



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

**APPLICABILITY
FIELD**

REVISION DATE
12/3/21

PAGE NUMBER
1 of 10

NUMBER
DOC 380.370

POLICY

TITLE
**SEXUALLY VIOLENT PREDATOR/
LESS RESTRICTIVE ALTERNATIVE**

REVIEW/REVISION HISTORY:

Effective: 7/3/03
 Revised: 4/15/08
 Revised: 1/21/11
 Revised: 1/1/14
 Revised: 11/4/20
 Revised: 12/3/21

SUMMARY OF REVISION/REVIEW:

Adjusted language for alignment with SHB 5163
 II.A., II.B.5.a. & b., III.A.2., III.A.5.b. & d., III.A.7.c., III.A.12., V.A., V.A.1., VII.A.1., VII.B.1. & 2.,
 VIII.B. & D., IX.B., and X.A. - Adjusted language for clarification
 II.C.1.a., III.A.1., III.A.5.c., III.A.10.a., and VII.A. - Added clarifying language
 V.A.1. and X.C.2. & 3. - Removed unnecessary language
 Added IX.B.1. that the case manager will contact the Warrants Desk
 Added IX.C. that if probable cause exists for escape charges, the case manager will submit
 additional documentation
 Added IX.D. that the case mase manager will notify the Warrants Desk to cancel the warrant


APPROVED:

Signature on file

CHERYL STRANGE, Secretary
 Department of Corrections

11/19/21

 Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 26.50.010](#); [RCW 71.09](#); [RCW 9A.44](#); [RCW 9A.76.115](#); DOC 310.100 Intake; DOC 320.160 Tolling of Supervision in the Community; DOC 380.200 Supervision of Offenders; DOC 420.380 Drug/ Alcohol Testing; DOC 420.390 Arrest and Search; DOC 460.130 Response to Violations and New Criminal Activity

POLICY:


- I. The Department will supervise sexually violent predators released from the Department of Social and Health Services (DSHS) Special Commitment Center (SCC) to a court-ordered Less Restrictive Alternative (LRA) under RCW 71.09.096.

DIRECTIVE:

- I. General Requirements
 - A. Individuals will be supervised by the Department until granted an unconditional release by the court or returned to the SCC and the LRA order is revoked.
 1. Any non-LRA causes with remaining supervision will be supervised per the Judgment and Sentence for each cause.
 - B. The Civil Commitment Program Manager/designee will serve as the primary contact for cases that are under LRA status.
 - C. Civil Commitment Program employees will coordinate with the Attorney General's Office or King County Prosecutor's Office Sexually Violent Predator (SVP) Unit, Washington State Office of Public Defense, and the SCC to obtain information and documentation for the employee assigned to investigate and/or supervise the individual per the proposed LRA plan.
 - D. A Residential Community Transition Team (RCTT) has been established to assess and make recommendations for individuals conditionally released to an LRA.
- II. Court-Ordered Investigation
 - A. A Corrections Specialist will be assigned to complete an investigation within 60 days of the court order.
 1. If unable to complete the investigation by the deadline, the court will be notified in writing 72 hours before the due date.

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2. Changes to the proposed address, treatment plan, or treatment provider will restart the due date to 60 days.
- B. Investigations will include:
1. Reviewing current and historical information (e.g., individual's electronic file).
 2. Contacting Victim Services and DSHS victim witness liaisons to determine if there are any victim witness notification requirements.
 3. Conducting an in-person interview with the individual.
 4. Verifying the proposed residence by:
 - a. Physically visiting the residence and surrounding areas and interviewing occupants of the residence unless the proposed residence is a Secure Community Transition Facility.
 5. Confirming that the person or agency providing housing agrees, per the court order to:
 - a. Accept the individual, and
 - b. Immediately report to the court, prosecutor, case manager, and the SCC Chief Executive Officer (CEO) if the individual leaves without authorization.
 6. Contacting the designated sex offender treatment provider to ensure a treatment contract has been completed, including current rules and conditions, and verifying that the contract is signed and dated by the treatment provider and supervised individual.
 7. Identifying security systems in place (e.g., camera systems, security doors and windows, alarm systems, person onsite).
- C. The Corrections Specialist will:
1. Complete DOC 09-272 Less Restrictive Alternative Court - Special, outlining the proposed LRA and recommended conditions, and obtain approval from the Civil Commitment Program Manager/designee prior to submitting to the court.
 - a. If any requirements cannot be met by the individual, the Civil Commitment Program Manager/designee will determine next steps.

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2. Attend any court hearings that require Department representation.

