



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON/REENTRY/FIELD
FACILITY/SPANISH MANUAL

REVISION DATE
3/17/22

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NUMBER
DOC 350.500

POLICY

TITLE
**END OF SENTENCE REVIEW/SEXUALLY VIOLENT
PREDATOR CIVIL COMMITMENT**

REVIEW/REVISION HISTORY:

- Effective: 5/15/90
- Revised: 7/1/93
- Revised: 3/15/96
- Revised: 6/28/02
- Revised: 4/15/08
- Revised: 8/4/08
- Revised: 12/21/09
- Revised: 4/20/15
- Revised: 1/1/19
- Revised: 3/7/19
- Revised: 6/11/19
- Revised: 3/17/22

SUMMARY OF REVISION/REVIEW:

Updated terminology throughout
II.A.2.a., III.B., and V.B.2.c.1) & 2) - Updated for person-centered language
II.A.1.k. - Added language for clarification


APPROVED:

Signature on file

CHERYL STRANGE, Secretary
Department of Corrections

3/7/22

Date Signed

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REFERENCES:

DOC 100.100 is hereby incorporated into this policy; [RCW 4.24.550](#); [RCW 9.94A.507](#); [RCW 9.95.140](#); [RCW 9.95.420](#); [RCW 9A.44.130](#); [RCW 10.77](#); [RCW 71.09](#); [RCW 72.09.340](#); [RCW 72.09.345](#); [WAC 137-48-020](#); DOC 350.200 Transition and Release; DOC 350.600 Law Enforcement Notification; DOC 630.590 Reentry Community Services Program

POLICY:

- I. The Department has established an End of Sentence Review Committee (ESRC) for the purpose of recommending risk levels, reviewing available release plans, and making appropriate referrals and notifications for individuals preparing for release from confinement who have been adjudicated, convicted, or found not guilty by reason of insanity or incompetent to stand trial per RCW 10.77 for:
 - A. A current sex offense or kidnapping/unlawful imprisonment offense that may require registration per RCW 9A.44.130.
 - B. A current Sexually Violent Offense (SVO) or other current offense with sexual elements/motivation when the individual has a prior SVO as defined per RCW 71.09.020 and Attachment 1.
- II. The Department has established a Law Enforcement Notification (LEN) Program per DOC 350.600 Law Enforcement Notification to notify law enforcement and other agencies before an individual is released from Department confinement.
- III. Individuals under Department jurisdiction who appear to meet Sexually Violent Predator (SVP) criteria will be identified and referred to the appropriate prosecuting authority for civil commitment consideration per RCW 71.09.

DIRECTIVE:

- I. End of Sentence Review Referrals
 - A. Case managers will make End of Sentence Review (ESR) referrals by completing DOC 05-411 End of Sentence Review Referral as follows:
 1. Individuals will be referred 24 months before their Earned Release Date (ERD).
 - a. Only one referral is required for each term of confinement for Community Custody Board (CCB) individuals. CCB revokes will require a new referral on the first term of the new confinement.
 2. Immediate referral will be made for:



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- a. Individuals with less than 6 months to ERD upon admission to a Reception Diagnostic Center,
 - b. Individuals with less than 24 months to ERD,
 - c. Pre-Sentencing Reform Act (PAR) individuals before a .100 hearing, and
 - d. Long Term Juvenile Board (LTJUVBRD) individuals who have a petition accepted by the Indeterminate Sentence Review Board (Board).
3. The ESR section of the General Status screen will be completed in the individual's electronic file by updating Status, Reviewer, and Review Date.
- B. LEN Program employees who initiate an ESR referral will update the General Status screen.
- C. Employees will forward any new information that becomes available after the initial ESR referral is emailed to the [DOC EOSR](#) shared mailbox, including:
1. Sexual misconduct or infractions, including alleged or attempted sexual offenses and/or threats to sexually reoffend,
 2. Possession of inappropriate items that may relate to sexual deviancy (e.g., sexual letters, drawings, photographs, magazines, sexually explicit materials as defined per WAC 137-48-020),
 3. Disclosure of previously unreported victims,
 4. Change in status relating to treatment programs,
 5. Violation of protective/no-contact order,
 6. Acts or threats of violence, and/or
 7. Psychological/psychiatric reports.
- D. Upon request from an LEN Program records employee, the most recent Community Corrections Officer (CCO) will submit the ESR referral for individuals serving a Community Custody Prison (CCP) return/revoke in a violator facility. The CCO will ensure the following information is in the electronic imaging file:
1. Notice of Violation/Arrest,
 2. Stipulated Agreements,
 3. Treatment reports/notes,
 4. Polygraphs, and
 5. Investigative reports from law enforcement or the Washington State Department of Children, Youth, and Families (DCYF) not yet scanned into the electronic imaging file.



