sanction Table for Prison and Work Release attached to DOC 320.150 Disciplinary Sanctions.
 6. The Facility Plan will be routed through the Facility Risk Management Team prior to requesting transfer, if possible, and to Superintendent/Community Corrections Supervisor/designee.
 7. The Superintendent/Community Corrections Supervisor/designee will close the DI89, assigning the new custody level.
 8. The offender will be transferred to a unit/facility that matches his/her new custody level.
 9. For Work Release violators placed in confinement prior to the hearing, the CCO will initiate the DI89, and recommend a custody level and facility placement.

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- B. If the Facility Risk Management Team determines that an offender with an appropriate Custody Review Score is no longer suitable for his/her current custody level, an override may be assigned or requested. Overrides are listed on the Override Reasons/Decisions for DI88 and DI89 (Attachment 2).
1. The Facility Risk Management Team will make an override request to the Superintendent/Community Corrections Supervisor/designee, and Headquarters Classification Unit, if required. If the Approving Authority concurs, a transfer request will be made to Headquarters Classification Unit and a DI66 request entered to an appropriate facility.
 2. If the offender must be transferred prior to the Facility Risk Management Team review, the sending facility will email the Facility Plan to the receiving facility for Facility Risk Management Team review and approval of the override request. A copy of this Facility Plan will be placed in the offender's record.
- C. When the offender arrives at the receiving facility, the classification expectations will be in an OBTS DT37 chrono and on a new Facility Plan which addresses:
1. Custody and placements targets as required based on the new information.
 2. Programming and behavioral expectations.
 3. Update family and community support availability, if needed.
- D. At minimum security facilities where transfers must occur in less than 24 hours for placement in special/secured housing or other emergent reasons, the sending facility will request transfer. Updates to OBTS/OMNI and/or override requests will follow.
1. Investigations for emergent transfers will be conducted as quickly as possible.
 2. Infractions will be heard and appropriate OBTS/OMNI entries will be made upon completion of the hearing based on agreements between sending and receiving facilities.
 3. Classification actions will be completed as required.
- V. Custody Level Designation
- A. Eligibility requirements for custody levels are:
1. Close Custody: Custody Review Score 0-39



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- a. Inmate Sentenced to the Death Penalty will initially be housed in an Intensive Management Unit (IMU) on Intensive Management Status at the Washington State Penitentiary (WSP) or the Washington Corrections Center for Women (WCCW) for a minimum of one year. Custody will not be changed unless directed by Headquarters, and will not be less restrictive than Close.
 - b. An offender sentenced to Life Without Parole (LWOP), or whose sentence structure puts her/his Earned Release Date past the longest expected life duration, will be placed in close custody units at Clallam Bay Corrections Center (CBCC), WSP, or WCCW, the Special Offender Unit (SOU) or Washington Reformatory Unit (WRU), or any Intensive Management Unit, unless otherwise approved in writing by the Prisons Deputy Secretary/designee.
2. Medium Custody: Custody Review Score 40-55
- a. An offender committed for Murder 1st or sentenced to Life Without Parole will serve 4 years at close custody before promotion to a lower custody level.
3. Minimum 3 (MI3) Custody: Custody Review Score 56-67
- a. An offender committed for Murder 1st who is over 4 years to Earned Release Date is eligible for MI3 custody with a possible override after serving 4 years from time start date.
 - b. An offender serving Life Without Parole who is over 4 years to Earned Release Date may not be assigned minimum custody unless approved in writing by the Prisons Deputy Secretary.
 - c. An offender with hard felony detainees who is over 4 years to Earned Release Date will remain at MI3 or a more restrictive custody with a possible override.
 - d. An offender sentenced to a determinate plus sentence with a Life maximum term will be assigned MI3 Indeterminate Sentence at the facility level until the Indeterminate Sentence Review Board finds the offender releasable.
 - e. An offender sentenced to the Community Custody Board with a maximum term of Life or who is within 4 years of the Earned Release Date will be assigned no lower than MI3 Indeterminate



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Sentence until the Indeterminate Sentence Review Board determines the offender releasable.

- f. An offender sentenced to the Community Custody Board with a 5 or 10 year maximum term who is within 4 years of the maximum expiration date or has an approved Parole Plan may be considered for MI2 custody on a case by case basis, with approval by the Headquarters Community Screening Committee.
 - g. An offender who scores minimum and is within 4 years of his/her Earned Release Date and the offender has been previously deported.
 - h. An offender who scores minimum and is within 4 years of his/her Earned Release Date and has an Immigration and Customs Enforcement (ICE) detainer and the offender has not served 6 months in a major facility.
 - i. An offender who scores minimum and is within 4 years of his/her Earned Release Date and the offender has untried felony detainees.
4. Minimum 2 (MI2) Custody: Custody Review Score 56-67, with less than 4 years to Earned Release Date and/or an override applies.
- a. Offenders with the following current violent sex offenses will only be assigned MI2 or less restrictive custody by Headquarters Community Screening Committee. The Facility Risk Management Team placement will consider lower levels of custody at the review prior to eligibility, or as soon as possible thereafter. The Facility Risk Management Team will consider the offender Risk Classification Level and completed programming when making a recommendation to the Headquarters Community Screening Committee.
 - 1) Rape 1st and 2nd,
 - 2) Attempt/Criminal Solicitation of Rape 1st and 2nd,
 - 3) Rape of a Child 1st and 2nd,
 - 4) Child Molestation 1st,
 - 5) Kidnapping 1st and 2nd, with sexual motivation, and
 - 6) Indecent Liberties, with forcible compulsion.
 - b. An offender who has been referred for civil commitment as part of an End of Sentence Review is prohibited from MI2 and less restrictive custody levels.

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- c. An offender previously referred for civil commitment as a Sexually Violent Predator requires approval of the Headquarters Community Screening Committee.
- d. Six months prior to consideration for MI2 custody, the Counselor will request a psychological evaluation and approval by Headquarters Community Screening Committee for any offender being considered for MI2 or lower levels who:
 - 1) Demonstrates serious mental health problems (e.g., has been on suicide or intensive watch, has been actively psychotic, or has been self-mutilating) within the past 90 days, or
 - 2) Is developmentally disabled and has unique management requirements relating to mental health.
- e. Psychological evaluations will:
 - 1) Address, at a minimum, the expected functioning of the offenders in a lesser restricted environment and focus on recommendations to facilitate successful behavioral mental health management.
 - 2) Be no more than 2 years old at the time of the review.
 - 3) Not be required on other offenders. Custody reductions will be based on the Department's risk assessment and other assessment information.
- f. The Facility Risk Management Team will review the psychological evaluation, if applicable, along with all other pertinent information and recommend placement consideration for release planning.
- g. An offender may be referred for early placement at an MI2 facility if s/he meets the following criteria, using a Long Term Minimum override:
 - 1) The offender may be referred for MI2 custody and placement at an appropriate facility, regardless of sentence structure for medical purposes, with receiving facility and Prisons Deputy Secretary/designee approval.

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- 2) Female offenders may be referred for MI2 custody and placement at the WCCW-MSC at 6 years to Earned Release Date.
 - h. An offender refusing MI2 assignment at the Facility Risk Management Team meeting or after assignment will be infraacted.
 - i. An offender convicted of Murder 1st may not be assigned MI2 without an approved Mutual Re-entry Plan.
 - j. An offender who scores minimum, is within 6 months of his/her Earned Release Date, and has a detainer from another jurisdiction that is not extraditable or is notification.
 - k. Notification detainees do not preclude transfer to a MI2 facility.
5. Minimum 1 (MI1) Custody: Custody Review Score 56 and above, with 6 months or less to Earned Release Date.
 - a. Any offender/violator with an open felony detainer (i.e., notification, extraditable and non extraditable types) or warrant may not be assigned MI1.
 - 1) If an offender is targeted for MI1 with an open felony detainer or warrant, s/he will be retargeted and his/her Counselor will update OBTS DI89.
 - b. Any offender with a weapons enhancement under RCW 9.94A.533 is not eligible for Work Release until the mandatory portion of the sentence is completed.
 - c. Offenders convicted of Murder 1st, or under the jurisdiction of the Indeterminate Sentence Review Board, including Community Custody Board cases, may not be assigned MI1 without an approved Mutual Re-entry Plan.
 - d. After Work Release screening, the decision will be noted on OBTS DI66 to inform the facility where the offender is assigned.

VI. Facility Assignment

- A. Offenders should be placed at the lowest security level possible consistent with the progression of custody designation. [4-4444] All transfer requests will be made by using OBTS DI66/73. Facility placements should be targeted through

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the use of the offender's Facility Plan. Recommendations and decisions about facility placement must consider:

1. Custody designation,
 2. Security,
 3. Programming,
 4. Medical/dental/mental health,
 5. Offender visitors, family support, and
 6. Specific work skill and needs.
- B. Offenders will be placed in facilities consistent with their health, safety, and security requirements.
1. An offender with health limitations will not be precluded from placement into lower security facility if the offender's health needs can be met. When the offender has specific health needs or accommodation requirements, the Counselor will request Health Services staff or the facility Americans with Disabilities Act Coordinator to assist in making a decision about facility placement. The Counselor will document in an OBTS DT37 chrono, and in the Facility Plan, when placement is determined that will meet the offender's specific needs or if unable to find placement. If the needs cannot be met, the offender will be assigned MI3, and placed at a major facility.
 2. An offender sentenced to Life Without Parole will be placed in a close custody unit at CBCC, WSP, or WCCW, the Special Offender or Washington Reformatory Unit, or any Intensive Management Unit. A recommendation for placement at another facility will be reflected in the Facility Plan, indicating the reasons. Prior to finalizing the Facility Plan, the recommended facility will be contacted by the recommending facility to discuss the offender's circumstances. The completed plan will be submitted to Headquarters Classification Unit for review, and must be approved in writing by the Prisons Deputy Secretary/designee.
- C. Offender transfer requests will be made by the recommending facility using the DI66. Facility staff will make a generic placement request based on the offender's recommended custody level. Transfer requests for Work Release will be made to the specific facility, except for the Seattle area facilities, which will be requested as 700.
- D. Placement decisions made by the Headquarters Classification Unit are final. However, if the approved receiving facility has concerns based on new information or believes an error has been made, the Headquarters Classification



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Unit may be contacted. The Chief of Classification will make the final decision or refer to the Headquarters Community Screening Committee.

E. Appeals on interstate placement will be made to the Secretary/designee.

VII. Headquarters Review, Overrides, Holds, and Exceptions

A. Headquarters Community Screening Committee Review

1. A Headquarters Community Screening Committee review is required when the:
 - a. Superintendent/Community Corrections Supervisor/designee makes a recommendation that the Indeterminate Sentence Review Board conduct a Disciplinary or .100 Hearing that requires a Department recommendation.
 - b. Superintendent/Community Corrections Supervisor/designee recommends Mutual Re-entry Plan development or modification.
 - c. Superintendent/Community Corrections Supervisor/designee deems an offender poses a serious concern regarding:
 - 1) Public safety or community risk, and/or
 - 2) Notoriety of the offense.
 - d. Offender is being considered for Extraordinary Medical Placement.
 - e. Offender is being considered for commutation of his/her sentence.
 - f. Request is made by the Chief of Classification and/or Headquarters Classification Unit Correctional Program Managers.
 - g. Community Corrections staff request denial of Work Release for a reason not prohibited by DOC 300.500 Work Release Screening.
 - h. Offender was previously assigned a more restrictive custody by the Headquarters Community Screening Committee during the current incarceration and promotion is being recommended.
 - i. Offender was previously reviewed by the Headquarters Community Screening Committee and not approved for lower levels of custody, and MI2 or lower custody is being recommended.



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j. Case has open/active DT43 Level 2 or less restrictive placement facility prohibitions authorized by the Headquarters Community Screening Committee.

2. Headquarters Community Screening Committee Review Process:

- a. The referring staff will complete the Facility Plan and send it via email to the Headquarters Community Screening Committee. A copy of the Facility Plan will be placed in the offender's central file or Liberty.
- b. The Headquarters Community Screening Committee will review and make a decision.
- c. The Headquarters Community Screening Committee staff will:
 - 1) Complete the DI89, assign custody, and enter the decision as a CA chrono linked to the classification action,
 - 2) Notify the facility of the Headquarters Community Screening Committee decision, and
 - 3) Return the completed Facility Plan to the facility where the offender is assigned and retain in Liberty.

B. Overrides

1. A custody override may be requested:

- a. To assign a custody level other than the scored Custody Review Score.
- b. To demote or promote custody.
- c. When documented behavior, medical, dental, and/or mental health issues, and/or program needs indicate another custody designation is more appropriate.

2. Override Review Levels and Documentation

- a. All overrides will be requested using DOC 20-402 Facility Plan and will be sent via email.
- b. The override reason will be entered on OBTS DI89 by staff at the authorizing level. The Override Reasons/Decisions for DI88 and



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DI89 (Attachment 2) lists the various types of overrides and authority for approval.

- c. The Superintendent/designee will determine if the offender will be assigned a custody level other than the scored custody.
 - 1) Override is required for: Indeterminate Sentence, Life Without Parole, Death Sentence, Murder 1st cases.
 - 2) Override is optional for: Administrative Segregation, Boarder status, Dental Needs, Detainer, End of Sentence Review, Indeterminate Sentence, Medical, Prior Headquarters Decision, Risk Assessment Pending, Work Release Terminated, Risk Management 1 for B and C category infractions, offender refuses Minimum Assignment, Sexually Violent Predator, Time Remaining to Serve.
- d. Headquarters will be required to review and assign a custody level other than the scored custody for the following:
 - 1) Classification Unit staff will review override requests for: Community Corrections Transition, Facility Security, Intensive Management Status, Juvenile Rehabilitation Administration, Long Term Minimum, Mutual Re-entry Plan, Risk Management 2 for A category infractions.
 - 2) The Headquarters Community Screening Committee will review override requests for Headquarters Community Risk and Headquarters Mental Health.

C. Holds

- 1. When circumstances arise that temporarily impact an offender's eligibility for transfer, a hold will be placed on OBTS DI63 per Holds (Attachment 1). A completion/removal date must be provided.
- 2. Facility staff will monitor holds using computer generated batch reports to identify, remove, extend, or close holds, when appropriate.
- 3. The following will be considered when placing a program hold:
 - a. Offender time structure,
 - b. The likelihood that the program will impact specific, significant need area(s) in an offender's offense pattern/cycle,

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- c. The availability of the program at other facilities,
- d. Whether the program is open entry/exit,
- e. The priority of the offender if/when referred, and
- f. Whether or not the program is identified in the offender's individual Facility Plan.

4. Exceptions may be considered if the transfer affects the offender's ability to continue/complete a program, and/or the stability and business needs of an industries program. Exceptions will be documented on OBTS DI63.

5. Offenders within 60 days of release will not be transferred or targeted for transfer, except:

- a. Eligible offenders may move to Work Release.
- b. High Risk Transition cases may be moved if requested through an Risk Management Intensive Team.
- c. Transfers approved by sending and receiving facility to assist in re-entry.
- d. Custody demotions.
- e. Reception Diagnostic Center offenders.

DEFINITIONS:

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

ATTACHMENTS:

Holds (Attachment 1)

Override Reasons/Decisions for DI88 and DI89 (Attachment 2)

Types of Reviews on OBTS and DT37 Instructions (Attachment 3)

Washington State Patrol Request for Conviction Criminal History Record (Attachment 4)

DOC FORMS:

DOC 05-095 Custody Review

DOC 05-794 Classification Hearing Notice/Appearance Waiver

DOC 17-083 Administrative Segregation/IMS Referral

DOC 20-402 Facility Plan

APPENDIX 4

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY DIRECTIVE</p> <p><input checked="" type="checkbox"/> Offender Manual <input type="checkbox"/> Spanish</p>	<p>PRISON/PRE-RELEASE/ WORK RELEASE/FIELD</p>	<p>NUMBER DOC 320.410</p>
	<p>SIGNATURE</p> 	<p>DATE</p> <p>11/7/02</p>
	<p>TITLE JOSEPH D. LEHMAN, SECRETARY</p>	<p>PAGE NUMBER 1 of 13</p>
<p>OFFENDER RISK MANAGEMENT</p>		

SUPERSESION:

DOC 320.410 effective 2/1/02

REFERENCES:

DOC 100.100 is hereby incorporated into this Policy Directive; RCW 4.24.550; DOC 300.380 Classification; DOC 320.155 Violation Process/Violation of Conditions; DOC 320.400 Level of Service Inventory-Revised (LSI-R); DOC 320.420 Offender Accountability Plans; DOC 320.455 Community Supervision of Risk Management Level-D (RM-D) Offender; DOC 350.250 Order of Release and/or Transfer to Community Custody; DOC 530.200 Guardians

POLICY:

- I. Supervision activities are often driven by unpredictable and unanticipated offender behavior and not simply determined by agency policy requirements. Judgment must be exercised both in supervision and in sanctioning offenders on supervision. There are limited resources available to monitor offenders in the community. Day-to-day changes in managing a caseload of offenders results in competing demands in the allocation of the Counselor's and Community Corrections Officer's (CCO) time.
- II. The Department shall manage offenders under Department jurisdiction on the basis of risk. Offender risk and changes in offender risk will be measured using objective assessment tools.
- III. Intervention shall be based on dynamic risk principles and prioritized based on the offender's risk to do harm.

DIRECTIVE:

- I. Risk Assessment
 - A. The Level of Service Inventory-Revised (LSI-R) will be the primary risk assessment tool. Additional assessments of risk may be conducted using methods approved and adopted by the Community Protection Unit (CPU).

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- B. DOC 02-191 Risk Management Identification Worksheet shall be completed to assign a risk management level and maintained in the offender file until an electronic version is available.
- C. An override may be requested if there are aggravating or mitigating factors not adequately taken into account by the defining risk management level criteria.
- D. For the purpose of assessment, documented history means data obtained through a records check, information obtained by the Department from official sources, and the offender's self report.
- E. If, during the course of supervision, the Counselor/CCO discovers new or additional conviction or behavioral information which was not considered during the initial assessment and/or reassessment, a reassessment shall be done and the offender will be supervised at the appropriate level.

II. Criteria for Risk Management-A (RM-A)

- A. Offenders will be assigned RM-A if they meet one or more of the following criteria:
 - 1. Have an LSI-R score of 41 or over, with a past or current conviction on the Felony Index of Violent and/or Serious Violent Offenses, or comparable conviction from another state;
 - 2. Are Level III sex offenders;
 - 3. Have been designated as a Dangerous Mentally III Offender (DMIO) by the *Statewide Multi-Service Review Committee*; and/or
 - 4. Through documented history, meet any of the following:
 - a. Have committed a sexual/violent act involving a victim who was unknown to the offender.
 - b. Have committed a predatory act of violence directed toward an individual(s) with whom a relationship has been established or promoted for the primary purpose of victimization.
 - c. Have committed a sexual/violent act where the victim was vulnerable, due to age (i.e., 5 years or younger) or visible disability.
 - d. Have committed hate crimes:
 - 1) Have committed a violent act or made threat(s) of violence against a person, group, or institution which was motivated in whole or in part by the offender's bias against a race,

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religion, disability, sexual orientation, or ethnicity/national origin; and/or

- 2) Are a member of an organization whose primary purpose is to promote animosity, hostility, and/or malice, motivated in whole or in part by the organization's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin, and have played a primary role in planning activities for the organization that has resulted in violence.

e. Are considered an Imminent Risk:

- 1) Are exhibiting behavior demonstrating a current threat to past or potential victim(s) including, but not limited to, domestic violence or sexual acts; and/or
- 2) Have a current conviction for domestic violence and/or sexually assaultive behavior and continue to pursue a relationship with the victim, with or without the victim's consent.

III. Criteria for Risk Management B (RM-B)

A. Offenders who do not meet the criteria to be assigned to RM-A will be assigned RM-B if they meet one or more of the following criteria:

1. Have an LSI-R score of 41 or over;
2. Have an LSI-R score of 32-40, with a past or current conviction on the Felony Index of Violent and/or Serious Violent Offenses or comparable conviction from another state;
3. Are under the jurisdiction of the Indeterminate Sentence Review Board (ISRB);
4. Are Level II sex offenders;
5. Are Level I sex offenders who have been ordered to obtain an evaluation/participate in sexual deviancy treatment and are not in treatment, or are out of compliance with the treatment requirements and/or risk related condition(s) of the Offender Accountability Plan (OAP);
6. Are currently sentenced under the Special Sex Offender Sentencing Alternative (SSOSA) and, since their most recent sexual offense, have been participating in sexual deviancy treatment in the community for less than 6 months;

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7. Have been identified, by a qualified service provider, as having a high level of needs requiring ongoing services in order to transition to, or be maintained in, the community. This may include seriously mentally ill and developmentally disabled offenders;
8. Have a current domestic violence related offense and assessment of imminent risk has not yet been determined; and/or
9. Have 2 or more domestic violence related arrests within the past 5 years, while living in the community, and meet all of the following criteria:
 - a. Have an LSI-R score of 32 or higher;
 - b. Have a childhood history of witnessing or being the victim of domestic violence;
 - c. Have a history of alcohol abuse; and
 - d. Have any history of violence outside of a domestic relationship.

IV. Criteria for Risk Management C (RM-C)

- A. Offenders who do not meet the criteria to be assigned to RM-A or RM-B will be assigned to RM-C if they meet one or more of the following criteria:
 1. Have an LSI-R score of 24 to 40;
 2. Are Level I sex offenders in compliance with the risk related conditions of their OAP, if any, and meet one of the following criteria:
 - a. Were not ordered sexual deviancy treatment;
 - b. Have provided written documentation from a certified sexual deviancy treatment provider that treatment is not deemed necessary;
 - c. Are participating in sexual deviancy treatment with a certified sexual deviancy treatment provider;
 - d. Have a current SSOSA sentence and have been participating in sexual deviancy treatment, with a certified sexual deviancy treatment provider in the community, for a minimum of 6 months since their most recent sexual offense; and/or
 - e. Have successfully completed sexual deviancy treatment, with a certified sexual deviancy treatment provider, since their most recent sexual offense.
 3. Have 2 or more domestic violence related arrests within the past 5 years in the community and meet all of the following criteria:

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- a. Have a childhood history of witnessing or being the victim of domestic violence;
 - b. Have a history of alcohol abuse; and
 - c. Have any history of violence outside of a domestic relationship.
4. Are on supervision for Drug Offender Sentencing Alternative (DOSA) sentence.

V. Criteria for Risk Management D (RM-D)

- A. Offenders who do not meet the criteria to be assigned to RM-A, RM-B, or RM-C with a LSI-R score of 0-23 will be assigned to RM-D.

VI. Risk Management Teams

- A. Risk Management Teams will be created to assist the Counselor/CCO in monitoring offenders in accordance with the OAP per DOC 320.420 Offender Accountability Plans. Risk Management Teams will be composed of individuals who, by nature of their roles, have the capacity to influence the offender's ability to follow his/her OAP and/or assist the Department in managing the risk posed by the offender.

B. Facility Risk Management Teams (FRMT)

1. Counselors have primary case responsibility for offenders and shall identify members and establish the FRMT. The FRMT shall develop the OAP, in accordance with DOC 320.420 Offender Accountability Plan.
2. The FRMT should include individuals who, by the nature of their roles, have ongoing and direct contact with the offender, as well as individuals with intermittent contact who have some capacity to influence the offender and assist in managing the offender's risk.
3. At a minimum, the FRMT shall include:
 - a. Facility Counselor/Counselor;
 - b. Living unit or Facility Supervisor;
 - c. Living unit custody staff; and
 - d. Offender.
4. Other FRMT members may include:
 - a. Work Supervisor;
 - b. Program staff (i.e., Education, Chemical Dependency, Treatment, Mental Health);
 - c. Activities staff (i.e., Recreation, Chaplain);
 - d. Guardians per DOC 530.200 Guardians; and/or
 - e. Risk Management Specialist (RMS).

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5. The FRMT will focus on strategies and supervision activities to reduce risk and effect positive behavior change. Primary activities will be directed towards ensuring offenders are in compliance with the OAP. More definition and clarification regarding expected activities and contacts is provided in DOC 320.420 Offender Accountability Plans.

C. Risk Management Intensive Transition Teams (RMIT)

1. RMIT Teams will be established, by the Community Risk Management Specialist (CRMS), for the following RM-A and RM-B offenders:
 - a. Offenders with an LSI-R score of 41 or over, with a past or current conviction on the Felony Index of Violent and/or Serious Violent Offenses, or comparable conviction from another state;
 - b. Level III sex offenders;
 - c. Offenders who have been designated as a DMIO by the *Statewide Multi-Service Review Committee*;
 - d. Offenders who are exhibiting behavior demonstrating a current threat to past or potential victim(s) including, but not limited to, domestic violence or sexual acts; and/or
 - e. Offenders who have been identified by a qualified service provider as having a high level of needs requiring ongoing services in order to transition to or be maintained in the community. This may include seriously mentally ill and developmentally disabled offenders.
2. At a minimum, the RMIT Team shall normally include:
 - a. Community CCO;
 - b. Facility Counselor/CCO;
 - c. Offender;
 - d. CRMS; and
 - e. Facility Risk Management Specialist.
3. Additional RMIT Team members may include:
 - a. Community Mental Health Counselor (CMHC);
 - b. Regional Support Network (RSN) Representative;
 - c. Child Protective Service (CPS) Caseworker;
 - d. Law Enforcement Representative;
 - e. Adult Protective Services (APS) Caseworker;
 - f. Division of Developmentally Disabled (DDD) Representative;
 - g. Victim Advocacy Representative;
 - h. Mental Health Treatment Provider;

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- i. Sex Offender Treatment Provider;
 - j. Employer;
 - k. Offender's primary support person(s);
 - l. Citizen/Neighborhood Representatives; and/or
 - m. Guardians per DOC 530.200 Guardians.
4. For RMIT offenders releasing to monetary only and ISRB Max status, the planning will only address the offender's transition to the community.
- D. Risk Management Transition Other (RMTO) Teams
1. RMTO teams shall be established by the CCO:
 - a. If the CCO denies a Community Release Plan for an RM-A or RM-B offender who does not meet the RMIT criteria
 - b. For all non-monetary status RM-A offenders releasing to the community from a Department facility who do not meet the RMIT criteria.
 - 1) The CCO, in consultation with the Counselor, may decide a Transition Team is not necessary. This decision shall be documented on OBTS DT37 chrono screen using the "TR" chrono type.
 2. At a minimum, the RMTO Team should include:
 - a. Community CCO;
 - b. Facility Counselor/CCO; and/or
 - c. Offender.
 3. Additional RMTO Team members may include:
 - a. Facility Risk Management Specialist;
 - b. Law Enforcement Representative;
 - c. Community Risk Management Specialist;
 - d. Community Mental Health Counselor (CMHC);
 - e. Regional Support Network (RSN) Representative;
 - f. Child Protective Service (CPS) Caseworker;
 - g. Adult Protective Services (APS) Caseworker;
 - h. Division of Developmentally Disabled (DDD) Representative;
 - i. Victim Advocacy Representative;
 - j. Mental Health Treatment Provider;
 - k. Sex Offender Treatment Provider;
 - l. Employer;
 - m. Offender's primary support person(s);
 - n. Citizen/Neighborhood Representatives; and/or
 - o. Guardians per DOC 530.200 Guardians.

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E. Community Risk Management Teams (CRMT)

1. The CCO will develop the CRMT based on the verification plans for monitoring compliance with conditions specified in the OAP.
 - a. Risk Management Transition Teams, with some modification, will function as the Community Risk Management Team (CRMT) while the offender is supervised in the community.
 - b. The CCO is responsible for establishing the CRMT for RM-A and RM-B offenders when a Risk Management Transition Team has not been established.
2. The CRMT should include those individuals who, by the nature of their roles, will be directly involved in monitoring offenders' behavior and participation in intervention activities directed at risk mitigation. A CRMT may include the following:
 - a. Offender;
 - b. Law Enforcement Representative;
 - c. CRMS;
 - d. CMHC;
 - e. RSN Representative;
 - f. CPS Caseworker;
 - g. APS Caseworker;
 - h. DDD Representative;
 - i. Victim Advocacy Representative;
 - j. Mental Health Treatment Provider;
 - k. Sex Offender Treatment Provider;
 - l. Employer;
 - m. Citizen/Neighborhood Representative; and/or
 - n. Guardians per DOC 530.200 Guardians
3. Supervision requirements shall be developed by the CCO with input from the CRMT and documented in the verification plan sections of the OAP for RM-A and RM-B offenders.

VII. Community Supervision of RM-A and RM-B Offenders

- A. CCOs have primary responsibility for RM-A and RM-B offenders and for development of the OAP as outlined in DOC 320.420 Offender Accountability Plans.
- B. Supervision of the offender is the responsibility of the CCO, with the assistance of the CRMT members.

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- C. The CRMT will focus on strategies and supervision activities to reduce risk and effect positive behavior change. Primary activities will be directed towards ensuring offenders are in compliance with the OAP.
- D. Specific supervision activities for RM-A offenders will be dependent upon the prioritized conditions identified by the CRMT.
 - 1. CCOs and members of the CRMT will have contact with the offender consistent with the OAP.
 - 2. The CCO will ensure documentation, in the electronic record, of verified activities that have occurred and the offender's compliance with conditions of supervision identified in the OAP. Verification will be documented.
 - 3. As appropriate, the CRMT will also provide input to the CCO for reviewing and updating the OAP for RM-A offenders.

VIII. Community Supervision of RM-C Offenders

- A. The case management goal for RM-C offenders is to monitor conditions of supervision and respond to identified violation behavior. Following are guidelines that have been established to assist in this goal:
 - 1. Offenders will report monthly, except for DOSA 2 offenders who will have weekly face to face contact until admitted to Chemical Dependency Treatment;
 - 2. The KIOSK/Genie will be the basic means of reporting;
 - 3. An OAP will only be done if the Department has imposed additional conditions, not including time limited sanctions imposed in a Stipulated Agreement or by a Hearing Officer.
 - a. With the exception of an "obey all laws" requirement, Department imposed conditions for RM-C offenders will require Field Administrator (FA) approval, and
 - b. An OAP with an intervention strategy shall be developed to address the condition;
 - 4. Quarterly Compliance Reviews (QCR) will be conducted on each RM-C offender to monitor conditions of supervision and identify violation behavior. DOC 02-178 RM-C Quarterly Review Checklist will be completed;
 - 5. All violations will be addressed per DOC 320.155 Violation Process/Violation of Conditions; and

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6. DOSA 2 offenders will be required to submit to Urinalysis (UA) testing a minimum of once per month. For other offenders with a condition to submit to UA testing, monthly random UAs will be conducted at a rate of 20 percent of those RM-C cases on a caseload with this requirement. The random selection will be electronically generated by GENIE or another Department computer application.

IX. Community Supervision of RM-D Offenders

- A. Supervision requirements for RM-D offenders are outlined in DOC 320.455 Community Supervision of Risk Management Level-D (RM-D) Offender.

X. Risk Management Level/Reclassification

- A. Reclassification shall mean a change in Risk Management Identification Level. Reclassification can occur through reassessment or through the override process.
- B. Counselors/CCOs shall reassess RM-A, RM-B, and RM-C offenders, using the LSI-R, when:
 1. A review of the OAP is required according to DOC 320.420 Offender Accountability Plans, or
 2. New information is received that suggests an increased/decreased risk to the community and/or past or potential victims.
- C. A review of DISCIS and a WACIC record check shall be conducted prior to updating the OAP. Counselors/CCOs shall request reports for any serious violent/violent and domestic violence related arrests and complete a new DOC 02-191 Risk Management Identification Worksheet as appropriate.
- D. LSI-R reassessment may or may not result in reclassification.
 1. Only RM-A offenders who meet the following criteria can be reclassified through reassessment:
 - a. Have an LSI-R score of 41 or over, with a past or current conviction on the Felony Index of Violent and/or Serious Violent Offenses, or comparable conviction from another state;
 - b. Are considered an Imminent Risk
 2. Reclassification of an RM-A offender supervised in the community will require supervisory approval. Reclassification of an RM-A offender supervised in a Department facility will require CPU approval. Approval shall be documented on OBTS DT37 with the "RA" chrono code.

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3. Offenders classified RM-A in accordance with the other criteria outlined in the Criteria for RM-A Section of this Policy Directive must remain RM-A. These offenders cannot be reclassified through the period of supervision; unless extenuating circumstances exist to warrant an override, or a Violence Risk Appraisal Guide (VRAG) is completed which indicates a lower level of supervision is appropriate.
 4. Offenders classified RM-B because they are Level II sex offenders cannot be reclassified downward through the period of supervision except through the override process.
 5. Offenders classified RM-B because they are under the jurisdiction of the ISRB cannot be reclassified downward through the period of supervision.
 6. Offenders classified RM-C because they are Level I sex offenders cannot be reclassified downward through the period of supervision.
- E. RM-D offenders will only be reassessed when a disciplinary hearing has been completed or information is received that suggests an increased risk to the community, past victims, or potential victims. Reclassification of an RM-D offender requires supervisory approval.

XI. Risk Management Level Overrides

- A. An offender's risk management level may be overridden up or down when there exists an aggravating or mitigating factor not taken into account by the RMI Worksheet criteria.
- B. Approval for overrides must be entered on OBTS DT55, which will auto-generate an "RK" chrono on OBTS DT37, noting the approval. Rationale for the override shall be documented on the DT37 with the "RK" chrono.
- C. Overrides for RM-A and RM-B field cases require FA approval. Overrides for facility cases require facility Correctional Program Manager (CPM) approval.
- D. Overrides for RM-C and RM-D cases require supervisor approval. Documented rationale for community cases shall be forwarded to the FA and documented rationale for prison cases shall be forwarded to the CPM.
- E. The Counselor/CCO shall request a Violence Risk Appraisal Guide (VRAG) assessment, or other assessment approved by CPU, through the appropriate RMS if:
 1. An offender is classified RM-A based on behavior/conviction(s) not related to the current offense, and

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2. There is no information/documentation available indicating the offender committed a violent act during the most recent 5 plus years in the community.
 - a. If the VRAG, or other approved assessment, indicates a lower level of classification is appropriate, the RMS will indicate this on the electronic record and the classification can be overridden.
 - b. If the Counselor/CCO has concerns about reclassifying the case, s/he should staff those concerns with the RMS. If the RMS determines the VRAG is not necessary, s/he should document his/her decision and reasons on OBTS DT37 using the "RA" code.
- F. Offenders who are on supervision for Legal Financial Obligation (LFO) only cannot be overridden and will not be placed on any other status.

