WAC Handbook WAC 137-28-220

General Violations – Prisons Only

Serious Violations - Total and Partial Confinement Facilities

Effective Date December 1, 2023

*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



400-HA001 (Revised 12/1/2023)

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 Violations
- Policy Attachments 2 Sanctioning Guidelines

470.150 Confidential 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

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)

<u>Medical Care:</u> care conducted in a medical facility/treatment center by medical staff to treat a <u>documented</u> 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

General Violations - Prisons Only

Unauthorized possession/theft

- Possessing money, stamps or other negotiable instruments without authorization, the total value of which is less than five dollars

- Possessing anything not authorized for retention or receipt by an incarcerated individual and/or not issued to an incarcerated individual through approved channels

- Misusing or wasting issued supplies, goods, services or property, the replacement value of which is less than ten dollars

- Pretending or failing to take prescribed medication by concealing or retaining the medication

- Stealing food, the value of which is less than ten dollars

- 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 incarcerated individual'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 incarcerated individual(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 incarcerated individual 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

General Violations - Prisons Only

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

Inappropriate sexual behavior

244 - Displaying sexual affection with another incarcerated individual(s)

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 incarcerated individual

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

- Possessing, introducing or transferring any unauthorized drug or drug paraphernalia

- Committing aggravated assault against a staff member

- Committing sexual assault against a staff member

- Committing an act of sexual contact against a staff member

- Committing sexual assault against another incarcerated individual, as defined in department policy

(i.e., aggravated sexual assault or incarcerated individual on incarcerated individual, sexual assault)

- Committing sexual abuse against another incarcerated individual, as defined in department policy

650 - Rioting

651 - Inciting others to riot

- Escaping from work/training release with voluntary return within 24 hours

- While in work/training release, failing to return from an authorized sign out

- 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 incarcerated individual **704** - Assaulting a staff member

Category B - Level 1 - 10 Points

504 - Engaging in a sex act with another person(s) 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 incarcerated individual's prescribed medication

Category B - Level 2 -10 Points

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

- 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

- Refusing or failing to submit to a breath alcohol test or other standard sobriety test when ordered to do so by a staff member

- 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

- Engaging in or inciting an organized work stoppage

- 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 - Admitting use, or receiving a positive test for use of, an unauthorized drug, alcohol, or other 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, for the second s

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

- Impersonating or assuming the identity of any other person

653 - Causing an inaccurate count or interfering with count by means of unauthorized absence, hiding, concealing oneself, or other form of deception or distraction

- Counterfeiting or forging, or altering, falsifying, or reproducing any document, article of identification, money, or security or other official paper without authorization

- Possessing money, stamps, or other negotiable instruments without authorization, the total value of which is five dollars or more

- Out-of-bounds: Being in another incarcerated individual's cell or being in a restricted or out of bounds area of the facility with one or more incarcerated individuals without authorization

- 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 the DOSA program. Note: *This violation must be initiated by authorized staff and heard by a Community Corrections Hearing Officer in accordance with chapter* 137-24 WAC

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 incarcerated individual, as defined in department policy661 - 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 incarcerated individual's 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 violation812 - 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 incarcerated individual knows or should know that they lack 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 incarcerated individual in a correctional facility or partial confinement facility, directly or indirectly, without prior written approval of the superintendent/community corrections supervisor/ designee

- Possessing any sexually explicit material(s), as defined in DOC Policy 450.100

- Committing fraud or embezzlement, or obtaining goods, services, money, or anything of value under false pretense

- Stealing food, the value of which is more than ten dollars or more

- 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

- Performing or taking part in an unauthorized marriage

- 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 incarcerated individual and/or not issued to an incarcerated individual through approved channels

055 - Damaging, altering, or destroying any item that is not the incarcerated individual'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

210 - Out of bounds; Being in an area where the presence of the incarcerated individual is unauthorized

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

Numerical Order - General Violations – Prisons

- Interfering or failing to comply with count procedures

- Displaying sexual affection with another incarcerated individual

- Smoking or possessing tobacco or related products/paraphernalia where prohibited

- Misusing or wasting issued supplies, goods, services or property, the replacement value of which is less than ten dollars

- Failing to maintain one's clothing, personal hygiene, or quarters in accordance with facility rules or policies

- 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

- 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

Numerical Order - General Violations – Prisons

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 ten dollars

355 - Roughhousing, or engaging in horseplay or any other unauthorized physical contact with another incarcerated individual(s)

356 - Possessing an unauthorized amount of clothing, bedding, or issued supplies

357 - Demonstrating, practicing or using martial arts, or other self-defense tactics

Numerical Order – Serious Violations – Prisons & WR

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502 - Committing aggravated assault against another incarcerated individual

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504 - Engaging in a sex act with another person(s) that is not otherwise included in these rules, except in an approved extended family visit

505 - Fighting with another incarcerated individual

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507 - Committing an act that would constitute a felony and that is not otherwise included in these rules
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

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

- Damaging, altering, or destroying any item that is not the incarcerated individual's personal property, the value of which is ten dollars or more

