WAC Handbook

WAC 137-28-220

General Violations - Prison Only

WAC 137-25-030

Serious Violations – Prison and Work Release

Effective Date January 8, 2016

*Attempting or conspiring to commit one of the following violations, or aiding and abetting another to commit one of the violations, shall be considered the same as committing the violation



Policy and Form Numbers - Most Frequently Used

460.000 Disciplinary Process for Prisons

- DOC 17-069 Infraction Review Checklist
- DOC 17-070 General Infraction Report
- DOC 17-076 Initial Serious Infraction Report
- DOC 20-051 Serious Infraction Report
- DOC 17-085 Sanction Notification

460.050 Disciplinary Sanctions

- Policy Attachments 1 Disciplinary Sanctioning Table
- Policy Attachments 2 Prison Sanctioning Guidelines

460.150 Confidential Offender Information

DOC 05-392 Confidential Information Report

420.375 Contraband and Evidence Handling (RESTRICTED)

DOC 05-384 Search Report

490.800 Prison Rape Elimination Act (PREA) Prevention and Reporting

Attachment 1 - Definitions

Definitions

Assault: A physical attack upon the body of another person. The attack may be made with any instrument including, but not limited to; weapons, body parts, food products, or bodily secretions.

Aggravated Assault: An **assault** resulting in physical injury and requiring **medical care**.

<u>Fight:</u> a scuffle; engaging in a (mutual) physical confrontation with another by punching, kicking, etc. (Webster's Dictionary Definition)

Medical Care: care conducted in a medical facility/treatment center by medical staff to treat a documented physical injury, (i.e., Bandaging, suturing, surgery, etc.) It is not an examination conducted by medical staff to determine whether an injury has been sustained.

*Note: Attempting or conspiring to commit, or aiding and abetting another to commit one of the following violations, shall be considered the same as committing the violation.

Notes

Notes

Unauthorized possession/theft

- 051 Possessing money, stamps or other negotiable instruments without authorization, the total value of which is less than five dollars
- 053 Possessing anything not authorized for retention or receipt by an offender and/or not issued to an offender through approved channels
- 255 Misusing or wasting issued supplies, goods, services or property, the replacement value of which is less than ten dollars
- 310 Pretending or failing to take prescribed medication by concealing or retaining the medication
- **354** Stealing food, the value of which is less than five dollars
- **356** Possessing an unauthorized amount of clothing, bedding, or issued supplies

Lending/trading

351 - Giving, selling, purchasing, borrowing, lending, trading, or accepting money or anything of value, except through approved channels, the value of which is less than ten dollars

Altering/destroying property

055 - Damaging, altering, or destroying any item that is not the offender's personal property, the value of which is less than ten dollars

Disruptive behavior/lying

- 202 Harassing, using abusive language, or engaging in other offensive behavior directed to, or in the presence of another person(s) or group(s)
- 203 Lying to a staff member
- 353 Engaging in disruptive behavior
- 355 Roughhousing, or engaging in horseplay or any other unauthorized physical contact with another offender(s)
- **357** Demonstrating, practicing or using martial arts, or other self-defense tactics

Failure to follow rules and orders

- 103 Failing to follow any oral/written orders, rules, or policies not otherwise included in these rules
- 105 Failing to perform a work, training, education, or other programming assignment as directed
- **210** Out of bounds; Being in an area where the presence of the offender is unauthorized
- 214 Interfering or failing to comply with count procedures

- 251 Smoking or possessing tobacco or related products/paraphernalia where prohibited
- 301 Failing to maintain one's clothing, personal hygiene, or quarters in accordance with facility rules or policies

Unauthorized communication/visitor contact

- **303** Using the mail, telephone, or electronic communications without authorization
- 304 Conducting/participating in unwanted written, telephone, or electronic communications with any person
- 305 Corresponding with or engaging in conduct with a visitor in violation of published or posted rules or policies

Inappropriate use of equipment

212 - Using any equipment or machinery when not specifically authorized or contrary to instructions or safety standards

Unexcused absence/feigning illness

104 - Being absent from work or any assignment, scheduled meeting, appointment, or call out without authorization

352 - Pretending to be ill or injured contrary to medical/mental health screening results

Inappropriate sexual behavior

- 244 Displaying sexual affection with another offender
- **309** Engaging in an unauthorized display of affection with a visitor

Serious Violations - Prisons & Work Release

Category A - 20 Points

- 501 Committing homicide
- **502** Committing aggravated assault against another offender
- **507** Committing an act that would constitute a felony and that is not otherwise included in these rules
- 511 Committing aggravated assault against a visitor or community member
- **521** Taking or holding any person hostage
- 550 Escaping
- 601 Possessing, manufacturing, or introducing an explosive device or any ammunition, or any component thereof
- 602 Possessing, manufacturing, or introducing any firearm, weapon, sharpened instrument, knife, or poison, or any component thereof

