



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON/FIELD
FACILITY/SPANISH MANUAL

REVISION DATE
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POLICY

TITLE
TOLLING OF SUPERVISION IN THE COMMUNITY

REVIEW/REVISION HISTORY:

Effective: 11/20/00	Revised: 3/10/14
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Revised: 3/3/04	Revised: 1/13/16
Revised: 8/25/04	Revised: 3/29/16
Revised: 5/7/08	Revised: 4/5/19
Revised: 5/29/09	Revised: 11/3/21
Revised: 2/22/11	Revised: 2/22/23
Revised: 4/16/12	

SUMMARY OF REVISION/REVIEW:

Attachment 1 - Added Mental Health Sentencing Alternative to Tolling Authority and Timeframes
 Policy Statement III., Directive I.A.4., I.B., II.A.2.a.3), II.A.3.a.2), II.B.2., II.E., III.A.2.a., and III.A.2.b.1) - Adjusted language for clarification
 I.A.1. & 3., I.A.7., I.D.5., I.D.7., and II.A.3.a. - Added clarifying language
 I.A.4.a. & b., I.D.9., II.A.2.a., II.A.3., II.C.1., III.A.2.b., and III.D. - Removed unnecessary language
 Added I.A.9. that the Department will toll for time in immigration custody
 II.A.2. - Adjusted Tolling Unit responsibilities
 II.C.2. - Adjusted the Violator Unit CRT responsibilities
 Added II.F. that notification will be made to the Tolling Unit to enter appropriate tolling movements when apprehension occurs out of state on a Department warrant
 Added III.A.2.b.2) that confinement tolling will end on the date the individual became available for supervision
 Removed III.A.2.c. that more information can be found in FAQs and added that the case manager will request tolling movements be removed from the electronic file
 Added III.C. that supervision will start on the date of sentence for causes sentenced to less than one year of confinement


APPROVED:

Signature on file

CHERYL STRANGE, Secretary
Department of Corrections

1/25/23

Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 9.94A.030](#); [RCW 9.94A.171](#); [RCW 10.77](#); [RCW 71.05](#); [RCW 71.09](#); DOC 280.500 Records Management for Individuals; DOC 460.130 Response to Violations and New Criminal Activity

POLICY:


- I. Individuals supervised on community placement, community supervision, and community custody status will have supervision time in the community postponed or suspended (i.e., tolled) whenever the individual escapes or absconds from supervision, is placed in confinement for any non-Department sanction matter, or is in civil commitment status.
- II. The Department will only toll sanction-only time in total confinement when the cause/count is a felony sex offense as defined in RCW 9.94A.030, including felony offenses with a finding of sexual motivation not covered by RCW 71.09.
- III. Tolling rules are applied the same when an individual is unavailable for supervision or housed in a Department facility, violator facility, or tribal/municipal/county jail.

DIRECTIVE:

- I. Tolling Authority
 - A. The Department will toll:
 1. Time an individual has willfully failed to report for supervision.
 2. Time in confinement for any non-Department sanction matter including any period an individual is held on a new criminal activity hold per DOC 460.130 Response to Violations and New Criminal Activity.
 3. Original Jail Time (OJT) imposed at sentencing on or after July 24, 1993, unless otherwise ordered by the sentencing court.
 4. Time an individual is in partial confinement in lieu of OJT including:
 - a. Work crew, if imposed at sentencing on or after July 24, 1993.
 - b. Electronic monitoring, if imposed at sentencing on or after July 24, 1993.
 5. Mental health commitments per RCW 71.05 or RCW 10.77 that are not on Less Restrictive Alternative (LRA) status.

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- a. Mental health commitment not ordered as a condition of supervision on a Department cause will extend the Scheduled End Date (SED) and Statutory Maximum Expiration date.
6. Civil commitment under RCW 71.09.
7. Misdemeanor Community Custody (MCC) on or after July 26, 2009, without a court order, including confinement time while serving OJT or sanction time.
8. Immigration and Customs Enforcement (ICE) custody.
- B. Only the court can toll time for Post Release Supervision (PRS) and community supervision cases between July 25, 1999, and March 29, 2000.
 1. The Department can toll Community Custody Inmates (CCI) cases during this time period.
- C. For the Department to toll court-ordered time, an order signed by the judge must specify the dates of tolling or delegate the authority to the Department to determine the tolling dates.
- D. The Department will not toll:
 1. From Out-of-State (FOS)
 2. Parole
 3. Probation
 4. Supervised/unsupervised appeal
 5. Misdemeanor (MIS) supervision prior to July 26, 2009, unless specifically ordered by the court
 - a. The Department can toll OJT.
 6. Monetary supervision
 7. Inpatient treatment, including OJT ordered by the court
 - a. This would not apply when the inpatient treatment is ordered in a case not under the Department's authority.
 8. Insanity acquittals (IAQ)

