



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 ◊ Olympia, Washington 98504-1100

August 25, 2023

TO: Community Corrections Division
Hearings Unit

FROM: Mac B. Pevey [Signature on file]
Assistant Secretary, Community Corrections Division

Dianne K. Ashlock [Signature on file]
Senior Director of Records, Hearings, Resentence

SUBJECT: Directives for Probable Cause Requests and Determinations

On August 8, 2023, we shared that the Probable Cause (PC) review and determination will be completed by the Hearings Unit beginning August 25, 2023. Online training and in person training has been occurring across the state.

Why the change? DOC probable cause review will mirror processes and protections used by law enforcement officers and courts to determine if the agency is confining/sanctioning individuals within our legal standards. Our legal standards are to ensure a neutral/impartial party outside the chain of command of the arresting officer reviews jurisdictional/foundational documents and information about the allegations to determine probable cause for confinement/sanction. Reasonable cause remains the standard for conducting arrests/searches.

The implementation team has worked diligently to be ready for the effective date of August 25, 2023. However, updates to the impacted policies are not ready to be published.

In absence of updated policies, the specified staff are directed to take the actions outlined on the table on page 2. These directives will be reflected in the updated policies.

Position Type	Action	Impacted Policy
Community Corrections Supervisor (CCS)	<p>Will no longer complete a reasonable cause review.</p> <p>Will continue to determine willfulness related to the alleged violations and document the decision.</p>	DOC 460.130 Response to Violations and New Criminal Activity (effective 5/6/2022)
Correctional Hearings Officer (CHO)	<p>Will determine Probable Cause (PC) for alleged violations for detainees, Secretary Warrants and Stipulated Agreements within one (1) business day of the request.</p> <p>Will document the PC determination in OMNI Violator Management or OMNI Field Discipline (for Stipulated Agreements) at the time the determination is made.</p>	DOC 460.140 Hearings and Appeals (effective 8/1/2021)
Community Corrections Officer (CCO)	<p>Will document violation information, including a PC statement for each allegation in OMNI Violator Management on the same day as the arrest or issuance of Secretary Warrant.</p> <p>For Stipulated Agreements, will submit the agreement with the PC statement via email on the same date of the action.</p> <p>If PC is not found, will take appropriate action to either cancel the detainer or cancel the Secretary Warrant on the day of notification. (For Stipulated Agreements, will also notify the individual within one (1) business day that the agreement has been withdrawn.)</p>	<p>DOC 460.130 Response to Violations and New Criminal Activity (effective 5/6/2022)</p> <p>DOC 350.750 Warrants, Detainers, and Holds (effective 12/3/2021)</p>

cc: Sean Murphy
Ton Johnson, WFSE