- 603 Introducing or transferring any unauthorized drug or drug paraphernalia
- **604** Committing aggravated assault against a staff member
- **611** Committing sexual assault against a staff member
- **613** Committing an act of sexual contact against a staff member
- 635 Committing sexual assault against another offender, as defined in department policy (i.e., aggravated sexual assault or offender-on-offender sexual assault) (DOC 490.800 Attachment 1)
- 637 Committing sexual abuse against another offender as defined in department policy (DOC 490.800 Attachment 1)
- 650 Rioting, as defined in RCW 9.94.010
- 651 Inciting others to riot, as defined in RCW 9.94.010
- **830** Escaping from work/training release with voluntary return within 24 hours
- **831** While in work/training release, failing to return from an authorized sign out
- 882 While in prison, introducing, possessing, or using a cell phone, electronic/wireless communication device, or related equipment without authorization

Category B - Level 1 -15 Points

- **633** Assaulting another offender
- 704 Assaulting a staff member

Category B - Level 1 - 10 Points

- 504 Engaging in a sex act with another person(s) within the facility that is not otherwise included in these rules, except in an approved extended family visit
- 553 Setting a fire
- 560 Possessing items or materials likely to be used in an escape without authorization
- 711 Assaulting a visitor or community member
- 744 Making a bomb threat
- **884** Urinating, defecating or placing feces or urine in any location other than a toilet or authorized receptacle
- 886 Adulterating any food or drink
- **892** Giving, selling or trading any prescribed medication, or possessing another offender's prescribed medication

Category B - Level 2 -10 Points

- 505 Fighting with another offender
- 556 Refusing to submit to or cooperate in a search when ordered to do so by a staff member

- 607 Refusing to submit to a urinalysis and/or failing to provide a urine sample within the allotted time frame when ordered to do so by a staff member
- 608 Refusing or failing to submit to a breath alcohol test or other standard sobriety test when ordered to do so by a staff member
- 609 Refusing or failing to submit to testing required by policy, statute, or court order, not otherwise included in these rules, when ordered to do so by a staff member
- 652 Engaging in or inciting a group demonstration
- 655 Making any drug, alcohol, or intoxicating substance, or possessing ingredients, equipment, items, formulas, or instructions that are used in making any drug, alcohol, or intoxicating substance
- **682** Engaging in or inciting an organized work stoppage
- 707 Introducing or transferring alcohol or any intoxicating substance not otherwise included in these rules
- 716 Using an over the counter medication without authorization or failing to take prescribed medication as required when administered under supervision

- 736 Possessing, manufacturing, or introducing an unauthorized key or electronic security access device
- 750 Committing indecent exposure
- 752 Possessing, or receiving a positive test for use of, an unauthorized drug, alcohol, or intoxicating substance
- 778 Providing a urine specimen that has been diluted, substituted, or altered in any way

Category B - Level 3 - 10 Points

- 503 Extorting or blackmailing, or demanding or receiving anything of value in return for protection against others or under threat of informing
- 506 Threatening another with bodily harm or with any offense against any person or property
- **509** Refusing a direct order by any staff member to proceed to or disperse from a particular area
- **525** Violating conditions of a furlough
- 549 Providing false or misleading information during any stage of an investigation of sexual misconduct, as defined in department policy
- **558** Interfering with staff members, medical personnel, firefighters, or law enforcement personnel in the performance of their duties

- 600 Tampering with, damaging, blocking, or interfering with any locking, monitoring, or security device
- **605** Impersonating any staff member, other offender, or visitor
- 653 Causing an inaccurate count or interfering with count by means of unauthorized absence, hiding, concealing oneself, or other form of deception or distraction
- 654 Counterfeiting or forging, or altering, falsifying, or reproducing any document, article of identification, money, or security or other official paper without authorization
- 660 Possessing money, stamps, or other negotiable instruments without authorization, the total value of which is five dollars or more
- 709 Out-of-bounds: Being in another offender's cell or being in an area in the facility with one or more offenders without authorization
- 738 Possessing clothing or assigned equipment of a staff member

- 739 Possessing, transferring, or soliciting any person's identification information, including current staff members or their immediate family members, when not voluntarily given. Identification information includes Social Security numbers, home addresses, telephone numbers, driver's license numbers, medical, personnel, financial, or real estate information, bank or credit card numbers, or other like information not authorized by the superintendent
- 745 Refusing a transfer to another facility
- 746 Engaging in or inciting an organized hunger strike
- 762 Failing to complete or administrative termination from a DOSA substance abuse treatment program Note: This violation must be initiated by authorized staff and heard by a Community Corrections Hearing Officer in accordance with WAC 137-24
- 777 Causing injury to another person by resisting orders, assisted movement or physical efforts to restrain
- 813 Being in the community without authorization or being in an unauthorized location in the community
- **814** While in work/training release, violating an imposed special condition