XII. Sex Offender Notification Level Changes

- A. For offenders releasing from Department facilities, if the sex offender notification level established by the law enforcement differs (i.e., departs) from the notification level established by the CPU, End of Sentence Review Committee (ESRC), the CCO shall notify the CPU.
 1. The CPU shall provide a narrative notification to law enforcement of an offender's risk level classification 30 days prior to an offender's release.
- B. Per RCW 4.24.550, law enforcement is required to notify the Department in writing, and submit the reasons for the change, if they depart from the risk level classification assigned by the ESRC.
 1. If the CPU receives a departure notice prior to the offender's release from custody, the reasons for the departure will be reviewed, along with any additional information provided by law enforcement. If appropriate, the offender's risk notification level will be adjusted and an amended notification will be issued, stating the reasons for the adjustment.
- C. If law enforcement has changed an offender's risk notification level and the CCO has not received a departure notice, the CCO shall contact the CPU.
 1. If a departure notice has not been received, CPU staff shall contact law enforcement and request that it be completed.
- D. When CPU receives a departure notice following the release of an offender, the CPU staff shall review it and determine if the offender is under the Department's supervision.

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1. If s/he is, a copy of the departure notice and additional information shall be forwarded to the supervising CCO, along with a recommendation as to whether the classification should be adjusted.
 2. The CCO shall staff the case with the Supervisor.
 3. If it is determined an override is necessary, s/he will forward the departure notice, the CPU recommendation, and his/her request to the FA for approval. Approval shall be documented on the electronic record.
- E. If the law enforcement change in notification level is due to current behavior which is placing the community at immediate risk, the CCO shall immediately contact CPU and the FA via email and request an emergency override.
1. CPU shall contact law enforcement for the departure information and determine if an overt act may have occurred which warrants further action (i.e., referral for civil commitment as a sexually violent predator).

DEFINITIONS:

The following words/terms are important to this Policy directive and are italicized, and defined in the Glossary section of the Policy Directive Manual: *Statewide Multi-Service Review Committee*. Other words/terms appearing in this Policy Directive may also be defined in the glossary.

ATTACHMENTS:

None

DOC FORMS (See Appendix):

DOC 02-178 RM-C Quarterly Review Checklist
DOC 02-191 Risk Management Identification Worksheet
DOC 09-234 Offender Accountability Plan

APPENDIX 5



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
**PRISON/WORK RELEASE/FIELD
OFFENDER MANUAL**

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POLICY

TITLE
RISK ASSESSMENT PROCESS

REVIEW/REVISION HISTORY:

Effective: 9/1/93
 Revised: 8/1/99
 Revised: 6/26/02
 Revised: 4/15/03
 Revised: 9/19/05
 Revised: 12/10/06
 Revised: 4/30/07

SUMMARY OF REVISION/REVIEW:

Adjusted language to in Policy I. and II.; and Directive I.C.1.b., and II.B.1. to clarify intent and compliance with ACA

APPROVED:

Signature on File

HAROLD W. CLARKE, Secretary
 Department of Corrections

3/16/07
 Date Signed

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON/WORK RELEASE/FIELD OFFENDER MANUAL		
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	TITLE RISK ASSESSMENT PROCESS		

REFERENCES:

DOC 100.100 is hereby incorporated into this policy; ACA 2A-07; ACA 5A-01; ACA 2A-01PP; ACA 2A-02PP; ACA 2A-03PP; ACA 2A-07PP; ACA 2D-01PP; ACA 2D-13PP; DOC 300.380 Classification and Plan Review; DOC 310.100 Intake; DOC 320.420 Offender Accountability Plans

POLICY:

- I. The Department will manage offenders using a risk management system. Offender risk and changes in offender risk will be measured using objective assessment tools. The classification process identifies offender program needs and level of supervision. [2A-01PP]
- II. [2D-01PP] The Department will use the Level of Service Inventory-Revised (LSI-R) as the primary, standardized, validated instrument to assess offender needs and risk for re-offense, and the Risk Management Identification (RMI) Criteria (Attachment 1) to identify potential for future harm. [2A-02PP] Assessment tools will be used to identify dynamic risk factors that may be targets for intervention, determine supervision levels, measure offender change, and establish the foundation for supervision practices.

DIRECTIVE:

- I. Assessment
 - A. The LSI-R and RMI criteria will be the primary risk assessment tools to establish risk classification. [2A-02PP]
 1. The LSI-R/RMI assessments will be completed on every offender, and will be documented on the Offender Management Network Information (OMNI) LSI-R/RMI applications. [2A-07] [2A-02PP]
 - a. When staff are doing a risk assessment, the Counselor/Community Corrections Officer (CCO) will ask the offender if s/he is currently subject to court ordered services for mental health or chemical dependency.
 - i) The offender must sign DOC 14-029 Criminal Justice System/Multi-Party Authorization for Release of Information. Offenders who refuse to sign the form may be processed as a violator by the Counselor/CCO.
 2. Eighteen months prior to the offender's Earned Release Date (ERD), the Counselor/ facility CCO will send DOC 13-409 High Needs B Assessment to the medical practitioner or mental health provider to identify medical or

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mental health needs that may meet the High Need Risk Management (RM)B criteria.

- a. When the form is completed by the medical practitioner or mental health provider and returned to the Counselor/facility CCO, the counselor/facility CCO will document in OMNI RMI:
 - 1) Designation of High Needs B,
 - 2) Practitioner or provider who authorized the designation, and
 - 3) A summary of the reason for the High Needs B designation.
- b. The Counselor/facility CCO will ensure a copy of the form is sent to the Records Manager for placement in the central file.

3. If information is available or behavior is observed by the Field CCO that may indicate a need for mental health services, the CCO will refer the offender for an evaluation from a community mental health provider.
 - a. If the results of the evaluation indicate a high need for services, the CCO will document in OMNI RMI and contact the Community Re-entry Specialist for further medical and/or mental health assistance.

B. Facility Assessment

1. If the LSI-R/RMI has been completed as a component of the Pre-Sentence Investigation or Risk Assessment Report for the current conviction, no LSI-R/RMI assessment/reassessment is required unless new information is discovered or new events have occurred.
2. [2A-07] The Reception Diagnostic Center Counselor will complete the LSI-R/RMI assessment/reassessment for all offenders within available resources.
3. The Counselor/facility CCO will administer the LSI-R/RMI assessment or reassessment on all offenders committed to prison within 30 days of arrival at the initial placement, if one was not completed at the Reception Diagnostic Center for the current admission or as part of a Pre-Sentence Investigation or Risk Assessment Report for the current offense. [2A-07]
4. Youthful offenders committed as adults will be assessed using the LSI-R/RMI after turning age 16.
5. The LSI-R/RMI risk assessments will be based on behaviors and circumstances that occurred in the community prior to incarceration and



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any behaviors that occurred during confinement, past and present, that demonstrate increased risk.

C. Field Assessment

1. CCOs will complete the LSI-R/RMI assessment as a component of:
 - a. The Pre-Sentence Investigation or the Risk Assessment Report if requested by the court, or
 - b. The supervision intake process that identifies the supervision classification level that is completed within 30 days of receipt of the case. [2A-03PP]

II. Reassessments

A. Prison Reassessments

1. [5A-01] The Counselor/facility CCO will complete an LSI-R/RMI reassessment:
 - a. To correct any scoring or information inaccuracies identified during review of the most recent LSI-R/RMI assessment within 30 days of arrival at a new facility/placement.
 - b. If new or additional conviction or behavioral information not previously documented or considered in the risk assessment process is discovered.
 - c. When an event occurs that demonstrates an increase in risk-related behaviors that may include, but are not limited to, infractions.

B. [2A-02PP] Field Reassessments

1. CCOs will promptly complete the LSI-R/RMI reassessment for offenders at all classification levels, as deemed necessary by the CCO and/or his/her supervisor, as events occur during the supervision of the offender. [2A-07PP] This will be documented on the OMNI LSI-R/RMI application. [2A-03PP] Events are defined, at a minimum, as:
 - a. Prior to requesting an override.
 - b. When the offender no longer meets the current RMI designation criteria (i.e., 6 months of sexual deviancy treatment completed in the community, imminent threat no longer present, sex offender community notification level changes, etc.).



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c. When significant events occur that increase or decrease an offender's risk in the community. Significant events include, but are not limited to:

- 1) New violent offense behavior and/or new convictions,
- 2) Violations related to offender criminal behavior pattern,
- 3) Program completion or termination related to targeted risk factors (e.g., sexual deviancy, chemical dependency, domestic violence/batterers, cognitive change programs, etc.),
- 4) Victim access, behavior, or threats directed toward previous victims or potential victims, and
- 5) Life changes that increase or decrease risk (e.g., employment status change, family/marital changes, access to negative/pro-social companions, mental health diagnosis, change of residence, change of supervision location) if those changes could result in a classification change.

2. In the absence of an event, CCOs will complete the LSI-R/RMI reassessment for all RMA and RMB offenders at least every 6 months. [2A-07PP] [2D-13PP]

C. Reassessments will include an update of the criminal history narrative sections of the OMNI LSI-R.

III. Verification Requirements

A. For the purpose of assessment, documented history means data obtained through a records check, information obtained by the Department from official sources, collateral contacts, and the offender's self report.

1. The initial LSI-R/RMI risk assessment will be done with the offender's participation. [2A-02PP]

a. If an offender refuses or is unable to participate, Counselors and CCOs will complete the assessment by:

- 1) Reviewing all available criminal history sources,
- 2) Reviewing all available file materials,
- 3) Using collateral contacts, and

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4) Documenting the refusal and sources used to obtain/verify information in the LSI-R Criminal History narrative.

B. The Counselor/CCO will use multiple sources whenever possible to verify the information provided by the offender to enhance the reliability and validity of the LSI-R/RMI assessment. The results of a risk assessment will not be based on unconfirmed or unconfirmable allegations.

1. Sources for verification include:

- a. Judgment and Sentence,
- b. National Crime Information Center (NCIC), Federal Bureau of Investigation (FBI), Washington Crime Information Center (WACIC),
- c. Superior Court Operations Management Information System (SCOMIS),
- d. District Court Information System (DISCIS),
- e. County Prosecuting Attorney's Statement, and
- f. Department files (i.e., electronic and hardcopy)

2. Additional sources for verification may include:

- a. County Department of Adult Detention,
- b. Department of Social and Health Services (DSHS) – Child Protective Services (CPS), Adult Protective Services (APS), Developmental Disabilities Division (DDD),
- c. Washington State Juvenile Rehabilitation Administration (JRA),
- d. Collateral contacts,
- e. Victim Impact Statement and/or other victim information, and
- f. Other states' criminal history information resources.

IV. Documenting LSI-R/RMI Assessment/Reassessment

A. The Counselor/CCO will document criminal history information in the LSI-R Criminal History subcomponent narrative on DOC 05-798 LSI-R Criminal History Narrative Format Template.

1. Criminal History narrative information will include:

- a. All convictions by date in descending chronological order from most recent date of offense to earliest date of offense. Include date of offense and crime title. Include cause number, sentence date, and disposition, if known.



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- 1) For multiple non-violent misdemeanor and criminal traffic convictions, group like-offenses with start and end dates listed by most recent offense (i.e., "05/17/97 back to 01/02/90, P had 7 DWLS 3rd Degree convictions").
- b. A behavioral description for the current offense for any convictions on the Felony Index of Violent and Serious Violent Offenses and any conviction that is felony and misdemeanor domestic violence related.
 - 1) Behavioral descriptions include where, when, with whom, and to whom offenses occurred, and the role of accomplices, if any. Include whether the offense was planned or impulsive, if weapons were used, if the offender was under the influence of alcohol or drugs at the time of the offense, etc.
 - 2) Indicate whether behavioral descriptions are from official documents or offender self-report.
- c. For sex offenses, how the victim was selected, relationship with the victim, and age of victim and description of harm, if applicable.
- d. Any escape behaviors, unless previously included in the criminal history conviction record.
- e. Brief summary of any violent, sex and/or crime-related incidents of misconduct occurring in prison, jail, or detention center, adult or juvenile.
- f. Brief summary of any violent, sex, and/or crime-related community violations occurring while on any type of supervision, adult or juvenile.
2. Upon completion of the LSI-R/RMI assessment/reassessment, the Counselor/facility CCO will complete a DT07 RA (PRISON RA COMPL) coded entry.
3. The Counselor/CCO will update the LSI-R Criminal History narrative of the OMNI LSI-R during reassessment with any new information related to additional past or present criminal convictions and/or behaviors not previously documented.

V. Risk Management Level Reclassification



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- A. Reclassification means a change in RMI classification. Reclassification can occur through reassessment or through the field override process.
1. Only RMA offenders who meet the following criteria can be reclassified through reassessment:
 - a. Have an LSI-R score of 41 or over, with a past or current conviction on the Felony Index of Violent and/or Serious Violent Offenses, or comparable conviction from another state.
 - b. Are considered an Imminent Threat.
 - 1) Cases designated as Imminent Threat during confinement in jail or prison are not to be reclassified while the offender is still in confinement, unless the victim of the threat dies or moves out of the state.
 - 2) The Imminent Threat designation may be considered for reclassification after the offender returns to the community following confinement if the offender is free of Imminent Threat behaviors and the offender has been compliant with all risk related supervision conditions for at least 12 months.
 - 3) Removing Imminent Threat must be a Risk Management Team decision which, at a minimum, must include the CCO/Re-entry Specialist (RES) and the Community Victim Liaison as well as any treatment providers working with the offender.
 - a) If the decision is to remove the Imminent Threat classification, the CCO will complete a reassessment of the OMNI RMI scoring.
 - b) If necessary, the Headquarters Victim Services Program Manager may be consulted.
 2. A reclassification of an RMA offender will require supervisory review.
 3. Offenders classified other than those with a score of 41 or higher and a violent offense or Imminent Threat must remain RMA. These offenders cannot be reclassified through the period of community supervision unless extenuating circumstances exist to warrant an override or the offender meets the classification reduction override criteria.



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4. Offenders classified RMB because they are Level II sex offenders cannot be reclassified downward.
5. Offenders classified RMB because they are under the jurisdiction of the Indeterminate Sentencing Review Board (ISRB) cannot be reclassified downward.
6. Field offenders classified RMC because they are Level I sex offenders for a current sex offense cannot be reclassified downward through the period of community supervision.
7. All offenders incarcerated for a current sex offense will be classified no lower than RMB and will not be reassessed to a lower risk management level until released and compliant to community supervision requirements for at least a 6 month period; including sexual deviancy treatment, if ordered.
8. Cases designated during incarceration as RMB due to a high need will not be reassessed to a lower risk management level until release, community transition has occurred, and the CCO has verified with the treatment provider that ongoing services are no longer necessary.
9. Offenders classified RMC because they are a Drug Offender Sentencing Alternative (DOSA) case cannot be reclassified downward through the period of community supervision, unless their DOSA is revoked and they are subsequently released.
10. RMD offenders in the community will only be reassessed when a disciplinary hearing has been completed or information is received that suggests an increased risk to the community, past victims, or potential victims. Reclassification of an RMD offender requires supervisory approval.

B. Risk Management Level Overrides

1. Risk Management overrides will occur only in the field.
2. An offender's risk management level may be overridden up or down when an aggravating or mitigating factor exists that was not taken into account by the RMI criteria.
 - a. Only DOSA and sex offenders will remain supervised at the RMC classification level. Upon completion of intake, classification, and



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any treatment referrals all other RMC offenders will be overridden to RMD.

- 1) Community service referrals will be completed prior to RMD override and transfer to the appropriate caseload.
 - 2) Non-DOSA and non-sex offense RMC offenders remain at the RMC classification level until court-ordered referral(s) has been made.
 - 3) Non-DOSA and non-sex offense RMC offenders with no treatment conditions and no community service will immediately be overridden to RMD.
- b. Offenders overridden to RMD will remain RMD unless violation behavior results in reclassification to RMA or RMB.
- c. Only DOSA and sex offenders may be overridden from RMA and RMB to RMC. All other offenders who would be overridden to RMC will instead be overridden to RMD.
- d. Eligible RMA and RMB offenders who have been violation free for 70 percent of their supervision or the low end of the community custody range, which is non-broken consecutive, not accumulative time between violations, whichever is greater will be overridden to RMD.
- 1) Not all RMA or RMB offenders are eligible for consideration for this override. Offenders who are not eligible for an override to RMD are:
 - a) Sex offenders and felony or misdemeanor offenses with a finding of sexual intent,
 - b) DOSA offenders,
 - c) Insanity acquittal offenders,
 - d) Offenders on supervised appeals,
 - e) Dangerously Mentally Ill Offenders (DMIO),
 - f) Cases on Least Restrictive Alternatives, and
 - g) Offenders in violation of supervision conditions or a violation of any targeted risk factor for which a condition has been imposed resulting in a stipulated agreement; agreed sanction; or a hearing resulting in a guilty finding, except the disposition for non-payment of Legal Financial Obligations.

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- 2) Offenders with a violation that results in no action taken or if the deposition is a verbal and/or written reprimand are eligible for an override to RMD.
 - a) Overrides will be entered and approved using the OMNI LSI-R/RMI application. Approval and rationale for the override will be documented on the OMNI RMI Override Justification Narrative.
 - b) Overrides for RMA and RMB to a lower classification require Field Administrator approval, through the Community Corrections Supervisor (CCS). All other overrides require CCS approval.
 - c) Documented rationale for community cases will be forwarded to the CCS and/or Field Administrator.
- 3) All reviews and actions will be entered on DT37 chrono using the CRI chrono code.

VI. Risk Assessment Quality Assurance

- A. The Headquarters Case Management/Risk Assessment Program Manager will oversee quality assurance of a random selection of risk assessments for those cases determined to be eligible for ESSB 5990 legislation considerations.
- B. If a reassessment changes a prison offender's eligibility for ESSB 5990 (i.e., 50 percent Earned Release Time), the case will be referred to the Headquarters Case Management/ Program Manager for review.

DEFINITIONS:

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

ATTACHMENTS:

Risk Management Identification (RMI) Criteria (Attachment 1)

DOC FORMS:

DOC 05-798 LSI-R Criminal History Narrative Format Template
DOC 13-409 High Needs B Assessment
DOC 14-029 Criminal Justice System/Multi-Party Authorization for Release of Information

APPENDIX 6

RISK MANAGEMENT IDENTIFICATION (RMI) CRITERIA

Criteria for Risk Management A (RMA)

- I. Offenders will be assigned RMA if they meet one or more of the following criteria:
 - A. Have a Level of Service Inventory-Revised (LSI-R) score of 41 or over, with a past or current conviction on the Felony Index of Violent and/or Serious Violent Offenses, or comparable conviction from another state.
 - B. Are Level III sex offenders.
 - C. Have been designated as a Dangerous Mentally III Offender (DMIO) by the Statewide Multi-Service Review Committee.
 - D. Through documented history, meet any of the following:
 1. Have committed a sexual assault/violent act involving victim who was unknown to the offender.
 2. The offender has committed 2 or more aggressive acts, separated by time and/or location, which did not result in physical injury, but included threats of violence and/or threats with a weapon against victims unknown to the offender.
 3. Have committed a predatory act of sexual assault/violence directed toward an individual(s) with whom a relationship has been established or promoted for the primary purpose of victimization.
 4. Have committed a sexual assault/violent act where the victim was vulnerable due to age (i.e., 5 years or younger) or visible physical or mental disability.
 5. Have committed hate crimes:
 - a. Have committed a violent act or made threat(s) of violence against a person, group, or institution which was motivated in whole or in part by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin.
 - b. Are a member of an organization whose primary purpose is to promote animosity, hostility, and/or malice, motivated in whole or in part by the organization's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; and have played a primary role in planning activities for the organization that has resulted in violence.
 6. Are considered an Imminent Threat:
 - a. Are exhibiting behavior demonstrating a current threat to past or potential victim(s) including, but not limited to, domestic violence or sexual acts.

RISK MANAGEMENT IDENTIFICATION (RMI) CRITERIA

- b. Have a current conviction for domestic violence and/or sexual assault behavior and continue to pursue a relationship with the victim, with or without the victim's consent.

RISK MANAGEMENT IDENTIFICATION (RMI) CRITERIA

Criteria for Risk Management B (RMB)

- I. Offenders who do not meet the criteria to be assigned to RMA will be assigned RMB if they meet one or more of the following criteria:
 - A. Have an LSI-R score of 41 or over, without a conviction on the Felony Index of Violent and/or Serious Violent Offenses or comparable offense not in OBTS/OMNI.
 - B. Have an LSI-R score of 32 to 40, with a past or current conviction on the Felony Index of Violent and/or Serious Violent Offenses or comparable conviction from another state.
 - C. Are under the jurisdiction of the Indeterminate Sentence Review Board (ISRB).
 - D. Are Level II sex offenders.
 - E. Are Level I sex offenders who have been ordered to obtain an evaluation/participate in sexual deviancy treatment and are not in treatment, or are out of compliance with the treatment requirements and/or risk related condition(s) of the Offender Supervision Plan.
 - F. Are currently incarcerated for a sex offense in a Washington State Prison.
 - G. Are currently sentenced under the Special Sex Offender Sentencing Alternative (SSOSA) and, since their most recent sexual offense, have been participating in sexual deviancy treatment in the community for less than 6 months.
 - H. Have been identified and documented, by a qualified service provider, as having a high level of needs requiring ongoing services in order to transition to, or be maintained in, the community. This includes all offenders currently supervised on insanity acquittals and may include other seriously mentally or physically ill and developmentally disabled offenders.
 - I. Have a current domestic violence related offense and assessment of imminent threat has not yet been determined.
 - J. Have 2 or more domestic violence related arrests within the past 5 years, while living in the community, and meet all of the following criteria:
 1. Have an LSI-R score of 32 or higher,
 2. Have a childhood history of witnessing or being the victim of domestic violence,
 3. Have a history of alcohol and/or drug abuse, and
 4. Have any history of violence outside of a domestic relationship.

RISK MANAGEMENT IDENTIFICATION (RMI) CRITERIA

Criteria for Risk Management C (RMC)

- I. Offenders who do not meet the criteria to be assigned to RMA or RMB will be assigned to RMC if they meet one or more of the following criteria:
 - A. Have an LSI-R score of 24 to 40.
 - B. Are Level I sex offenders in compliance with the risk-related conditions of their Offender Supervision Plan, if any, and meet one of the following criteria:
 1. Were not ordered sexual deviancy treatment.
 2. Have provided written documentation from a certified sexual deviancy treatment provider that treatment is not deemed necessary.
 3. Are participating in sexual deviancy treatment with a certified sexual deviancy treatment provider, and have a minimum of 6 months of compliance to all sexual deviancy treatment conditions.
 4. Have a current SSOSA sentence and have been participating in sexual deviancy treatment, with a certified sexual deviancy treatment provider in the community, for a minimum of 6 months since their most recent sexual offense.
 5. Have successfully completed sexual deviancy treatment, with a certified sexual deviancy treatment provider, since their most recent sexual offense.
 6. Have 2 or more domestic violence related arrests within the past 5 years in the community and meet all of the following criteria:
 - a. Have a childhood history of witnessing or being the victim of domestic violence,
 - b. Have a history of alcohol and/or drug abuse, and
 - c. Have any history of violence outside of a domestic relationship.
 7. Are on supervision for Drug Offender Sentencing Alternative (DOSA) sentence.

Criteria for Risk Management D (RMD)

- I. Offenders with a LSI-R score of 0 to 23, who do not meet the criteria to be assigned to RMA, RMB, or RMC, will be assigned to RMD.
- II. Offenders who meet classification reduction incentive override criteria (i.e., 70 percent successful completion of supervision) will be assigned to RMD.

APPENDIX 7

VUCSA OVER 21

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KING COUNTY
SUPERIOR COURT CLERK
SEATTLE WA

CERTIFIED COPY TO COUNTY JUDGE 1-9-2002

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)
)
) Plaintiff) No 01 C-08905 2 SEA
)
 Vs)
) JUDGMENT AND SENTENCE
 JAY ROBERT PULLMAN aka Pullman) FELONY
)
) Counts I & II
 Defendant,)

I HEARING

Thomas Cole
I 1 The defendant, the defendant's lawyer *BENNY LAMENDOLA* and the deputy prosecuting attorney were present at the sentencing hearing conducted today Others present were _____

II FINDINGS

There being no reason why judgment should not be pronounced the court finds
2 1 CURRENT OFFENSE(S) The defendant was found guilty on 5 29 2002 by jury verdict of

Count No I Crime VIOLATION OF THE UNIFORM CONTROLLED SUBSTANCES ACT/ DELIVER COCAINE
RCW 69.50.401 (a) (1) (i) Crime Code 07319
Date of Crime 9 13 2001 Incident No SPD 01-436257

Count No II Crime VIOLATION OF THE UNIFORM CONTROLLED SUBSTANCES ACT/ POSSESS WITH INTENT TO MANUFACTURE OR DELIVER COCAINE
RCW 69.50.401 (a) (1) (i) Crime Code 07318
Date of Crime 9 13 2001 Incident No SPD 01-436257

Count No III Crime DAIL JUMPING
RCW 9A.76.170 (1), (2) (c) Crime Code 05158
Date of Crime 9-13-2001 12/7/01 Incident No _____

Count No _____ Crime _____
RCW _____ Crime Code _____
Date of Crime _____ Incident No _____

[] Additional current offenses are attached in Appendix A

SPECIAL VERDICT or FINDING(S)

- (a) While armed with a firearm in count(s) _____ RCW 9 94A 310(3)
- (b) While armed with a deadly weapon other than a firearm in count(s) _____ RCW 9 94A 310(4)
- (c) With a sexual motivation in count(s) _____ RCW 9 94A 127
- (d) A V U C S A offense committed in a protected zone in count(s) I & II RCW 69 50 435
- (e) Vehicular homicide Violent traffic offense DUI Reckless Disregard
- (f) Vehicular homicide by DUI with _____ prior conviction(s) for offense(s) defined in RCW 41 61 5055 RCW 9 94A 310(7)
- (g) Non parental kidnapping or unlawful imprisonment with a minor victim RCW 9A 44 130
- (h) Domestic violence offense as defined in RCW 10 99 020 for count(s) _____
- (i) Current offenses encompassing the same criminal conduct in this cause are count(s) _____ RCW 9 94A 400(1)(a)

2 2 OTHER CURRENT CONVICTION(S) Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number) _____

2 3 CRIMINAL HISTORY Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9 94A 360)

- Criminal history is attached in Appendix B
- Prior convictions counted as one offense in determining the offender score (RCW 9 94A 360(5) are _____
- One point added for offense(s) committed while under community placement for count(s) _____

2 4 SENTENCING DATA

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count I	4	VIII	41 TO 54	24 MONTHS	41 TO 54 MONTHS	20 YRS AND/OR \$50 000
Count II	4	VIII	41 TO 54	24 MONTHS	41 TO 54 MONTHS	20 YRS AND/OR \$50 000
Count III (Surrendered)	2	III	4 TO 12		4 TO 12	5 YRS AND/OR \$10 000
Count						

Additional current offense sentencing data is attached in Appendix C

2 5 EXCEPTIONAL SENTENCE

Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) _____ Findings of Fact and Conclusions of Law are attached in Appendix D The State did did not recommend a similar sentence

III JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2 1 above and Appendix A

The Court DISMISSES Count(s) _____

IV ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below

4 1 RESTITUTION AND VICTIM ASSESSMENT

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E
 - Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9 94A 142(2) sets forth those circumstances in attached Appendix E
 - Restitution to be determined at future restitution hearing on (Date) _____ at _____ m
 - Date to be set
 - Defendant waives presence at future restitution hearing(s)
 - Restitution is not ordered.
- Defendant shall pay Victim Penalty Assessment pursuant to RCW 7 68 035 in the amount of \$500

4 2 OTHER FINANCIAL OBLIGATIONS Having considered the defendant s present and likely future financial resources the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them Defendant shall pay the following to the Clerk of this Court

- (a) \$ _____, Court costs Court costs are waived, (RCW 9 94A 030 10 01 160)
- (b) \$ _____, Recoupment for attorney s fees to King County Public Defense Programs Recoupment is waived (RCW 9 94A 030)
- (c) \$ _____, Fine \$1 000 Fine for VUCSA \$2 000 Fine for subsequent VUCSA VUCSA fine waived (RCW 69 50 430)
- (d) \$ _____, King County Interlocal Drug Fund Drug Fund payment is waived, (RCW 9 94A 030)
- (e) \$ _____, State Crime Laboratory Fee Laboratory fee waived (RCW 43 43 690)
- (f) \$ _____, Incarceration costs Incarceration costs waived (RCW 9 94A 145(2))
- (g) \$ 0, Other costs for Attorney & trust fees waived

4 3 PAYMENT SCHEDULE Defendant s TOTAL FINANCIAL OBLIGATION is \$ 500 The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms Not less than \$ _____ per month On a schedule established by the defendant s Community Corrections Officer Financial obligations shall bear interest pursuant to RCW 10 82 090 The Defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from the date of sentence or release from confinement to assure payment of financial obligations

1999 EXPANDED SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE (D O S A)

The Court finds the defendant eligible pursuant to RCW 9 94A 120(6)(a) as amended by CH 197 1999 LAWS eff 7 25 99 [recodified RCW 9 94A 660 eff 7 1 01] that the defendant and the community will benefit from use of D O S A waives imposition of sentence within the standard range and sentences the defendant as follows

(a) **TOTAL CONFINEMENT** RCW 9 94A 120(6)(b) The defendant is sentenced to the following term(s) of commitment in the custody of the DEPT OF CORRECTIONS to commence immediately not later than October 11, 2002 at 4W P.M

35 75 months on Count No I _____ months on Count No _____

35 75 months on Count No II _____ months on Count No _____

_____ months on Count No _____ months on Count No _____

(b) The above term(s) of confinement represent one half of the midpoint of the standard range.