III. Assignment and Supervision

- A. When the court orders an individual may be conditionally released to an LRA, a case manager will be assigned, who will:
 1. Send a request to [DOC Tolling Help](#) to end tolling on all civil commitment causes.
 2. Forward the court order to [DOC Civil Commitment](#) to gain the LRA cause in the electronic file.
 3. Complete intake per DOC 310.100 Intake, review the LRA order with the supervised individual, and complete the following:
 - a. DOC 02-353 Electronic Monitoring Contract
 - b. DOC 05-780 Global Positioning System Rules
 - c. DOC 05-781 Internet Access Rules
 - d. DOC 07-023 Registration Notification
 - e. DOC 07-024 Conditions, Requirements, and Instructions
 - f. DOC 07-033 Prohibited Contact Definitions
 - g. DOC 14-035A Less Restrictive Alternative Drug/Alcohol Testing Acknowledgment
 4. Monitor compliance through ongoing communication and coordination with the RCTT.
 5. Regularly attend scheduled meetings with the:
 - a. RCTT
 - b. Individual
 - c. Civil Commitment Program Manager/designee
 - d. SCC forensic and treatment personnel
 - e. Other community support persons
 6. Review reports submitted by the sex offender treatment provider.
 7. Conduct:
 - a. Required contact standards for high risk individuals per DOC 380.200 Supervision of Offenders.
 - b. Testing per DOC 420.380 Drug/Alcohol Testing.

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- c. Regular, unplanned searches of the individual, residence, vehicle, and/or property.
8. Use the following, as applicable for management of the individual's plans:
 - a. DOC 07-042 Weekly Planner
 - b. DOC 07-043 Trip Proposal
 - c. DOC 07-044 Travel Schedule
9. Contact the court regarding any community concerns, violations, or possible violation behavior.
10. Discuss any recommendations for additional conditions with the RCTT before documenting on DOC 09-272 Less Restrictive Alternative Court - Special.
 - a. Recommendations will be staffed with the Civil Commitment Program Manager/designee prior to submitting to the court.
11. Attend any court hearings that require Department representation.
12. Consult with the Reentry Community Services Program to ensure wrap-around support services, if applicable.

IV. Polygraph Assessments and Monitoring

- A. Polygraph assessments must be conducted by designated SCC contractors per the court order.
- B. Any member of the RCTT may request a polygraph for general maintenance and/or specific issue assessments.

V. Electronic Monitoring


- A. Individuals will release with an electronic monitoring device provided by SCC and must be worn at all times per RCW 71.09.305.
 1. The Department will monitor individuals via the Global Positioning System (GPS).
- B. The case manager will:
 1. Contact the Washington Association of Sheriffs and Police Chiefs (WASPC) if alternate electronic monitoring equipment is subsequently needed.

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2. Be trained in electronic monitoring per WASPC guidelines.

VI. Chaperones

- A. The court may appoint, or the RCTT may recommend, a chaperone be assigned to accompany and supervise an individual during community outings.
 1. A chaperone may request to withdraw from this voluntary position at any time. The case manager will notify the court and/or RCTT of any withdrawal of a chaperone.
 2. The RCTT may approve, deny, or make a change to an approved chaperone.
 - a. The supervised individual may request a court review if the individual disagrees with the RCTT's decision.
- B. The supervised individual may submit a request for a chaperone or community contact for consideration to the case manager/RCTT on DOC 07-046 Community Contact/Chaperone Proposal.
- C. The case manager will conduct an initial criminal history background check for all chaperones with subsequent checks conducted at least yearly.
 1. DOC 05-686 Chaperone/Supervisor of Contact Agreement of Responsibilities will be completed, reviewed, and signed by the supervised individual, chaperone, and the case manager.
- D. An RCTT representative will use DOC 07-025 Chaperone Orientation Certificate to conduct an orientation for each chaperone and forward to the case manager for completion.
 1. If a court-appointed chaperone was not successful in completing orientation, DOC 09-272 Less Restrictive Alternative Court - Special will be submitted to the court.
- E. A chaperone may have responsibilities terminated at any time.
 1. Reasons for termination include:
 - a. The chaperone fails to abide by the rules/expectations,
 - b. A risk to the community exists, or
 - c. The supervised individual:
 - 1) Violates conditions of the contract/safety or LRA plan,


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- 2) Commits a treatment/rule violation as determined by the RCTT, or
 - 3) Commits an illegal act that may pose a risk to anyone while chaperoned on an outing.
2. The supervised individual may appeal a termination to the RCTT within 7 business days.
 3. If termination occurs for a court-appointed chaperone, the case manager will outline the reason(s) for termination on DOC 09-272 Less Restrictive Alternative Court - Special or DOC 09-271 Less Restrictive Alternative Court - Notice of Violation, as applicable, and submit it to the court within 7 business days.