- **879** Operating or being in a motor vehicle without permission or in an unauthorized manner or location
- **889** Using facility phones, information technology resources/systems, or related equipment without authorization

Category C - Level 1 - 5 Points

- **508** Spitting or throwing objects, materials, or substances in the direction of another person(s)
- 557 Refusing to participate in an available work, training, education or other mandatory programming assignment
- 563 Making a false fire alarm or tampering with, damaging, blocking, or interfering with fire alarms, fire extinguishers, fire hoses, fire exits, or other firefighting equipment or devices
- **610** While in prison, receiving or possessing prescribed medication without authorization

- **620** Receiving or possessing contraband during participation in off-grounds or outer perimeter activity or work detail
- 659 Committing sexual harassment against another offender, as defined in department policy
- **661** Committing sexual harassment against a staff member, visitor, or community member
- 663 Using physical force, intimidation, or coercion against any person
- **702** Possessing, manufacturing, or introducing an unauthorized tool
- 708 Organizing or participating in an unauthorized group activity or meeting
- 717 Causing a threat of injury to another person by resisting orders, assisted movement, or physical efforts to restrain
- 720 Flooding a cell or other area of the facility
- 724 Refusing a cell or housing assignment
- 734 Participating or engaging in the activities of any unauthorized club, organization, gang, or security threat group; or wearing or possessing the symbols of an unauthorized club, organization, gang or security threat group

- **810** Failing to seek/maintain employment or training or maintain oneself financially, or being terminated from a work, training, education, or other programming assignment for negative or substandard performance.
- **893** Damaging, altering, or destroying any item that results in the concealment of contraband or demonstrates the ability to conceal contraband
- 896 Harassing, using abusive language, or engaging in other offensive behavior directed to or in the presence of another person(s) or group(s) based upon race, creed, color, age, sex, national origin, religion, sexual orientation, marital status or status as a state registered domestic partner, disability, veteran's status, or genetic information
- 899 Failing to obtain prior written authorization from the sentencing court, contrary to RCW 9.94A.645, prior to commencing or engaging in any civil action against any victim or family of the victim of any serious violent crimes the offender committed

Category C - Level 2 - 5 Points

552 - Causing an innocent person to be penalized or proceeded against by providing false information

- 554 Damaging, altering, or destroying any item that is not the offenders personal property, the value of which is ten dollars or more
- 710 Acquiring an unauthorized tattoo/piercing/scar, tattooing/piercing/scarring another, or possessing tattoo/piercing/scarring paraphernalia
- 718 Using the mail, telephone, or electronic communications in violation of any law, court order, or previous written warning, direction, and/or documented disciplinary action
- 726 Telephoning, sending written or electronic communication, or otherwise initiating communication with a minor without the approval of that minor's parent or guardian

Category C - Level 3 - 5 Points

- 606 Possessing, introducing, or transferring any tobacco, tobacco products, matches, or tobacco paraphernalia
- 657 Being found guilty of four or more general violations arising out of separate incidents within a 90-day period

- 658 Failing to comply with any administrative or posthearing sanction imposed for committing any violation
- 812 Failing to report/turn in all earnings

Category D - 5 Points

- 517 Committing an act that would constitute a misdemeanor and that is not otherwise included in these rules
- **551** Providing false information to the hearings officer or on a disciplinary appeal
- **555** Stealing property, possessing stolen property, or possessing another offender's property
- 559 Gambling or possessing gambling paraphernalia
- 656 Giving, receiving, or offering any person a bribe or anything of value for an unauthorized favor or service
- 662 Soliciting goods or services for which the provider would expect payment, when the offender knows or should know that he/she lacks sufficient funds to cover the cost
- 706 Giving false information when proposing a release plan

- 714 Giving, selling, purchasing, borrowing, lending, trading, or accepting money or anything of value except through approved channels, the value of which is ten dollars or more
- 725 Telephoning or sending written or electronic communication to any offender in a correctional facility, directly or indirectly, without prior written approval of the superintendent/community corrections supervisor/designee
- **728** Possessing any sexually explicit material(s), as defined in WAC 137-48-020
- **740** Committing fraud or embezzlement, or obtaining goods, services, money, or anything of value under false pretense
- **741** Stealing food, the value of which is more than five dollars or more
- **742** Establishing a pattern of creating false emergencies by feigning illness or injury
- 755 Misusing or wasting issued supplies, goods, services, or property the replacement value of which is ten dollars or more
- 811 Entering into an unauthorized contract
- **861** Performing or taking part in an unauthorized marriage