(c) The terms imposed herein shall be served concurrently

The term(s) imposed herein shall run concurrent/consecutive with cause No(s) _____

The term(s) imposed herein shall run consecutively to any previously imposed commitment not referred to in this judgment

(d) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause RCW 9 94A 120(17) The time shall be compiled by the JAIL unless specifically set by the court as follows _____

(e) While incarcerated in the Department of Corrections the defendant shall undergo a comprehensive substance abuse assessment and receive within available resources appropriate treatment services

4 5 **COMMUNITY CUSTODY** The court further imposes 35 75 months, the remainder(s) of the midpoint(s) of the standard range(s) as a term of community custody during which time the defendant shall comply with the instructions, rules and regulations promulgated by the Department for conduct of the defendant during community custody shall perform affirmative acts necessary to monitor compliance shall obey all laws and comply with the following mandatory statutory requirements

- (1) The defendant shall not own, use or possess any firearm or ammunition. RCW 9 94A 120(16)
- (2) The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to monitor compliance RCW 9 94A 120 (6)(b)(ii) and (iii)
- (3) The defendant shall complete appropriate substance abuse treatment in a program approved by D S H S Division of Alcohol and Substance Abuse RCW 9 94A 120(6)(b)(i)

The court further imposes the following non mandatory conditions of Community Custody (if checked)

- (4) The defendant shall not use any alcohol or controlled substances without prescription and shall undergo testing to monitor compliance
- (5) Devote time to a specific employment or training
- (6) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment.
- (7) Report as directed to a community corrections officer
- (8) Pay all court ordered legal financial obligations
- (9) Perform community service work

(10) Stay out of designated areas as follows _____

(11) Other conditions as set forth in Appendix F

4 6 **NON-COMPLIANCE RCW 9 94A 120(6)(c)(e)** If the defendant fails to complete the Department s special drug offender sentencing alternative program or is administratively terminated from the program he/she shall be reclassified by the Department to serve the balance of the unexpired term of sentence If the defendant fails to comply with the conditions of supervision as defined by the Department, he/she shall be sanctioned Sanctions may include reclassification by the Department to serve the balance of the unexpired term of sentence

For offenses committed after 7 1 2000 the court further imposes the following additional terms of Community Custody upon failure to complete or administrative termination from D O S A program the entire period of earned early release or for any "crime against person in section 2 1 herein 9 18 months for any violation of 69.50/52 in section 2 1 herein 9 - 12 months whichever is longer The defendant in this event shall comply with the conditions of Community Custody set forth in section 4 5 herein

4 7 **BLOOD TESTING** (Prostitution offense or drug offense associated with the use of hypodermic needles) Appendix G covering blood testing and counseling is attached and incorporated by reference into this Judgment and Sentence

4 8 **OFF LIMITS ORDER** The defendant, having been found to be a known drug trafficker shall neither enter nor remain in the protected against drug trafficking area(s) as described in Appendix I during the term of community supervision Appendix I is attached and incorporated by reference into this Judgment and Sentence

4 9 **NO CONTACT** For the maximum term of _____ years defendant shall have no contact with _____

Date

August 14, 2002

JUDGE

Print Name

ALSPORF

Presented by

[Signature]
Deputy Prosecuting Attorney WSBA# 2011
Print Name Bolin

Approved as to form

[Signature]
23689
Attorney for Defendant, WSBA #
Print Name Thomas P. Coe

FINGERPRINTS



RIGHT HAND
FINGERPRINTS OF

JAY ROBERT PULLMAN

DATED AUG 16 2002

[Signature]
JUDGE, KING COUNTY SUPERIOR COURT
ROBERT H ALSDORF

DEFENDANT'S SIGNATURE
DEFENDANT'S ADDRESS

[Signature] #102
11506 STOK J VENE-102
Seattle WA 98133

ATTESTED BY BARBARA MINER,
SUPERIOR COURT CLERK
BY [Signature]
DEPUTY CLERK

CERTIFICATE

I, _____
CLERK OF THIS COURT, CERTIFY THAT
THE ABOVE IS A TRUE COPY OF THE
JUDGEMENT AND SENTENCE IN THIS
ACTION ON RECORD IN MY OFFICE
DATED _____

OFFENDER IDENTIFICATION

S I D NO
DOB APRIL 15, 1974
SEX M
RACE B

CLERK

BY _____
DEPUTY CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff

vs

JAY ROBERT PULLMAN

Defendant,

No 01 C-08905 2 SEA

JUDGMENT AND SENTENCE

APPENDIX H

COMMUNITY PLACEMENT / COMMUNITY

CUSTODY

The Defendant shall comply with the following conditions of community placement or community custody pursuant to RCW 9 94A 120(9)(b) RCW 9 94A 120(10) RCW 9 94A 120(11) or RCW 9 94A 137 for Work Ethic Camp approved offenders

- Report to and be available for contact with the assigned community corrections officer as directed
2) Work at Department of Corrections-approved education, employment, and/or community service
3) Not possess or consume controlled substances except pursuant to lawfully issued prescriptions
4) Pay supervision fees as determined by the Department of Corrections
5) Receive prior approval for living arrangements and residence location and
6) Not own, use or possess a firearm or ammunition. (RCW 9 94A 120(16)
7) Notify community corrections officer of any change in address or employment,
8) Remain within geographic boundary as set forth in writing by the Department of Corrections Officer or as set forth with SODA order

OTHER SPECIAL CONDITIONS

- [] The defendant shall not consume any alcohol
[] Defendant shall have no contact with
[] Defendant shall remain [] within [] outside of a specified geographical boundary to wit
[] The defendant shall participate in the following crime related treatment or counseling services
[] The defendant shall comply with the following crime related prohibitions
[]
[]
[]

Other conditions may be imposed by the court or Department during community custody

Community Placement or Community Custody shall begin upon completion of the term(s) of confinement imposed herein or when the defendant is transferred to Community Custody in lieu of earned early release. The defendant shall remain under the supervision of the Department of Corrections and follow explicitly the instructions and conditions established by that agency. The Department may require the defendant to perform affirmative acts deemed appropriate to monitor compliance with the conditions [RCW 9 94A 120(15)] and may issue warrants and/or detain defendants who violate a condition [RCW 9 94A 207]

Date August 14, 2002

JUDGE [Signature]

APPENDIX H

CERTIFIED COPY TO COUNTY JAIL
AUG 19 2002

FILED
02 AUG 19 AM 11 39
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE WA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)

Plaintiff,)

No 01-C-08905-2 SEA

Vs)

JUDGMENT AND SENTENCE
FELONY)

Jay Robert Pullman aka Pullman)
Defendant,)

Count III

I HEARING

I 1 The defendant the defendant's lawyer Thomas Coe and the deputy prosecuting attorney were present at the sentencing hearing conducted today Others present were _____

II FINDINGS

There being no reason why judgment should not be pronounced the court finds
2 1 CURRENT OFFENSE(S) The defendant was found guilty on 5/29/02 by jury verdict of

Count No III Crime Bail Jumping
RCW 9A 76.170(1)(2)(c) Crime Code _____
Date of Crime 12/7/01 Incident No _____

Count No _____ Crime _____
RCW _____ Crime Code _____
Date of Crime _____ Incident No _____

Count No _____ Crime _____
RCW _____ Crime Code _____
Date of Crime _____ Incident No _____

Count No _____ Crime _____
RCW _____ Crime Code _____
Date of Crime _____ Incident No _____

[] Additional current offenses are attached in Appendix A

SPECIAL VERDICT or FINDING(S)

- (a) While armed with a firearm in count(s) _____ RCW 9 94A.310(3).
- (b) While armed with a deadly weapon other than a firearm in count(s) _____ RCW 9.94A.310(4).
- (c) With a sexual motivation in count(s) _____ RCW 9 94A.127
- (d) A V U C.S.A. offense committed in a protected zone in count(s) _____ RCW 69 50 435
- (e) Vehicular homicide Violent traffic offense DUI Reckless Disregard.
- (f) Vehicular homicide by DUI with _____ prior conviction(s) for offense(s) defined in RCW 41 61.5055 RCW 9 94A.310(7)
- (g) Non parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A 44 130
- (h) Domestic violence offense as defined in RCW 10 99 020 for count(s) _____
- (i) Current offenses encompassing the same criminal conduct in this cause are count(s) _____ RCW 9 94A 400(1)(a)

2 2 OTHER CURRENT CONVICTION(S) Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number) _____

- 2 3 CRIMINAL HISTORY** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9 94A.360)
- Criminal history is attached in Appendix B.
 - Prior convictions counted as one offense in determining the offender score (RCW 9 94A.360(5) are _____
 - One point added for offense(s) committed while under community placement for count(s) _____

2 4 SENTENCING DATA

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count	2	III	4-12		4-12	3 1/2, 4 1/2, 5 1/2
Count						
Count						
Count						

Additional current offense sentencing data is attached in Appendix C

2 5 EXCEPTIONAL SENTENCE

Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) _____ Findings of Fact and Conclusions of Law are attached in Appendix D The State did did not recommend a similar sentence

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2 1 above and Appendix A.
 The Court DISMISSES Count(s) _____

IV ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below

4.1 RESTITUTION AND VICTIM ASSESSMENT

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
 - Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9 94A.142(2) sets forth those circumstances in attached Appendix E.
 - Restitution to be determined at future restitution hearing on (Date) _____ at _____ m.
 - Date to be set.
 - Defendant waives presence at future restitution hearing(s)
 - Restitution is not ordered
- Defendant shall pay Victim Penalty Assessment pursuant to RCW 7 68 035 in the amount of \$500

4.2 OTHER FINANCIAL OBLIGATIONS Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court.

- (a) \$_____ Court costs Court costs are waived, (RCW 9 94A.030 10 01 160)
- (b) \$_____ Recoupment for attorney's fees to King County Public Defense Programs Recoupment is waived (RCW 9 94A 030)
- (c) \$_____ Fine \$1,000 Fine for VUCSA \$2,000 Fine for subsequent VUCSA VUCSA fine waived (RCW 69 50 430)
- (d) \$_____ King County Interlocal Drug Fund, Drug Fund payment is waived (RCW 9 94A 030)
- (e) \$_____ State Crime Laboratory Fee Laboratory fee waived (RCW 43 43 690)
- (f) \$_____ Incarceration costs Incarceration costs waived (RCW 9 94A 145(2))
- (g) \$_____ Other costs for _____

*Ordered in 2d S for
Counts I & II*

4.3 PAYMENT SCHEDULE Defendant's TOTAL FINANCIAL OBLIGATION is \$ 0 The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms Not less than \$_____ per month, On a schedule established by the defendant's Community Corrections Officer. Financial obligations shall bear interest pursuant to RCW 10 82.090. The Defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from the date of sentence or release from confinement to assure payment of financial obligations

4.4 CONFINEMENT OVER ONE YEAR Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows commencing immediately (Date)

10/11/02 by 4:20 p.m.
4 months/days on count I _____ months/days on count _____ months/day on count _____
_____ months/days on count _____ months/days on count _____ months/day on count _____

The above terms for counts I, II, III are concurrent/consecutive

The above terms shall run concurrent/consecutive with cause No (s) _____

The above terms shall run consecutive to any previously imposed sentence not referred to in this order

In addition to the above term(s) the court imposes the following mandatory terms of confinement for any special WEAPON finding(s) in section 2.1 _____

which term(s) shall run consecutive with each other and with all base term(s) above and terms in any other cause (Use this section only for crimes committed after 6-10-98)

The enhancement term(s) for any special WEAPON findings in section 2.1 is/are included within the term(s) imposed above (Use this section when appropriate but for crimes before 6-11-98 only per In Re Charles)

The TOTAL of all terms imposed in this cause is 35.75 months each Cts I & II, 4 mos, Ct III

Credit is given for _____ days served days as determined by the King County Jail solely for conviction under this cause number pursuant to RCW 9.4A.120(17)

4.5 NO CONTACT For the maximum term of _____ years, defendant shall have no contact with _____

4.6 Blood Testing (sex offense violent offense prostitution offense drug offense associated with the use of hypodermic needles) Appendix G is a blood testing and counseling order that is part of and incorporated by reference into this Judgment and Sentence

4.7 (a) COMMUNITY PLACEMENT pursuant to RCW 9.4A.120(9) for qualifying crimes committed before 7.1.2000 is ordered for _____ months or for the period of earned early release awarded pursuant to RCW 9.4A.150 whichever is longer (24 months for any serious violent offense, vehicular homicide vehicular assault, or sex offense prior to 7.6.96 12 months for any assault 2° assault of a child 2° felony violation of RCW 69.50/52 any crime against person defined in RCW 9.4A.440 not otherwise described above) APPENDIX H for Community Placement conditions is attached and incorporated herein

(b) COMMUNITY CUSTODY pursuant to RCW 9.4A.120(10) for any SEX OFFENSE committed after 6-6-96 but before 7.1.2000 is ordered for a period of 36 months or for the period of earned early release awarded under RCW 9.4A.150 whichever is longer Appendix H for Community Custody Conditions and Appendix J for sex offender registration is attached and incorporated herein.

Not applicable

(c) **COMMUNITY CUSTODY** pursuant to RCW 9 94A 120(11) for qualifying crimes committed after 6-30-2000 is ordered for the following established range

- Sex Offense RCW 9 94A 030(36) 36 to 48 months
- Serious Violent Offense RCW 9 94A 030(34) 24 to 48 months
- Violent Offense RCW 9 94A 030(41) 18 to 36 months
- Crime Against Person, RCW 9 94A 440 9 to 18 months
- Felony Violation of RCW 69 50/52 9 to 12 months

or for the entire period of earned early release awarded under RCW 9 94A.150, whichever is longer
Sanctions and punishments for non-compliance will be imposed by the Department of Corrections pursuant to RCW 9 94A.205.

APPENDIX H for Community Custody conditions is attached and incorporated herein.
 APPENDIX J for sex offender registration is attached and incorporated herein

4 8 **WORK ETHIC CAMP** The court finds that the defendant is eligible for work ethic camp is likely to qualify under RCW 9 94A 137 and recommends that the defendant serve the sentence at a work ethic camp Upon successful completion of this program, the defendant shall be released to community custody for any remaining time of total confinement The defendant shall comply with all mandatory statutory requirements of community custody set forth in RCW 9 94A 120(9)(b) Appendix H for Community Custody Conditions is attached and incorporated herein

4 9 **ARMED CRIME COMPLIANCE** RCW 9 94A 103,105 The State's plea/sentencing agreement is attached as follows

Date August 16, 2002

[Signature]
JUDGE
Print Name AUSDORF

Presented by [Signature]
Deputy Prosecuting Attorney WSBA# 21912
Print Name Balin

Approved as to form.
[Signature] 27689
Attorney for Defendant WSBA #
Print Name Thomas D. Coe

APPENDIX 8

IISO100

LEGAL FACE SHEET

TIME 14:05

DOC NO: 845002 NAME: PULLMAN, JAY R. ("AD") STATUS: ACTIVE ***
BED NO: I03E4292 COUNSELOR: HD82 JOHNSON, CLINT W

CURRENT LOCATION: MICC MIN SECURTY UNT MXED: 08/10/2011 MNED:
SEX: M AGE: 34 FBI NO: 557477PA6 ERD : 07/01/2010 ADJ.: 07/01/2010
RACE : BLACK SID NO: 19930713 NRD : 01/01/2009 SCORE: 62
HISP ORIG : NO CUS.: MI2 MFED: 07/01/2006
HEALTH RECORD REVIEW : NOT REQUIRED COMM. CONCERN: N RMI: RMB
VICTIM WRAP AROUND: N

- NAMES: PULLMAN, JAY R. ("AA")
PULLMAN, JAY R. ("AB")
PULLMAN, JAY R. ("AC")
PULLMAN, JAY R. ("AE")
PULLIAM, JAMES R. (AKA)
POLLIAM, JAMES R. (AKA)
PILLIAM, JAY R. (AKA)
JOHNSON, STEVEN (AKA)
PILLMAN, JAMES (AKA)
PULLMAN, JAMES R. (AKA)
PULLMAN, JAMES (AKA)
JOHNSON, JARREN (AKA)
PULLIAM, JAMES (AKA)

LSI-R: 41 AND LSI LEVEL : HIGH
SSA NO: [REDACTED] BIRTH: [REDACTED]

P. PREL: N/A P. WTR: ACCEPTED 700 WR
P. MFED: MFSC ASSIGNS TO I03 P. REL: N/A
P U L H E S D X T DATE REGISTERABLE OFFENDER : N
1 1 1 1 1 1 2 1 1 12/20/2004

Table with columns: COM., COUNTY, GTL TIME START RECEIVED OC, MIN. TERM, CC CS, REL. DATE, STATUS. Row 1: #AA#N KING, 33, 03/16/2004, 03/16/04 01, 0Y 9M 0D, 06/06/2005, EX. Row 2: CMP. CO./CAUSE OFFENSE DESC., V OC CNTS, MIN. TERM, CC CS, MANDATORY, JAIL. Row 3: 001 17-011059323 BAIL JUMPING, N 01 1C, 0Y 9M 0D, 0Y 0M 0D, 27

TOTAL MONETARY OBLIGATION: ORDERED \$****500.00 ;AS OF 06/25/08 PAID \$*****9.18
SCHEDULE: 0 SET BY: SPECIAL CONDITIONS: YES
STAT MAX: 02/16/2009

Table with columns: #AB#N KING, 33, 03/16/2004, 03/16/04 81, 2Y11M21D, AA, 12/19/2006, EX. Row 2: CMP. CO./CAUSE OFFENSE DESC., V OC CNTS, MIN. TERM, CC CS, MANDATORY, JAIL. Row 3: 001 17-011089052 DRUGS-MFG, DELIVER, N 81 2C, 2Y11M21D, RVKD-TEC, 27

TOTAL MONETARY OBLIGATION: ORDERED \$****500.00 ;AS OF 07/15/08 PAID \$*****0.00
SCHEDULE: 0 SET BY: SPECIAL CONDITIONS: YES
STAT MAX:

Table with columns: #AC#N KING, 33, 12/19/2006, 12/10/04 81, 1Y 8M 0D, AB, 01/28/2008, AC. Row 2: CMP. CO./CAUSE OFFENSE DESC., V OC CNTS, MIN. TERM, CC CS, MANDATORY, JAIL. Row 3: 001 17-041101103 DRUGS-MFG, DELIVER, N 81 1C, 1Y 8M 0D, RVKD-TEC, 352

IISO100

LEGAL FACE SHEET

TIME 14:05

DOC NO: 845002 NAME: PULLMAN, JAY R. ("AD") STATUS: ACTIVE ***

CMP. CO./CAUSE OFFENSE DESC. V OC CNTS MIN.TERM CC CS MANDATORY JAIL

TOTAL MONETARY OBLIGATION: ORDERED \$****500.00 ;AS OF 07/15/08 PAID \$*****0.00

SCHEDULE: 0 SET BY: SPECIAL CONDITIONS: YES

STAT MAX:

COM. COUNTY GTL TIME START RECEIVED OC MIN.TERM CC CS REL.DATE STATUS
#AD#N KING 33 03/16/2004 03/16/04 81 5Y11M15D 12/01/2008 AC

CMP. CO./CAUSE OFFENSE DESC. V OC CNTS MIN.TERM CC CS MANDATORY JAIL

001 17-011089052 DRUGS-MFG,DELIVER, N 81 2C 5Y11M15D 0Y 0M 0D 27

TOTAL MONETARY OBLIGATION: ORDERED \$****500.00 ;AS OF 07/15/08 PAID \$*****0.00

SCHEDULE: 0 SET BY: SPECIAL CONDITIONS: YES

STAT MAX: 10/17/2024

#AE#N KING 33 12/01/2008 12/10/04 81 3Y 4M 0D AD 07/01/2010 FU

CMP. CO./CAUSE OFFENSE DESC. V OC CNTS MIN.TERM CC CS MANDATORY JAIL

001 17-041101103 DRUGS-MFG,DELIVER, N 81 1C 3Y 4M 0D 0Y 0M 0D 352

TOTAL MONETARY OBLIGATION: ORDERED \$****500.00 ;AS OF 07/15/08 PAID \$*****0.00

SCHEDULE: 0 SET BY: SPECIAL CONDITIONS: YES

STAT MAX: 04/18/2024

COMMENTS: 03/19/04 CD LEVEL 111 APP WR/SEATTLE/MAINTAIN MI1
PROG AS REQ ON WR 2/28/05 XP 10058 69 06/04/05 B04

Table with 5 columns: MOVEMENT DATE & TYPE, DESTINATION, REASON FOR, ORIGIN. Rows include dates from 03/16/04 to 06/08/05 and various locations like WA COR CTR RC, KING, STAFFORD CREEK, CEDAR CREEK CO, CL.BAY MSC.

IISO100

LEGAL FACE SHEET

TIME 14:05

DOC NO: 845002 NAME: PULLMAN, JAY R. ("AD") STATUS: ACTIVE ***

MOVEMENT DATE & TYPE	DESTINATION	REASON FOR	ORIGIN
03/15/06 TRANSFERRED TO	OLYMPIC CORR.	PROGRAM CHANGE	CL.BAY MSC
03/15/06 IN TRANSIT AT	CL.BAY MSC	PROGRAM CHANGE	WA COR CTR RC
03/20/06 IN TRANSIT TO	OLYMPIC CORR.	PROGRAM CHANGE	WA COR CTR RC
05/01/06 TRANSFERRED TO	LARCH CORR CEN	PROTECTION	OLYMPIC CORR.
05/01/06 IN TRANSIT AT	OLYMPIC CORR.	PROTECTION	WA COR CTR RC
05/05/06 IN TRANSIT TO	LARCH CORR CEN	PROTECTION	WA COR CTR RC
06/02/06 TRANSFERRED TO	STAFFORD CREEK	LAW LIBRARY USE	LARCH CORR CEN
06/02/06 IN TRANSIT AT	LARCH CORR CEN	LAW LIBRARY USE	WA COR CTR RC
06/05/06 IN TRANSIT TO	STAFFORD CREEK	LAW LIBRARY USE	WA COR CTR RC
07/12/06 TRANSFERRED TO	LARCH CORR CEN	PROGRAM CHANGE	STAFFORD CREEK
07/12/06 IN TRANSIT AT	STAFFORD CREEK	PROGRAM CHANGE	WA COR CTR RC
07/14/06 IN TRANSIT TO	LARCH CORR CEN	PROGRAM CHANGE	WA COR CTR RC
11/09/06 ESCORTED LEAVE	CLARK	MEDICAL NEEDS	LARCH CORR CEN
11/09/06 RET.FM.AUTH.LV.	LARCH CORR CEN	MEDICAL COMPLTD	CLARK
12/01/06 TRANSFERRED TO	WA COR CTR RC	DOSA RECLASSIFI	LARCH CORR CEN
01/24/07 TRANSFERRED TO	AIR.HGTS-MIN.	INITIAL CLASSI.	WA COR CTR RC
03/02/07 TRANSFERRED TO	AIRWAY HEIGHTS	LAW LIBRARY USE	AIR.HGTS-MIN.
04/15/07 TRANSFERRED TO	AIR.HGTS-MIN.	FAC ASSN CHANGE	AIRWAY HEIGHTS
05/03/07 TRANSFERRED TO	MICC MIN SECUR	EDUCATION NEEDS	AIR.HGTS-MIN.
05/03/07 IN TRANSIT AT	AIR.HGTS-MIN.	EDUCATION NEEDS	WA COR CTR RC
05/10/07 IN TRANSIT TO	MICC MIN SECUR	EDUCATION NEEDS	WA COR CTR RC

HOUSING DATE & LOCATION	COUNSELOR	WORK ASSIGN.	SUPERVISOR
03/16/04 C01-5E02F	POSITION BR77		
03/18/04 C01-5E02U	POSITION BR77		
04/15/04 C01-6B04U	POSITION BR77		
12/10/04 C01-5F05F	POSITION BR77		
12/15/04 C01-5H09L	POSITION BR77		
12/20/04 S01-H2043U	POSITION S360		
01/11/05 S01-H2091U	POSITION S359		
03/09/05 C01-3E08F	POSITION BR77		
03/11/05 O01-CB47U	POSITION B339		
03/29/05 O01-CBA04U	POSITION B339		
04/01/05 O01-CB06U	POSITION B339		
04/14/05 O01-CB06L	POSITION B339		
04/21/05 O01-CS03U	POSITION B339		
04/23/05 O01-CS03L	POSITION B339		
04/29/05 C01-4A04L	POSITION BR77		
05/04/05 B01-DH03L	POSITION C816		
05/12/05 B02-GB10U	POSITION 1402		
05/18/05 B02-GB19U	POSITION 1402		
06/04/05 B01-EB07L	POSITION 1402		
06/08/05 B02-HA16U	POSITION 2551		

IISO100

LEGAL FACE SHEET

TIME 14:05

DOC NO: 845002 NAME: PULLMAN, JAY R. ("AD") STATUS: ACTIVE ***

HOUSING DATE & LOCATION	COUNSELOR	WORK ASSIGN.	SUPERVISOR
06/22/05 B02-HA16L	POSITION 2551		
10/13/05 B02-HA25U	POSITION 2551		
12/20/05 B02-HA23U	POSITION 2551		
03/15/06 C01-7G08U			
03/20/06 M01-OG02U	POSITION GF15		
03/23/06 M01-OE02U	POSITION GF15		
04/20/06 M01-OS11L	POSITION GF15		
05/01/06 C01-7F06U			
05/05/06 N01-BH08U	POSITION XA33		
05/17/06 N01-BD07U	POSITION XA33		
06/02/06 C01-7A15U			
06/05/06 S01-H3126L	POSITION S215		
06/19/06 S01-H6134L	POSITION S227		
06/23/06 S01-H6134L	POSITION S221		
07/12/06 C01-7G09U			
07/14/06 N01-BD10U	POSITION XA33		
08/02/06 N01-BB17L	POSITION XA33		
08/10/06 N01-BD10U	POSITION XA33		
08/16/06 N01-BB19L	POSITION XA33		
11/16/06 N01-SH06U	POSITION XA33		
11/28/06 N01-SH05U	POSITION XA33		
12/01/06 C01-6A08U			
12/01/06 C01-6A15L	POSITION BS68		
01/24/07 P03-5G071			
01/24/07 P03-5G071	POSITION 2366		
02/24/07 P03-5D032	POSITION 2366		
03/02/07 P01-KA33T			
03/03/07 P01-KA13U	POSITION 2800		
04/15/07 P03-5C014	POSITION 2366		
04/20/07 P03-5D083	POSITION 2366		
05/03/07 C01-4E10L			
05/10/07 I03-E4292			
05/10/07 I03-E4292	POSITION 0107		
06/15/07 I03-E4292	JOHNSON, CLINT		

DATE	PROGRAM-POSITION	--WEEK--	-----DAY-----	---TIME---	STATUS
03/16/05	J213K232 FOOD SERV I W	1 2 3 4	SU W TH F S	11:00-18:30	TRN
08/11/05	V253A011 INFORMATION T	1 2 3 4	T W TH	08:40-11:20	RSH
08/23/05	J326H008 CUSTODIAN I	1 2 3 4	M T W TH F	16:00-21:00	TER
10/04/05	V024A011 HUMAN RELATIO	1 2 3 4	T TH	08:40-11:20	CMP
10/04/05	V024A012 HUMAN RELATIO	1 2 3 4	T TH	08:40-11:20	RSH
10/05/05	V253D015 INFORMATION T	1 2 3 4	M T W TH F	13:05-15:55	TRN
02/22/06	V253A021 INFORMATION T	1 2 3 4	M T W TH F	08:40-11:20	TRN

IISO100

LEGAL FACE SHEET

TIME 14:05

DOC NO: 845002 NAME: PULLMAN, JAY R. ("AD") STATUS: ACTIVE ***

DATE	PROGRAM-POSITION	--WEEK--	-----DAY-----	---TIME---	STATUS
03/31/06	J411O037 FORESTRY I WO	1 2 3 4	M T W TH	06:30-16:30	TRN
04/14/06	V253B027 INFORMATION T				TRN
05/05/06	J998C037 GENERAL CLEAN	1 2 3 4	M T W TH F	11:15-15:00	DRP
05/17/06	J213I062 FOOD SERV I W	1 2 3 4	SU M T F S	11:30-15:30	TRN
05/17/06	T304A056 CDT LONG TERM	1 2 3 4	SU M T W TH F S	08:00-16:00	TRN
07/11/06	T304A030 CDT LONG TERM				TRN
07/14/06	J998C027 GENERAL CLEAN	1 2 3 4	M T W TH F	08:00-15:00	DRP
07/19/06	T304A063 CDT LONG TERM	1 2 3 4	SU M T W TH F S	08:00-16:00	TRN
07/31/06	J213I045 FOOD SERV I W	1 2 3 4	SU M T W S	07:30-11:00	TRN
09/19/06	C003D307 STANDARDIZED				CMP
02/08/07	J326H004 CUSTODIAN I	1 2 3 4	SU M T W S	06:45-14:00	TRN
02/12/07	V253A307 INFORMATION T	1 2 3 4	M T W TH F	18:00-21:00	TRN
03/12/07	V253A313 INFORMATION T	1 2 3 4	M T W TH F	13:00-16:00	RSH
04/18/07	J206G025 COMMUNITY WOR	1 2 3 4	M T W TH F	05:00-15:00	RSH
04/25/07	J206F010 COMMUNITY WOR	1 2 3 4	M T W TH F	08:00-14:00	TRN
06/05/07	J822W105 WELDER HELPER	1 2 3 4	M T W TH F	07:00-14:00	TER
10/24/07	J326E022 CUSTODIAN I	1 2 3 4	SU M TH F S	14:30-22:30	ASG
04/10/08	V027M010 GENERAL EDUCA	1 2 3 4	M	08:10-11:10	ASG
04/10/08	V253I705 INFORMATION T	1 2 3 4	T TH	18:00-21:00	ASG
07/15/08	FE06A056 FATHER'S DAY	1 2 3 4	SU S	16:00-19:00	ASG
07/15/08	FE19A009 READ TO ME DA	1 2 3 4	W	19:00-21:00	ASG
07/15/08	FE86A038 BLACK HISTORY	1 2 3 4	SU S	16:00-19:00	ASG

EARNED EARLY RELEASE DATE & TYPE	DOC	ISRB	STATUS	LOCATION
03/16/04--04/19/04 EARNED TIME	5.67	0.00	APPLIED	WCCRC
AD	5.67	5.67		
12/10/04--02/01/05 EARNED TIME	8.83	0.00	APPLIED	WCCRC
AD	8.83	8.83		
02/01/05--03/01/05 EARNED TIME	4.67	0.00	PENDING	SCCC
AD	4.67	0.00		
03/01/05--04/01/05 EARNED TIME	5.17	0.00	PENDING	SCCC
AD	5.17	0.00		
04/01/05--05/01/05 ET NOT EARNED	5.00	0.00	APPLIED	CCCC
AD	5.00	5.00		
05/01/05--02/01/06 EARNED TIME	92.14	0.00	PENDING	WCCRC
AD	92.14	0.00		
02/01/06--03/01/06 EARNED TIME	9.35	0.00	PENDING	CBCCMSC
AD	9.35	0.00		
03/01/06--04/01/06 EARNED TIME	5.17	0.00	PENDING	CBCCMSC
AD	5.17	0.00		
04/01/06--05/08/06 EARNED TIME	6.17	0.00	PENDING	OCC
AD	6.17	0.00		
05/08/06--06/01/06 EARNED TIME	4.00	0.00	PENDING	LCC

IISO100

LEGAL FACE SHEET

TIME 14:05

DOC NO: 845002 NAME: PULLMAN, JAY R. ("AD") STATUS: ACTIVE ***

EARNED EARLY RELEASE DATE & TYPE	DOC	ISRB	STATUS	LOCATION
AD	4.00	0.00		
06/01/06--07/01/06 EARNED TIME	5.00	0.00	PENDING	LCC
AD	5.00	0.00		
07/01/06--12/01/06 EARNED TIME	25.50	0.00	PENDING	SCCC
AD	25.50	0.00		
12/01/06--01/01/07 EARNED TIME	5.17	0.00	PENDING	WCCRC
AD	5.17	0.00		
01/01/07--04/01/07 EARNED TIME	15.00	0.00	PENDING	WCCRC
AD	15.00	0.00		
04/01/07--05/01/07 EARNED TIME	5.00	0.00	PENDING	AHCC
AD	5.00	0.00		
05/01/07--08/01/07 EARNED TIME	15.33	0.00	PENDING	AHCCMSU
AD	15.33	0.00		
08/01/07--09/01/07 ET NOT EARNED	5.17	0.00	PENDING	MICCMSU
AD	5.17	0.00		
09/01/07--05/01/08 EARNED TIME	40.50	0.00	PENDING	MICCMSU
AD	16.33	0.00		
05/01/08--07/01/08 EARNED TIME	10.17	0.00	PENDING	MICCMSU

INFRACTION DATE & TYPE	CELL	DOC	ISRB	STATUS	SANCTIONS	LOCATION
04/21/05 557 REFUSE TO PROG.	N	45	45	APPLIED	DENY GCT CUST./PGM MAX SECUR. 09	CCCC

* OFFENDER REFUSED TO WORK JW 04/2705

06/04/05 505 FIGHTING	N	0	0	APPLIED	MAX SECUR. 05 CONFINEMNT 10	CBCC
06/30/05 740 FRAUD	N	0	0	APPLIED	CONFINEMNT 10 LOSE PRIV. 30	CBCCMSC
01/06/06 657 4 GENERAL INFRA.	N	0	0	APPLIED	LOSE PRIV. 15	CBCCMSC
12/07/06 762 DOSA FAILURE	N	0	0	APPLIED	REVOKED	WCCRC

OUT-TIME DATE & TYPE	MIN. TERM.	MAX TERM.	CONVICTED	COMM.	MIN.	MAX.
04/20/04 WICKERT	12/10/04	12/10/04	/ /	AD	234	234

HOLDS: DATE	REASON FOR HOLD	TRANSFER	LOC	STAFF	UNTIL
12/27/06	MI1 - MINUMUM 1 TARGETED	N	C01	BS68	12/25/09

IISO100

LEGAL FACE SHEET

TIME 14:05

DOC NO: 845002 NAME: PULLMAN, JAY R. ("AD") STATUS: ACTIVE ***

CUSTODY DATE	SCORE	TYPE	ASSIGNED	CUSTODY	OVERRIDE	LOCATION
03/30/2004	41	INITIAL	04/16/2004	MEDIUM		WA COR CTR RC
02/22/2005	57	PLAN RVW	02/28/2005	MINIMUM		STAFFORD CREEK
04/28/2005	55	PLAN RVW	04/28/2005	MEDIUM		CEDAR CREEK CO

THE FRMT MET TO DISCUSS THE FACILITY PLAN CHANGE. COMMITTEE MEMBERS WERE CUS S
 T EWART, CC3 ALLEN, CC2 BROSEY, CC2 CHERRINGTON, CC2 HALL, CC2 RUSSELL AND P. H
 E RECENTLY WAS INFRACED FOR #557, WHICH HAS REDUCED HIS CUSTODY TO MEDIUM. HE
 IS REQUESTING TO REMAIN AT CCCC AND BE PLACED ON A BEHAVIOR CONTRACT. RECOMME
 N DATIONS: DEMOTE TO MEDIUM CUSTODY, CANCEL TARGET FOR MI1 CUSTODY, CANCEL REFE
 R RAL TO SEATTLE WORK RELEASE, TRANSFER TO CBCC, DENY EARNED TIME FOR THE MONTH
 OF APRIL 2005

02/03/2006	57	PLAN RVW	02/23/2006	MINIMUM		CL.BAY MSC
04/25/2006	62	PLAN RVW	04/26/2006	MINIMUM		OLYMPIC CORR.

FRMT MET WITHOUT P PRESENT. P WAIVED HIS 48 HOURS AND HIS APPEARANCE FOR THE M
 E ETING. FRMT MEMBERS INCLUDE: CUS LAWSON, CC2 OLSON, C/O PEGRAM, CC2 KERSCHNER
 . P ARRIVED AT OCC ON 03/20/06 AS A PROGRAM CHANGE FROM CBCC/MS. UPON ARRIVAL
 , THIS CC NOTICED HIS LSI SCORE WAS 41, BUT HE WAS STILL ASSESSED RMC. BASED O
 N SCORING RULES, THIS WAS INACCURATE AND HE WAS UPDATED TO AN RMB. HE WAS PREV
 I OUSLY AWARDED 5990-QA AUDIT COMPLETED-THEN HE INCURRED FOUR SEPERATE MAJOR IN
 F RACTIONS, BUMPING HIS SCORE UP TO 41. HE WAS NOTIFIED OF THE CHANGES, HIS ERD
 IS NOW 05/21/07. HE IS MIP, CRS IS NOW 62 INFLUENCED BY A 4 MINOR MAJOR 01/20

05/22/2006	62	PLAN RVW	05/30/2006	MINIMUM		LARCH CORR CEN
------------	----	----------	------------	---------	--	----------------

THE FRMT MET WITH PULLMAN TO DISCUSS HIS FACILITY PLAN. CC RECOMMENDS TRANSFER
 TO SCCC, OVERRIDE TO MI3, CONTINUE IN LONG TERM CD TX AT SCCC, AND WORK AND P
 R OGRAM AS DIRECTED. PULLMAN IS REQUESTING A LAW LIBRARY TRANSFER. FRMT CONCURS
 WITH THE REPORT AS WRITTEN. FRMT INFORMED PULLMAN THAT ANY RELEGIOUS ISSUES N
 E ED TO BE WORKED THROUGH THE CHAPLAIN AND THE DOC ADVISOR IN OLYMPIA.