- Stealing property, possessing stolen property, or possessing another incarcerated individual's property

- Refusing to submit to or cooperate in a search when ordered to do so by a staff member

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- Interfering with staff members, medical personnel, firefighters, or law enforcement personnel in the performance of their duties

559 - Gambling or possessing gambling paraphernalia **560** - Possessing items or materials likely to be used in an escape without authorization

- 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

- Tampering with, damaging, blocking, or interfering with any locking, monitoring, or security device

- Possessing, manufacturing, or introducing an explosive device or any ammunition, or any component thereof

- Possessing, manufacturing, or introducing any firearm, weapon, sharpened instrument, knife, or poison, or any component thereof

- Possessing, introducing or transferring any unauthorized drug or drug paraphernalia

- Committing aggravated assault against a staff member

- Impersonating or assuming the identity of any other person

606- Possessing, introducing or transferring any tobacco, tobacco products, matches, or tobacco paraphernalia

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- 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
610 - While in prison, receiving or possessing prescribed medication without authorization

- Committing sexual assault against a staff member

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620 - Receiving or possessing contraband during participation in off-grounds or outer perimeter activity or work detail

633 - Assaulting another incarcerated individual

635 - Committing sexual assault against another incarcerated individual, as defined in department policy (i.e., aggravated sexual assault or incarcerated individual on incarcerated individual, sexual assault)

637 - Committing sexual abuse against another incarcerated individual as defined in department policy 650 - Rioting

651 - Inciting others to riot

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

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
656 - Giving, receiving, or offering any person a bribe or anything of value for an unauthorized favor or service
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
659 - Committing sexual harassment against another incarcerated individual, as defined in department policy
660 - Possessing money, stamps, or other negotiable instruments without authorization, the total value of which is five dollars or more

661 - Committing sexual harassment against a staff member, visitor, or community member

662 - Soliciting goods or services for which the provider would expect payment, when the incarcerated individual knows or should know that they lack sufficient funds to cover the cost

663 - Using physical force, intimidation, or coercion against any person

682 - Engaging in or inciting an organized work stoppage

702 - Possessing, manufacturing, or introducing an unauthorized tool

704 - Assaulting a staff member

706 - Giving false information when proposing a release plan

707 - Introducing or transferring alcohol or any intoxicating substance not otherwise included in these rules

708 - Organizing or participating in an unauthorized group activity or meeting

709 - Out-of-bounds: Being in another incarcerated individual's cell or being in a restricted or out of bounds area of the facility with one or more incarcerated individuals without authorization

710 - Acquiring an unauthorized tattoo/piercing/scar, tattooing/piercing/scarring another, or possessing tattoo/piercing/scarring paraphernalia

711 - Assaulting a visitor or community member **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

720 - Flooding a cell or other area of the facility

724 - Refusing a cell or housing assignment

725 - Telephoning or sending written or electronic communication to any incarcerated individual in a correctional facility or partial confinement facility, directly or indirectly, without prior written approval of the superintendent/community corrections supervisor/ designee

726 - Telephoning, sending written or electronic communication, or otherwise initiating communication with a minor without the approval of that minor's parent or guardian

728 - Possessing any sexually explicit material(s), as defined in DOC Policy 450.100

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

736 - Possessing, manufacturing, or introducing an unauthorized key or electronic security access device738 - 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 infor-mation 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 **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 ten dollars or more

742 - Establishing a pattern of creating false emergencies by feigning illness or injury

744 - Making a bomb threat

745 - Refusing a transfer to another facility

746 - Engaging in or inciting an organized hunger strike

750 - Committing indecent exposure

752 - Admitting use, or receiving a positive test for use of, an unauthorized drug, alcohol, or other intoxicating substance

755 - Misusing or wasting issued supplies, goods, services, or property the replacement value of which is ten dollars or more

762- Noncompliance with the DOSA program. Note: This violation must be initiated by authorized staff and heard by a community corrections hearing officer in accordance with chapter 137-24 WAC

777 - Causing injury to another person by resisting orders, assisted movement or physical efforts to restrain778 - Providing a urine specimen that has been diluted, substituted, or altered in any way

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

811 - Entering into an unauthorized contract

812 - Failing to report/turn in all earnings

- Being in the community without authorization or being in an unauthorized location in the community

- While in work/training release, violating an imposed special condition

- Escaping from work/training release with voluntary return within 24 hours

- While in work/training release, failing to return from an authorized sign out

- Performing or taking part in an unauthorized marriage

879 - Operating or being in a motor vehicle without permission or in an unauthorized manner or location

882 - While in prison, introducing, possessing, or using a cell phone, electronic/wireless communication device, or related equipment without authorization

884 - Urinating, defecating or placing feces or urine in any location other than a toilet or authorized receptacle886 - Adulterating any food or drink

- Using facility phones, information technology resources/systems, or related equipment without authorization

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

892 - Giving, selling or trading any prescribed medication, or possessing another incarcerated individual's prescribed medication
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 the family of the victim of any serious violent crimes the incarcerated individual 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.

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400-HA001 (Rev. 12/1/23)