890 - Failing to follow a medical directive and/or documented medical recommendations, resulting in injury

Numerical Order - General Violations - Prisons

- 051 Possessing money, stamps or other negotiable instruments without authorization, the total value of which is less than five dollars
- 053 Possessing anything not authorized for retention or receipt by an offender and/or not issued to an offender through approved channels
- 055 Damaging, altering, or destroying any item that is not the offender's personal property, the value of which is less than ten dollars
- 103 Failing to follow any oral/written orders, rules, or policies not otherwise included in these rules
- 104 Being absent from work or any assignment, scheduled meeting, appointment, or call out without authorization
- 105 Failing to perform a work, training, education, or other programming assignment as directed
- 202 Harassing, using abusive language, or engaging in other offensive behavior directed to, or in the presence of another person(s) or group(s)
- 203 Lying to a staff member

Numerical Order - General Violations - Prisons

- **210** Out of bounds; Being in an area where the presence of the offender is unauthorized
- 212 Using any equipment or machinery when not specifically authorized or contrary to instructions or safety standards
- 214 Interfering or failing to comply with count procedures
- 244 Displaying sexual affection with another offender
- 251 Smoking or possessing tobacco or related products/paraphernalia where prohibited
- 255 Misusing or wasting issued supplies, goods, services or property, the replacement value of which is less than ten dollars
- 301 Failing to maintain one's clothing, personal hygiene, or quarters in accordance with facility rules or policies
- **303** Using the mail, telephone, or electronic communications without authorization
- 304 Conducting/participating in unwanted written, telephone, or electronic communications with any person
- 305 Corresponding with or engaging in conduct with a visitor in violation of published or posted rules or policies
- **309** Engaging in an unauthorized display of affection with a visitor

Numerical Order - General Violations — Prisons

- 310 Pretending or failing to take prescribed medication by concealing or retaining the medication
- 351 Giving, selling, purchasing, borrowing, lending, trading, or accepting money or anything of value, except through approved channels, the value of which is less than ten dollars
- **352** Pretending to be ill or injured contrary to medical/mental health screening results
- 353 Engaging in disruptive behavior
- **354** Stealing food, the value of which is less than five dollars
- 355 Roughhousing, or engaging in horseplay or any other unauthorized physical contact with another offender(s)
- **356** Possessing an unauthorized amount of clothing, bedding, or issued supplies
- **357** Demonstrating, practicing or using martial arts, or other self-defense tactics

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- **508** Spitting or throwing objects, materials, or substances in the direction of another person(s)
- **509** Refusing a direct order by any staff member to proceed to or disperse from a particular area
- 511 Committing aggravated assault against a visitor or community member
- 517 Committing an act that would constitute a misdemeanor and that is not otherwise included in these rules
- 521 Taking or holding any person hostage
- **525** Violating conditions of a furlough
- 549 Providing false or misleading information during any stage of an investigation of sexual misconduct, as defined in department policy (DOC 490.890)

- 550 Escaping
- **551** Providing false information to the disciplinary hearings officer or on a disciplinary appeal
- **552** Causing an innocent person to be penalized or proceeded against by providing false information
- 553 Setting a fire
- 554 Damaging, altering, or destroying any item that is not the offenders personal property, the value of which is ten dollars or more
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- 651 Inciting others to riot, as defined in RCW 9.94.010
- 652 Engaging in or inciting a group demonstration

- 653 Causing an inaccurate count or interfering with count by means of unauthorized absence, hiding, concealing oneself, or other form of deception or distraction
- 654 Counterfeiting or forging, or altering, falsifying, or reproducing any document, article of identification, money, or security or other official paper without authorization
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- 656 Giving, receiving, or offering any person a bribe or anything of value for an unauthorized favor or service
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- 714 Giving, selling, purchasing, borrowing, lending, trading, or accepting money or anything of value except through approved channels, the value of which is ten dollars or more
- 716 Using an over the counter medication without authorization or failing to take prescribed medication as required when administered under supervision
- 717 Causing a threat of injury to another person by resisting orders, assisted movement, or physical efforts to restrain
- 718 Using the mail, telephone, or electronic communications in violation of any law, court order, or previous written warning, direction, and/or documented disciplinary action
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- 899 Failing to obtain prior written authorization from the sentencing court, contrary to RCW 9.94A.645, prior to commencing or engaging in any civil action against any victim or the family of the victim of any serious violent crimes the offender committed

If contraband or another violation is discovered in an area under an offender's control, such as within the confines or contents of a cell, the contraband or other violation shall be constructively attributed (i.e., cell tagged) to all offenders assigned responsibility for that area.

DOC P032 (Rev. 01/08/16)