

## Partial Confinement and Supervision

<p>What is confinement?</p>	<p>Confinement means total or partial confinement.</p>
<p>What is partial confinement?</p>	<p>Partial confinement means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government (work release for example) or if home detention or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew and a combination of work crew and home detention. RCW 9.94A.030(35), AG Advice 01/2013</p>
<p>Is Electronic Home Monitoring/Confinement partial confinement?</p>	<p>Yes. If the court imposes “electronic home confinement” or “electronic home monitoring” as an alternative to jail time and qualifies it to allow the offender to go to work and to his therapist’s office only, for example, this is partial confinement and therefore tolls the DOC community custody on the prior cause.</p>
<p>Is Home Detention partial confinement?</p>	<p>Yes. Home detention means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. This time does toll.</p>
<p>Is GPS partial confinement?</p>	<p>No. If the electronic monitoring is merely GPS monitoring without the</p>

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	<p>element of home confinement, it would not be partial confinement and therefore, it would not be subject to tolling. RCW 9.94A.171(3)</p>
<p>When do we begin supervising an offender? At the date of sentencing or at the completion of any term of confinement?</p>	<p>The condition of community custody to report to DOC becomes effective on the date the offender completes all of his confinement term. RCW 9.94A.707 (2). The one exception would be if the court expressly states that the confinement term start date is to be delayed <i>and</i> the J&amp;S contains either boilerplate language that states that the offender is to report to DOC within, e.g., 72 hours of release from custody or it states that the offender must report to the DOC during the period before the delayed start date of confinement. This time, however, would not be considered part of the community custody term. We toll this time until the completion of confinement.</p>
<p>What if the offender is sentenced but is out of custody awaiting the beginning of his/her confinement term?</p>	<p>Except as discussed above, the offender is not subject to supervision. If the offender violates, the court is the entity responsible for handling it. We toll this time until the completion of confinement.</p>
<p>If an offender is on DOC community custody and during that time gets sentenced by a municipal or district court to electronic home monitoring for a period of time, does that period toll the DOC community custody? Should DOC supervise the offender during that time?</p>	<p>If DOC is supervising the offender and during that supervision, the offender gets sentenced to electronic home confinement/detention, it does not matter what court (municipal or superior) has imposed it. If it is partial confinement, it tolls the prior cause's community custody. However, if the</p>

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	offender gets sentenced to only electronic monitoring such that he is not required to stay at home when he is not at work, this is not partial confinement. Therefore it does not toll and DOC should supervise during that time.
If DOC is tolling a term of supervision while the offender is on electronic home monitoring/detention on an unrelated cause/charge, do we continue to supervise during this time?	Yes. We will continue to supervise. If they violate their conditions during this time, we will violate them and notify the other jurisdiction of the violation behavior

cc: 380.200 Community Supervision of Offenders

380.450 Electronic Monitoring

320.160 Tolling of Supervision in the Community

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