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- E. An LEN Program employee will enter an ESR Referral Received at ESRC check date in the electronic file, which will update the General Status screen to “Referral Received”.
- F. LEN Program records employees will:
 - 1. Review referral packets, determine if additional information is needed, and update the Sex/Kidnap Registration screen in the electronic file.
 - a. If additional information is needed, the employee will make at least 2 attempts to retrieve it unless documentation is received from the agency of record that the information is no longer available.
 - 2. Prioritize/assign files for the LEN Program.
- G. In the event an emergency ESR is required within 35 days of a CCB individual’s planned release date, the assigned LEN Program employee will notify the Board of the scheduled review date and any significant changes to the actuarial risk assessments.

II. Preparation for End of Sentence Review

- A. The assigned LEN Program Specialist will:
 - 1. Review the available documents and prepare a detailed draft file review narrative, including:
 - a. A summary of the current offense
 - b. Sex offense history
 - c. Other criminal history
 - d. Psychological history
 - e. Treatment history
 - f. Infractions during current incarceration
 - g. Education/Employment history
 - h. Adolescent conduct problems
 - i. Relationship history
 - j. Potential additional/modified conditions of community custody for CCB individuals
 - k. The actuarial risk assessments score using the Static 99R Coding Job Aide maintained on the Department’s internal website
 - 2. Initiate DOC 07-031 End of Sentence Review Committee Decisions for sex offenders who are required to register per RCW 9A.44.130.

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- a. Narratives for current kidnapping/unlawful imprisonment individuals with a requirement to register will only be forwarded for ESRC review when the individual also has a current sex offense, SVO, or other current offense with sexual elements/motivation and a prior SVO per Attachment 1.

III. End of Sentence Review Committee

- A. The LEN Program Manager will manage ESRC processes and procedures. Committee membership will include representatives from local law enforcement and Washington State agencies which either have jurisdiction over the release of sex offenders or are significantly impacted by their release.
- B. Unless otherwise prohibited by law, the ESRC will have access to all relevant public agency records and information relating to the individual under review. Records and information requested and obtained will only be disclosed outside the committee when authorized by law.
- C. The ESRC will review each individual under its authority before release from confinement or start of the community custody term to:
 1. Classify the individual into a recommended risk level for the purposes of public notification.
 2. Report to the Board the results of actuarial risk assessments for CCB individuals recognized by experts in the prediction of sexual dangerousness, including a prediction of the probability that the individual will engage in sex offenses if released and recommend any additional/modified conditions of community custody.
 3. Review the proposed release plan.
 4. Make appropriate referrals.
- D. Prepared cases will be prioritized for ESRC review according to the ERD, before a .100 hearing, or when a petition has been accepted by the Board.
- E. Each committee member will review the ESRC packet, which will include copies of the draft file review narrative, draft DOC 07-031 End of Sentence Review Committee Decisions, and supporting case documents.

IV. End of Sentence Review Committee Decisions

- A. The ESRC will direct LEN Program employees to:



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1. Notify the Developmental Disabilities Administration for individuals identified as intellectually disabled.
 2. Notify the DCYF of reviewed individuals who are proposing to reside in or are releasing to a residence where a minor victim (i.e., under age 18) or victim-aged child(ren) resides, or the DCYF is already involved or has a special interest.
 3. Notify the Victim Services Program of potential victims who did not have an opportunity to enroll in the program or when current substantiated threats are made.
 4. Refer cases to the Reentry Community Services Program for review and appropriate action per DOC 630.590 Reentry Community Services Program.
 5. Notify other state agencies or organizations based on their need to know necessary and relevant information.
- B. If the ESRC determines the individual appears to meet criteria for civil commitment as a SVP, the case will be referred to the ESR SVP Subcommittee.
- C. Following an ESRC review, an LEN Program employee will:
1. Document ESRC decisions and/or referral to the ESR SVP Subcommittee in the electronic file.
 2. Scan the ESRC packet to the electronic imaging file.
 3. For CCB individuals:
 - a. Approximately 45 days before a .420 hearing, prepare a letter to the Board with the results of the actuarial risk assessments, recommendations for additional/modified conditions of community custody, and any updates since the initial ESRC review.
 - b. Scan the letter to the electronic imaging file, including a redacted and un-redacted ESRC packet.
 - c. Notify the Board, case manager, and facility records employees when the packets are available for review.
 4. For PAR and JUVBRD individuals, notify the Board when the ESRC packet is available for review.