07/21/2006	62	PLAN RVW	08/21/2006	MINIMUM		LARCH CORR CEN
------------	----	----------	------------	---------	--	----------------

W ENT OVER P-REVIEW WITH PULLMAN. HE IS REUESTING ANOTHER LEGAL LAW LIBRARY TRA
 N SFER BECAUSE HE STATES HIS LAW LIBRARY NEEDS WERE NOT MET WHEN HE WAS AT SCCC
 . ANOTHER TRANSFER TO SCCC IS BEING RECOMMENDED IN ACCORDANCE WITH POLICY 590.
 5 00. RECOMMENDATIONS ARE AS FOLLOWS: 1) WORK AND PROGRAM AS DIRECTED. 2) TRANS
 F ER TO SCCC FOR LEGAL LAW LIBRARY. RETURN TO LCC UPON MEETING LEGAL LAW LIBRAR
 Y NEEDS. CONTINUE PARTICIPATION IN LTR CD TREATMENT IN ODYSSEY PROGRAM AT SCCC
 . 4) OVERRIDE CUSTODY TO MI3, TRANSFER TO SCCC. PAPERWORK FOR THE REVIEW FORWA
 R DED TO UNIT OAS FOR AN UPCOMING FRMT.

11/29/2006	62	PLC ELIG	11/29/2006	MINIMUM		LARCH CORR CEN
------------	----	----------	------------	---------	--	----------------

X -REVIEW. P IS CURRENTLY AWAITING A DOSA REVOCATION HEARING. INFRACTION WILL B
 E FAXED TO WCC AFTER COMPLETION. LCC WILL TRAVEL TO WCC FOR HEARING AND THEN C
 O Mplete A FP AFTER THE OUTCOME. FRMT RECOMMENDS: TRANSFER TO WCC. CONDUCT DOSA

IISO100

LEGAL FACE SHEET

TIME 14:05

DOC NO: 845002 NAME: PULLMAN, JAY R. ("AD") STATUS: ACTIVE ***

CUSTODY DATE SCORE TYPE ASSIGNED CUSTODY OVERRIDE LOCATION
REVOCATION HEARING. LCC WILL COMPLETE THE FP.

12/22/2006 57 INITIAL 01/19/2007 MINIMUM WA COR CTR RC
02/14/2007 62 REVIEW 03/15/2007 MINIMUM AIR.HGTS-MIN.

R RECEIVED APPROVAL FOR OFF SITE CREWS.

05/19/2008 62 PLAN RVW 06/19/2008 MINIMUM MICC MIN SECUR

F RMT ACTION: THIS IS A FACILITY PLAN/ HARDSHIP TRANSFER. HE HAS MI2 CUSTODY. R
E COMMEND RETAIN AT MI2 AT MICC/MSU. HE HAS TARGET DATE SET ALREADY FOR MI1, AN
D REFERRAL TO W/R. P REQUESTS A HARDSHIP TRANSFER TO CEDAR CREEK BECAUSE OF HI
S MOTHERS POOR HEALTH. HE HAS NOT INCLUDED ANY PAPERWORK YET FROM HIS MOTHERS
D OCTOR DESCRIBING THE HEALTH ISSUES AS YET.

07/09/2008 62 REVIEW 07/09/2008 MINIMUM MICC MIN SECUR

F RMT ACTION: ELECTRONIC REVIEW. P HAS 62 POINTS AND MI2 CUSTODY. RECOMMEND HE
B E RETAINED AT MICC/MSU AT MI2 CUSTODY. NOTE P HAS MI1 TARGET SET, AND HAS BEE
N SCREENED AND APPROVED AT SEATTLE AREA W/R. P STILL WANTS A TRANSFER TO MONRO
E MI2 FACILITY. HE WANTS THIS DUE TO HIS MOTHERS FAILING HEALTH. P SAID HE IS
T RYING TO GET MEDICAL PAPERWORK SENT IN TO VERIFY THIS, NOTHING RECEIVED TO DA
T E. P STATES THOUGH HE IS REFERRED FOR C.D. HE INTENDS TO NOT TAKE IT. HE IS G
O ING TO ATTEND THIS REVIEW. RECOMMEND P CONTINUE TO PROGRAM TO REDUCE HIS RISK
IN THE COMMUNITY.

IISUI012 NO WARRANTS OR DETAINERS FOUND

IISUI009 NO ISR BOARD INFO FOUND

FILED

NOV-8 14 2004



CERTIFIED COPY TO COUNTY JANUARY 8 2004

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff

Vs

JAY ROBERT PULLMAN

Defendant

No 04 1 10110 3 SEA

JUDGMENT AND SENTENCE
FELONY

I HEARING

I 1 The defendant the defendant s lawyer CLORETTA JAMES and the deputy prosecuting attorney were present at the sentencing hearing conducted today Others present were _____

II FINDINGS

There being no reason why judgment should not be pronounced the court finds
2 1 CURRENT OFFENSE(S) The defendant was found guilty on 10/6/2004 by jury verdict of

Count No I Crime VIOLATION OF THE UNIFORM CONTROLLED SUBSTANCES ACT/
POSSESS WITH INTENT TO DELIVER/COCAINE

RCW 69 50 401 (A)(1) (I)

Date of Crime 11/18/2003

Crime Code 07316

Incident No SPD 03-529954

Count No _____ Crime _____

RCW _____

Date of Crime _____

Crime Code _____

Incident No _____

Count No _____ Crime _____

RCW _____

Date of Crime _____

Crime Code _____

Incident No _____

Count No _____ Crime _____

RCW _____

Date of Crime _____

Crime Code _____

Incident No _____

[] Additional current offenses are attached in Appendix A

SPECIAL VERDICT or FINDING(S)

- (a) While armed with a firearm in count(s) _____ RCW 9 94A 510(3)
- (b) While armed with a deadly weapon other than a firearm in count(s) _____ RCW 9 94A 510(4)
- (c) With a sexual motivation in count(s) _____ RCW 9 94A 835
- (d) A VUCSA offense committed in a protected zone in count(s) _____ RCW 69 50 435
- (e) Vehicular homicide Violent traffic offense DUI Reckless Disregard
- (f) Vehicular homicide by DUI with _____ prior conviction(s) for offense(s) defined in RCW 41 61 5055
RCW 9 94A 510(7)
- (g) Non parental kidnapping or unlawful imprisonment with a minor victim RCW 9A 44 130
- (h) Domestic violence offense as defined in RCW 10 99 020 for count(s) _____
- (i) Current offenses encompassing the same criminal conduct in this cause are count(s) _____ RCW
9 94A 589(1)(a)

2 2 OTHER CURRENT CONVICTION(S) Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number) _____

2 3 CRIMINAL HISTORY Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9 94A 525)

Criminal history is attached in Appendix B

One point added for offense(s) committed while under community placement for count(s) 1

2 4 SENTENCING DATA

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count 1	5	II	20+ TO 60 MONTHS		20+ TO 60 MONTHS	20 YRS AND/OR \$50,000
Count						
Count						
Count						

Additional current offense sentencing data is attached in Appendix C

2 5 EXCEPTIONAL SENTENCE (RCW 9 94A 535)

Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) _____ Findings of Fact and Conclusions of Law are attached in Appendix D The State did did not recommend a similar sentence

III JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2 1 above and Appendix A

The Court DISMISSES Count(s) _____

IV ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below

4.1 RESTITUTION AND VICTIM ASSESSMENT

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E
- Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist and the court pursuant to RCW 9 94A 753(2) set forth those circumstances in attached Appendix E
- Restitution to be determined at future restitution hearing on (Date) _____ at _____ m
 - Date to be set
 - Defendant waives presence at future restitution hearing(s)
- Restitution is not ordered

* Defendant shall pay Victim Penalty Assessment pursuant to RCW 7 68 035 in the amount of \$500

4.2 OTHER FINANCIAL OBLIGATIONS Having considered the defendant's present and likely future financial resources the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court

- (a) \$_____ Court costs Court costs are waived (RCW 9 94A 030 10 01 160)
- (b) \$100 DNA collection fee DNA fee waived (RCW 4 43 754)(crimes committed after 7/1/02)
- (c) \$_____ Recoupment for attorney's fees to King County Public Defense Programs Recoupment is waived (RCW 9 94A 030)
- (d) \$_____ Fine \$1 000 Fine for VUCSA \$2 000 Fine for subsequent VUCSA VUCSA fine waived (RCW 69 50 430)
- (e) \$_____ King County Interlocal Drug Fund Drug Fund payment is waived (RCW 9 94A 030)
- (f) \$_____ State Crime Laboratory Fee Laboratory fee waived (RCW 43 43 690)
- (g) \$_____ Incarceration costs Incarceration costs waived (RCW 9 94A 760(2))
- (h) \$_____ Other costs for _____

4.3 PAYMENT SCHEDULE Defendant's TOTAL FINANCIAL OBLIGATION is \$ 500 00. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: Not less than \$_____ per month On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10 82 090. The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations for crimes committed before 7/1/2000 for up to ten years from the date of sentence or release from total confinement whichever is later for crimes committed on or after 7/1/2000 until the obligation is completely satisfied. Pursuant to RCW 9 94A 7602 if the defendant is more than 30 days past due in payments a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9 94A 760(7)(b) the defendant shall report as directed by DJA and provide financial information as requested.

- Court Clerk's trust fees are waived
- Interest is waived except with respect to restitution

4.3 1999 EXPANDED SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE (D O S A)
The Court finds the defendant eligible pursuant to RCW 9 94A 120(6)(a) as amended by CH 197 1999
LAWS eff 7 25 99 [recodified RCW 9 94A 660 eff 7 1 01] that the defendant and the community will
benefit from use of D O S A waives imposition of sentence within the standard range and sentences the
defendant as follows

(a) TOTAL CONFINEMENT RCW 9 94A 120(6)(b) The defendant is sentenced to the following term(s)
of commitment in the custody of the DEPT OF CORRECTIONS to commence immediately not
later than _____ at _____ P M
20 months on Count No I _____ months on Count No _____
_____ months on Count No _____ months on Count No _____
_____ months on Count No _____ months on Count No _____

(b) The above term(s) of confinement represent one half of the midpoint of the standard range

(c) The terms imposed herein shall be served concurrently

The term(s) imposed herein shall run concurrent consecutive with cause No(s) 01-1-08905-2 SEA

The term(s) imposed herein shall run consecutively to any previously imposed commitment not referred to
in this judgement

(d) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under
this cause RCW 9 94A 120(17) The time shall be compiled by the JAIL unless specifically set by the
court as follows 200 days

(e) While incarcerated in the Department of Corrections the defendant shall undergo a comprehensive
substance abuse assessment and receive within available resources appropriate treatment services

4 COMMUNITY CUSTODY The court further imposes 20 months the remainder(s) of the
midpoint(s) of the standard range(s) as a term of community custody during which time the defendant shall
comply with the instructions rules and regulations promulgated by the Department for conduct of the
defendant during community custody shall perform affirmative acts necessary to monitor compliance shall
obey all laws and comply with the following mandatory statutory requirements

- (1) The defendant shall not own use or possess any firearm or ammunition RCW 9 94A 120(16)
- (2) The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to
monitor compliance RCW 9 94A 120 (6)(b)(ii) and (iii)
- (3) The defendant shall complete appropriate substance abuse treatment in a program approved by D S H S
Division of Alcohol and Substance Abuse RCW 9 94A 120(6)(b)(i)

The court further imposes the following non mandatory conditions of Community Custody (if checked)

- (4) The defendant shall not use any alcohol or controlled substances without prescription and shall
undergo testing to monitor compliance
- (5) Devote time to a specific employment or training
- (6) Remain within prescribed geographical boundaries and notify the court or the community corrections
officer of any change in the offender's address or employment
- (7) Report as directed to a community corrections officer
- (8) Pay all court ordered legal financial obligations
- (9) Perform community service work

(10) Stay out of designated areas as follows _____

(11) Other conditions as set forth in Appendix # H

46 NON COMPLIANCE RCW 9 94A 120(6)(c)(e) If the defendant fails to complete the Department's special drug offender sentencing alternative program or is administratively terminated from the program he/she shall be reclassified by the Department to serve the balance of the unexpired term of sentence. If the defendant fails to comply with the conditions of supervision as defined by the Department, he/she shall be sanctioned. Sanctions may include reclassification by the Department to serve the balance of the unexpired term of sentence.

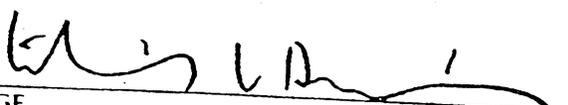
For offenses committed after 7/1/2000 the court further imposes the following additional terms of Community Custody upon failure to complete or administrative termination from D O S A program the entire period of earned early release or for any crime against person in section 21 herein 9 18 months for any violation of 69-052 in section 21 herein 9 12 months whichever is longer. The defendant in this event shall comply with the conditions of Community Custody set forth in section 4 5 herein.

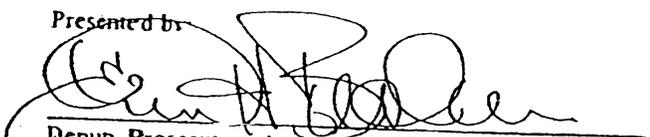
47 BLOOD TESTING (Prostitution offense or drug offense associated with the use of hypodermic needles) Appendix G covering blood testing and counseling is attached and incorporated by reference into this Judgment and Sentence.

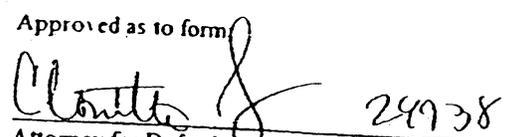
48 OFF LIMITS ORDER The defendant having been found to be a known drug trafficker shall neither enter nor remain in the protected against drug trafficking area(s) as described in Appendix I during the term of community supervision. Appendix I is attached and incorporated by reference into this Judgment and Sentence.

49 NO CONTACT For the maximum term of _____ years defendant shall have no contact with _____

Date NOV 5, 2004


JUDGE
Print Name Downing

Presented by

Deputy Prosecuting Attorney WSBA # 28289
Print Name Erin H. Becker

Approved as to form

Attorney for Defendant WSBA # 24938
Print Name Clonetta James

FINGERPRINTS



RIGHT HAND
FINGERPRINTS OF

JAY ROBERT PULLMAN

DATED 05 NOV 2004

[Signature]
JUDGE KING COUNTY SUPERIOR COUPT

DEFENDANT'S SIGNATURE

DEFENDANT S ADDRESS

[Signature: James Pullman]
17506 Stone Ave N Apt E102
Seattle WA 98133

ATTESTED BY

BARBARA MINER
SUPERIOR COURT CLERK

BY

[Signature]
DEPUTY CLERK

CERTIFICATE

I
CLERK OF THIS COURT CERTIFY THAT
THE ABOVE IS A TRUE COPY OF THE
JUDGEMENT AND SENTENCE IN THIS
ACTION ON RECORD IN MY OFFICE
DATED _____

OFFENDER IDENTIFICATION

S I D NO WA19930713

DOB APRIL 15 1974

SEX M

RACE B

CLERK

BY

DEPUTY CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintif

No 04 1 10110 3 SEA

vs

JAY ROBERT PULLMAN

Defendant

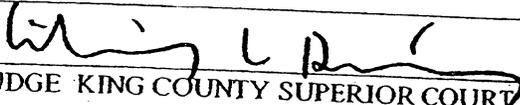
JUDGMENT AND SENTENCE
(FELONY) APPENDIX B
CRIMINAL HISTORY

2 2 The defendant has the following criminal history used in calculating the offender score (RCW 9 94A 525)

Crime	Sentencing Date	Adult or Juv Crime	Cause Number	Location
BAIL JUMPING	10/11/2002	ADULT	011059323	KING CO
VUCSA PWI DELIVER COCAINE	8/16/2002	ADULT	011089052	KING CO
VUCSA PWI DELIVER COCAINE	8/16/2002	ADULT	011089052	KING CO
BAIL JUMPING	8/16/2002	ADULT	011089052	KING CO

The following prior convictions were counted as one offense in determining the offender score (RCW 9 94A 525(5))

Date NOV 5, 2004


JUDGE KING COUNTY SUPERIOR COURT

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff

No 04 1 10110 3 SEA

vs

JAY ROBERT PULLMAN

Defendant

APPENDIX G
ORDER FOR BIOLOGICAL TESTING
AND COUNSELING

(1) DNA IDENTIFICATION (RCW 43 43 754)

The Court orders the defendant to cooperate with the King County Department of Adult Detention King County Sheriff's Office and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant if out of custody shall promptly call the King County Jail at 296 1226 between 8 00 a m and 1 00 p m to make arrangements for the test to be conducted within 15 days

(2) HIV TESTING AND COUNSELING (RCW 70 24 340)

(Required for defendant convicted of sexual offense drug offense associated with the use of hypodermic needles or prostitution related offense)

The Court orders the defendant contact the Seattle King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70 24 RCW. The defendant if out of custody shall promptly call Seattle King County Health Department at 205 7837 to make arrangements for the test to be conducted within 30 days

If (2) is checked two independent biological samples shall be taken

Date NOV 5, 2004


JUDGE King County Superior Court

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff

No 04 1 10110 3 SEA

vs

JAY ROBERT PULLMAN

Defendant

JUDGMENT AND SENTENCE
APPENDIX H
COMMUNITY PLACEMENT OR
COMMUNITY CUSTODY

The Defendant shall comply with the following conditions of community placement or community custody pursuant to RCW 9 94A 700(4) (5)

- 1) Report to and be available for contact with the assigned community corrections officer as directed
- 2) Work at Department of Corrections approved education employment and/or community service
- 3) Not possess or consume controlled substances except pursuant to lawfully issued prescriptions
- 4) Pay supervision fees as determined by the Department of Corrections
- 5) Receive prior approval for living arrangements and residence location
- 6) Not own use or possess a firearm or ammunition (RCW 9 94A 720(2))
- 7) Notify community corrections officer of any change in address or employment and
- 8) Remain within geographic boundary as set forth in writing by the Department of Corrections Officer or as set forth with SODA order

OTHER SPECIAL CONDITIONS

- The defendant shall not consume any alcohol
- Defendant shall have no contact with _____

Defendant shall remain within outside of a specified geographical boundary to wit _____

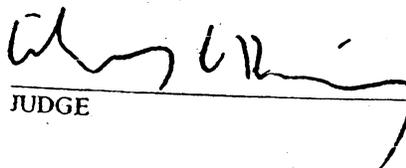
The defendant shall participate in the following crime related treatment or counseling services
substance abuse evaluation and follow up
all treatment recommendations

The defendant shall comply with the following crime related prohibitions
do not loiter in high narcotics areas

Other conditions may be imposed by the court or Department during community custody

Community Placement or Community Custody shall begin upon completion of the term(s) of confinement imposed herein or when the defendant is transferred to Community Custody in lieu of earned early release. The defendant shall remain under the supervision of the Department of Corrections and follow explicitly the instructions and conditions established by that agency. The Department may require the defendant to perform affirmative acts deemed appropriate to monitor compliance with the conditions [RCW 9 94A 720] and may issue warrants and/or detain defendants who violate a condition [RCW 9 94A 740].

Date NOV 5, 2004


JUDGE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

State of Washington	Plaintiff	No 04 1 10110 3 SEA
vs		FELONY WARRANT OF TRANSFER TO DEPARTMENT OF CORRECTIONS PENDING APPEAL
JAY ROBERT PULLMAN	Defendant	2

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF KING COUNTY AND DIRECTOR OF INSTITUTIONS AND THE SUPERINTENDENT OF THE WASHINGTON CORRECTIONS CENTER OF THE STATE OF WASHINGTON

WHEREAS Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of King that the defendant be punished as specified in the Judgment and Sentence a full true and correct copy of which is attached hereto

WHEREAS the defendant (X) has () has not given Notice of Appeal from said Judgment and Sentence to the Court of Appeals of the State of Washington and has not posted bond pending said appeal and

- () Thirty (30) days have elapsed since entry of judgment
- (X) A defendant's waiver of thirty (30) day delay prior to transfer to Department of Corrections (RCW 36 63 255) has been filed
- () A signed order waiving the thirty (30) day delay has been filed

All of which appears of record certified copies of said Judgment and Sentence and other required documents being endorsed hereon and made a part hereof

NOW THIS IS TO COMMAND YOU the said Director of Adult Detention to detain the said defendant until called for by the transportation officers of the Department of Corrections authorized to conduct him to the Washington Corrections Center and THIS IS TO COMMAND YOU the said Superintendent of the Washington Corrections Center to receive of and from the said officers the said defendant for confinement in a penal institution or correctional facility designated by the Director of Institutions until further order of the Court of Appeals of the State of Washington and/or the Superior Court of the State of Washington in and for the County of King

Dated December 7, 2004

By Direction of the Honorable

WILLIAM DOWNING
Judge

BARBARA MINER, Clerk

By [Signature]
Deputy Clerk

DOC 845002
 JAIL LOCATION EBLC
 DAB 204016171
 CCN# 1741168
 SID# WA 19930713
 FOR 4-15-74

APPENDIX 10



Offender Information					
Offender Name (last, first, middle initial, suffix): PULLMAN, JAY				DOC Number: 845002	Offender Status: Active Inmate
DOB: 04/15/74	Time Start: 03/16/04	(P)ERD: 04/01/07	Maximum Exp Date: 10/20/07	Mandatory Exp. Date:	Current Custody: Medium
LSI-R Score: 40	RMI Level: RMC	SMIO: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	RMIT Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	CommCustody/Placement Yes <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Community Custody Range: From: 9 mo To: 12 mo
ISRB: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	SRA 10-day Release Status: Eligible		End of Sentence Review Screening Completed: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Special Sentence Alternative: DOSA
Detainer / Warrant: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If "Yes", list detainer information:				

Purpose of Report			
Purpose of Report:	<input checked="" type="checkbox"/> Intake (P) Facility Plan	<input type="checkbox"/> HCSC	
<input type="checkbox"/> Board Report	<input type="checkbox"/> Scan Only	<input type="checkbox"/> Override	
<input type="checkbox"/> Plan Change (P) Review	<input type="checkbox"/> Extraordinary Medical Placement	<input type="checkbox"/> Map	
<input type="checkbox"/> Time Exceeds 6 years	<input checked="" type="checkbox"/> Other (Specify): PROMOTION		
Prepared By: C. Roiko, Correctional Counselor 2	Referral Location: H2 Unit	Date: 02/24/05	

Offender Community Support	
Anticipated Release Address: 11506 Stone Ave N Apt #E102 Seattle, WA 98133 Phone Number: 206 363 6844	Residence Sponsor: Janice Spivey Relationship to Offender: Aunt
Additional Individuals in the Home	
Name: (last, first, MI)	Adult / Minor Relationship to Offender:
Has the sponsor or others residing in the home been a victim of the offender? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Programs	
Basic Skills	Narrative: Offender Pullman does have a verified GED obtained 08/19/04.
Job/Work	Narrative: Offender Pullman is currently unemployed. He is expected to obtain and maintain institutional employment. He is expected to receive average or above ratings from his supervisors. Verification: Supervisor will submit Monthly Inmate Performance Evaluations and Time card to CC detailing his employment progress.

Offender Doc # 845002	Offender Name: PULLMAN, JAY
Don 20-402 (Rev. 03/04/03)	1 of 3

Offender Change	<p>Narrative: Offender Pullman is expected to enter into and actively participate in Victim Awareness and MRT. A Chemical Dependency assessment conducted on 03/19/04 indicated Chemical Dependency. It is court ordered that he enter into and participate in Chemical Dependency treatment. A referral was submitted with this review. He is expected to continue treatment in the Community as recommended by CD counselor.</p> <p>Verification: Offender will notify CC via KITE that he has been placed in the program. Instructors will provide bi-weekly progress reports of the offenders progress in offender change programs. CD counselor will provide monthly status reports detailing his progress in treatment.</p>
Vocational	<p>Narrative: Offender Pullman has been referred to Vocational Courses (Information Technology).</p>

Additional Offender Classification Expectations		
Expectations: Program participation (see narrative)	Frequency: As available	Due Date:
Narrative: Offender Pullman is expected to complete all counselor recommended programs.		
Expectations: Other (see narrative)	Frequency: On-going	Due Date:
Narrative: Offender Pullman is expected to remain infraction free while incarcerated.		
Expectations: Transition Plan Development	Frequency: As required	Due Date:
Narrative: Offender Pullman will need to submit an address for approval 120 days prior to ERD.		
Expectations: Select one:	Frequency: Select one:	Due Date:
Narrative:		
Expectations: Select one:	Frequency: Select one:	Due Date:
Narrative:		
Expectations: Select one:	Frequency: Select one:	Due Date:
Narrative:		

Targeted Custody/Placement				
Target Date	Targeted Custody	Targeted Placement (if applicable)	Inmate Preferred Location	Comments
02/24/06	MI 1	700 Seattle Area WR		
	Select one:	Select one:		
	Select one:	Select one:		
	Select one:	Select one:		
	Select one:	Select one:		
	Select one:	Select one:		

Offender Doc # 845002	Offender Name: PULLMAN, JAY
Don 20-402 (Rev. 03/04/03)	2 of 3

Current Classification Action

Counselor Comments and Recommendations:

Offender Pullman currently scores 62 custody points equating to minimum custody. His adjustment has been good since his arrival at SCCC on 12/20/04. He has received no serious infractions. He is eligible for 5990, therefore his ERD will change to 08/24/06 per Records. On 02/23/05, Offender Pullman met with his counselor to provide input into the development of this Facility Plan.

-During his initial custody designation, Offender Pullman scored 41 points placing him at Medium custody. Per policy, he has remained Medium custody for six months.

-He has no open holds.

-He has no separtees noted.

RECOMMENDATIONS:

*Promote to MIP custody.

*Retain at SCCC pending transfer to a camp facility.

*Offender prefers WSR MCC MIN.

*Target MI1 custody for 02/24/06.

*Refer to Seattle Area Work Release.

*Commend positive behavior.

*Complete recommended counselor programs.

*Award available earned time.

Counselor: C. Roiko

Facility Risk Management Team

CONCUR

DO NOT CONCUR

Date: 02/24/05

Comments and Recommendations:

FRMT met this date to complete an Intake review on Offender Pullman.

FRMT members were: CUS K. Meyer, and CC2 C. Roiko.

FRMT Chair: K. Meyer, CUS

Date: 2/25/05

Offender Comments:

None. P waived participation.

Date: 02/25/05

Reviewer

CONCUR

DO NOT CONCUR

Comments and Recommendations:

Promote to MIP custody.

Refer to MFSC for camp placement

Target MI1 custody on 02-24-06.

Refer to Work Release.

Reviewer/Chair: D. Van Ogle

02/28/05

Date:

Superintendent/designee

CONCUR

DO NOT CONCUR

Comments/Decisions:

Superintendent/Designee: D. Van Ogle for Supt. D. Waddington

Date: 2/28/05

Headquarters Decisions:

Date:

Offender Doc #

845002

Offender Name:

PULLMAN, JAY

Don 20-402 (Rev. 03/04/03)

3 of 3

DISTRIBUTION:

Upon Completion of Headquarters Action, Return to:

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, REW 42.17, and RCW 40.14.

Offender Doc # 845002	Offender Name: PULLMAN, JAY
Don 20-402 (Rev. 03/04/03)	4 of 3

P//N 1 845002

03/16/05 07.45.07

IISO005

RELEASE DATE CALCULATION

PAGE 002

DOC NO: 845002 NME: PULLMAN, JAY R.

STA MAX: 10/18/24 STATUS: ACTIVE

COMMITMENT: "AB" COMM.STATUS: ACTIVE

CONCURRENT TO "AA"

DOSA-2

"AB"

"AB"

"AA-AB"

TIME START DATE-----* 03/16/2004

TIME SERVED TO-DATE 158

+ MAX (2Y11M21D) 1086

MINIMUM EXPIR. DATE-----* 09/30/2007

- CREDIT TIME SERVED 18

GCT CERT. & ADDR. 0 0

+ OUT-TIME + WICKERT 234

GCT CERT. ONLY 0 0

+ CCI OUT/PAR ABSC TIME 0

+ GCT DENIED & ADDR. 0 0

MAXIMUM EXPIRATION DATE--* 10/09/2007

+ GCT NOT CERTIFIED 0 0

+ MIN (2Y11M21D) 1086

FUTURE/UNCERT.GCT 353 435

- CREDIT TIME SERVED(SRA) 18

ET I & II 19.17 38.34

- GOOD TIME (JAIL) 9

+ ET NOT EARNED 0.00 0.00

+ OUT-TIME + WICKERT 234 50%

FUTURE ET 157.33 179.33

MINIMUM EXPIRATION DATE--* 09/30/2007

EARNED RELEASE DATE-----* 04/18/2006

+ MAND (OY OM OD) 0000000

ADJ. EARNED RELEASE-----* 04/18/2006

- CREDIT TIME SERVED 0

EARLY POSS. REL. DATE-----* 04/18/2006

+ OUT-TIME + WICKERT 0

ADJ. EARLY POSS. REL-----* 04/18/2006

- EARNED RELEASE 0

TIME REMAINING TO SERVE 398

MANDATORY EXPIR. DATE-----* 00/00/0000

SANCTION ADMIT DATE-----*

SANCTION RELEASE DATE-----*

adjusted for 5990

APPENDIX 12

P//1 1 845002

03/16/05 07.45.07

IISO005

RELEASE DATE CALCULATION

PAGE 003

DOC NO: 845002 NME: PULLMAN, JAY R. STA MAX: 04/19/24 STATUS: ACTIVE

COMMITMENT: "AC" COMM.STATUS: FUTURE CONSECUTIVE TO "AB"

DOSA=2 "AC" "AC" "AA-AC"

TIME START DATE-----*	04/18/2006	TIME SERVED TO-DATE	0	
+ MAX (1Y 8M 0D)	608	MINIMUM EXPIR. DATE-----*	12/30/2006	
- CREDIT TIME SERVED	235	GCT CERT. & ADDR.	0	0
+ OUT-TIME + WICKERT	0	GCT CERT. ONLY	0	0
+ CCI OUT/PAR ABSC TIME	0	+ GCT DENIED & ADDR.	0	0
MAXIMUM EXPIRATION DATE--*	04/26/2007	+ GCT NOT CERTIFIED	0	0
		FUTURE/UNCERT.GCT	85	520
+ MIN (1Y 8M 0D)	608	ET I & II	0.00	38.34
- CREDIT TIME SERVED(SRA)	235	+ ET NOT EARNED	0.00	0.00
- GOOD TIME (JAIL)	117	FUTURE ET	42.67	222.00
+ OUT-TIME + WICKERT	0	EARNED RELEASE DATE-----*	08/24/2006	
MINIMUM EXPIRATION DATE--*	12/30/2006	ADJ. EARNED RELEASE-----*	08/24/2006	
		EARLY POSS. REL. DATE-----*	08/24/2006	
+ MAND (0Y 0M 0D)	0000000	ADJ. EARLY POSS. REL-----*	08/24/2006	
- CREDIT TIME SERVED	0	TIME REMAINING TO SERVE	480	
+ OUT-TIME + WICKERT	0			
- EARNED RELEASE	0	SANCTION ADMIT DATE-----*		
MANDATORY EXPIR. DATE-----*	00/00/0000	SANCTION RELEASE DATE-----*		

adjusted for 5990

RECEIVE

OBCC



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

Hearing ID# 492

JUN 3 2005



CBCC RECORDS OF SERIOUS INFRACTION REPORT

Evidence#:

Cell#: B06L

CellTag: No

Institution: CCCC

STAFF REPORT

NAME PULLMAN, JAY

DOC# 845002

DATE: 04/21/2005

Number of rules(s) violated: 557

TIME 12:08

Details in full:

I/M Pullman was instructed to go to work. He stated, "I need to eat first." I told him all PM workers were going to eat after mainline due to picture count running long. He said, "I'm not working till I eat, 557 me". Sgt. Schrock talked to him and he still refused to work. He was returned to the unit. He is terminated from the kitchen.

Mike Meyer

REPORTING STAFF

REPORTING STAFF SIGNATURE

FACT FINDING DURING HEARING

Was inmate informed of right to remain silent? Yes

Date of Hearing: 04/27/2005

PLEA - NOT GUILTY: 557
GUILTY:

Did the inmate make a statement after being informed of his/her rights? Yes If so, what?

I am not guilty because I came there to work not refuse to work. I woke up and I hadn't ate since dinner the night before. I was feeling light headed and wasn't sure if I would be able to function and do my job. I usually eat at 1100. Mainline would not be until 1400hours. I needed to eat, I hadn't eaten for 20 hours.

DECISION

FINDING - NOT GUILTY:

GUILTY: 557

Facts and evidence found:

DISMISSED:

REDUCED:

to:

557 Guilty finding based on staff written testimony

Sanction(s):

Days Suspended

2I	Segregation	9	with Credit for time served
2L	Loss of Good Conduct Time	45	
2G	Custody Reclassification	0	

Reason for sanction(s): Based on Evidence/Staff Report

HEARING OFFICER

SUPERINTENDENT



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS



SERIOUS INFRACTION REPORT

Evidence#: Cell#: B06L CellTag: No Hearing ID# 492 Institution: CCCC

STAFF REPORT			
NAME	PULLMAN, JAY	DOC#	845002
DATE:	04/21/2005		
Number of rules(s) violated:	557	TIME	12:08 PM

Details in full:

I/M Pullman was instructed to go to work. He stated, "I need to eat first." I told him all PM workers were going to eat after mainline due to picture count running long. He said, "I'm not working till I eat, 557 me". Sgt. Schrock talked to him and he still refused to work. He was returned to the unit. He is terminated from the kitchen.

