



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON
OFFENDER MANUAL

REVISION DATE
4/6/15

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DOC 420.115

POLICY

TITLE
**SPECIAL ESCORTED LEAVE FOR FUNERALS/
DEATHBED VISITS ON TRIBAL LANDS**

REVIEW/REVISION HISTORY:

Effective: 3/1/14

Revised: 4/6/15

SUMMARY OF REVISION/REVIEW:

VII.D. - Adjusted language for clarification

APPROVED:

Signature on file

BERNARD WARNER, Secretary
Department of Corrections

3/9/15

Date Signed

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REFERENCES:

DOC 100.100 is hereby incorporated into the policy; [RCW 9.94A.030](#); [RCW 72.01.365](#); [RCW 72.01.370](#); [RCW 72.01.375](#); [RCW 72.01.380](#); [WAC 137-52](#); [DOC 390.300 Victim Services](#); DOC 400.100 Incident and Significant Event Reporting; DOC 410.020 Department Emergency Operations Center; DOC 410.040 Incident Command System (ICS); DOC 410.200 Use of Force; DOC 410.230 Use of Deadly Force; DOC 410.360 Escape Preparedness and Response; DOC 420.100 Transportation Standards

POLICY:

- I. Consistent with public and tribal community interests, the Department allows specific offenders to be considered for special escorted leaves from Prison to attend funerals and/or deathbed visits for Squaxin Island tribal members and/or on Squaxin Island tribal lands.
- II. The Department has entered into a formal intergovernmental agreement (i.e., contract) with the Squaxin Island Tribe concerning the special escorted leave of an offender per this policy.

DIRECTIVE:

- I. Requirements
 - A. Specific offenders may be granted a special escorted leave to attend a funeral and/or deathbed visit of an immediate family member on or near the Squaxin Island Reservation.
 - B. In order to be considered for a special escorted leave:
 1. The offender must be an enrolled member of the Squaxin Island Tribe, or
 2. The offender's immediate family member must be an enrolled member of the Squaxin Island Tribe.
 - C. The special escorted leave must be within Washington State.
 - D. The duration of the special escorted leave may not exceed 48 hours, including travel, unless approved in advance by the Superintendent.
- II. Approval
 - A. Special escorted leave requires Superintendent approval. The Superintendent will consider, at a minimum:

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1. Whether there is enough time to transport the offender to the funeral/ deathbed visit.
 2. Whether attendance at the funeral/deathbed visit is likely to place the offender in proximity to a person who has:
 - a. Been the victim of a criminal act committed by the offender,
 - b. Been the target of threatening behavior exhibited by the offender, and/or
 - c. An active No Contact Order in place against the offender.
 3. Whether the Squaxin Island Tribal Executive Leadership:
 - a. Accepts or declines a special escorted leave for the offender, and
 - b. Is willing or unwilling to assume temporary custody during the special escorted leave.
 4. A risk assessment that considers, at a minimum:
 - a. Current custody/housing status,
 - b. Escape history and probability to escape,
 - c. Health care needs,
 - d. Mental health,
 - e. Behavior, and
 - f. Risk to reoffend.
- B. If the Superintendent denies a request, s/he will notify the Assistant Secretary of Prisons of the reasons for the denial. The Assistant Secretary for Prisons may review the denial and make a final determination.

III. Initiating a Request

- A. To initiate a request for special escorted leave, the offender, the offender's family, or the Squaxin Island Tribal Executive Leadership will contact the Superintendent.
 1. If the Superintendent learns of the death or critical illness of an offender's immediate family member before the offender is informed, the Superintendent will ensure the offender is notified in a timely manner.
- B. The Superintendent will assign an employee to complete DOC 21-506 Special Escorted Leave Worksheet and Checklist to confirm the death or illness, that the person is the offender's immediate family member, and that either the offender or the immediate family member is an enrolled member of the Squaxin Island Tribe.

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- C. The employee will notify the offender, family, and/or Squaxin Island Tribal Executive Leadership that insufficient time to process the request may be reason for denial.

IV. Cost Requirements

- A. The offender, family, or Squaxin Island Tribal Executive Leadership will be notified of the cost requirements.
1. The offender, family, or Squaxin Island Tribal Executive Leadership is responsible for the following costs:
 - a. Mileage for special, round trip transportation between the facility where the offender is housed and the Washington Corrections Center (WCC).
 - 1) Mileage will be billed at the Office of Financial Management privately owned vehicle (POV) reimbursement rate and will include applicable toll charges, etc.
 - b. Salary and benefits for the employee(s) escorting the offender, for the duration of the trip between the facility where the offender is housed and WCC.
 - 1) Any overtime hours will be billed at time and one-half the employee's hourly rate.
 2. The Department will cover the following costs:
 - a. Mileage and employee escort costs if the offender is transferred to/ from WCC via regular transportation (i.e., chain bus).
 - b. General expenses for the offender while at WCC (e.g., housing, meals, supervision, etc.).
- B. The offender, family, or Squaxin Island Tribal Executive Leadership will complete DOC 21-503 Special Escorted Leave Reimbursement Request.
- C. An employee will provide the offender, family, and/or the Squaxin Island Tribal Executive Leadership with instructions for payment via the offender's trust account, a money order, and/or a certified check. Payment should be made before the offender's scheduled departure from the facility where s/he is housed.