VII. Violations of Supervision

- A. The case manager will notify the court first if it is reasonably believed that a violation of the court order for conditional release to LRA has been committed, and:
 1. Investigate the alleged violation(s) and notify the court if the behavior is determined not to be a violation.
 2. Submit DOC 09-271 Less Restrictive Alternative Court - Notice of Violation or DOC 09-295 Less Restrictive Alternative - Stipulated Agreement, as applicable, and include the:
 - a. Nature of each violation,
 - b. Supporting evidence,
 - c. Overall adjustment to treatment and supervision, and
 - d. Any recommendations.
- B. If the individual is being supervised for both an LRA cause and a non-LRA cause, the violation will be addressed as follows:
 1. If the non-LRA cause is under Department jurisdiction and the violation is similar to conditions for both causes, it will be addressed as an LRA cause.
 2. If the non-LRA cause is under court jurisdiction, it will be reported to the sentencing court per DOC 460.130 Response to Violations and New Criminal Activity.

VIII. Arrest and Detention

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- A. The case manager has the authority to take an individual into custody and detain the individual if there is a reasonable belief that a violation of conditions/treatment has occurred.
 - 1. Individuals may be taken into custody and detained for care and/or treatment if it is suspected that the individual presents a danger to self or others.
 - 2. Emergent arrests will be conducted per DOC 420.390 Arrest and Search.
 - B. Before taking an individual into custody, the case manager will:
 - 1. Consult with the Civil Commitment Program Manager/designee and when possible, the RCTT to consider alternatives.
 - 2. Develop an arrest plan and obtain approval from the Civil Commitment Program Manager/designee.
 - C. Upon approval, the case manager will:
 - 1. Notify the SCC Community Programs Administrator and/or CEO of the plan to arrest and the location where the individual is being returned/detained.
 - a. The individual will be returned to the SCC, when possible. The individual may be detained in a county jail, if necessary.
 - D. The case manager will notify the following when the individual is detained:
 - 1. Registration officer in the county of residence,
 - 2. Housing provider/manager, and
 - 3. SVP Prosecuting Attorney/Assistant Attorney General and the court no later than the close of business on the next judicial day.
- IX. Absconding Supervision
- A. Upon discovering/suspicion that an individual has absconded from supervision (e.g., fails to report as directed, cannot be located), the case manager will initiate DOC 07-045 Less Restrictive Alternative Escape Procedures.
 - B. After determining that the individual has absconded, the case manager will:
 - 1. Contact the Warrants Desk for immediate entry of DOC 09-004 Secretary's Warrant - Less Restrictive Alternative.

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2. Submit DOC 09-271 Less Restrictive Alternative Court - Notice of Violation to the court no later than next business day with a recommendation to issue a warrant.
- C. If probable cause exists to arrest the individual for felony SVP escape charges as defined per RCW 9A.76.115, the case manager will submit:
1. Probable cause and supporting documentation for arrest and detention to the local court and law enforcement.
 2. DOC 09-005 Less Restrictive Alternative - Order for Arrest and Detention to detain the individual.
- D. The case manager will email the Warrants Desk at rechqwarrants@doc1.wa.gov to cancel the Secretary's Warrant upon confirmation that the court has issued a bench warrant.
- X. Unconditional Release
- A. The Department will no longer have jurisdiction on the LRA cause if an unconditional release is granted by the court.
 - B. If there is remaining supervision required for a non-LRA cause, the Civil Commitment Unit will determine where to transfer the case based on where the individual resides.
 1. A tolling review request will be emailed to the Tolling Unit at doccdtollingreview@doc.wa.gov to initiate a review per DOC 320.160 Tolling of Supervision in the Community.
 - C. The case manager will:
 1. Direct the individual to the Field Office for closure of the cause and further instructions, if applicable.
 2. Email notification to the Tolling Unit, if applicable and there are no other non-LRA active causes.
 3. Ensure the LRA cause is closed upon notification of the tolling review being completed and there is no remaining supervision.

DEFINITIONS:

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

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ATTACHMENTS:

None

DOC FORMS:

- DOC 02-353 Electronic Monitoring Contract
- DOC 05-686 Chaperone/Supervisor of Contact Agreement of Responsibilities
- DOC 05-780 Global Positioning System Rules
- DOC 05-781 Internet Access Rules
- DOC 07-023 Registration Notification
- DOC 07-024 Conditions, Requirements, and Instructions
- DOC 07-025 Chaperone Orientation Certificate
- DOC 07-033 Prohibited Contact Definitions
- DOC 07-042 Weekly Planner
- DOC 07-043 Trip Proposal
- DOC 07-044 Travel Schedule
- DOC 07-045 Less Restrictive Alternative Escape Procedures
- DOC 07-046 Community Contact/Chaperone Proposal
- DOC 09-004 Less Restrictive Alternative - Secretary's Warrant
- DOC 09-005 Less Restrictive Alternative - Order for Arrest and Detention
- DOC 09-271 Less Restrictive Alternative Court - Notice of Violation
- DOC 09-272 Less Restrictive Alternative Court - Special
- DOC 09-295 Less Restrictive Alternative - Stipulated Agreement
- DOC 14-035A Less Restrictive Alternative Drug/Alcohol Testing Acknowledgment