Mike Meyer

REPORTING STAFF

Mike Meyer

REPORTING STAFF SIGNATURE

FACT FINDING DURING HEARING	
Was Inmate Informed of right to remain silent?	<input type="checkbox"/> YES <input type="checkbox"/> NO
PLEA:	NOT GUILTY:
	GUILTY:
Did the inmate make statement after being informed of his/her rights?	<input type="checkbox"/> YES <input type="checkbox"/> NO

DECISION

Finding: NOT GUILTY:

GUILTY:

Facts and evidence found:

Sanctions(s):

Reason for sanctions(s):

HEARING OFFICER

SUPERINTENDENT

Jay Pullman



Evidence#: : B06L

CellTag: No

He ID# 492



STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS

DISCIPLINARY HEARING MINUTES AND FINDINGS

OFFENDER NAME	PULLMAN, JAY		DOC NUMBER	845002	
DATE OF HEARING	04/27/200	TIME OF HEARING	1:00 PM	INFRACTION DATE	04/21/2005
				WAIVED 24 HOURS NOTICE	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
				WAIVED APPEARANCE	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

OFFENDER'S PLEA: GUILTY _____ NOT GUILTY 557

INTERPRETER: YES NO NAME: _____

STAFF ADVISOR: YES NO NAME: _____

COMPETENCY CONCERN: YES NO HEARING IMPAIRED: YES NO

WITNESS STATEMENT RETURNED: YES NO WITNESS STATEMENT DENIED: YES NO

REASON NOT RETURNED: _____ REASON DENIED: _____

SUMMARY OF TESTIMONY (LIST WITNESSES TESTIFYING)/EVIDENCE USED/FINDINGS/REASONS FOR CONTINUANCES, DECISIONS, AND SANCTIONS/ANY

I CAME TO WORK TO WORK ~~AT 11:00~~
 NORMALLY EAT AT 11:00, TOLD A/C COOK
 WONT WORK TIL I EAT.

INFRACTION NO.	FOUND				REASON
	GUILTY	NOT GUILTY	DISMISSED	REDUCED	
557	X				STAFF REPORT / W/ STATEMENT.

SANCTION(S): 45 LOSS OF GCT / SUT / 9 DAYS D-SEG CREDIT FOR TIME SERVED

REASON FOR SANCTION(S): _____

I HAVE RECEIVED A COPY OF THIS FORM

[Signature]
OFFENDER OR STAFF WITNESS SIGNATURE

4-27-05
DATE

1454
TIME

[Signature]
HEARING OFFICER SIGNATURE

4/27/05
DATE

1454
TIME

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APR 25 2005



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

CEDAR CREEK CORR. CENTER
HEARINGS OFFICE



INITIAL SERIOUS INFRACTION REPORT

DATE OF INFRACTION 4-21-05	OFFENDER NAME (LAST, FIRST) Pullman J	DOC NUMBER 845002	HOUSING ASSIGNMENT CAS
RULE VIOLATION #(S) 557			
TIME OCCURRED 12:08	PLACE OF INCIDENT (BE SPECIFIC) Kitchen	DATE OCCURRED 4-21-05	
WITNESS (1) Sgt Schrock	DAYS OFF 5/5	WITNESS (3)	DAYS OFF
WITNESS (2) A/c Butcher	DAYS OFF T/W	WITNESS (4)	DAYS OFF

NARRATIVE

STATE A CONCISE DESCRIPTION OF THE DETAILS OF THE RULE VIOLATIONS, COVERING ALL ELEMENTS AND ANSWERING THE QUESTIONS OF WHEN? WHERE? WHO? WHAT? WHY? AND HOW?; DESCRIBE ANY INJURIES, PROPERTY DAMAGE, USE OF FORCE, ETC.; ATTACH ALL RELATED REPORTS.

I'm Pullman was instructed to go to work. He stated "I need to eat first". I told him all PM workers were going to eat after mainline due to picture count running long. He said "I'm not workin till I eat, 557 me". Sgt Schrock talked to him & he still refused to work. He was returned to the unit.

He is terminated from the kitchen

REPORTING STAFF NAME (LAST, FIRST) Meyer, Michael	SHIFT 0400-1230	DAYS OFF S+M
EVIDENCE TAKEN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	EVIDENCE CASE NUMBER	EVIDENCE LOCKER NUMBER
DISPOSITION OF EVIDENCE (IF NOT PLACED IN LOCKER)		PHOTO SUBMITTED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
RELATED REPORTS ATTACHED		PLACED IN PRE-HEARING CONFINEMENT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> STAFF WITNESS STATEMENTS	<input type="checkbox"/> BACKGROUND MEMOS
<input type="checkbox"/> TELE-INCIDENT	<input type="checkbox"/> OTHER (SPECIFY)	<input type="checkbox"/> MEDICAL
		<input type="checkbox"/> USE OF FORCE

REPORTING STAFF SIGNATURE 	DATE 4-21-05
INFRACTION REVIEW OFFICER SIGNATURE 	DATE 4-21-05

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.17, and RCW 40.14.

Hearing ID# 4L



STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS

Evidence#: Cell#: B06L

HEARING NOTICE / APPEARANCE WAIVER

CellTag: No

OFFENDER NAME	PULLMAN, JAY	DOC NUMBER	845002	FACILITY	GCCC	DATE	04/25/2005
TYPE OF REVIEW	DISCIPLINARY	HEARING SCHEDULED FOR	04/27/200	LOCATION	Hearings Office- H-Ca	TIME	1:00 PM

REASON FOR HEARING (INCLUDING ALL ALLEGATIONS OF MISCONDUCT IF APPROPRIATE)

557 Refusing to participate in education/work program or programming assignment

I HAVE BEEN PROVIDED A CERTIFIED SIGN LANGUAGE INTERPRETER

INTERPRETER NAME/DATE

I HAVE BEEN PROVIDED WITH A SPANISH TRANSLATION OF THE CHARGES AGAINST ME ON SE ME HA DADO UNA TRADUCCION AL ESPANOL DE LOS CARGOS EN ME CONTRA EL DIA

OFFENDER RIGHTS:

DATE/FECHA AT TIME/HORA

OFFENDER SIGNATURE/FIRMA DE OFENSOR

- YOU HAVE THE RIGHT TO REMAIN SILENT AT THE HEARING, IF YOU CHOOSE TO REMAIN SILENT, YOUR SILENCE MAY BE USED AGAINST YOU AND THE DECISION WILL BE BASED ON THE EVIDENCE PRESENTED.
- YOU MAY WAIVE YOUR APPEARANCE AT THE HEARING.
- YOU MAY REQUEST WITNESS STATEMENTS: (List Witnesses Below)

YOU DO NOT HAVE THE RIGHT TO CROSS EXAMINE WITNESSES, HAVE THE INFRACTING STAFF PRESENT AT THE HEARING, OR HAVE A POLYGRAPH OR OTHER SUPPLEMENTAL TESTS.

STAFF NAME	POSITION	OFFENDER NAME	DOC NUMBER
Wray Cr, M.	ALC	JONES, D.	754322

CRIMINAL CHARGES MAY BE PENDING. ANYTHING YOU SAY HENCEFORTH MAY BE USED AGAINST YOU IN A COURT OF LAW

STATUS OF CRIMINAL CHARGES: NONE UNKNOWN PENDING IN

COUNTY CHARGES

YOU HAVE THE RIGHT TO REVIEW ALL RELATED REPORTS AND A SUMMARY OF ANY CONFIDENTIAL INFORMATION.

YOU MAY REQUEST A STAFF ADVISOR (if approved by the Hearing Officer). REQUESTED WAIVED

YOU MAY REQUEST AN INTERPRETER (if unable to speak and/or understand the English language). REQUESTED WAIVED

YOU MAY REQUEST A CERTIFIED SIGN LANGUAGE INTERPRETER IF YOU ARE HEARING IMPAIRED. REQUESTED WAIVED

YOU MAY APPEAL THE DECISION AND/OR SANCTIONS TO THE FACILITY SUPERINTENDENT/SUPERVISOR (within 15 working days).

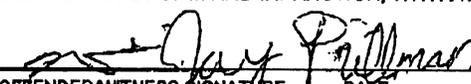
IF YOU ARE AN INDETERMINATE SENTENCE CASE AND WITHIN 60 DAYS OF AN ESTABLISHED RELEASE DATE, A GUILTY FINDING COULD RESULT IN THE CANCELLATION OF YOUR RELEASE DATE.

I, _____ DOC# _____ WAIVE MY RIGHT TO THE REQUIRED 48 HOURS NOTICE PRIOR TO BEING SEEN BY THE (CLASSIFICATION/ADMINISTRATIVE/SEGREGATION) HEARING OFFICE AND AUTHORIZE THE HEARING OFFICER TO MAKE A DISPOSITION REGARDING THE INFORMATION AND EVIDENCE PRESENTED TO THE HEARING OFFICER AS PERTAINS TO MY PARTICULAR SITUATION.

I, PULLMAN, JAY DOC# 845002 WAIVE MY RIGHT TO THE REQUIRED 24 HOURS NOTICE PRIOR TO BEING SEEN BY THE (DISCIPLINARY) HEARING OFFICER AND AUTHORIZE THE HEARING OFFICER TO MAKE A DISPOSITION REGARDING THE INFORMATION AND EVIDENCE PRESENTED TO THE HEARING OFFICER AS PERTAINS TO MY PARTICULAR SITUATION.

I, PULLMAN, JAY DOC# 845002 WAIVE MY RIGHT TO ATTEND THIS SCHEDULED HEARING. I UNDERSTAND THAT HEARING WILL BE HELD IN MY ABSENCE.

COPY OF THIS FORM AND INFRACTION, WITH ATTACHMENTS, RECEIVED.


4/25/05
18:05
042505
1805

OFFENDER/WITNESS SIGNATURE DATE TIME STAFF SIGNATURE DATE TIME

DISTRIBUTION: ORIGINAL - Central File COPY - Unit Supervisor, Hearing Officer, Offender
DOC 05-093 (REV 08/30/03)

DOC 320,200 DOC 420,375
DOC 450,500 DOC 461,000



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

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JUL 19 2005

FORM 5

Evidence#

Cell# GB19

Office No

SERIOUS INFRACTION REPORT

Institution: CBCC

NAME	PULLMAN, JAY	DOC#	845002	DATE:	6/4/2005
Number of rules(s) violated.	505			TIME	19:15

Details in full:

ON 6/4/05 AT 1915 HRS, I CORRECTIONAL OFFICER M. WELCH OBSERVED I/M PULLMAN #845002 FIGHTING IN THE G UNIT DAYROOM WITH I/M WILLIAMS #933915 WHO ARE BOTH HOUSED AT GB19. I/M PULLMAN WAS THROWING CLOSED FIST PUNCHES AT I/M WILLIAMS. I GAVE I/M PULLMAN SEVERAL DIRECTIVES TO STOP FIGHTING AND DISPERSE, UBT I/M DID NOT STOP UNTIL BACK UP ARRIVED.

Mark Welch

REPORTING STAFF

Mark Welch

REPORTING STAFF SIGNATURE

FACT FINDING DURING HEARINGS

Was inmate informed of right to remain silent? Yes Date of Hearing: 6/8/2005

PLEA - NOT GUILTY
GUILTY: 505

Did the inmate make a statement after being informed of his/her rights? Yes If so, what?

I WAS FIGHTING. MY CELLIE CAME TO THE DAYROOM AND SOCKED ME.

DECISION

FINDING - NOT GUILTY:
GUILTY: 505
Facts and evidence found:

DISMISSED:
REDUCED:
to:

505 Guilty finding based on staff written testimony

Sanction(s): Days Suspended

1D	Room/Cell Confinement	10	
2I	Segregation	5	CTS

Reason for sanction(s)

[Signature]

HEARING OFFICER

[Signature]

SUPERINTENDENT



Evidence#:

Cell#: GB19

CellTag: No

Hearing ID# 2440



STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS

DISCIPLINARY HEARING MINUTES AND FINDINGS

OFFENDER NAME: PULLMAN, JAY DOC NUMBER: 945002

DATE OF HEARING: 6/8/2008 TIME OF HEARING: 8:00 AM INFRACTION DATE: 6/8/2008

WAIVED 24 HOURS NOTICE: YES NO

WAIVED APPEARANCE: YES NO

OFFENDER'S PLEA: GUILTY 505 NOT GUILTY

INTERPRETER: YES NO NAME:

STAFF ADVISOR: YES NO NAME:

COMPETENCY CONCERN: YES NO HEARING IMPAIRED: YES NO

WITNESS STATEMENT RETURNED: YES NO WITNESS STATEMENT DENIED: YES NO

REASON NOT RETURNED: REASON DENIED:

SUMMARY OF TESTIMONY (LIST WITNESSES TESTIFYING/EVIDENCE USED/FINDINGS/REASONS FOR CONTINUANCES, DECISIONS, AND SANCTIONS/ANY RELEVANT INFORMATION):

I WAS fighting. MY Cellie came to the JAIL room And socked me.

INFRACTION NO.	FOUND				REASON
	GUILTY	NOT GUILTY	DISMISSED	REDUCED	
505	X				Admission of GUILT.

SANCTION(S): 5 DAYS D-seg C.T.S. 10 DAYS Cell Confinement w/loss of TV + RADIO

REASON FOR SANCTION(S): 1st 505 on record

I HAVE RECEIVED A COPY OF THIS FORM

OFFENDER OR STAFF WITNESS SIGNATURE

6-8-08 DATE

TIME

HEARING OFFICER SIGNATURE

6/8/08 DATE

8:30AM TIME

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, REW 42.17, and RCW 40.14.

EB07

Hearing ID# 2440



STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS

Evidence#

Cell# GB19

CellTag: No

HEARING NOTICE / APPEARANCE WAIVER

OFFENDER NAME	PULLMAN, JAY	DOC NUMBER	845002	FACILITY	CBOC	DATE	8/8/2008
TYPE OF REVIEW	DISCIPLINARY	HEARING SCHEDULED FOR	8/8/2008	LOCATION	Hearings Office- E-Unit	TIME	9:00 AM

REASON FOR HEARING (INCLUDING ALL ALLEGATIONS OF MISCONDUCT IF APPROPRIATE)

506 Fighting with any person

I HAVE BEEN PROVIDED A CERTIFIED SIGN LANGUAGE INTERPRETER

INTERPRETER NAME/DATE

I HAVE BEEN PROVIDED WITH A SPANISH TRANSLATION OF THE CHARGES AGAINST ME ON SE ME HA DADO UNA TRADUCCION AL ESPANOL DE LOS CARGOS EN MI CONTRA EL DIA

OFFENDER RIGHTS:

DATE/FECHA

AT TIME/HORA

OFFENDER SIGNATURE/FIRMA DE OFENSOR

YOU HAVE THE RIGHT TO REMAIN SILENT AT THE HEARING, IF YOU CHOOSE TO REMAIN SILENT, YOUR SILENCE MAY BE USED AGAINST YOU AND THE DECISION WILL BE BASED ON THE EVIDENCE PRESENTED.

YOU MAY WAVE YOUR APPEARANCE AT THE HEARING.

YOU MAY REQUEST WITNESS STATEMENTS: (List Witnesses Below)

YOU DO NOT HAVE THE RIGHT TO CROSS EXAMINE WITNESSES, HAVE THE INFRACTING STAFF PRESENT AT THE HEARING, OR HAVE A POLYGRAPH OR OTHER SUPPLEMENTAL TESTS.

STAFF NAME	POSITION	OFFENDER NAME	DOC NUMBER

CRIMINAL CHARGES MAY BE PENDING. ANYTHING YOU SAY HENCEFORTH MAY BE USED AGAINST YOU IN A COURT OF LAW

STATUS OF CRIMINAL CHARGES: NONE UNKNOWN PENDING IN

COUNTY CHARGES

YOU HAVE THE RIGHT TO REVIEW ALL RELATED REPORTS AND A SUMMARY OF ANY CONFIDENTIAL INFORMATION

YOU MAY REQUEST A STAFF ADVISOR (if approved by the Hearing Officer).

REQUESTED WAIVED

YOU MAY REQUEST AN INTERPRETER (if unable to speak and/or understand the English language)

REQUESTED WAIVED

YOU MAY REQUEST A CERTIFIED SIGN LANGUAGE INTERPRETER IF YOU ARE HEARING IMPAIRED.

REQUESTED WAIVED

YOU MAY APPEAL THE DECISION AND/OR SANCTIONS TO THE FACILITY SUPERINTENDENT/SUPERVISOR (within 15 working days).

IF YOU ARE AN INDETERMINATE SENTENCE CASE AND WITHIN 60 DAYS OF AN ESTABLISHED RELEASE DATE, A GUILTY FINDING COULD RESULT IN THE CANCELLATION OF YOUR RELEASE DATE.

I, _____, DOC# _____, WAIVE MY RIGHT TO THE REQUIRED 48 HOURS NOTICE PRIOR TO BEING SEEN BY THE (DISCIPLINARY) HEARING OFFICER AND AUTHORIZE THE HEARING OFFICER TO MAKE A DISPOSITION REGARDING THE INFORMATION AND EVIDENCE PRESENTED TO THE HEARING OFFICER AS PERTAINS TO MY PARTICULAR SITUATION.

I, PULLMAN, JAY DOC# 845002 WAIVE MY RIGHT TO THE REQUIRED 24 HOURS NOTICE PRIOR TO BEING SEEN BY THE (DISCIPLINARY) HEARING OFFICER AND AUTHORIZE THE HEARING OFFICER TO MAKE A DISPOSITION REGARDING THE INFORMATION AND EVIDENCE PRESENTED TO THE HEARING OFFICER AS PERTAINS TO MY PARTICULAR SITUATION.

I, PULLMAN, JAY DOC# 845002 WAIVE MY RIGHT TO ATTEND THIS SCHEDULED HEARING I UNDERSTAND THAT THIS HEARING WILL BE HELD IN MY ABSENCE

COPY OF THIS FORM AND INFRACTION, WITH ATTACHMENTS, RECEIVED

Jay Pullman OFFENDER/WITNESS SIGNATURE DATE

Parker 6-6-08 1205 STAFF SIGNATURE DATE TIME

DISTRIBUTION: ORIGINAL - Central File COPY - Unit Supervisor, Hearing Officer, Offender

DOC 326.200 DOC 420.376



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

INFRACTION REVIEW CHECKLIST

<input checked="" type="checkbox"/>	Examine the infraction to ensure that each field is filled in properly and written legibly.
<input checked="" type="checkbox"/>	Ensure the offender's name and DOC number are recorded correctly.
<input checked="" type="checkbox"/>	Read the infraction report narrative and ensure the following elements are included: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Who? <input checked="" type="checkbox"/> What? <input checked="" type="checkbox"/> Where? <input type="checkbox"/> Why? <input type="checkbox"/> How?
<input checked="" type="checkbox"/>	Check to be sure that the infraction violations at the top of the report correspond with the written information and are appropriate for the incident. NOTE: The reviewer may: 1) require that the report be revised, rewritten, or reinvestigated by the reporting staff member to ensure the alleged facts support the charges, or 2) add, dismiss, delete or reduce the indicated WAC violations as appropriate, based upon the information and/or evidence provided by the reporting staff and any mitigating factors.
<input checked="" type="checkbox"/>	Ensure the report is factual, without assumptions, feelings, beliefs or what the reporting staff "thinks" may have happened.
<input checked="" type="checkbox"/>	Ensure the report includes supporting documentation if the incident included: <ul style="list-style-type: none"> <input type="checkbox"/> Injuries? Medical Response? <input checked="" type="checkbox"/> Witnesses? <input type="checkbox"/> Property Damage? <input type="checkbox"/> Use of Force? <input type="checkbox"/> TeleIncident Report? <input type="checkbox"/> Other Supplemental Information?
<input checked="" type="checkbox"/>	Ensure all evidence has been collected, secured, and logged properly in accordance with policy and facility procedures. Did you document: <ul style="list-style-type: none"> <input type="checkbox"/> Evidence taken? <input type="checkbox"/> Evidence Case Number assigned? <input type="checkbox"/> Whether or not the evidence was placed in an evidence locker? <input type="checkbox"/> The disposition of the evidence if not placed in locker? <input checked="" type="checkbox"/> Photos submitted?
<input checked="" type="checkbox"/>	Complete the "Placed in Pre-hearing Confinement" field by checking the "Yes" or "No" boxes.
<input type="checkbox"/>	If confidential information has been submitted, have you: <ul style="list-style-type: none"> <input type="checkbox"/> Reviewed the information to ensure it is consistent with other reports? <input type="checkbox"/> Checked to ensure the documents are marked or stamped as "Confidential"? <input type="checkbox"/> Requested that the staff who received the information initiate DOC 05- 392, Confidential Information Report and forward it to designated facility staff?

4440

FORM A



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS



INITIAL SERIOUS INFRACTION REPORT

DATE OF INFRACTION 6-4-05	OFFENDER NAME (LAST, FIRST) Pullman, Jay	DOC NUMBER 845002	HOUSING ASSIGNMENT G B19U
RULE VIOLATION #(S) 1975 505			
TIME OCCURRED 1915	PLACE OF INCIDENT (BE SPECIFIC) G-Unit Dayroom		DATE OCCURRED 6-4-05
WITNESS (1) Sestidum	DAYS OFF W/T	WITNESS (3)	DAYS OFF
WITNESS (2)	DAYS OFF	WITNESS (4)	DAYS OFF

NARRATIVE

STATE A CONCISE DESCRIPTION OF THE DETAILS OF THE RULE VIOLATIONS, COVERING ALL ELEMENTS AND ANSWERING THE QUESTIONS OF WHEN? WHERE? WHO? WHAT? WHY? AND HOW?; DESCRIBE ANY INJURIES, PROPERTY DAMAGE, USE OF FORCE, ETC.; ATTACH ALL RELATED REPORTS.

On 6-4-05 at 1915 Hours, I correctional officer M. Welch observed inmate Pullman, Jay, #845002 fighting in the G-Unit Dayroom with inmate Williams, Leon, #933915. Who are both housed at G B19. Mr Pullman was throwing closed fist punches at Mr Williams. I gave Mr Pullman several directives to stop fighting and disperse, but Mr did not stop until back-up arrived.

REPORTING STAFF NAME (LAST, FIRST) Welch, M	SHIFT 3-2	DAYS OFF M/T
EVIDENCE TAKEN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	EVIDENCE CASE NUMBER	EVIDENCE LOCKER NUMBER
DISPOSITION OF EVIDENCE (IF NOT PLACED IN LOCKER)		PHOTO SUBMITTED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
RELATED REPORTS ATTACHED <input type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> BACKGROUND MEMOS <input type="checkbox"/> STAFF WITNESS STATEMENTS <input type="checkbox"/> MEDICAL <input type="checkbox"/> TELE-INCIDENT <input type="checkbox"/> USE OF FORCE <input checked="" type="checkbox"/> OTHER (SPECIFY) <i>Facility Report</i>		PLACED IN PRE-HEARING CONFINEMENT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

REPORTING STAFF SIGNATURE <i>M. Welch</i>	DATE 6-4-05
INFRACTION REVIEW OFFICER SIGNATURE <i>L. W. Adams</i>	DATE 6-4-05



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

DATE	6-4-05	TIME	1920	LOCATION	G unit dayroom
Type of incident: <input checked="" type="checkbox"/> INMATE RELATED <input type="checkbox"/> OTHER					
INMATE NAME		DOC NO		UNIT	
Pullman, J		845002		G B194	
INMATE NAME		DOC NO		UNIT	
Williams, L		933915		G B194	
WITNESSES % Sasticum % Welch					
DETAILS (Use reverse side of form if additional space is needed. Do not use for any inquiries, damage, use of force, etc.)					

On 6-4-05 at approx 1920, I responded to a fight in G unit dayroom. When I arrived on the scene, both EM Pullman and EM William were swinging at each other with closed fist punches. Both inmates then complied with staff directives and were separated and I then restrained EM Pullman and escorted him to medical. After he was checked out by medical, I then escorted him to IMU for placement.

What immediate action did you take?

<u>Bates</u>	<u>Bates, T</u>	<u>CH II</u>	<u>6-4-05</u>
REPORTING EMPLOYEE (SIGNATURE)	PRINT NAME	JOB TITLE	DATE

SUPERVISOR REVIEW COMMENTS

<u>Lt. T. Adams</u>	<u>T. Adams</u>	<u>6-4-05</u>
SUPERVISOR'S SIGNATURE	PRINT NAME	DATE

TO BE COMPLETED BY ASSOCIATE SUPERINTENDENT'S OPERATIONS SECRETARY		
LOG No:	ASSIGNED INVESTIGATOR	
DUE DATE	ASSIGNED BY:	DATE:

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REPORTING EMPLOYEE DISTRIBUTION: ORIGINAL-Shift Commander, COPY-Affected Area Supervisor
DOC 21-958 (12/2002) CBCC



CBCC INCIDENT REPORT

Date: 6-04-05	Time: 1915	Location: G Unit Day room	
Type of incident: <u>INMATE RELATED</u>		OTHER	
Inmate Name: Williams, Leon	DOC No.: 933915	Unit: G	
Inmate Name: Pullman, Jay	DOC No.: 854002	Unit: G	
Witnesses:			

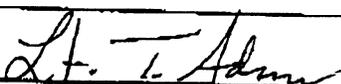
DETAILS: (List who was involved, what took place, how did it happen, description of any inquiries, damage, use of force, etc. Attach additional sheet, if necessary.)

On 6-4-05 At 1915, while responding to a fight in G-UNIT I observed inmates Williams, Leon and #933915 AND Pullman, Jay #854002 facing each other with closed fists up about waist level. Officer Bates walked in with me officer Bates restrained I/m Pullman with help from officer Welch, myself officer Sastrom and Officer Walker restrained I/m Williams.

What immediate action did you take?:


R. Rodriguez, R
C/O
6-4-05
 Reporting Employee (Signature) Print Name Job Title Date

SUPERVISOR REVIEW/COMMENTS:


T. Adams
6-4-05
 Supervisor's Signature Print Name Date

REPORTING EMPLOYEE DISTRIBUTION: Original - SHIFT COMMANDER
 1 Copy - AFFECTED AREA SUPERVISOR

TO BE COMPLETED BY ASSOCIATE SUPERINTENDENT'S OPERATIONS SECRETARY

LOG No: _____ ASSIGNED INVESTIGATOR: _____

DUE DATE: _____ ASSIGNED BY: _____ DATE: _____

DISSEMINATION BY ASSOCIATE SUPERINTENDENT'S OPERATIONS SECRETARY



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

DATE: JUNE 4, 2005	TIME: 19:21	LOCATION CBCC G UNIT
Type of Incident: <input checked="" type="checkbox"/> INMATE RELATED <input type="checkbox"/> OTHER		
INMATE NAME PULLMAN, JAY	DOC NO 845002	UNIT G TO IMU
INMATE NAME	DOC NO	UNIT
WITNESSES UNKNOWN TO THIS REPORTER		
DETAILS: (List who was involved, what took place, how did it happen, description of any inquiries, damage, use of force, etc. Attach additional sheet, if necessary.)		

Inmate Pullman was escorted to HCU following an altercation on G unit. He reported having been struck over the left eye. No marks were apparent at that site or elsewhere. He denied any change in his vision. He denied requiring any medical attention and none appeared necessary. His speech was clear and coherent and he walked with normal gait and balance.

What immediate action did you take? Inmate Pullman denied requiring any medical attention and none appeared necessary. He was advised to kite HCU for sick-call if he discovers any treatable injuries later.

<i>Dave McKee RN</i>	Dave McKee RN	RN2	JUNE 4, 2005
REPORTING EMPLOYEE (SIGNATURE)	PRINT NAME	JOB TITLE	DATE
SUPERVISOR REVIEW/COMMENTS			

<i>T. Adams</i>	T. Adams	6-4-05
SUPERVISOR'S SIGNATURE	PRINT NAME	DATE

TO BE COMPLETED BY ASSOCIATE SUPERINTENDENT'S, OPERATIONS, SECRETARY		
LOG No:	ASSIGNED INVESTIGATOR	
DUE DATE	ASSIGNED BY:	DATE:

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REPORTING EMPLOYEE DISTRIBUTION: ORIGINAL-Shift Commander, COPY-Affected Area Supervisor
DOC 21-958 (12/2002) CBCC



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

Hearing ID# 2590



SERIOUS INFRACTION REPORT

Evidence#: CBCC0708305

Cell#: HA16

CellTag. No

Institution: CBCC

STAFF REPORT

NAME	PULLMAN, JAY	DOC#	845002	DATE:	8/30/2005
Number of rules(s) violated.	740			TIME	11:14

Details in full:

ON 8/30/05 I/M PULLMAN SENT A LETTER TO A CLAUDETTE THOMAS 11506 STONE AVE. N., SEATTLE, WA., ASKING HER TO SEND MONIES TO HIS CELLIE, I/M MARTIN #829306. BY DONG THIS PULLMAN WOULD CIRCUMVENT THE ALLOCATED 70% THAT WOULD HAVE BEEN TAKEN OUT OF HIS RECEIVED MONIES AND HAVING MARTIN RECEIVE HIS MONIES THE STATE WOULD NOLY TAKE OUT 35%. I/M PULLMAN ADMITTED WRITING AND SENDING THE LETTER. FURTHERMORE, PULLMAN ADMITTED HE CONSPIRED ALONG WITH I/M MARTIN TO DEFRAUD THE STATE. THIS IS A DIRECT VIOLATION OF WAC 740.

Juan Macias

REPORTING STAFF

Juan Macias

REPORTING STAFF SIGNATURE

PAC FINDING DURING HEARING

Was inmate informed of right to remain silent? Yes Date of Hearing: 7/15/2005

PLEA - NOT GUILTY: 740
GUILTY:

Did the inmate make a statement after being informed of his/her rights? Yes If so, what?

IT IS IMPOSSIBLE FOR YOU TO FIND ME GUILTY BECAUSE NO MONEY WAS SENT IN.

DECISION

FINDING - NOT GUILTY:	DISMISSED:
GUILTY: 740	REDUCED:
Facts and evidence found:	to:

740 Guilty finding based on staff written testimony

RECEIVED
AUG 17 2005
CBCC RECORDS OFFICE

Sanction(s):	Days	Suspended
2C Loss of Privileges	30	RECREATION
1D Room/Cell Confinement	10	

Reason for sanction(s): 1st 740

[Signature]

HEARING OFFICER

[Signature]

SUPERINTENDENT



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS



SERIOUS INFRACTION REPORT

Evidence#: CBCC0708305

Cell#: HA16

CellTag: No

Hearing ID# 2590

Institution: CBCC

STAFF REPORT		
NAME	PULLMAN, JAY	DOC# 845002
DATE:	6/30/2005	
Number of rules(s) violated:	740	TIME 11:14 AM

Details in full:

ON 6/30/05 I/M PULLMAN SENT A LETTER TO A CLAUDETTE THOMAS 11506 STONE AVE. N., SEATTLE, WA., ASKING HER TO SEND MONIES TO HIS CELLIE, I/M MARTIN #829306. BY DONG THIS PULLMAN WOULD CIRCUMVENT THE ALLOCATED 70% THAT WOULD HAVE BEEN TAKEN OUT OF HIS RECEIVED MONIES AND HAVING MARTIN RECEIVE HIS MONIES THE STATE WOULD NOLY TAKE OUT 35%. I/M PULLMAN ADMITTED WRITING AND SENDING THE LETTER. FURTHERMORE, PULLMAN ADMITTED HE CONSPIRED ALONG WITH I/M MARTIN TO DEFRAUD THE STATE. THIS IS A DIRECT VIOLATION OF WAC 740.

Juan Macias

REPORTING STAFF

Juan Macias

REPORTING STAFF SIGNATURE

FACT FINDING DURING HEARING		
Was inmate informed of right to remain silent?	<input type="checkbox"/> YES <input type="checkbox"/> NO	Date of Hearing:
PLEA:	NOT GUILTY:	
	GUILTY:	
Did the inmate make statement after being informed of his/her rights?	<input type="checkbox"/> YES <input type="checkbox"/> NO	

Finding: NOT GUILTY:

GUILTY:

Facts and evidence found:

Sanctions(s):

Reason for sanctions(s):

HEARING OFFICER

SUPERINTENDENT

2590



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS



INITIAL SERIOUS INFRACTION REPORT

DATE OF INFRACTION July 11, 2005	OFFENDER NAME (LAST, FIRST) Pullman, Jay	DOC NUMBER 845002	HOUSING ASSIGNMENT HA16L
RULE VIOLATION #(S) 740 (Conspiracy to commit Fraud)			
TIME OCCURRED 1114 hours	PLACE OF INCIDENT (BE SPECIFIC) HA16L	DATE OCCURRED June 30, 2005	
WITNESS (1) Inv. Les Schneider	DAYS OFF S/S	WITNESS (3)	DAYS OFF
WITNESS (2)	DAYS OFF	WITNESS (4)	DAYS OFF

NARRATIVE

STATE A CONCISE DESCRIPTION OF THE DETAILS OF THE RULE VIOLATIONS, COVERING ALL ELEMENTS AND ANSWERING THE QUESTIONS OF WHEN? WHERE? WHO? WHAT? WHY? AND HOW?; DESCRIBE ANY INJURIES, PROPERTY DAMAGE, USE OF FORCE, ETC.; ATTACH ALL RELATED REPORTS.

On June 30, 2005, Inmate Pullman sent a letter to a Claudette Thomas, 11506 Stone Ave. N., Seattle, Wa., asking her to send monies to his cellie, Inmate Martn, Roderick, #829306. By doing this Pullman would circumvent the allocated 70% that would have been taken out of his received monies and having Martin receive his monies the State would only take out 35%. Inmate Pullman admitted writing and sending the letter. Furthermore, Pullman admitted he conspired along with Inmate Martin to defraud the State. This is a direct violation of WAC 740.