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9. Immigration and Customs Enforcement (ICE) deportation
10. Community Custody Board (CCB) releases
11. Aggravated Murder Juvenile Board (AMJUVBRD) and Long Term Juvenile Board (LTJUVBRD) cases
12. LRA status, including when the individual is in partial confinement at a state mental health facility
13. Individuals on active supervision who are on active military duty deployed outside the United States
14. Court-ordered community residential Drug Offender Sentencing Alternative (DOSA) treatment

II. Responsibilities

- A. When the case manager determines that an individual has become unavailable for supervision, except when serving solely on a Department sanction:
 1. The case manager will enter a “TL” Chronological Event (chrono) documenting the start date and the reason (e.g., Failure to Report, OJT, non-Department confinement).
 2. If the individual is not confined as a violator, the case manager will email notification to the Tolling Unit at docccdtollingreview@doc.wa.gov to initiate a review of tolling actions. Tolling Unit employees will:
 - a. Review the notification to determine if a tolling action is appropriate, depending on who has authority to toll per Tolling Authority and Timeframes (Attachment 1).
 - b. Start tolling in the applicable records system.
 - c. Enter a TL chrono documenting the tolling actions taken.
 3. If the individual is confined as a violator at a violator facility, the case manager will complete the Local Confinement banner, including the confinement start date and crime type/description information, on the Violator Management screen in the electronic file.
 - a. The Violator Unit Correctional Records Technician (CRT) will:

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- 1) Review the Violator Management Local Confinement auto-notification to determine applicable tolling activities and update tolling as needed on the Prison Movements screen in the electronic file.
 - 2) Enter a TL chrono documenting the tolling actions taken.
- B. When the case manager determines that an individual has become available for supervision, except when releasing from confinement solely on a Department sanction:
1. The case manager will enter a TL chrono documenting the date supervision resumed and the reason.
 2. If the individual was not confined as a violator, the case manager will email the Tolling Unit to end tolling.
 - a. Tolling Unit employees will:
 - 1) End tolling in the applicable records system.
 - 2) Ensure the accuracy of the SED and update the user-provided SED, as appropriate.
 - 3) Enter a TL chrono documenting the tolling actions taken.
- C. When the case manager determines that an individual is no longer serving non-Department confinement when confined as a violator at a violator facility:
1. The case manager will enter the confinement end date on the Local Confinement banner of the Violator Management screen in the electronic file.
 2. The Violator Unit CRT will review the Violator Management Local Confinement auto-notification to determine applicable tolling activities and:
 - a. Update entries as needed on the Prison Movements screen in the electronic file.
 - b. Enter a TL chrono providing the date local confinement ended.
 - c. Notify the Tolling Unit when there is an asterisk next to the SED.


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- D. For individuals within 60 days of cause SED and scheduled for a violation hearing, the Hearing Records Unit will email a request to the Tolling Unit to confirm the SED reflects all applicable tolling.
- E. The case manager will email a tolling review request to the Tolling Unit 60 days before the SED per DOC 280.500 Records Management for Individuals.
- F. When the Warrants Unit sends notification of apprehension out of state on a Department warrant, the Warrant Unit employee will instruct the case manager/ Community Corrections Supervisor to notify the Tolling Unit to enter appropriate tolling movements.

III. Tolling

A. Per the tolling timeframes specified in Attachment 1:

1. Non-Sanction Confinement
 - a. Tolling will begin on the first day of the non-sanction confinement and end the day of release.
2. Failure to Report (i.e., fails to make required contact and cannot be located or failed to return to Washington State when ordered)
 - a. Tolling will begin on the date the individual fails to report unless the case manager becomes aware that the individual has become unavailable for supervision prior to the scheduled report date, in which case tolling will begin on the date the case manager became aware that the individual became unavailable for supervision.
 - b. For all offenses, tolling will end on the date of apprehension if the individual is arrested and confined for the Department sanction only. If the individual is arrested and confined for a Department sanction and a non-Department sanction matter, tolling will continue until the non-Department sanction matter is resolved.
 - 1) For sex offenses, tolling for failure to report will end on the date of apprehension.
 - 2) Confinement tolling will end on the date the individual becomes available for supervision.

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- c. If the reason for tolling is later determined to not be willful, the case manager will request the tolling movements be removed from the electronic file.
- B. When an individual has multiple causes, and time is tolled for confinement on a cause that is later vacated, the time tolled on the vacated cause will remain in effect for the other active causes.
- C. For causes sentenced to less than one year of confinement, supervision will start on the date of sentence regardless of when the OJT is served.
- D. Tolling Unit CRTs will enter tolling dates, except auto-generated tolling in the Prison Movements or Sentence Information section in the electronic file.

DEFINITIONS:

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

ATTACHMENTS:

Tolling Authority and Timeframes (Attachment 1)

DOC FORMS:

None