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V. Notification Requirements

- A. Upon approving an offender for a special escorted leave, the Superintendent of the facility where the offender is housed will notify the WCC Superintendent.
 - 1. If the offender is victim/witness eligible, the Superintendent will also notify the Victim Services Program per DOC 390.300 Victim Services.
- B. The Superintendents/designees will determine the transportation arrangements for transferring the offender between the facilities.
- C. Once approved, the WCC Superintendent will ensure the Squaxin Island tribal law enforcement representative is notified of the special escorted leave. The notification will include:
 - 1. Custody and restraint requirements,
 - 2. Permitted attire, which will include personal clothes whenever possible,
 - 3. Any health/medical requirements,
 - 4. Approved itinerary, and
 - 5. Any additional precautions applicable.
- D. The WCC Superintendent will ensure local law enforcement (e.g., Mason County Sheriff, Shelton Police Chief, State Patrol District 8 Commander, etc.) is notified that an offender will be in the area on a special escorted leave. The notification will include the reasons for and the terms of the special escorted leave and the approved schedule.

VI. Temporary Transfer of Custody

- A. All offenders approved for a special escorted leave per this policy will be transported from WCC and transferred to the custody of Squaxin Island tribal law enforcement officers.
- B. If approved, the WCC Superintendent will authorize the temporary transfer of custody of the offender from the Department to Squaxin Island tribal law enforcement officers using DOC 21-507 Temporary Transfer of Offender Custody Between Washington State Department of Corrections and Tribal Executive Leadership.
- C. Squaxin Island tribal law enforcement officers will assume custody of the offender and escort him/her to and from Squaxin Island tribal lands and during the funeral/deathbed visit.
- D. The Squaxin Island tribal law enforcement officers will be provided a Special Escorted Leave Packet, with a copy to WCC Master Control to maintain while the

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offender is under temporary transfer of custody. The packet will contain, at a minimum, copies of:

1. This policy,
 2. The signed DOC 21-507 Temporary Transfer of Offender Custody Between Washington State Department of Corrections and Tribal Executive Leadership,
 3. The Special Escorted Leave Escape Response Emergency Checklist attached to DOC 410.360 Escape Preparedness and Response,
 4. The completed DOC 21-574 Control Card,
 5. The Intergovernmental Agreement between the Squaxin Island Tribe and the Department, including attachments,
 6. Facility direct contact information, including current facility Duty Officer, and
 7. The legal face sheet from the offender's electronic file.
- E. Once the special escorted leave is concluded, Squaxin Island tribal law enforcement officers will return the offender to WCC, which will reassume custody of the offender.
- F. All transfers of custody will be documented on DOC 21-507 Temporary Transfer of Offender Custody Between Washington State Department of Corrections and Tribal Executive Leadership.

VII. Incident/Event Response

- A. In the event an incident or significant event occurs while the offender is under the temporary custody of Squaxin Island tribal law enforcement officers, including an escape or refusal to leave tribal lands, the Department and the Squaxin Island Tribal Executive Leadership will share concurrent jurisdiction.
- B. Upon receiving notification from the Squaxin Island Tribe that an incident/event has occurred, the WCC Superintendent will activate the Incident Command Post (ICP) per DOC 410.040 Incident Command System (ICS) and notify the Assistant Secretary of Prisons per DOC 400.100 Incident and Significant Event Reporting.
- C. The Department will activate the Department Emergency Operations Center (EOC) per DOC 410.020 Department Emergency Operations Center in support of incident/event management and resolution.
- D. The Department will work cooperatively with the Squaxin Island Tribe in completing the steps outlined in the Special Escorted Leave Escape Response Emergency Checklist attached to DOC 410.360 Escape Preparedness and Response, when applicable.

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- E. Both the Department and the Squaxin Island Tribal Executive Leadership agree to provide the necessary personnel, equipment, materials, and/or services, as determined by the Incident/Unified Commander.
- F. Department employees will follow DOC 410.200 Use of Force and DOC 410.230 Use of Deadly Force while on tribal land.

DEFINITIONS:

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

ATTACHMENTS:

None

DOC FORMS:

- [DOC 21-574 Control Card](#)
- [DOC 21-503 Special Escorted Leave Reimbursement Request](#)
- [DOC 21-506 Special Escorted Leave Worksheet and Checklist](#)
- [DOC 21-507 Temporary Transfer of Offender Custody Between Washington State Department of Corrections and Tribal Executive Leadership](#)