End of Report - J. Macias

REPORTING STAFF NAME (LAST, FIRST) Macias, Juan	SHIFT 2nd	DAYS OFF S/S	
EVIDENCE TAKEN <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	EVIDENCE CASE NUMBER CBCC-07-083-05	EVIDENCE LOCKER NUMBER	PHOTO SUBMITTED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
DISPOSITION OF EVIDENCE (IF NOT PLACED IN LOCKER) <i>attached to infraction</i>		PLACED IN PRE-HEARING CONFINEMENT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
RELATED REPORTS ATTACHED	<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> BACKGROUND MEMOS	
	<input type="checkbox"/> STAFF WITNESS STATEMENTS	<input type="checkbox"/> MEDICAL	
	<input type="checkbox"/> TELE-INCIDENT	<input type="checkbox"/> USE OF FORCE	
	<input checked="" type="checkbox"/> OTHER (SPECIFY) Photo copy of letter		

REPORTING STAFF SIGNATURE 	DATE July 11, 2005
INFRACTION REVIEW OFFICER SIGNATURE 	DATE 7-12-05

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Michael Ammon #879103 H:A-21 1154
 Clallam Bay Corrections Center
 1830 Eagle Crest Way
 Clallam Bay, WA, 98326-9723

Claudette Thomas
 11506 Stone Ave N
 Seattle Washington

E-102

RECEIVED
 JUN 30 2005
 CBCC MAIL



Evidence#: CBC007083 Call#: HA16

CallTag. No

Hearing ID# 2590



STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS

DISCIPLINARY HEARING MINUTES AND FINDINGS

OFFENDER NAME PULLMAN, JAY DOC NUMBER 846002

DATE OF HEARING 7/15/2008 TIME OF HEARING 8:00 AM INFRACTION DATE 6/30/2006 WAIVED 24 HOURS NOTICE YES NO

WAIVED APPEARANCE YES NO

OFFENDER'S PLEA: GUILTY _____ NOT GUILTY 740

INTERPRETER: YES NO NAME: _____

STAFF ADVISOR: YES NO NAME: _____

COMPETENCY CONCERN: YES NO HEARING IMPAIRED: YES NO

WITNESS STATEMENT RETURNED: YES NO WITNESS STATEMENT DENIED: YES NO

REASON NOT RETURNED: None requested REASON DENIED: _____

SUMMARY OF TESTIMONY (LIST WITNESSES TESTIFYING)/EVIDENCE USED/FINDINGS/REASONS FOR CONTINUANCES, DECISIONS, AND SANCTIONS/ANY RELEVANT INFORMATION):

It is impossible for you to find me guilty because no money was sent in.

INFRACTION NO.	FINDING			REASON
	GUILTY	NOT GUILTY	DISMISSED	
<u>740</u>	<u>X</u>			<u>Staff written testimony</u>

SANCTION(S): 10 DEC 30 DL Recreation

REASON FOR SANCTION(S): 1 SE 740

I HAVE RECEIVED A COPY OF THIS FORM

Jay Pullman OFFENDER OR STAFF WITNESS SIGNATURE DATE 7-15-08 TIME 0915

[Signature] HEARING OFFICER SIGNATURE DATE _____ TIME _____

Even if you don't have the money right now. Check it out and see what's happening. The case number is... 04-1-10110-3 sea That is for King... My appeal case no. is 55212-1 /NB I want you to call my appeal lawyer. Also, his name is Christopher Gibson his number is (206) 623-2373 Call and verify the bond amount. And also see what the previous case, Use the previous case no. for the lawyer and the company. Gary is in here with me. Remember him? The one you said remind you of 2-D anyway, his full name is Roderick Martin his number is # 829306 They take 35 percent of my money. They only take 35 percent of his. I would like you to send me a lump sum of money. If at all possible a hundred bucks in his name, same address same cell number. H Al6 Write me and let me know if you send it. Don't be too specific. Write me and tell me you sent the money. They read our mail. I can get a minor infraction if they find out. Could you call Office of public defense and find out the status of my complaint - tried records of police records. The phone number is # 04-0164 I think there's a phone number... Have a fun and exciting 4th of July weekend. by the way, what are your plans for the holiday weekends. Have you had Tamari over recently?

reconnecting
 lily


WAC
 #740



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

INFRACTION REVIEW CHECKLIST

<input checked="" type="checkbox"/>	Examine the infraction to ensure that each field is filled in properly and written legibly.
<input checked="" type="checkbox"/>	Ensure the offender's name and DOC number are recorded correctly.
<input checked="" type="checkbox"/>	Read the infraction report narrative and ensure the following elements are included: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Who? <input checked="" type="checkbox"/> What? <input checked="" type="checkbox"/> Where? <input type="checkbox"/> Why? <input type="checkbox"/> How?
<input checked="" type="checkbox"/>	Check to be sure that the infraction violations at the top of the report correspond with the written information and are appropriate for the incident. NOTE: The reviewer may; 1) require that the report be revised, rewritten, or reinvestigated by the reporting staff member to ensure the alleged facts support the charges, or 2) add, dismiss, delete or reduce the indicated WAC violations as appropriate, based upon the information and/or evidence provided by the reporting staff and any mitigating factors.
<input checked="" type="checkbox"/>	Ensure the report is factual, without assumptions, feelings, beliefs or what the reporting staff "thinks" may have happened.
<input checked="" type="checkbox"/>	Ensure the report includes supporting documentation if the incident included: <ul style="list-style-type: none"> <input type="checkbox"/> Injuries? Medical Response? <input type="checkbox"/> Witnesses? <input type="checkbox"/> Property Damage? <input type="checkbox"/> Use of Force? <input type="checkbox"/> Teleincident Report? <input checked="" type="checkbox"/> Other Supplemental Information?
<input checked="" type="checkbox"/>	Ensure all evidence has been collected, secured, and logged properly in accordance with policy and facility procedures. Did you document: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Evidence taken? <input type="checkbox"/> Evidence Case Number assigned? <input type="checkbox"/> Whether or not the evidence was placed in an evidence locker? <input checked="" type="checkbox"/> The disposition of the evidence if not placed in locker? <input type="checkbox"/> Photos submitted?
<input checked="" type="checkbox"/>	Complete the "Placed in Pre-hearing Confinement" field by checking the "Yes" or "No" boxes.
<input type="checkbox"/>	If confidential information has been submitted, have you: <ul style="list-style-type: none"> <input type="checkbox"/> Reviewed the information to ensure it is consistent with other reports? <input type="checkbox"/> Checked to ensure the documents are marked or stamped as "Confidential"? <input type="checkbox"/> Requested that the staff who received the information initiate DOC 05- 392, Confidential Information Report and forward it to designated facility staff?

NG

Even if you don't have the money right now. Check it out and see what's happening. The case number is... 04-1-10110-3 sea that is for Kingco. My appeal case no. is 55212-1/N. I want you to call my appeal lawyer also. His name is Christopher Gibson his number is (206) 623-2373 Call & verify the bond amount and also see what the bond is for. Use the previous case no. for the lawyer and the company. Gary is in here with me. Remind him? The one you said remind you a 2-D anyway, his full name is Roderick Martin his number is # 829306 They take 70 percent of my money. They only take 35 percent of his. I would like you to send me a lump sum of money. If at all possible a hundred bucks in his name. Same address. Same cell number. H A 16 Write me and tell me if you send it. Don't be too specific. Write me and tell me you sent the money. They read our mail. I can get a minor infraction if they find out. Could you call Office of public defense and find out the status of my complaint? I tried people of justice... The case number is # 04-0164 I think there is a phone number... Have a fun and exciting 4th of July weekend. by the way, what are your plans for the holiday weekends. Have you had Jamari over recently?

reconnecting
Lacey

WAC
#740



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

INFRACTION REVIEW CHECK

<input checked="" type="checkbox"/>	Examine the infraction to ensure that each field is filled in properly and written legibly.
<input checked="" type="checkbox"/>	Ensure the offender's name and DOC number are recorded correctly.
<input checked="" type="checkbox"/>	Read the infraction report narrative and ensure the following elements are included: <input checked="" type="checkbox"/> Who? <input checked="" type="checkbox"/> What? <input checked="" type="checkbox"/> Where? <input type="checkbox"/> Why? <input type="checkbox"/> How?
<input checked="" type="checkbox"/>	Check to be sure that the infraction violations at the top of the report correspond with the written information a <p>NOTE: The reviewer may; 1) require that the report be revised, rewritten, or reinvestigated by the reporting staff member to ensure the alleged facts support the charges, or 2) add, dismiss, delete or reduce the indicated violations as appropriate, based upon the information and/or evidence provided by the reporting staff and any mitigating factors.</p>
<input checked="" type="checkbox"/>	Ensure the report is factual, without assumptions, feelings, beliefs or what the reporting staff "thinks" may have happened.
<input checked="" type="checkbox"/>	Ensure the report includes supporting documentation if the incident included: <input type="checkbox"/> Injuries? Medical Response? <input type="checkbox"/> Witnesses? <input type="checkbox"/> Property Damage? <input type="checkbox"/> Use of Force? <input type="checkbox"/> Teleincident Report? <input checked="" type="checkbox"/> Other Supplemental Information?
<input checked="" type="checkbox"/>	Ensure all evidence has been collected, secured, and logged properly in accordance with policy and facility procedures. Did you document: <input checked="" type="checkbox"/> Evidence taken? <input type="checkbox"/> Evidence Case Number assigned? <input type="checkbox"/> Whether or not the evidence was placed in an evidence locker? <input checked="" type="checkbox"/> The disposition of the evidence if not placed in locker? <input type="checkbox"/> Photos submitted?
<input checked="" type="checkbox"/>	Complete the "Placed In Pre-hearing Confinement" field by checking the "Yes" or "No" boxes.
<input type="checkbox"/>	If confidential information has been submitted, have you: <input type="checkbox"/> Reviewed the information to ensure it is consistent with other reports? <input type="checkbox"/> Checked to ensure the documents are marked or stamped as "Confidential"? <input type="checkbox"/> Requested that the staff who received the information initiate DOC 05- 392, Confidential Information Report and forward it to designated facility staff?

NA

Chapel 7

Hearing ID# 2590



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

Evidence# CBCC0708305 Call# HA16

HEARING NOTICE / APPEARANCE WAIVER

CallTag: No

OFFENDER NAME	PULLMAN, JAY	DOC NUMBER	845002	FACILITY	CBCC	DATE	7/15/2008
TYPE OF REVIEW	DISCIPLINARY	HEARING SCHEDULED FOR	7/18/2008	LOCATION	Hearings Office- Adm	TIME	8:00 AM

REASON FOR HEARING (INCLUDING ALL ALLEGATIONS OF MISCONDUCT IF APPROPRIATE)

740 Fraud/embezzlement or obtaining goods/services/value under false pretenses

I HAVE BEEN PROVIDED A CERTIFIED SIGN LANGUAGE INTERPRETER

I HAVE BEEN PROVIDED WITH A SPANISH TRANSLATION OF THE CHARGES AGAINST ME OR SE ME HA DADO UNA TRADUCCION AL ESPANOL DE LOS CARGOS EN MI CONTRA EL DIA

INTERPRETER NAME/DATE _____ DATE/FECHA _____ AT TIME/HORA _____ OFFENDER SIGNATURE/FIRMA DE OFENSOR _____

- OFFENDER RIGHTS:**
- YOU HAVE THE RIGHT TO REMAIN SILENT AT THE HEARING, IF YOU CHOOSE TO REMAIN SILENT, YOUR SILENCE MAY BE USED AGAINST YOU AND THE DECISION WILL BE BASED ON THE EVIDENCE PRESENTED.
 - YOU MAY WAIVE YOUR APPEARANCE AT THE HEARING.
 - YOU MAY REQUEST WITNESS STATEMENTS: (List Witnesses Below)

YOU DO NOT HAVE THE RIGHT TO CROSS EXAMINE WITNESSES, HAVE THE INFRACTING STAFF PRESENT AT THE HEARING, OR HAVE A POLYGRAPH OR OTHER SUPPLEMENTAL TESTS

STAFF NAME	POSITION	OFFENDER NAME	DOC NUMBER

CRIMINAL CHARGES MAY BE PENDING. ANYTHING YOU SAY HENCEFORTH MAY BE USED AGAINST YOU IN A COURT OF LAW

STATUS OF CRIMINAL CHARGES: NONE UNKNOWN PENDING IN _____

COUNTY _____ CHARGES _____

- YOU HAVE THE RIGHT TO REVIEW ALL RELATED REPORTS AND A SUMMARY OF ANY CONFIDENTIAL INFORMATION
- YOU MAY REQUEST A STAFF ADVISOR (if approved by the Hearing Officer). REQUESTED WAIVED
- YOU MAY REQUEST AN INTERPRETER (if unable to speak and/or understand the English language). REQUESTED WAIVED
- YOU MAY REQUEST A CERTIFIED SIGN LANGUAGE INTERPRETER IF YOU ARE HEARING IMPAIRED. REQUESTED WAIVED
- YOU MAY APPEAL THE DECISION AND/OR SANCTIONS TO THE FACILITY SUPERINTENDENT/SUPERVISOR (within 15 working days).
- IF YOU ARE AN INDETERMINATE SENTENCE CASE AND WITHIN 90 DAYS OF AN ESTABLISHED RELEASE DATE, A GUILTY FINDING COULD RESULT IN THE CANCELLATION OF YOUR RELEASE DATE
- I, _____ DOC# _____ WAVE MY RIGHT TO THE REQUIRED 48 HOURS NOTICE PRIOR TO BEING SEEN BY THE (CLASSIFICATION/ADMINISTRATIVE/SEGREGATION) HEARING OFFICER AND AUTHORIZE THE HEARING OFFICER TO MAKE A DISPOSITION REGARDING THE INFORMATION AND EVIDENCE PRESENTED TO THE HEARING OFFICER AS PERTAINS TO MY PARTICULAR SITUATION.

I, PULLMAN, JAY DOC# 845002 WAVE MY RIGHT TO THE REQUIRED 24 HOURS NOTICE PRIOR TO BEING SEEN BY THE (DISCIPLINARY) HEARING OFFICER AND AUTHORIZE THE HEARING OFFICER TO MAKE A DISPOSITION REGARDING THE INFORMATION AND EVIDENCE PRESENTED TO THE HEARING OFFICER AS PERTAINS TO MY PARTICULAR SITUATION.

I, PULLMAN, JAY DOC# 845002 WAVE MY RIGHT TO ATTEND THIS SCHEDULED HEARING. I UNDERSTAND THAT THE HEARING WILL BE HELD IN MY ABSENCE.

COPY OF THIS FORM AND INFRACTION, WITH ATTACHMENTS, RECEIVED.

Jay Pullman OFFENDER WITNESS SIGNATURE DATE _____ TIME _____ *[Signature]* STAFF SIGNATURE DATE 7-13-08 TIME 1110

APPENDIX 16

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY DIRECTIVE</p> <p><input checked="" type="checkbox"/> Offender Manual <input type="checkbox"/> Spanish</p>	<p>PRISON/PRE-RELEASE/ WORK RELEASE/FIELD</p>	<p>NUMBER DOC 320.400</p>
	<p>SIGNATURE</p>  <p>DATE</p>	<p>EFFECTIVE DATE 4/15/03</p>
	<p>JOSEPH D. LEHMAN, SECRETARY</p>	<p>PAGE NUMBER 1 of 4</p>
<p>TITLE LEVEL OF SERVICE INVENTORY-REVISED (LSI-R)</p>		

SUPERSESSION:

DOC 320.400 effective 6/26/02

REFERENCES:

DOC 100.100 is hereby incorporated into this Policy Directive; ACA 2A-07; ACA 5A-01; DOC 300.380 Classification; DOC 320.410 Offender Risk Management; DOC 320.420 Offender Accountability Plans; DOC 320.455 Community Supervision of Risk Management Level-D (RM-D) Offender

POLICY:

- I. The Department shall manage offenders using a risk management system. The Department will use the Level of Service Inventory-Revised (LSI-R) as an instrument to assess potential risk, determine intervention targets, measure offender change, and establish the foundation for case management practices.

DIRECTIVE:

- I. Assessment
 - A. The LSI-R will be the primary risk assessment tool.
 - B. The LSI-R assessment/reassessment will be done at the earliest possible entry point of the offender into the system and will be documented on Offender Management Network Information (OMNI) LSI-R Application. [2A-07]
 1. The initial LSI-R assessment will be done with the offender's participation.
 - a. If an offender refuses or is unable to participate, Counselors and Community Corrections Officers (CCO) will complete the assessment by:
 - 1) Obtaining as much information as possible from the offender;
 - 2) Reviewing all available criminal history sources;
 - 3) Reviewing the file;

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- 4) Utilizing collateral contacts; and
- 5) Utilizing official documents.
- 6) Documenting the refusal and sources used to obtain/verify information, in the Criminal History Risk Narrative.

C. Reception Center staff will complete the LSI-R assessment/reassessment for offenders who arrive with 6 months or less remaining until release.

1. Counselors will administer an LSI-R assessment/reassessment on all offenders committed to Prison within 30 days of the offender's arrival at the offender's initial placement, if one was not completed at the reception center. [2A-07]

D. Offenders participating in the Youthful Offender Program (YOP) will be assessed using the LSI-R, after turning age 16.

II. Reassessments

A. [5A-01] Facility CCO/Counselor will complete a reassessment:

1. At the regular review as designated per DOC 300.380 Classification.
2. For RM-D offenders at 120 days prior to the offender's release as designated in DOC 350.200 Transition of Offenders.
3. As information is received or events occur that would increase or decrease risk.

B. Field CCOs will complete a reassessment:

1. At the review designated by DOC 320.420 Offender Accountability Plans for the RM-A, RM-B, and RMC cases.
2. For RM-D offenders according to DOC 320.455 Community Supervision of risk Management Level-D (RM-D) Offender.
3. As information is received or events occur that would increase or decrease risk.

III. Verification Requirements

A. CCO/Counselor shall use multiple sources whenever possible to verify the information provided by the offender to enhance the reliability and validity of the LSI-R assessment. The results of a risk assessment shall not be based on unconfirmed allegations.

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B. Possible sources for verification include:

1. Federal Bureau of Investigation (FBI);
2. Washington Crime Information Center (WACIC);
3. Superior Court Operations Management Information System (SCOMIS);
4. District Court Information System (DISCIS);
5. County Prosecuting Attorney's Office;
6. County Department of Adult Detention;
7. National Crime Information Center (NCIC);
8. Department of Social and Health Services (DSHS) – Child Protective Services (CPS), Adult Protective Services (APS), Developmental Disabilities Division (DDD);
9. Washington State Juvenile Rehabilitation Administration (JRA);
10. Collateral contacts;
11. Department files (i.e., electronic and hardcopy);
12. Victim Impact Statement and/or other victim information; and
13. Other available documents.

IV. Documenting Assessment/Reassessment

A. The CCO/Counselor shall document the risk assessment information for all of the 10 LSI-R sub-components and the 2 RMI risk narrative descriptions.

1. Risk narrative descriptions shall include:

- a. Description of past and present criminal behavior;
- b. Description of violence;
- c. Victim/community concerns;
- d. Explanation of risk/need factors identified;
- e. Attitude toward risk behaviors;
- f. Description of protective factors; and
- g. Any other information that may be pertinent to the supervision effort.

B. The CCO/Counselor shall document reassessment information, which will include changes in risk/needs areas and any other new information.

V. LSI-R Quality Assurance

A. Statewide LSI-R Program Manager shall oversee quality assurance by:

1. Providing on-going technical assistance to staff; and
2. Completing performance support activities and audits, as needed.

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VI. Training Requirements

- A. All Department staff who oversee a caseload of offenders and their Supervisor's, are required to complete LSI-R training through a trainer approved by the LSI-R Program Manager.
- B. All training will be documented on the employee's official training record.

DEFINITIONS:

Words/terms appearing in this Policy Directive may be defined in the Glossary section of the Policy Directive Manual.

ATTACHMENTS:

None

DOC FORMS (See Appendix):

None

Super by 12/10/06

STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS  POLICY DIRECTIVE <input checked="" type="checkbox"/> Offender Manual <input type="checkbox"/> Spanish	PRISON/PRE-RELEASE/ WORK RELEASE/FIELD	NUMBER DOC 320.400	
	SIGNATURE  HAROLD W. CLARKE, SECRETARY	DATE 	EFFECTIVE DATE 9/19/05
	TITLE RISK ASSESSMENT PROCESS	 	PAGE NUMBER 1 of 8

SUPERSESION:

DOC 320.400 effective 4/15/03

REFERENCES:

DOC 100.100 is hereby incorporated into this policy directive; ACA 2A-07; ACA 5A-01; DOC 310.100 Intake; DOC 320.420 Offender Accountability Plans; DOC 380.820 Risk Management Quality Assurance

POLICY:

- I. The Department will manage offenders, using a risk management system. Offender risk and changes in offender risk will be measured using objective assessment tools.
- II. The Department will use the Level of Service Inventory-Revised (LSI-R) as the primary instrument to assess risk for re-offense, and the Risk Management Identification (RMI) Criteria (attached) to identify potential for future harm. Assessment tools will be used to identify dynamic risk factors which may be targets for intervention, determine supervision levels, identified targeted risk, measure offender change, and establish the foundation for supervision practices.

DIRECTIVE:

- I. Assessment
 - A. The LSI-R and RMI criteria will be the primary risk assessment tools to establish risk classification. Additional assessments of risk for specific offender groups (i.e., sex offenders, dangerous mentally ill offenders, and domestic violence offenders) may be conducted using methods approved and adopted by the Department.
 1. The LSI-R/RMI assessment will be completed on every offender, and will be documented on the Offender Management Network Information (OMNI) LSI-R/RMI Applications. [2A-07]
 2. Eighteen months prior to Earned Release Date (ERD) the Counselor/Facility Community Corrections Officer (CCO) will request a completed DOC 13-409 High Needs B Assessment from the medical

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practitioner or mental health provider to identify medical or mental health needs which may meet the High Need Risk Management (RM)-B criteria.

- a. When the form is completed and returned to the Counselor/Facility CCO, s/he will document in OMNI:
 - 1) The designation of High Needs B,
 - 2) The practitioner or provider who authorized the designation, and
 - 3) A summary of the reason for the High Needs B designation.

B. Facility Assessment

1. If the LSI-R/RMI has been completed as a component of the Pre-Sentence Investigation (PSI) or Risk Assessment Report (RAR) for the current conviction, no LSI-R/RMI assessment/reassessment is required unless new information is discovered or new events have occurred.
2. The Reception Center Counselor will complete the LSI-R/RMI assessment/reassessment within 30 days of arrival at Reception Center for offenders who arrive:
 - a. With 6 months or less remaining until release.
 - b. With 12 months or less remaining until release who are under the jurisdiction of the Community Custody Board.
3. Counselors will administer an LSI-R/RMI assessment or reassessment on all offenders committed to Prison within 30 days of arrival at the initial placement, if one was not completed at the Reception Center for the current admission or as part of a PSI or RAR. [2A-07]
4. Offenders participating in the Youthful Offender Program will be assessed using the LSI-R/RMI, after turning age 16.
5. LSI-R/RMI risk assessment will be based on behaviors and circumstances that occurred in the community prior to incarceration and any behaviors that occurred during confinement, past and present, that demonstrate enhanced risk.

C. Field Assessment

1. CCOs will complete the LSI-R/RMI assessment as a component of:
 - a. The PSI or the RAR if requested by the Courts, or
 - b. The supervision intake process.

II. Reassessments

- A. Reassessments will be event driven.

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1. [5A-01] The Counselor/Facility CCO will complete an LSI-R/RMI reassessment:
 - a. To correct any scoring inaccuracies identified during review of the most recent LSI-R/RMI assessment within 30 days of arrival at a new facility/placement.
 - b. If new or additional conviction or behavioral information not previously considered in the risk assessment process is discovered.
 - c. When an event occurs that demonstrates an increase in risk-related behaviors.
 2. Field CCOs will complete an LSI-R/RMI reassessment at least every 4 months and:
 - a. Prior to imposing a new condition.
 - b. Prior to requesting an override.
 - c. When the offender no longer meets the current RMI designation criteria (i.e., 6 months of sexual deviancy treatment completed in the community, imminent threat no longer present, sex offender community notification level changes, etc.).
 - d. When significant events occur that increase or decrease an offender's risk in the community. Significant events include, but are not limited to:
 - 1) New violent offense behavior and/or new convictions,
 - 2) Program completion or termination related to targeted risk factors (e.g., sexual deviancy, chemical dependency, domestic violence/batterers, cognitive change programs, etc.),
 - 3) Victim access, behavior, or threats directed toward previous victims or potential victims,
 - 4) Life changes that increase or decrease risk (e.g., employment status change, family/marital changes, access to negative/pro-social companions, mental health diagnosis, change of residence, change of supervision location) if those changes could result in a classification change, and
 - 5) Violations related to offender criminal behavior pattern.
- B. Reassessments will include an update to applicable sections of the OMNI LSI-R/RMI Applications, including the risk narratives.

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III. Verification Requirements

- A. For the purpose of assessment, documented history means data obtained through a records check, information obtained by the Department from official sources, collateral contacts, and the offender's self report.
1. The initial LSI-R/RMI risk assessment will be done with the offender's participation.
 - a. If an offender refuses or is unable to participate, Counselors and CCOs will complete the assessment by:
 - 1) Reviewing all available criminal history sources,
 - 2) Reviewing all available file materials,
 - 3) Using collateral contacts, and
 - 4) Documenting the refusal and sources used to obtain/verify information in the LSI-R risk narratives.
- B. The Counselor/CCO will use multiple sources whenever possible to verify the information provided by the offender to enhance the reliability and validity of the LSI-R/RMI assessment. The results of a risk assessment will not be based on unconfirmed or unconfirmable allegations.
1. Sources for verification include:
 - a. National Crime Information Center (NCIC), Federal Bureau of Investigation (FBI), Washington Crime Information Center (WACIC),
 - b. Superior Court Operations Management Information System (SCOMIS),
 - c. District Court Information System (DISCIS),
 - d. County Prosecuting Attorney's Office,
 - e. County Department of Adult Detention,
 - f. Department of Social and Health Services (DSHS) – Child Protective Services (CPS), Adult Protective Services (APS), Developmental Disabilities Division (DDD),
 - g. Washington State Juvenile Rehabilitation Administration (JRA),
 - h. Collateral contacts,
 - i. Department files (i.e., electronic and hardcopy),
 - j. Victim Impact Statement and/or other victim information,
 - k. Other states' criminal history information resources, and
 - l. Other available documents and/or information.

IV. Documenting LSI-R/RMI Assessment/Reassessment

- A. The Counselor/CCO will document the initial risk assessment information for all of the 10 LSI-R sub-components and the 2 RMI risk narrative descriptions.
1. Risk narrative descriptions will include:

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- a. Description of past and present criminal behavior to include:
 - 1) Crime titles,
 - 2) Cause numbers,
 - 3) Crime dates,
 - 4) Sentence dates,
 - 5) Disposition for convictions, and
 - 6) The source of the information use (i.e., victim's statement, policy reports, PSI, etc.).
- b. Description of violence and harm done to the victim(s),
- c. Victim/community concerns,
- d. Explanation of risk/need factors identified,
- e. Attitude toward risk behaviors,
- f. Description of protective factors and pro-social supports,
- g. Sufficient information to support all scoring decisions,
- h. Any other information that may be pertinent to the supervision effort, and
- i. Victim/offender relationship.

B. Upon completion of the initial LSI-R/RMI assessment, the Counselor/Facility CCO will complete a DT07 "RA" (PRISON RA COMPL) coded entry.

C. The Counselor/CCO will update applicable sections of the OMNI LSI-R and RMI applications, including the risk narratives, with any new reassessment information.

V. Risk Management Level Reclassification

A. Reclassification means a change in RMI classification. Reclassification can occur through reassessment or through the override process.

- 1. Only RM-A offenders who meet the following criteria can be reclassified through reassessment:
 - a. Have an LSI-R score of 41 or over, with a past or current conviction on the Felony Index of Violent and/or Serious Violent Offenses, or comparable conviction from another state.
 - b. Are considered an Imminent Risk.
- 2. A reclassification of an RM-A offender will require supervisory approval. Approval will be documented on OMNI RMI.
- 3. Offenders classified RM-A per the other criteria outlined in Risk Management Identification (RMI) Criteria (attached) must remain RM-A. These offenders cannot be reclassified through the period of community supervision unless extenuating circumstances exist to warrant an override, a Violence Risk Appraisal Guide (VRAG) is completed which indicates a

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lower level of supervision is appropriate, or the offender meets the classification reduction override criteria.

- a. The Counselor/CCO may request a VRAG assessment, or other assessment approved by the Community Protective Unit (CPU), through the appropriate Risk Management Specialist (RMS) if:
 - 1) An offender is classified RM-A based on behavior/conviction(s) not related to the current offense, and
 - 2) There is no information/documentation available indicating the offender committed a violent act during the most recent 5 plus years in the community.
- b. If the VRAG, or other approved assessment, indicates a lower level of classification is appropriate, the RMS will indicate this on the electronic record and the classification can be overridden.
- c. If the Counselor/CCO has concerns about reclassifying the case, s/he should staff those concerns with the RMS. If the RMS determines the VRAG is not necessary, s/he should document his/her decision and reasons on OBTS DT37 using the "RA" code.
4. Offenders classified RM-B because they are Level II sex offenders cannot be reclassified downward through the period of community supervision.
5. Offenders classified RM-B because they are under the jurisdiction of the Indeterminate Sentencing Review Board (ISRB) cannot be reclassified downward through the period of community supervision.
6. Offenders classified RM-C because they are Level I sex offenders cannot be reclassified downward through the period of community supervision.
7. All offenders incarcerated for a current sex offense will be classified no lower than RM-B and will not be reassessed to a lower risk management level until released and compliant to community supervision requirements for at least a 6 month period; including sexual deviancy treatment, if ordered.
8. Cases designated during incarceration as RM-B due to a high need will not be reassessed to a lower risk management level until release, community transition has occurred, and the CCO has verified with the Treatment Provider that ongoing services are no longer necessary.
9. Offenders classified RM-C because they are a Drug Offender Sentencing Alternative (DOSA) case cannot be reclassified downward through the period of community supervision, unless their DOSA is revoked and they are subsequently released.

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10. RM-D offenders in the community will only be reassessed when a disciplinary hearing has been completed or information is received that suggests an increased risk to the community, past victims, or potential victims. Reclassification of an RM-D offender requires supervisory approval.

VI. Risk Management Level Overrides

A. Field Overrides

1. An offender's risk management level may be overridden up or down when there exists an aggravating or mitigating factor not taken into account by the RMI criteria.
 - a. Only DOSA and sex offenders will remain supervised at the RM-C classification level. Upon completion of intake, classification, and any treatment referrals all other RM-C offenders will be overridden to RM-D.
 - b. Eligible RM-A and RM-B offenders who successfully complete 70 percent of their supervision or the low end of the community custody range, whichever is greater will be overridden to RM-D. Not all RM-A or RM-B offenders are eligible for consideration for this override.
 - c. Overrides will be entered and approved using the OMNI LSI-R/RMI Application. Approval and rationale for the override will be documented on the OMNI RMI Override Justification Narrative entry.
 - d. Overrides for RM-A and RM-B to a lower classification require Field Administrator (FA) approval, through the Community Corrections Supervisor (CCS). All other overrides require CCS approval.
 - e. Documented rationale for community cases will be forwarded to the CCS and/or FA.

B. Facility Overrides

1. The LSI-R and RMI risk results will be used to make classification, supervision, and intervention planning decisions.
2. Overrides upward or downward will not be used to determine an offender's eligibility for the 50 percent earned time credit or supervision closure.
3. Upon completion of an accurate/valid risk assessment, an override of the RMI designation will not be used for incarcerated offenders, except to classify offenders with a current sex offense no lower than RM-B.

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4. Overrides need approval of the Facility Correction Program Manager and will be documented on the OMNI LSI-R/RMI Application.

VII. Risk Assessment Quality Assurance

- A. The Statewide Community Corrections Audit Team Leader will oversee quality assurance per DOC 380.820 Risk Management Quality Assurance.
- B. The Case Management/Risk Assessment Program Manager will oversee quality assurance of a random selection of risk assessments for those cases determined to be eligible for ESSB 5990 legislation considerations.

DEFINITIONS:

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

ATTACHMENTS:

Risk Management Identification (RMI) Criteria

DOC FORMS (See Appendix):

DOC 13-409 High Needs B Assessment

RISK MANAGEMENT IDENTIFICATION (RMI) CRITERIA

Criteria for Risk Management-A (RM-A)

- I. Offenders will be assigned RM-A if they meet one or more of the following criteria:
 - A. Have a Level of Service-Inventory (LSI-R) score of 41 or over, with a past or current conviction on the Felony Index of Violent and/or Serious Violent Offenses, or comparable conviction from another state.
 - B. Are Level III sex offenders.
 - C. Have been designated as a Dangerous Mentally Ill Offender (DMIO) by the Statewide Multi-Service Review Committee.
 - D. Through documented history, meet any of the following:
 1. Have committed a sexual/violent act involving a victim who was unknown to the offender.
 2. Have committed a predatory act of violence directed toward an individual(s) with whom a relationship has been established or promoted for the primary purpose of victimization.
 3. Have committed a sexual/violent act where the victim was vulnerable due to age (i.e., 5 years or younger) or visible disability.
 4. Have committed hate crimes:
 - a. Have committed a violent act or made threat(s) of violence against a person, group, or institution which was motivated in whole or in part by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin.
 - b. Are a member of an organization whose primary purpose is to promote animosity, hostility, and/or malice, motivated in whole or in part by the organization's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; and have played a primary role in planning activities for the organization that has resulted in violence.
 5. Are considered an Imminent Risk:
 - a. Are exhibiting behavior demonstrating a current threat to past or potential victim(s) including, but not limited to, domestic violence or sexual acts.
 - b. Have a current conviction for domestic violence and/or sexually assaultive behavior and continue to pursue a relationship with the victim, with or without the victim's consent.