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V. End of Sentence Review Sexually Violent Predator Subcommittee

- A. Following referral to the ESR SVP Subcommittee, the LEN Program Records Supervisor will identify and request un-redacted copies of all available records and files.
- B. The ESR SVP Subcommittee will review and decide whether to recommend a Forensic Psychological Evaluation (FPE) to determine if the individual meets SVP criteria.
 - 1. An LEN Program employee will document the ESR SVP Subcommittee's decision in the electronic file as follows:
 - a. If an FPE is recommended, an ESR 71.09 SVP Civil Commitment Referral check date will be added.
 - b. If an FPE is not recommended, the ESR Referred to ESR Subcommittee check date status will be completed as "Not Determined".
 - 2. If the ESR SVP Subcommittee has determined that the individual appears to meet the definition of an SVP:
 - a. The individual will not be assigned a less restrictive custody than Minimum Custody MI3.
 - b. Release plans will be reviewed per DOC 350.200 Transition and Release.
 - c. An FPE will be processed and assigned for CCB individuals as follows:
 - 1) If the individual has a 5-year or 10-year statutory Max Ex date, the FPE will be initiated one year before the statutory Max Ex date. The Board may submit a request to a LEN Program employee to process the FPE before finding the individual eligible for release.
 - 2) If the individual has a statutory Max Ex date of life, the FPE will be initiated when the Board emails a request to an LEN Program employee to process the FPE before finding the individual eligible for release.

VI. Sexually Violent Predator Forensic Psychological Evaluations

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- A. When an FPE is recommended, an LEN Program employee will:
1. Organize, scan, and convert the compiled legal discovery into a PDF file and add Department batch numbering.
 2. Create and document the status of all legal discovery requests on a Master Discovery sheet for the ESRC Chair's review and signature.
 3. Print the Chronological Event (chrono) record, contact narratives, Behavior Observation Entries, and Legal Face Sheet from the electronic file.
 4. Submit the supporting referral materials and signed Master Discovery sheet to the appropriate prosecuting authority via a secured transfer site.
- B. The FPE will be assigned to an expert evaluator by the prosecuting authority.
- C. Upon notification an FPE has been assigned, an LEN Program employee will submit the assigned evaluator's FPE consent form to a designated contact person (e.g., case manager).
1. The contact person will review the consent form with the individual and ask the individual to sign and date the form, indicating willingness to participate in an FPE interview with the assigned evaluator.
 - a. If the individual agrees to participate, the LEN Program employee will provide the evaluator with directions to the appropriate facility and the contact person's name and phone number in order to make interview arrangements.
 - b. If the individual declines to participate and/or refuses to sign the consent form, the contact person will ensure the individual is informed that the evaluation will be completed without the individual's input via records review only.
 - 1) The contact person will write "Refused to Sign" on the individual's signature line, if applicable.
 2. The contact person will sign and date the consent form as the witness and return the original to the LEN Program employee.
 - a. The LEN Program employee will forward a signed copy to the prosecuting authority and assigned evaluator.

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- D. Upon receiving the completed FPE, an LEN Program employee will forward a signed copy to the prosecuting authority and ESRC Chair and enter a chrono and update the check date screens.

