



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
FIELD

REVISION DATE
3/24/14

PAGE NUMBER
1 of 5

NUMBER
DOC 390.580

POLICY

TITLE
**FAMILY AND OFFENDER SENTENCING
ALTERNATIVE (FOSA)**

REVIEW/REVISION HISTORY:

Effective: 7/18/11
Revised: 2/27/12
Revised: 3/24/14

SUMMARY OF REVISION/REVIEW:

II.B. - Adjusted list of requested documents and removed form use
III.A.1.a. - Adjusted that the CCO will provide the offender a copy of the Offender Supervision Plan within 30 working days of intake
IV.B. - Adjusted that violations may be addressed through a stipulated agreement
Attachment 1 - Removed CCO contact with Family Coach and added clarifying language

APPROVED:

Signature on file

BERNARD WARNER, Secretary
Department of Corrections

2/12/14

Date Signed

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REFERENCES:

DOC 100.100 is hereby incorporated into this policy; [RCW 9.94A](#); [DOC 310.100 Intake](#); [DOC 320.010 Pre-Sentence Investigations and Risk Assessment Reports Order by the Court](#); [DOC 320.400 Risk and Needs Assessment Process](#); [DOC 320.420 Offender Supervision Plans](#); [DOC 390.600 Imposed Conditions](#); [DOC 420.380 Drug/Alcohol Testing](#); [DOC 460.130 Violations, Hearings, and Appeals](#); [DOC 550.100 Offender Grievance Program](#)

POLICY:

- I. Family and Offender Sentencing Alternative (FOSA) is an alternative to total confinement for non-violent offenders with minor children. Per RCW 9.94A, court-ordered, pre-sentence screening will be conducted for offenders being considered for the FOSA.
- II. The court will retain jurisdiction over offenders participating in the FOSA Program, and the Department will provide supervision and monitor compliance.

DIRECTIVE:

- I. Eligibility
 - A. The court may consider FOSA if the offender:
 1. Will be sentenced for an offense where the high end of the standard sentence range is greater than one year,
 2. Has no current or history of sex or violent offense felony conviction(s),
 3. Is not subject to a deportation detainer or order and will not become subject to a deportation order during the period of the sentence,
 4. Signs all release of information forms, and
 5. Has physical custody of his/her minor child(ren) or is a legal guardian or custodian with physical custody of a child(ren) under the age of 18 at the time of the current offense.
- II. Program Enrollment Consideration
 - A. When a court-ordered screening request and the signed authorizations to release information are received, the FOSA Administrator/designee will:

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1. Forward the following release forms to the Department of Social and Health Services (DSHS) Children's Administration and the assigned Community Corrections Officer (CCO):
 - a. [DSHS 17-063 Authorization](#)
 - b. DOC 02-363 Addendum To Release of Information
 - c. DOC 14-029 Chemical Dependency/Mental Health/Criminal Justice System Multi-Party Authorization for Release of Information
2. Request that the DSHS Children's Administration provide a Child Welfare History Report to the CCO and the court within 7 business days.
3. Assign a CCO to conduct a home visit and NCIC/WACIC check for all adults residing in the home during the alternative sentence.

B. The assigned CCO will complete a home visit and return all requested documents to the court, including:

1. DOC 09-173 Risk Assessment Report,
2. DOC 14-045 Chemical Dependency Drug Dependence Screen, and
3. Child Welfare History Report from the DSHS Children's Administration.

C. All documentation will be provided to the court within 30 calendar days after receiving of the court order.

III. Supervision

A. Offenders participating in the FOSA will be supervised regardless of risk level. The CCO will:

1. Complete the Offender Needs Assessment and Offender Supervision Plan per DOC 320.400 Risk and Needs Assessment Process and DOC 320.420 Offender Supervision Plans.
 - a. A copy of the signed Offender Supervision Plan will be provide to the offender within 30 working days of intake.
2. Impose conditions per DOC 390.600 Imposed Conditions that may include, but will not be limited to:
 - a. Parenting classes,
 - b. Substance abuse or mental health treatment,
 - c. Vocational training,
 - d. Offender change programs, and/or
 - e. Life skills classes.

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3. Maintain contact standards outlined in Attachment 1.
4. Provide quarterly written progress reports to the court using DOC 09-124 Court - Special, detailing the offender's progress in required programming, treatment, and other supervision conditions.

IV. Violations

A. The CCO will:

1. Report violations of the Judgment and Sentence or imposed conditions to the court, by email/phone or in person, within 3 working days of the alleged violation(s).
2. Submit DOC 09-122 Court - Notice of Violation within 10 working days of notifying the court of the alleged violation(s).

B. Violations may be addressed through a stipulated agreement.

1. The CCO will submit DOC 09-051 Court Jurisdiction Only Notice of Violations/Stipulated Agreement when the violation is sanctioned.
 - a. The court may schedule a hearing if the sanctions are unsatisfactory.

V. Court Jurisdiction

A. The court will retain jurisdiction over offenders participating in the FOSA Program. The offender may be ordered to return to court at any time during supervision to evaluate treatment progress. The court may:

1. Modify or impose conditions if it is determined that a violation(s) of the sentence or conditions occurred.
2. Revoke the offender's placement in the program and order him/her to total confinement at any time during community custody if the offender:
 - a. Violates conditions or requirements of the sentence or other Department imposed conditions, or
 - b. Fails to make satisfactory progress in treatment.

B. If the court revokes FOSA placement, the offender will only receive credit for time previously served in confinement while in the program.

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DEFINITIONS:

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

ATTACHMENTS:

[Family and Offender Sentencing Alternative \(FOSA\) Phase Requirements and Minimum Contact Standards \(Attachment 1\)](#)

DOC FORMS:

[DOC 02-363 Addendum to Release of Information](#)

[DOC 09-051 Court Jurisdiction Only Notice of Violations/Stipulated Agreement](#)

[DOC 09-122 Court - Notice of Violation](#)

[DOC 09-124 Court - Special](#)

[DOC 09-173 Risk Assessment Report](#)

[DOC 14-029 Chemical Dependency/Mental Health/Criminal Justice System Multi-Party Authorization for Release of Information](#)

[DOC 14-045 Chemical Dependency Drug Dependence Screen](#)