RISK MANAGEMENT IDENTIFICATION (RMI) CRITERIA

Criteria for Risk Management-B (RM-B)

- I. Offenders who do not meet the criteria to be assigned to RM-A will be assigned RM-B if they meet one or more of the following criteria:
 - A. Have an LSI-R score of 41 or over.
 - B. Have an LSI-R score of 32 to 40, with a past or current conviction on the Felony Index of Violent and/or Serious Violent Offenses or comparable conviction from another state.
 - C. Are under the jurisdiction of the Indeterminate Sentence Review Board (ISRB).
 - D. Are Level II sex offenders. This includes offenders incarcerated for a current sex offense until release and have participated in at least 6 months of treatment in the community.
 - E. Are Level I sex offenders who have been ordered to obtain an evaluation/ participate in sexual deviancy treatment and are not in treatment, or are out of compliance with the treatment requirements and/or risk related condition(s) of the Offender Accountability Plan (OAP).
 - F. Are currently sentenced under the Special Sex Offender Sentencing Alternative (SSOSA) and, since their most recent sexual offense, have been participating in sexual deviancy treatment in the community for less than 6 months.
 - G. Have been identified and documented, by a qualified service provider, as having a high level of needs requiring ongoing services in order to transition to, or be maintained in, the community. This includes all offenders currently supervised on insanity acquittals and may include other seriously mentally or physically ill and developmentally disabled offenders.
 - H. Have a current domestic violence related offense and assessment of imminent risk has not yet been determined.
 - I. Have 2 or more domestic violence related arrests within the past 5 years, while living in the community, and meet all of the following criteria:
 1. Have an LSI-R score of 32 or higher.
 2. Have a childhood history of witnessing or being the victim of domestic violence.
 3. Have a history of alcohol and/or drug abuse.
 4. Have any history of violence outside of a domestic relationship.

RISK MANAGEMENT IDENTIFICATION (RMI) CRITERIA

Criteria for Risk Management-C (RM-C)

- I. Offenders who do not meet the criteria to be assigned to RM-A or RM-B will be assigned to RM-C if they meet one or more of the following criteria:
 - A. Have an LSI-R score of 24 to 40.
 - B. Are Level I sex offenders in compliance with the risk related conditions of their OAP, if any, and meet one of the following criteria:
 1. Were not ordered sexual deviancy treatment.
 2. Have provided written documentation from a certified sexual deviancy treatment provider that treatment is not deemed necessary.
 3. Are participating in sexual deviancy treatment with a certified sexual deviancy treatment provider, and have a minimum of 6 months of compliance to all sexual deviancy treatment conditions.
 4. Have a current SSOSA sentence and have been participating in sexual deviancy treatment, with a certified sexual deviancy treatment provider in the community, for a minimum of 6 months since their most recent sexual offense.
 5. Have successfully completed sexual deviancy treatment, with a certified sexual deviancy treatment provider, since their most recent sexual offense.
 6. Have 2 or more domestic violence related arrests within the past 5 years in the community and meet all of the following criteria:
 - a. Have a childhood history of witnessing or being the victim of domestic violence.
 - b. Have a history of alcohol abuse.
 - c. Have any history of violence outside of a domestic relationship.
 7. Are on supervision for Drug Offender Sentencing Alternative (DOSA) sentence.

Criteria for Risk Management-D (RM-D)

- I. Offenders with a LSI-R score of 0 to 23, who do not meet the criteria to be assigned to RM-A, RM-B, or RM-C, will be assigned to RM-D.
- II. Offenders who meet classification reduction incentive override criteria to be assigned to RM-D.

STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS  POLICY DIRECTIVE <input checked="" type="checkbox"/> Offender Manual <input type="checkbox"/> Spanish	PRISON/PRE-RELEASE/ WORK RELEASE/FIELD	NUMBER DOC 320.410	
	SIGNATURE 	DATE	EFFECTIVE DATE 9/19/05
	HAROLD W. CLARKE, SECRETARY TITLE RISK MANAGEMENT TEAMS		PAGE NUMBER 1 of 4

SUPERSESSSION:

DOC 320.410 effective 11/7/02

Supp by 3-27-07

REFERENCES:

DOC 100.100 is hereby incorporated into this policy directive; DOC 320.420 Offender Accountability Plans; DOC 350.520 Dangerous Mentally Ill Offender Review

POLICY:

- I. Risk Management Teams will be created to assist the Counselor/Community Corrections Officer (CCO) in monitoring offenders per the facility plan and/or the Offender Accountability Plan (OAP). Risk Management Teams will be composed of individuals who, by nature of their roles, have the capacity to influence the offender's ability to follow his/her OAP and/or assist the Department in managing the risk posed by the offender.

DIRECTIVE:

- I. Facility Risk Management Teams (FRMT)
 - A. Counselors/Facility CCOs have primary case responsibility for offenders and will identify members and establish the FRMT. The FRMT will develop the facility plan or OAP.
 - B. The FRMT will normally include:
 1. Counselor/Facility CCO,
 2. Living unit or Work Release supervisor,
 3. Living unit custody staff, and
 4. Offender.
 - C. Other FRMT members may include:
 1. Work Supervisor,
 2. Program staff (e.g., Education, Chemical Dependency, Treatment, Mental Health),
 3. Activities staff (e.g., Recreation, Chaplain),
 4. Volunteers, and/or
 5. Risk Management Specialist (RMS).

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D. The FRMT will focus on strategies and supervision activities to reduce risk and effect positive behavior change. Primary activities will be directed toward offender compliance with the facility plan/OAP.

II. Risk Management Intensive Transition (RMIT) Teams

A. RMIT Teams will be established by the Community Risk Management Specialist (CRMS) to develop the Transition and/or Community Protection Plan for the Risk Management (RM)-A and RM-B offenders who meet any of the following:

1. Level III sex offenders,
2. Have been designated as Dangerously Mentally Ill Offenders (DMIO),
3. Are exhibiting behavior demonstrating a current threat to past or potential victim(s) including, but not limited to, domestic violence or sexual acts, and/or
4. Have been identified High Needs B by a qualified service provider, as having a high level of needs requiring ongoing services in order to transition to or be maintained in the community. This may include seriously mentally ill and developmentally disabled offenders.

B. RMIT Teams will be established by the CCO to develop the Transition and/or Community Protection Plan for the Risk Management (RM)-A and RM-B offenders who meet the following:

1. Have a Level of Service Inventory Revised (LSI-R) score of 41 or over, with a past or current conviction on the Felony Index of Violent and/or Serious Violent Offenses, or comparable conviction from another state.

C. The RMIT Team will normally include:

1. CCO,
2. Counselor/Facility CCO,
3. Offender, and
4. Risk Management Specialist(s).

D. Additional RMIT Team members may include:

1. Correctional Unit Supervisor (CUS),
2. Community Mental Health Counselor (CMHC),
3. Regional Support Network (RSN) Representative,
4. Child Protective Services (CPS) Caseworker,
5. Law Enforcement Representative,
6. Adult Protective Services (APS) Caseworker,
7. Division of Developmentally Disabled (DDD) Representative,
8. Victim Advocacy Representative,
9. Mental Health Treatment Provider,
10. Sex Offender Treatment Provider,

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11. Employer,
12. Offender's primary support person(s),
13. Citizen/Neighborhood Representatives,
14. Volunteers, and/or
15. Work Release Contract Staff.

E. For RMIT offenders, with no causes pending reactivation releasing to monetary only, and Indeterminate Sentence Review Board (ISRB) maximum status parole cases, the planning will only address the offender's transition to the community.

III. Risk Management Transition Other (RMTO) Teams

A. RMTO Teams will be established by the CCO if s/he denies a community release plan for an RM-A or RM-B offender who does not meet the RMIT criteria.

1. The CCO, in consultation with the Counselor, may decide a Transition Team is not necessary. This decision will be documented on OBTS DT37 using the "TR" chrono type.

B. The RMTO Team should normally include:

1. CCO,
2. Counselor/Facility CCO, and/or
3. Offender.

C. Additional RMTO Team members may include:

1. Facility Risk Management Specialist,
2. Law Enforcement Representative,
3. CMHC,
4. RSN Representative,
5. CPS Caseworker,
6. APS Caseworker,
7. DDD Representative,
8. Victim Advocacy Representative,
9. Mental Health Treatment Provider,
10. Sex Offender Treatment Provider,
11. Employer,
12. Offender's primary support person(s),
13. Citizen/Neighborhood Representatives,
14. Volunteers, and/or
15. Work Release Contract Staff.

IV. Community Risk Management Teams (CRMT)

A. The CCO/CRMS will develop the CRMT based on the verification plans for monitoring compliance with conditions specified in the OAP.

1. Risk Management Transition Teams, with some modification, will function as the CRMT while the offender is supervised in the community.

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2. The CCO is responsible for establishing the CRMT for RM-A and RM-B offenders when a Risk Management Transition Team has not been established.

B. A CRMT may include the following:

1. Offender,
2. Law Enforcement Representative,
3. CRMS,
4. CMHC,
5. RSN Representative,
6. CPS Caseworker,
7. APS Caseworker,
8. DDD Representative,
9. Victim Advocacy Representative,
10. Mental Health Treatment Provider,
11. Sex Offender Treatment Provider,
12. Employer,
13. Citizen/Neighborhood Representative, and/or
14. Volunteers.

- C. Supervision requirements will be developed by the CCO/CRMS with input from the CRMT and documented in the verification plan sections of the OAP for RM-A and RM-B offenders.

DEFINITIONS:

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

ATTACHMENTS:

None

DOC FORMS (See Appendix):

None



STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS



GENERAL INFRACTION REPORT

OFFENDER NAME (LAST, FIRST) Pullman, Jay		DOC NUMBER 845002	CELL ASSIGNMENT HA25U
TIME OF INCIDENT 9:12 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	PLACE OF INCIDENT (BE SPECIFIC) H-Unit		DATE OCCURRED 11-11-2005
RULE VIOLATION #(S) 102, 103	WITNESS(ES) % Schroedel		
DETAILS OF VIOLATION (BE BRIEF AND CONCISE): On 11-11-05 at approximately 9:12 P.M. I % R. Sasticum observed inmate Pullman, Jay #845002 exit cell HA25 and leave the door unsecured while using the microwave. Inmate Pullman, J. was onsited four times for this in the behavior log.			
REPORTING STAFF NAME (LAST, FIRST) Sasticum, Raymond	REPORTING STAFF SIGNATURE Raymond Sasticum	SHIFT 3rd	DAYS OFF W/Th
YOU WILL BE SCHEDULED FOR ADMINISTRATIVE ACTION IN THE UNIT WITHIN FIVE (5) WORKING DAYS. A CALL SHEET WILL BE POSTED 24 HOURS IN ADVANCE OF THE HEARING. NO WITNESS(ES), STAFF MEMBER(S), OR OFFENDER(S) ARE ALLOWED.			
SERVED: (STAFF SIGNATURE) [Signature]	DATE 11/14/05	TIME 11:30	OFFENDER SIGNATURE Refused to sign
SUPERVISOR / UNIT TEAM NAME(S): SGT TOONEY			
HEARING DATE 11/14/05	OFFENDER PLEA: <input type="checkbox"/> NOT GUILTY <input checked="" type="checkbox"/> GUILTY		
FINDING: <input type="checkbox"/> NOT GUILTY <input checked="" type="checkbox"/> GUILTY			
ADMINISTRATIVE ACTION TAKEN / REASON(S): STATEMENT: I'M NOT SURE WHEN I DID IT.			
FINDING: GUILTY 102, 103			
SANCTION: P2W			
REASON: 1ST 102, 103			
Time 1830		24 HOURS TO APPEAL	

NOTE: THIS FORM IS FOR GENERAL INFRACTIONS ONLY. SERVE THE PINK COPY TO THE OFFENDER AFTER IT HAS BEEN SIGNED BY THE REVIEWER. SERVE THE YELLOW COPY TO THE OFFENDER AFTER TAKING ADMINISTRATIVE ACTION. RETAIN THE WHITE COPY FOR SIX (6) MONTHS IN ORDER TO COMPLY WITH WAC 137-28-030, INFRACTION 657. GH-05-11-13

Distribution: WHITE - Unit File, CANARY - To offender after review has been conducted and signature obtained, PINK - To be given to offender when notice is given as to review date and time



STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS



GENERAL INFRACTION REPORT

OFFENDER NAME (LAST, FIRST) PULLMAN, JAY		DOG NUMBER 845002	CELL ASSIGNMENT HA25U
TIME OF INCIDENT 1748	<input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	PLACE OF INCIDENT (BE SPECIFIC) H-UNIT	DATE OCCURRED 11-27-05
RULE VIOLATION #(S) 102, 103		WITNESS(ES)	
DETAILS OF VIOLATION (BE BRIEF AND CONCISE): On 11-27-05 at approx 1748 in H-UNIT, while conducting a tier check. I officer Stark found the door to cell HA25 unsecured. Inmate Pullman, J. # 845002 is assigned to this cell. In Pullman was sitting in the dayroom at this time. This In has been warned several times for this problem. Behavior log attached.			
REPORTING STAFF NAME (LAST, FIRST) STARK M	REPORTING STAFF SIGNATURE <i>Go M. Stark</i>	SHIFT 3rd	DAYS OFF F/S
NOTICE TO OFFENDER			
YOU WILL BE SCHEDULED FOR ADMINISTRATIVE ACTION IN THE UNIT WITHIN FIVE (5) WORKING DAYS. A CALL SHEET WILL BE POSTED 24 HOURS IN ADVANCE OF THE HEARING. NO WITNESS(ES), STAFF MEMBER(S), OR OFFENDER(S) ARE ALLOWED.			
SERVED: (STAFF SIGNATURE) <i>cbz amedll</i>	DATE 11-28-05	TIME 11:30	<input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M. OFFENDER SIGNATURE <i>[Signature]</i>
SUPERVISOR / UNIT TEAM NAME(S): SGT TOOMEY			
HEARING DATE 11/30/05	OFFENDER PLEA: <input checked="" type="checkbox"/> NOT GUILTY <input type="checkbox"/> GUILTY FINDING: <input type="checkbox"/> NOT GUILTY <input checked="" type="checkbox"/> GUILTY		
ADMINISTRATIVE ACTION TAKEN / REASON(S): STATEMENT: THE DOOR IS MALFUNCTIONING			
FINDING: GUILTY 102, 103			
SANCTION: 10 D.C.C.			
REASON: 2ND 102, 2ND 103 : 3RD INFRACTION SINCE 11/14/05			
No Appeal Imposed 12-205			
Time: 1830		24 Hours TO APPEAL	

NOTE: THIS FORM IS FOR GENERAL INFRACTIONS ONLY. SERVE THE PINK COPY TO THE OFFENDER AFTER IT HAS BEEN SIGNED BY THE REVIEWER. SERVE THE YELLOW COPY TO THE OFFENDER AFTER TAKING ADMINISTRATIVE ACTION. RETAIN THE WHITE COPY FOR SIX (6) MONTHS IN ORDER TO COMPLY WITH WAC 137-28-030, INFRACTION 657. **GH-05-11-31**

Distribution: WHITE - Unit File, CANARY - To offender after review has been conducted and signature obtained, PINK - To be given to offender when notice is given as to review date and time



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS



GENERAL INFRACTION REPORT

OFFENDER NAME (LAST, FIRST) <u>Pullman, Jay</u>		DOC NUMBER <u>845002</u>	CELL ASSIGNMENT <u>HA25U</u>
TIME OF INCIDENT <u>7:35</u> <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	PLACE OF INCIDENT (BE SPECIFIC) <u>H-Unit cell HA25</u>		DATE OCCURRED <u>11-27-2005</u>
RULE VIOLATION #(S) <u>102, 103</u>	WITNESS(ES)		
DETAILS OF VIOLATION (BE BRIEF AND CONCISE): <u>On 11-27-2005 at approximately 7:35 pm. While conducting tier checks, I % R. Sasticum observed inmate Pullman, Jay # 845002 cell door left unsecured. Inmate Pullman, J. was onsited five times before for this behavior and infraacted by myself on 11-11-2005.</u>			
REPORTING STAFF NAME (LAST, FIRST) <u>Sasticum, Raymond</u>	REPORTING STAFF SIGNATURE <u>Raymond Sasticum</u>	SHIFT <u>3rd</u>	DAYS OFF <u>w/Th</u>
YOU WILL BE SCHEDULED FOR ADMINISTRATIVE ACTION IN THE UNIT WITHIN FIVE (5) WORKING DAYS. A CALL SHEET WILL BE POSTED 24 HOURS IN ADVANCE OF THE HEARING. NO WITNESS(ES), STAFF MEMBER(S), OR OFFENDER(S) ARE ALLOWED.			
SERVED: (STAFF SIGNATURE) <u>R. Sasticum</u>	DATE <u>11/27/05</u>	TIME <u>8:45</u> <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	OFFENDER SIGNATURE <u>Jay Pullman</u>
SUPERVISOR / UNIT TEAM NAME(S): <u>SGT TOOMEY</u>			
HEARING DATE <u>11/30/05</u>	OFFENDER PLEA: <input checked="" type="checkbox"/> NOT GUILTY <input type="checkbox"/> GUILTY	FINDING: <input type="checkbox"/> NOT GUILTY <input type="checkbox"/> GUILTY	
ADMINISTRATIVE ACTION TAKEN / REASON(S): <u>STATEMENT: THE DOOR IS MALFUNCTIONING</u>			
<u>FINDING: GUILTY 102, 103</u>			
<u>SNCTION: 10 D.C.C.</u>			
<u>REASON: 3RD 102, 3RD 103 4TH MADE SINCE 11/14/05</u>			
<u>Time: 1830</u>			
<u>No Appeal - Imposed 12-12-05</u>			
<u>24 HOURS TO APPEAR</u>			

NOTE: THIS FORM IS FOR GENERAL INFRACTIONS ONLY. SERVE THE PINK COPY TO THE OFFENDER AFTER IT HAS BEEN SIGNED BY THE REVIEWER. SERVE THE YELLOW COPY TO THE OFFENDER AFTER TAKING ADMINISTRATIVE ACTION. RETAIN THE WHITE COPY FOR SIX (6) MONTHS IN ORDER TO COMPLY WITH WAC 137-28-030, INFRACTION 657.

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STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS



GENERAL INFRACTION REPORT

OFFENDER NAME (LAST, FIRST) PULLMAN, JAY		DOC NUMBER 845002	CELL ASSIGNMENT HA 23U
TIME OF INCIDENT 0206	<input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.	PLACE OF INCIDENT (BE SPECIFIC) H-UNIT DAY ROOM	DATE OCCURRED 1-1-05
RULE VIOLATION #(S) 103, 203		WITNESS(ES) N/A	
DETAILS OF VIOLATION (BE BRIEF AND CONCISE): ON 1-1-06 at about 0206 AM while monitoring the H-unit, 1ST shift JANITOR, INMATE Pullman, Jay #845002. I % LEINAN, JAMES Directed I/m Pullman, J To sweep the unit floors, and wipe down the unit TABLES. I/m Pullman, J responded that he would finish his duties later, and proceeded to call in. I/m Pullman, J did not finish his duties later in the morning, resulting in his failing to obey a directive, as well as lying to STAFF. I % LEINAN, J have observed a poor work ethic, and Attitude from I/m pullman, J on A multitude of occasions and have repeatedly counseled I/m Pullman, J of His Duties.			
REPORTING STAFF NAME (LAST, FIRST) LEINAN, JAMES	REPORTING STAFF SIGNATURE <i>[Signature]</i>	SHIFT 1ST	DAYS OFF THUR-FRI
YOU WILL BE SCHEDULED FOR ADMINISTRATIVE ACTION IN THE UNIT WITHIN FIVE (5) WORKING DAYS. A CALL SHEET WILL BE POSTED 24 HOURS IN ADVANCE OF THE HEARING. NO WITNESS(ES), STAFF MEMBER(S), OR OFFENDER(S) ARE ALLOWED.			
SERVED: (STAFF SIGNATURE) R. Zaitcum	DATE 1/1/06	TIME 3:21	OFFENDER SIGNATURE <i>[Signature]</i>
SUPERVISOR / UNIT TEAM NAME(S): SGT TOOMEY			
HEARING DATE 1/5/06	OFFENDER PLEA: <input checked="" type="checkbox"/> NOT GUILTY <input type="checkbox"/> GUILTY		
ADMINISTRATIVE ACTION TAKEN / REASON(S): STATEMENT: I WASN'T FEELING WELL, WENT BACK TO MY CELL AND ENDED UP FALLING ASLEEP.			
FINDING: Guilty 103 NOT Guilty 203			
SANCTION: 10 D.C.C.			
REASON: 4th 103 SINCE 11-14-05			
Time: 1839			
24 HOURS TO APPEAL			

NOTE: THIS FORM IS FOR GENERAL INFRACTIONS ONLY. SERVE THE PINK COPY TO THE OFFENDER AFTER IT HAS BEEN SIGNED BY THE REVIEWER. SERVE THE YELLOW COPY TO THE OFFENDER AFTER TAKING ADMINISTRATIVE ACTION. RETAIN THE WHITE COPY FOR SIX (6) MONTHS IN ORDER TO COMPLY WITH WAC 137-28-030, INFRACTION 657. **GH-06-01-03**

Distribution: WHITE - Unit File, CANARY - To offender after review has been conducted and signature obtained, PINK - To be given to offender when notice is given as to review date and time



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS



INITIAL SERIOUS INFRACTION REPORT

DATE OF INFRACTION <u>1-6-06</u>	OFFENDER NAME (LAST, FIRST) <u>PULLMAN JAY</u>	DOC NUMBER <u>845002</u>	HOUSING ASSIGNMENT <u>H1234</u>
RULE VIOLATION #(S) <u>657</u>			
TIME OCCURRED <u>00:40</u>	PLACE OF INCIDENT (BE SPECIFIC) <u>H-Unit</u>	DATE OCCURRED <u>1-6-06</u>	
WITNESS (1) <u>N/A</u>	DAYS OFF <u>N/A</u>	WITNESS (3) <u>N/A</u>	DAYS OFF <u>N/A</u>
WITNESS (2) <u>N/A</u>	DAYS OFF <u>N/A</u>	WITNESS (4) <u>N/A</u>	DAYS OFF <u>N/A</u>

NARRATIVE

STATE A CONCISE DESCRIPTION OF THE DETAILS OF THE RULE VIOLATIONS, COVERING ALL ELEMENTS AND ANSWERING THE QUESTIONS OF WHEN? WHERE? WHO? WHAT? WHY? AND HOW?; DESCRIBE ANY INJURIES, PROPERTY DAMAGE, USE OF FORCE, ETC.; ATTACH ALL RELATED REPORTS.

I/M PULLMAN, JAY RECEIVED 4 GENERAL INFRACTIONS BETWEEN 11-11-05 AND 1-1-06 AS OF 1-06-06 THE APPEAL PROCESS IS COMPLETE AND THE INMATE WAS FOUND GUILTY OF ALL THE INFRACTIONS. INFRACTIONS ARE LISTED BELOW AND ATTACHED AS EVIDENCE.

G H-05-11-13

G H-05-11-31

G H-05-11-32

G H-06-01-03

REPORTING STAFF NAME (LAST, FIRST) <u>PEARSON, J</u>	SHIFT <u>12</u>	DAYS OFF <u>95</u>
EVIDENCE TAKEN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	EVIDENCE CASE NUMBER <u>N/A</u>	EVIDENCE LOCKER NUMBER <u>N/A</u>
DISPOSITION OF EVIDENCE (IF NOT PLACED IN LOCKER) <u>N/A</u>		PHOTO SUBMITTED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
PLACED IN PRE-HEARING CONFINEMENT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
NAME(S) OF ALLEGED VICTIMS OF THIS INCIDENT		
LAST, FIRST 1)	Staff <input type="checkbox"/> Volunteer/Visitor/Other <input type="checkbox"/> Inmate <input type="checkbox"/>	DOC#
LAST, FIRST 2)	Staff <input type="checkbox"/> Volunteer/Visitor/Other <input type="checkbox"/> Inmate <input type="checkbox"/>	DOC#
RELATED REPORTS ATTACHED	<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> BACKGROUND MEMOS
	<input type="checkbox"/> STAFF WITNESS STATEMENTS	<input type="checkbox"/> MEDICAL
	<input type="checkbox"/> TELE-INCIDENT	<input type="checkbox"/> USE OF FORCE
	<input checked="" type="checkbox"/> OTHER (SPECIFY) COPIES OF INFRACTIONS	

REPORTING STAFF SIGNATURE <u>Andrew Pearson</u>	DATE <u>1-6-06</u>
INFRACTION REVIEW OFFICER SIGNATURE <u>[Signature]</u>	DATE <u>1-6-06</u>

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.17, and RCW 40.14.

RECEIVED

JAN 24 2006



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

**NOTICE OF INFRACTION AND
NEGOTIATED DISCIPLINARY AGREEMENT OFFER**

Evidence#: Coll#: HA23 CellTag: No Hearing ID: 3228 Institution: CBCS

STAFF REPORT

NAME	PULLMAN, JAY	DOC#	845002	LOCATION	H Unit-MSC HA23
DATE OF OCCURRENCE	1/6/2006	LOCATION OF INCIDENT	H Unit-MSC - Common		Time 0:40

Number of rules(s) violated: **657** Guilty of four general infractions arising out of separate incidents within six month period

Details in full:

Inm Pullman received 4 general infractions between 11/11/05 and 1/1/06. As of 1/6/06 the appeal process is complete and the Inm was found guilty of all the infractions.

REPORTING STAFF Andrew Pearson.

INMATE RIGHTS

You have the right to remain silent. However, if you choose to remain silent, that may be taken as a refusal to negotiate, and a Disciplinary Hearing will be scheduled. Criminal charges may be pending. Acceptance of this agreement and anything you say henceforth may be used against you in a court of law if criminal charges are filed. You have the right to review all related reports and a summary of any confidential information. You may request an interpreter if you are unable to speak and/or understand the English language. You may request assistance if you are hearing impaired.

AGREEMENT OFFER

Should you decide to PLEAD GUILTY and WAIVE your RIGHT TO A HEARING and APPEAL, the Institution offers the following:

	Days	Days Suspended	
<input type="checkbox"/> Room/Cell Confinement	10	0	with loss of radio and tv
<input checked="" type="checkbox"/> Loss of Privilege	15	0	loss recreation

I am willing to plead guilty and accept the above negotiated offer, as indicated by my signature below.

I refuse/decline this offer. I understand this offer is null and void and I will be scheduled for a hearing, at which time I may incur greater sanction(s) than offered in this Agreement, subject to the limitation(s) of WAC 137-28-350.

PULLMAN, JAY

INMATE NAME B. Brown
STAFF NEGOTIATOR NAME (PLEASE PRINT)

Jay Pullman
INMATE SIGNATURE DATE 1/9/06
STAFF NEGOTIATOR SIGNATURE DATE

[Signature]
SUPERINTENDENT SIGNATURE DATE 1/13/06



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

INFRACTION REVIEW CHECKLIST

<input checked="" type="checkbox"/>	Examine the infraction to ensure that each field is filled in properly and written legibly.
<input checked="" type="checkbox"/>	Ensure the offender's name and DOC number are recorded correctly.
<input checked="" type="checkbox"/>	Read the infraction report narrative and ensure the following elements are included: <ul style="list-style-type: none"> <input type="checkbox"/> Who? <input type="checkbox"/> What? <input type="checkbox"/> Where? <input type="checkbox"/> When? <input type="checkbox"/> Why? <input type="checkbox"/> How?
<input checked="" type="checkbox"/>	Check to be sure that the infraction violations at the top of the report correspond with the written information <i>and</i> are appropriate for the incident. NOTE: The reviewer may, 1) require that the report be revised, rewritten, or reinvestigated by the reporting staff member to ensure the alleged facts support the charges, or 2) add, dismiss, delete or reduce the indicated WAC violations as appropriate, based upon the information and/or evidence provided by the reporting staff and any mitigating factors.
<input checked="" type="checkbox"/>	Ensure the report is factual, without assumptions, feelings, beliefs or what the reporting staff "thinks" may have happened.
<input checked="" type="checkbox"/>	Ensure alleged victims, if any, of the incident are recorded and accurately documented in the "Name(s) of alleged victims of this incident" fields.
<input checked="" type="checkbox"/>	Ensure the report includes supporting documentation if the incident included: <ul style="list-style-type: none"> <input type="checkbox"/> Injuries? Medical Response? <input type="checkbox"/> Witnesses? <input type="checkbox"/> Property Damage? <input type="checkbox"/> Use of Force? <input type="checkbox"/> Teleincident Report? <input type="checkbox"/> Other Supplemental Information?
<input checked="" type="checkbox"/>	Ensure all evidence has been collected, secured, and logged properly in accordance with policy and facility procedures. Did you document: <ul style="list-style-type: none"> <input type="checkbox"/> Evidence taken? <input type="checkbox"/> Evidence Case Number assigned? <input type="checkbox"/> Whether or not the evidence was placed in an evidence locker? <input type="checkbox"/> The disposition of the evidence if not placed in locker? <input type="checkbox"/> Photos submitted?
<input checked="" type="checkbox"/>	Complete the "Placed in Pre-hearing Confinement" field by checking the "Yes" or "No" boxes.
<input type="checkbox"/>	If confidential information has been submitted, have you: <ul style="list-style-type: none"> <input type="checkbox"/> Reviewed the information to ensure it is consistent with other reports? <input type="checkbox"/> Checked to ensure the documents are marked or stamped as "Confidential"? <input type="checkbox"/> Requested that the staff who received the information initiate DOC 05- 392, Confidential Information Report and forward it to designated facility staff? <input type="checkbox"/> Included a summary of confidential information with the infraction report?



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

July 11, 2006

Mr. Jay R. Pullman, DOC#845002
Stafford Creek Correctional Center
191 Constantine Way
Aberdeen, WA 98520

Re: ESSB 5990 Decision and Risk Assessment

Dear Mr. Pullman,

Thank you for your correspondence sent to the Department of Corrections, Headquarters, on 7/09/2006. The 5990 eligibility decision is considered a classification action and is only appealed through the institutional superintendent which it appears based on your correspondence you have already pursued. Once the superintendent responds to your appeal, the action is final. Headquarters does not review the decision. You also have the right to review any information in your offender file which was used in the risk assessment process, except for the risk assessment instrument itself. To review your file, you must make a written request to the Records Manager at the institution in which you are located. You may review DOC policy #280.510 "Public Disclosure of Records", and submit your written request on form #DOC 05-066 or a written letter of correspondence to the Records office.

The ESSB 5990 legislation requires that the department review the criminal history of offenders and determine if the offender is eligible to be awarded the 50% earned time credit and/or supervision closure based on past or current criminal convictions. If no criminal convictions exist that exclude the offender from 5990 considerations, the next step is to complete a risk assessment. That risk assessment (LSI-R/RMI) is designed to place offenders in one of four risk categories (RMA, RMB, RMC, or RMD). The offender is excluded from 5990 eligibility if placed in one of the two higher risk categories (RMA/RMB). The 50% earned time and supervision closure is awarded to those offenders placed in one of two lower risk categories (RMC/RMD).

Your current risk assessment is based on all information available to the assessor at the time of the review. The risk assessment is based on all criminal convictions and behaviors (past and present), community circumstances prior to your most recent incarceration and some circumstances during incarceration. The risk management level is used to assure that those individuals who pose an elevated risk in the community are not released inappropriately, as well as ensure those offenders receive community services after release. Your risk assessment score changed from 40 (risk assessment completed on 4/4/2005) to 41 (risk assessment completed on 2/3/2006). The Level of Service Inventory-

"Working Together for SAFE Communities"

Revised (LSI-R) score changed from 40 to 41 and the Risk Management Identification (RMI) designation was reassessed from RMC to RMB, which excludes your case from being awarded the 50% earned time credit.

At the time the risk assessment was reviewed by your classification counselor on 2/3/2006 you had incurred several events that impacted your risk assessment scoring. The change in the risk assessment score is based on your behaviors while incarcerated and events that occurred after the 4/4/2005 risk assessment. The one item which was changed to increase the risk assessment score is based on the following:

- Offender Based Tracking System (OBTS) indicates guilty findings of four (4) serious major infractions:
 1. 4/21/20056 WAC #557 Refusing to Program
 2. 6/4/2005 WAC 505 Fighting
 3. 6/30/2006 WAC 740 Fraud
 4. 1/6/2006 WAC 657 Four or more general infraction within a 6-month period of time.

Per DOC policy #320.400 Risk Assessment Process; the Counselor/Facility CCO will complete an LSI-R/RMI reassessment to correct any scoring inaccuracies identified during review of the most recent LSI-R/RMI assessment within 30 days of arrival at a new facility/placement; if new or additional conviction or behavioral information not previously considered in the risk assessment process is discovered; when an event occurs that demonstrates an increase in risk-related behaviors.

With a score of 41 it is certain that you have a number of dynamic risk/need factors that need your attention so that you can increase your chances for success in the community and avoid further incarceration. With a release date of 5/21/2007, I am hopeful that you will spend some of that time developing a transition plan that addresses/reduces your risk/need factors and ensures the safety of any community in which you choose to reside.