VII. Sexually Violent Predator Civil Commitment Referrals

- A. Individuals under Department jurisdiction who appear to meet the criteria of an SVP will be referred, in writing, to the prosecuting attorney of the county where the individual was charged and/or adjudicated.
1. The referral will be signed by the ESR Chair and submitted by a Civil Commitment Program employee and, when possible, 3 months before the anticipated release from total confinement per RCW 71.09.025.
 - a. If the most recent SVO was adjudicated in another state, the referral will be submitted to the prosecuting attorney of the county where the most recent sex offense was charged and/or adjudicated in Washington State.
 2. The original referral will be scanned into the electronic imaging file.
- B. An LEN Program employee will enter a chrono and update the check date screens on the date the referral is submitted to the appropriate prosecuting attorney.
- C. Employees will direct all questions and concerns regarding the status of an individual's civil commitment referral to an LEN Program employee. Employees will not directly contact the King County Prosecutor's Office or the Washington State Attorney General's Office.
- D. LEN Program employees will monitor release dates and movements to ensure appropriate actions are taken within allowed timeframes. All actions and completion dates will be documented in the electronic file.
- E. Once the prosecuting authority elects or declines to file a probable cause petition, an LEN Program employee will notify appropriate Department employees of the decision, enter a chrono, and update the check date screens.

VIII. Subject to Notification Upon Release

- A. When possible, the assigned LEN Program Specialist will request any additional relevant information (e.g., treatment summaries, release address, release conditions) from employees at least 30 days before an individual subject to

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notification by the ESRC/LEN Program is transferred to partial confinement or released to the community.

B. The assigned LEN Program Specialist will review the Release Plan, update the ESR file, and complete notifications.

1. The narrative notices will identify the individual, describe the criminal history, and include the ESRC's justification for recommended risk level, where applicable.

2. The narrative notice will be distributed to the following:

- a. Prosecutor's Office in the county of sex offense conviction(s)
- b. Prosecutor's Office in the county of release
- c. Sheriff's Office in the county of residence
- d. Tribal law enforcement in the county of residence
- e. Local law enforcement in the city in which the individual will reside
- f. Homicide Information Tracking System (HITS) Unit
- g. United States Department of Homeland Security
- h. Department Field Office that will supervise the individual
- i. Assigned CCO, if applicable
- j. Out-of-state assigned parole/probation officer, if approved to release to another state under the Interstate Compact
- k. Additional agencies as requested by the ESRC


C. Employees will immediately report any changes to the release date and/or Release Plan to the LEN Program Records Supervisor and the assigned LEN Program Specialist to allow amended notifications.

D. An LEN Program employee will enter a chrono and update the check date screens.

IX. Recent Overt Act Sexually Violent Predator Civil Commitment Referrals

A. Employees will immediately contact the [Civil Commitment Program](#) and discuss with their supervisor when it appears that an individual has:

1. At any time been previously adjudicated, convicted, or found not guilty by reason of insanity or incompetent to stand trial for an SVO as defined per Attachment 1, and
2. Committed any act, threat, or combination that has either caused harm of a sexually violent nature or creates a reasonable suspicion of such harm

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in the mind of an objective person who knows of the history and mental condition of the person engaging in the act/behaviors per RCW 71.09.020.

- B. The employee will forward DOC 07-021 Recent Overt Act Screening, including any supporting documentation, and document action(s) taken as a chrono.
- C. A Civil Commitment Program employee will:
 - 1. Review and request additional information as needed.
 - 2. Notify the appropriate prosecuting authority when it appears that a potential recent overt act has occurred.
 - 3. Process legal discovery and the civil commitment referral, enter a chrono, and update the check date screens.
 - a. Referrals will be submitted to the prosecuting authority where the recent overt act occurred.
- D. Once the prosecuting authority elects or declines to file a probable cause petition, a Civil Commitment Program employee will notify appropriate employees of the decision and enter a chrono.
- X. Detained Pending Sexually Violent Predator Civil Commitment Proceedings
 - A. Following release to an SVP civil commitment probable cause detainer, facility records employees will:
 - 1. Enter the Pending Civil Commitment release code on the Prison Movement screen in the electronic file on the date the individual is released from Department confinement.
 - 2. Email the Civil Commitment Program to notify of the release and whether the individual has community supervision time remaining.
 - B. When notice of release pending civil commitment proceedings is received, a Civil Commitment Program employee will:
 - 1. Gain previous and/or current causes to the Civil Commitment Program Administrator's caseload and begin tolling on the date of release from Department or jail confinement, using the Start Civil Commitment activity type on the Supervision Activities screen in the electronic file.
 - 2. Notify facility and/or Field records employees to archive files (i.e., central and previous Field).



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DEFINITIONS:

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

ATTACHMENTS:

Sexually Violent Offenses (Attachment 1)

DOC FORMS:

DOC 05-411 End of Sentence Review Referral
DOC 07-021 Recent Overt Act Screening
DOC 07-031 End of Sentence Review Committee Decisions