Sincerely,



Kevin Mauss
Correctional Program Manager
Department of Corrections

cc: Offender Central File
Cindy Tully, Classification Counselor
Jayme Rudloff, Correctional Unit Supervisor
Kathy Reinger, Correctional Program Manager
Arrel Dayton, Records Manager

APPENDIX 25A

DT37 0 845002

07/14/08 14.17.19

000 OTST037

OFFENDR CHRONO SCREEN

PAGE 008

PULLMAN, JAY ROBERT

COMMUNITY CONCERNS: N LOCATION: I03 MICC MIN SECURITY
OFFICER/CNSLR: HD82 JOHNSON, CLINT

ADMIT/INTAKE DATE: 03/16/2004

VICTIM WRAP AROUND/SENSITIVE: N

03/16/06 RC 08 BF SENT TO CENTRAL REPOSITORY FROM CBCC 03/16/06 J WALSH

03/20/06 RC 04 CF SENT TO OCC VIA WCC CHAIN. 03/20/06 E PEACH

03/20/06 RC 08 RECEIVED C/F AT OCC VIA WCC CHAIN BUS. 03/20/06 P OLEKAS

03/21/06 RC 04 BF RECEIVED @ CENTRAL REPOSITORY FROM CBCC 03/21/06 C O'SULLIVAN

03/23/06 CM 04 INTAKE AT OCC. P ARRIVED ON 03/20/06. WE DISCUSSED INTAKE, OPEN
DOORS, KITES, KIOSK, MEDICAL, WORK-DNR, ETC. P ARRIVED FROM CBCCAS A PROGRAM CHANGE. NOTICED HIS LSI SCORE WAS 41, HOWEVER IT
STILL WAS DOCUMENTED AS HIM BEING "RMC". HE WAS A 5990 CANDIDATE,HAD THE QA AUDIT COMPLETED, AND SINCE THAT TIME, HE HAD INCURRED
SEVERAL MAJOR INFRACTIONS, WHICH BUMPED HIS SCORE UP TO 41,

INDICATING RMB. TRIED TO EXPLAIN TO P THAT HE WAS NOT ELIGIBLE

BY HIS SCORE/RMI LEVEL ANYMORE, BUT DID TELL HIM I WOULD TAKE A

LOOK AT IT A BIT FURTHER. HE WAS UPSET, AND EVEN AFTER A LENGTHY
EXPLANATION, DID NOT QUIET APPEAR TO "GET IT." TOLD HIM I WOULD

04/07/06 J KERSCHNER

03/23/06 CM 08 CALL AND SPEAK WITH HIS MOTHER, AND LOOK INTO IT A BIT FURTHER

AND GET BACK TO HIM. 04/07/06 J KERSCHNER

PF7-BKWRD ENTER-FRWRD (PUT CURSOR ON DATE, GO TO UPDTE) PF11-ADD

DT37 0 845002

07/14/08 14.17.37

000 OTST037

OFFENDR CHRONO SCREEN

PAGE 009

PULLMAN, JAY ROBERT

COMMUNITY CONCERNS: N LOCATION: I03 MICC MIN SECURITY
OFFICER/CNSLR: HD82 JOHNSON, CLINT

ADMIT/INTAKE DATE: 03/16/2004

VICTIM WRAP AROUND/SENSITIVE: N

04/04/06 RC 04 AFTER REVIEW BY HEADQUARTERS OF THE LSIR SCORE, IT WAS RE-DONE AND HE IS NOW RMB AND INELIGIBLE FOR "5990". 04/04/06 P OLEKAS
04/07/06 CM 04 DISCUSSED P'S CHANGE IN RMI WITH HIM TODAY. PRESENT WERE THE CUS P, AND I. HE WAS OBVIOUSLY UPSET WHEN TOLD. THE CUS AND I EXPLAINED TO HIM THAT IT WAS A CLASSIFICATION ISSUE AND WAS APPEALABLE TO THE SUPT AT OUR FACILITY. HE TOLD THE CUS HE WANTED TO BE DEMOTED WITHOUT HAVING TO BE INFRACED. THE CUS DISCUSSED HIS CONCERNS FURTHER WITH HIM AND ASK HIM TO THINK ABOUT IT FOR A MOMENT AND HE WOULD GET BACK TO HIM TO DISCUSS HIS SITUATION FURTHER. 04/07/06 J KERSCHNER

04/07/06 CM 08 DURING THE MEETING RELATING TO THE ABOVE CHRONO, HE STATED HE WAS ONLY WILLING TO DO WHAT WAS EXPECTED OUT OF HIM AT CAMP BECAUSE HE THOUGHT HE WOULD BE GOING TO WORK RELEASE SOON AND THAT DNR IS JUST NOT WORKING FOR HIM BECAUSE HE CAN'T DO HIS ITC CLASSES. IT WAS EXPLAINED THAT ITC IS AVAILABLE IN THE EVENINGS. WHICH HE SAID HE WOULD NOT BE ABLE TO DO BECAUSE THE HOURS OF HIS WORK WERE TO EARLY AND TO LONG. 04/07/06 J KERSCHNER

PF7-BKWRD ENTER-FRWRD (PUT CURSOR ON DATE, GO TO UPDTE) PF11-ADD

DT37 0 845002

07/14/08 14.17.45

000 OTST037

OFFENDR CHRONO SCREEN

PAGE 010

PULLMAN, JAY ROBERT

COMMUNITY CONCERNS: N LOCATION: I03 MICC MIN SECURITY
OFFICER/CNSLR: HD82 JOHNSON, CLINT

ADMIT/INTAKE DATE: 03/16/2004

VICTIM WRAP AROUND/SENSITIVE: N

04/10/06 CM 04 SPOKE WITH P'S MOTHER ON THIS DAY. SHE IS VERY UPSET ABOUT HIS RECLASSIFICATION TO AN RMB, NOT RECEIVING 5990, AND BEING AT THIS MINIMUM FACILITY. SHE ASKED WHO SHE APPEALS THIS TO, WHEN ASKED WHAT WOULD SHE LIKE TO APPEAL, SHE SAID "EVERYTHING." I EXPLAINED TO HER THAT HER SON WAS TOLD HE COULD APPEAL HIS RISK MANAGEMENT LEVEL TO OUR SUPERINTENDENT AT OCC. MS. BRUNSON. SHE ASKED ME "AREN'T YOU RELATED TO HER." HER SON HAD TOLD HER THAT WE AT OCC ARE "ALL RELATED." I EXPLAINED TO HER THAT RELATIONSHIPS DO NOT HAVE ANYTHING TO DO WITH IT, THAT WE WERE ALL PROFESSIONALS AND THAT WAS HOW ARE CAMP IS RAN. I GAVE HER HQ CLASSIFICATION. 04/10/06 J KERSCHNER

04/10/06 CM 08ADDRESS ALSO AT HER REQUEST. SHE ASKED MY NAME AND SPELLING, WHICH WAS GIVEN. SHE TOLD ME THAT HER SON DID NOT LIKE IT AT OUR FACILITY. I EXPLAINED THAT HE IS MINIMUM CUSTODY AND ELIGIBLE FOR PLACEMENT AT A MINIMUM FACILITY, THAT OFFENDERS ARE PLACED AT THE LEAST RESTRICTIVE CUSTODY THAT THEY ARE ELIGIBLE FOR, HER SON WAS ELIGIBLE FOR MINIMUM PLACEMENT. I THANKED HER FOR HER TI
PF7~BKWRD ENTER~FRWRD (PUT CURSOR ON DATE, GO TO UPDTE) PF11~ADD

DT37 0 845002

07/14/08 14.17.50

000 OTST037

OFFENDR CHRONO SCREEN

PAGE 011

PULLMAN, JAY ROBERT

COMMUNITY CONCERNS: N LOCATION: I03 MICC MIN SECURITY

OFFICER/CNSLR: HD82 JOHNSON, CLINT

ADMIT/INTAKE DATE: 03/16/2004

VICTIM WRAP AROUND/SENSITIVE: N

04/10/06 CM 08 ...ADDRESS ALSO AT HER REQUEST. SHE ASKED MY NAME AND SPELLING, WHICH WAS GIVEN. SHE TOLD ME THAT HER SON DID NOT LIKE IT AT OUR FACILITY. I EXPLAINED THAT HE IS MINIMUM CUSTODY AND ELIGIBLE FOR PLACEMENT AT A MINIMUM FACILITY, THAT OFFENDERS ARE PLACED AT THE LEAST RESTRICTIVE CUSTODY THAT THEY ARE ELIGIBLE FOR, HER SON WAS ELIGIBLE FOR MINIMUM PLACEMENT. I THANKED HER FOR HER TIME, SHE THANKED ME BACK, AND THE CALL WAS ENDED. 04/10/06 J KERSCHNER

04/10/06 CM 12 P CAME TO MY OFFICE TODAY AND ASKED ABOUT A KITE HE SENT ME REGARDING REQUESTING GCT BACK FROM A 557 INFRACTION HE RECEIVED. FIRST I TOLD HIM TO REQUEST HE HAD TO BE A YEAR MAJOR INFRACTION FREE, HIS LAST INFRACTION BEING ON 01/2006. SECOND, I TOLD HIM BASED ON POLICY 350.100, ANY GCT TIME LOST DUE TO A 557 INFRACTION IS NEVER TO BE RESTORED. HE ASKED "ARE YOU SURE?" I POINTED TO THE POLICY I HAD IN FRONT OF ME AND TOLD HIM IF HE'D LIKE, HE COULD CHECK OUT THE I/M POLICY BOOK AT THE DUTY STATION AND LOOK IT OVER. HE AGAIN TOLD ME HE DID NOT WANT TO BE AT CAMP

PF7-BKWRD ENTER-FRWRD (PUT CURSOR ON DATE, GO TO UPDTE) PF11-ADD

DT37 0 845002

07/14/08 14.17.58

000 OTST037

OFFENDR CHRONO SCREEN

PAGE 013

PULLMAN, JAY ROBERT

COMMUNITY CONCERNS: N LOCATION: I03 MICC MIN SECURITY
OFFICER/CNSLR: HD82 JOHNSON, CLINT

ADMIT/INTAKE DATE: 03/16/2004

VICTIM WRAP AROUND/SENSITIVE: N

04/25/06 CA 04 FRMT MET WITHOUT P PRESENT. P WAIVED HIS 48 HOURS AND HIS APPEARANCE FOR THE MEETING. FRMT MEMBERS INCLUDE: CUS LAWSON, CC2 OLSON, C/O PEGRAM, CC2 KERSCHNER. P ARRIVED AT OCC ON 03/20/06 AS A PROGRAM CHANGE FROM CBCC/MSC. UPON ARRIVAL, THIS CC NOTICED HIS LSI SCORE WAS 41, BUT HE WAS STILL ASSESSED RMC. BASED ON SCORING RULES, THIS WAS INACCURATE AND HE WAS UPDATED TO AN RMB. HE WAS PREVIOUSLY AWARDED 5990-QA AUDIT COMPLETED-THEN HE INCURRED FOUR SEPERATE MAJOR INFRACTIONS, BUMPING HIS SCORE UP TO 41. HE WAS NOTIFIED OF THE CHANGES, HIS ERD IS NOW 05/21/07. HE IS MIP, CRS IS NOW 62 INFLUENCED BY A 4 MINOR MAJOR 01/2006.... 04/25/06 J KERSCHNER

04/25/06 CA 08P WAS ASSIGNED TO DNR. ON THE MORNING OF 04/20/06, HE WAS PLACED IN SEGREGATION PENDING THE OUTCOME OF A WAC 557. HE DID NOT SHOW UP TO DNR CHECK OUT FOR TRAINING CREW. WHEN CALLED FOR CHECK OUT, HE WAS NOT DRESSED APPROPRIATELY FOR CHECK OUT, WHEN ASKED WHY HE WASN'T READY, HE SAID "I'M NOT GOING" HE WAS ASKED IF HE WAS REFUSING, HE AGAIN STATED "I'M NOT GOING." HE WAS PLAC

PF7-BKWRD ENTER-FRWRD (PUT CURSOR ON DATE, GO TO UPDTE) PF11-ADD

APPENDIX 25B



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF CORRECTIONAL OPERATIONS
OLYMPIC CORRECTIONS CENTER
11235 Hoh Mainline - Forks, Washington 98331

April 13, 2006

TO: Jay Pullman, DOC #845002
FROM:  Karen Brunson, Superintendent
SUBJECT: DENIAL 5990

I have received your letter and reviewed the documentation. Unfortunately, an error was made in the calculation of your custody level giving the impression that you were R.M.C. status when in fact, you were R.M.B. The current documentation has been audited by the headquarters team and found to be correct. I have spoken to the unit CUS who will work to provide you with work release given the new classification.

I encourage you to work closely with your counselor when you have questions or concerns.

KDB:dd

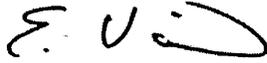
"Working Together for SAFE Communities"



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF THE SECRETARY

P. O. Box 41101 • Olympia, Washington 98504-1101 • Tel (360) 725-8200
FAX (360) 664-4056

ADMINISTRATIVE BULLETIN AB-08-004

DATE: March 10, 2008
TO: Executive Staff

FROM: Eldon Vail
Interim Secretary
RE: DOC 350.100 Earned Release Time

This policy is being changed effective immediately to implement ESSB 5990.

- I. Good Conduct Time
 - C. Records staff and Classification Counselor/Community Correction Officer (CC/CCO) will use Process Steps for 50% Earned Time Review (Attachment 1) and Offender Notification of 50% Earned Time Eligibility (Attachment 2). Upon offender arrival to WCC-RDC or WCCW-RDC or a current risk assessment is not complete, Records staff will initiate DOC 12-025 50% Earned Time Review. Effective July 1, 2003, the earned release time may not exceed 50 percent of the sentence for offenders who are classified as Risk Management (RM)-C and RM-D, and are not convicted of or have a prior:
 9. Any felony committed under community supervision.
- II. Earned Time
 - B.
 1.
 - b. Offenders previously determined qualified to receive 50% earned time will participate in programming or activities

- targeted in the facility plan. The offender will not be penalized if programs and activities not available.
- c. If found guilty of infraction 557 or 810 the calculation of earned time will revert to being calculated based on the current offense. The disciplinary Hearings Officer will notify the Records Manager of all guilty findings of 557 and 810 infractions.
 - d. The Hearings Officer will notify the records staff from the sending facility if the infraction is incurred in Work Release or a facility transfers the offender prior to the completion of the hearing. Records staff from the sending facility will revise DOC 02-329 50% Earned Time Eligibility Change Notice.
5. When a facility CC/CCO receives new information or completes an LSI-R reassessment that changes an offender's risk management level to A or B, the facility CC/CCO will follow the steps in 50% Earned Time Eligibility Modified (Attachment 3)

III. County Jail Earned Time

A.

2. If the jail administrator certifies jail time credits to consecutive sentence for the same time period, and the Judgment and Sentence does not address jail time credits, the CRS will correct the jail certification by deducting any duplicate jail time credits and jail good time credits from the jail certification totals and apply the remaining credits.
3. In the case of a Department sanction, if the jail administrator certifies jail credits to a consecutive sentence which includes credits for time served on the Department sanction and the Judgment and Sentence does not address jail time credits, the CRS will deduct the amount of sanction days served from the jail credits and the good time for sanction time served and apply the remaining credits to the consecutive sentence.
4. The CRS will send a letter to the jail administrator requesting an amended jail certification. However, the CRS does not need to wait for the amended jail certification to apply the proper credits.
5. The CRS will send the offender Court of Appeals Decision-Jail Time Credits, informing the offender of the Department's authority

to correct the jail certification when there is a manifest error of law in the jail's certification.

6. If the court orders jail time credits for the same time period on consecutive sentences with the same intake date to prison, the Judgment and Sentence must be followed and the jail time credits will be applied accordingly.
7. If the court orders jail time credits for the same time period on consecutive sentence with different intake dates to Prison, added causes, the CRS will apply the credits for the Judgment and Sentence and then apply Wickert time, a type of out time which is applied to a period of confinement when the offender is required to serve a consecutive period of confinement starting before the current confinement is complete, for that same time period.

VII. Recording/Validation Certification

A.

7. At the time of escape and upon apprehension.

If you have any questions about this change, please contact Carrie Fleming, Statewide Records Manager.

EV:js

cc: Kerry Arlow, Policy Program Manager



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON/WORK RELEASE
OFFENDER/SPANISH MANUALS

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8/28/06

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NUMBER
DOC 350.100

POLICY

TITLE
EARNED RELEASE TIME

REVIEW/REVISION HISTORY:

Effective: 5/1/83
Revised: 3/1/86
Revised: 8/15/90
Revised: 7/1/96
Revised: 10/30/96
Revised: 12/1/98
Revised: 12/20/00
Revised: 3/3/05
Revised: 8/28/06

SUMMARY OF REVISION/REVIEW:

I.C. - Added additional offenses to the list in compliance with House Bill 5990
II.A. - Added amount of earned time for each calendar month in compliance with House Bill 5990
II.C. Changed requirements for updating OBTS from CCO to CRM
VI.C. Clarified time frame for notifying CRM of release date changes
VII.A. - Deleted; repetitive information
Added VII.B. to clarify CRM responsibilities
Removed VII.G. regarding persistent management problems since it was repetitive
VIII.A. Added information to clarify that Superintendent/CCS decision or denial of offender's request to restore time is final
VIII.B.2. Adjusted wording to clarify intent
VIII.B.3. - Added time frame for release planning and providing appropriate notifications
VIII.B.4. - Added PREA infractions
Added VIII.C.5. to include unit team recommendation as an item the Superintendent will consider
Added VIII.F. to require notification to the CRM when a release date is adjusted to ensure records are appropriately updated

APPROVED:

Signature on File

HAROLD W. CLARKE, Secretary
Department of Corrections

6/27/06
Date Signed



STATE OF WASHINGTON
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POLICY

TITLE
EARNED RELEASE TIME

REFERENCES:

DOC 100.100 is hereby incorporated into this policy; RCW 9.92.151; RCW 9.94A.030; RCW 9.94A.505; RCW 9.94A.602; RCW 9.94A.728; RCW 9.95; RCW 69.50; RCW 69.52; WAC 137-28; WAC 137-56; ACA 4-4097; ACA 4-4449; ACA 4-4461; ACA 4-4480; DOC 320.150 Disciplinary Sanctions

POLICY:

- I. [4-4097] [4-4461] The Department will award Earned Release Time (ERT), which includes good conduct time and earned time credits, to offenders committed to Department facilities within the guidelines established by law.

DIRECTIVE:

- I. Good Conduct Time
 - A. For an offender convicted of a serious violent offense, or a sex offense that is a Class A felony committed on or after July 1, 1990, and before July 1, 2003, the earned release time may not exceed 15 percent of the sentence.
 - B. For offenders convicted of a serious violent offense, or a sex offense that is a Class A Felony committed on or after July 1, 2003, the earned release time may not exceed 10 percent of the sentence.
 - C. Effective July 1, 2003, the earned release time may not exceed 50 percent of the sentence for offenders who are classified as Risk Management (RM)-C and RM-D, and are not convicted of or have a prior:
 - 1. Sex offense,
 - 2. Violent offense,
 - 3. Crime against a person,
 - 4. Felony domestic violence,
 - 5. Residential burglary,
 - 6. Violation of, or an attempt solicitation, or conspiracy to violate RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or RCW 69.50.406 delivery of a controlled substance to a minor,
 - 7. Gross misdemeanor stalking, or
 - 8. Domestic violence court order violation, including gross misdemeanors.
 - D. In all other cases, the earned release time will not exceed 33 percent of the total sentence.



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- E. Offenders may fail to earn good conduct time if found guilty of serious infractions per WAC 137-28 or WAC 137-56, and sanctioned per DOC 320.150 Disciplinary Sanctions.
- F. A sentence reduction based on good conduct time will be established for each offender and computed on a pro rata basis for every 30-day period served, as allowed by crime category.
- G. All offenders sentenced for crimes committed on or after July 1, 1984, will be eligible for good conduct time, with the exception of those under the death penalty and/or life without the possibility of release. Offenders with mandatory minimum terms are not eligible for good conduct time while serving the mandatory minimum portion of their sentence. Good conduct time will be applicable to all Class A, B, and C felonies, with the following exceptions:
 - 1. Determinate offenders may not earn good conduct time if their minimum term has expired and they have not been paroled or transferred to a consecutive sentence.
 - 2. Offenders who are serving time as a result of lost earned time or lost good conduct time may not earn good conduct time.
- H. The following offenders may lose their uncertified or unvalidated good conduct time if found guilty of a serious infraction:
 - 1. Indeterminate offenders whose time has not been adopted by the Indeterminate Sentence Review Board (ISRB), and
 - 2. Determinate offenders serving time as a result of not earning earned time or having lost good conduct time.
- I. Good conduct time, lost as a result of disciplinary action for serious infractions, will not be certified by the facility Superintendent/Community Corrections Supervisor (CCS). This includes available good conduct time for offenders who are serving time as a result of lost good conduct time. The amount of time lost will be determined by the Disciplinary Hearing Officer/Committee and subject to the facility Superintendent/CCS approval at time of validation or certification. Offenders found guilty of infraction 557, 810, 813, or 857 for failing or refusing to maintain a work or education assignment will lose available earned release credits for the month and privileges.
- J. Offenders serving the mandatory minimum portion of their sentence are subject to a loss of future good conduct time available during the non-mandatory portion



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of their sentence. The available loss of good conduct time will be applied to the remainder of the sentence after the mandatory period is served.

- K. Offenders who commit infractions while out to court may be infraacted upon their return to Department custody.
- L. The facility Superintendent/CCS may request, via the Headquarters Community Steering Committee (HCSC), that the ISRB schedule a disciplinary hearing to address an indeterminate offender's time structure when all available good conduct time has been denied due to infractions.
- M. An offender who has transferred from one sentence within a cause number to the next sentence, or from one cause number to the next cause number, cannot lose earned release time associated with the previous sentence or cause.
- N. ISRB will be notified via email or hard copy, outlining the behavior and recommended action when an offender paroled from an indeterminate sentence to a consecutive determinate sentence commits an infraction. The report will note this behavior as a violation and describe the behavior and the recommended action.

II. Earned Time

A. [4-4449] [4-4461] [4-4480] Offenders who participate in approved programs, including work and school, are eligible to earn earned time for each calendar month as follows:

- 1. ET eligible under 10 percent rule 1.11 days
- 2. ET eligible under 15 percent rule 1.76 days
- 3. ET eligible under 33 percent rule 5.00 days
- 4. ET eligible under 50 percent rule 10.00 days

B. Offenders will not earn earned time if:

- 1. [4-4449] They are not involved in mandatory programming as determined through the classification process and consistent with their offender facility plan. This includes refusing a mandatory work/school/program assignment or being terminated from a mandatory work/school/program for their own negative or substandard performance which has been documented.
 - a. Offenders found guilty of infraction 557, 810, 813, or 857 for failing or refusing to maintain a work or educational program assignment



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will lose available earned release credits for the month and privileges as outlined by DOC 320.150 Disciplinary Sanctions.

2. They refuse any transfer, excluding Work Release. Each refusal will result in the offender receiving an infraction 745. Earned time at the appropriate earned time percentage, as allowed by crime category, will not be granted for each calendar month the offender refuses assignment consistent with earned time.
 3. They serve 20 days or more in one calendar month in administrative or disciplinary segregation. Loss of earned release time will be calculated as allowed per crime category. The offender is not eligible to begin earning earned time until the Superintendent approves placement in general population. Offenders who are approved for transfer to general population and are scheduled for release to the community within 60 days will not lose earned time unless found guilty of infraction 557, 810, 813, or 857. Offenders on administrative segregation status for other than negative behavior will continue to earn earned time at the rate allowed by crime category.
 4. They are serving the mandatory minimum portion of their sentence. The Offender Based Tracking System (OBTS) DI45 will be updated to record the behavior.
- C. Earned time will be reviewed and recorded on the OBTS DI45 screen at the regularly scheduled review or during any month earned time is not earned. Work Release Community Corrections Officers (CCO) will provide documentation to the Correctional Records Manager (CRM) to update the OBTS DI45 screen prior to the scheduled review and prior to transfer to another facility. Counselors and Work Release CCOs will request a DA04 37 IIS Earned Release Credits Report. At a classification hearing where earned time will be addressed, the offender will receive a written record of his/her earned time at least 24 hours prior to the scheduled classification review if earned time is not earned. Action taken by the committee is final and cannot be appealed. At least once a year an offender will receive a written record of his/her earned time prior to classification.
- D. Earned time not earned as a result of infraction 557, 810, 813, or 857 cannot be restored.
- E. Offenders will receive a written record of earned time denials.

III. County Jail Earned Time



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- A. For offenders transferred from a county jail to the Department, the administrator of the county jail facility will certify to the Department the amount of time spent in custody at the jail facility and the amount of earned early release time. The Department does not calculate the earned release time for the county jails.
1. If no certification has been provided, or the certification is not clear, the Correctional Records Manager (CRM)/designee will send a letter to the jail administrator requesting s/he provide clarification.

IV. Re-sentenced Credit Time Served

- A. Offenders who are re-sentenced are entitled to receive credits for the original jail time, original jail good time, credit for Department of Corrections time served and credits for earned time on the Department of Corrections time served. All time the offender served for the underlying conviction as well as the earned early release time at the appropriate earned time percentage will be applied. Any conduct time loss, due to infractions, or earned time not earned during the time served on the original sentence, must be deducted from the Department of Corrections earned time.

V. Persistent Offender Misbehavior

- A. An offender serving an offense committed on or after August 1, 1995, who has lost all of his/her good conduct time credits for the current incarceration, may have future and/or un-validated earned time credits taken away as part of a disciplinary sanction per DOC 320.150 Disciplinary Sanctions.

VI. Release Date

- A. A determinate offender held beyond his/her Earned Release Date (ERD) may have available earned release time taken if found guilty of an infraction.
- B. An offender with an established release date who receives a Category A infraction after a community release plan has been approved will have the release date suspended until adjudication of the infraction and all time loss and sanctions are completed.
- C. The CRM will be immediately notified by telephone if the release date changes, when the offender is denied earned time or loses good time, and the earned release date is within 120 days to release.

VII. Recording/Validation Certification



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- A. The CRM will update the earned time on the OBTS DI45 screen. Entries on DI45 begin with the time start and subsequent entries will be from the first of each month. Entries will be made at the following times:
1. At the annual review
 2. At the request of the Indeterminate Sentence Review Board (ISRB)
 3. At the end of the longest concurrent sentence
 4. At the transfer from one cause to a consecutive cause
 5. At the time of a facility transfer
 6. Upon release
- B. Earned time and good conduct time will be reviewed and validated by the facility Superintendent/CCS at intervals not to exceed one year. At the time of his/her yearly review, each offender will receive a written record of the earned release time s/he is eligible to earn.
- C. Earned release time will be certified by the facility Superintendent/CCS or designee.
1. For indeterminate sentenced offenders, certification is final when adopted by the ISRB at the time of parole or time of transfer to a consecutive determinate sentence.
 2. If an offender is found guilty of an infraction after certification on the sentence s/he is currently serving, but prior to release, the certification may be rescinded.
- D. Prior to adoption by the ISRB for indeterminate sentences or certification by the facility Superintendent/CCS for determinate sentences, the projected earned release date should be used for classification purposes when considering minimum facility placement, Work Release, and pre-parole/community release planning.

VIII. Restoration of Good Conduct Time

- A. Offenders may request, at a regularly scheduled review, restoration of good conduct time from the facility Superintendent/CCS where the offender is housed. When restoration of time has been approved or denied for the infraction, the decision is final.
- B. The unit team may recommend approval provided:
1. The good conduct time on a determinate sentence has not been certified,



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2. The offender has been serious infraction free for at least one year from the date of the last serious infraction,
3. The offender is not within 6 months of his/her earned release date and the restoration will not put the offender less than 120 days to release date,
4. The offender has not committed infraction 501, 502, 507, 511, 521, 550, 601, 602, 604, 611, 612, 613, 635, 636, 637, 650, or 651, and
5. The offender has not committed infraction 557, 810, 813, or 857 after June 15, 1995.

C. When making this decision, the Superintendent will consider:

1. Length of positive program participation,
2. Period of infraction-free behavior,
3. Nature of offender infractions,
4. Overall behavior over commitment period, and
5. Unit team recommendation.

D. A copy of DOC 20-402 Facility Plan and any associated documents, such as infraction reports, and a criminal history summary will be sent to the facility Superintendent/CCS. The facility Superintendent/CCS will complete DOC 21-730 Restoration of Good Conduct Time recommending restoration or denial of the good conduct time.

E. Restoration of good conduct time will be documented in the narrative of the infraction on OBTS DI46 by disciplinary hearing staff.

F. The CRM will be immediately notified by telephone when the release date is adjusted upon restoration of good conduct time.

IX. Community Custody

A. The facility Superintendent/CCS will certify the earned release time and the transfer for eligible offenders to transfer to community custody.

1. Per RCW 9.94A.728, offenders convicted of the following offenses may have their sentences reduced by earned release time:
 - a. A sex crime,
 - b. An offense statutorily categorized as a serious violent offense,
 - c. Assault in the 2nd Degree,
 - d. Vehicular Homicide,
 - e. Vehicular Assault,



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- f. Assault of Child 2nd Degree,
- g. Any crime against a person where it is determined, per RCW 9.94A.602, that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or
- h. Any felony offenses under RCW 69.50 or RCW 69.52.

- 2. Community Custody Violators confined in a Department facility for sanction time are eligible for earned release time credits at the rate of 33 percent.

DEFINITIONS:

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

ATTACHMENTS:

None

DOC FORMS (See Appendix):

DOC 20-402 Facility Plan

DOC 21-730 Restoration of Good Conduct Time

50% EARNED TIME ELIGIBILITY MODIFIED

When a facility CC/CCO completes a LSI-R/RMI reassessment that changes an offender's 50% earned time eligibility after they have initially been determined as *eligible to ineligible* for any reason, the following steps must be taken:

1. The facility CC/CCO completes the DOC Form 05-794 CLASSIFICATION HEARING NOTICE/APPEARANCE WAIVER. This includes documenting the date of the hearing, the reasons for the hearing, and checking ALL applicable boxes, ensuring that the offender is knowledgeable of his/her rights.
 - a) The form must be signed by offender and witnessed by facility CC/CCO, and the offender given a copy.
 - b) If the offender refuses to sign the form, the facility CC/CCO will note this on the form by writing "Refused to Sign" in the Offender/Witness Signature space, with the offender present.
2. The facility CC/CCO will complete DOC form 02-329 50% EARNED TIME ELIGIBILITY CHANGE NOTICE
 - a) The form DOC 02-329 will indicate the specific reasons for the change in the 50% earned time eligibility decision and any specific documents used to determine the change (if any).
3. The facility CC/CCO will review the need to complete a new Facility Plan which includes the adjusted Earned Release Date (ERD) and any modified classification actions necessary due to the change in release date
4. At the scheduled time, a Facility Risk Management Team (FRMT) will meet and the following must occur:
 - a) DOC Form 02-329 50% EARNED TIME ELIGIBILITY CHANGE NOTICE is presented to the offender, signed by offender, and the offender is given a copy. After being signed, the facility CC/CCO will send the original form to Records staff to be placed in Central File
 - b) The facility CC/CCO will summarize verbally the specific information used to determine a change in the risk assessment along with a summary of documents used.
 - c) If requested at this time, the offender must be given a copy of form DOC 05-066 REQUEST FOR DISCLOSURE OF RECORDS

Once the FRMT is complete, the FRMT chair (or designee) will complete a "P" entry on the DI89 screen, as well as a "CA" chrono indicating that the offender was given forms DOC 05-794 and DOC 02-329, FRMT completed, offender advised of his/her rights, and the offender notified of the change in 50% earned time eligibility decision, and change in release date.



**CLASSIFICATION HEARING NOTICE/
APPEARANCE WAIVER**

Offender Name			DOC Number	Facility	Date
Type of Review			Meeting Scheduled for Date	Location	Time <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.
<input type="checkbox"/> Administrative	<input type="checkbox"/> Classification	<input type="checkbox"/> Special (Specify)			

Reason for Meeting:

Interpreter Name/Date

- I HAVE BEEN PROVIDED A CERTIFIED SIGN LANGUAGE INTERPRETER
 I HAVE BEEN PROVIDED WITH A SPANISH TRANSLATION OF THE CHARGES AGAINST ME ON SE ME HA DADO UNA TRADUCCION AL ESPANOL DE LOS CARGOS EN ME CONTRA EL DIA

_____ AT _____
 Date/FETCHA Time/HORA Offender Signature/FIRMA DE OFENSOR

OFFENDER RIGHTS:

- You may request an interpreter (If unable to speak and/or understand the English language). Requested Waived
- You may request a certified Sign Language Interpreter if you are hearing impaired. Requested Waived
- You may request a Staff Advisor Requested Waived
- You have the right to remain silent at the meeting.
- You may waive your appearance at the meeting.
- You may appeal the decision to the facility Superintendent.
- You have the right to submit a written request for a review of all pertinent official records in the offender file through the Records Manager, using DOC 05-066 Request for Disclosure of Records.
- I, _____, Number _____ Waive my right to the required **48 HOURS** notice prior to being seen by the (Classification) Meeting.
- I _____, Number _____ Waive my right to attend this scheduled hearing. I understand that the hearing will be held in my absence.

NOTE: If you believe there is a need to make corrections to your Conviction Criminal History Record, you may purchase an official copy from the Washington State Patrol by requesting the proper form from your Classification Counselor. Once you have received your conviction record, you may contact the WSP Identification and Criminal History Section at (360) 705-5100, or by mail to Identification and Criminal History Section, WSP, PO Box 42633, Olympia, WA 98504-2633, to purge, modify, or supplement your record.

Copy of this form and attachments received.

Offender/Witness Signature

Date Time

Staff Signature

Date Time

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

Distribution: ORIGINAL—Central File COPIES—Hearing Officer, Offender



Offender Name	DOC Number	Facility	Date
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Your eligibility for (50% earned time) is being changed for the following reason(s):

- Your self-report during an assessment interview provided different information than a previous interview.
- Department of Corrections case review/audit revealed that the original scoring decisions were inaccurate.
- Prison behavior(s), such as a guilty finding on an infraction after your assessment.
- The Department of Corrections discovered criminal records that had not been included in your previous assessment.
- Additional information was discovered which was not available at the time of the initial assessment, resulting in a change in risk level designation.
- Other:

DOCUMENTS USED TO MODIFY THE 5990 ELIGIBILITY CHANGE:

- Judgment and Sentence
- National Crime Information Center (NCIC/FBI Rap Sheet)
- Washington Crime Information Center (WACIC)
- District Court Information System (DISCIS)
- Superior Court Information System (SCOMIS)
- Prosecuting Attorney's Statement
- Chemical Dependency Records
- Medical Records
- Offender Based Tracking System (OBTS)
- Other:

You will have an opportunity to meet with your Facility Risk Management Team and receive notice of your rights, including the right to review any non-confidential documents upon which this change in eligibility is based.

Offender/Witness Signature

Date _____

Time _____

Staff Signature

Date _____

Time _____

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

inmate Jay Pullman, DOC No. 845002, including chrono entries dated March 16, 2006, to April 25, 2006, to be used as appendices.

I declare under the penalty of perjury of the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 15 day of July 2008, at Steilacoom, Washington.



PAULA BYRNE