



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY  
**PRISON/REENTRY/FIELD**  
FACILITY/SPANISH MANUAL

REVISION DATE  
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1 of 10

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**DOC 580.655**

## POLICY

TITLE

**DRUG SENTENCING ALTERNATIVE**

### REVIEW/REVISION HISTORY:

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### SUMMARY OF REVISION/REVIEW:


Updated title

### APPROVED:

Signature on file

\_\_\_\_\_  
**CHERYL STRANGE**, Secretary  
Department of Corrections

3/9/22  
\_\_\_\_\_  
Date Signed

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p><b>POLICY</b></p>	<b>APPLICABILITY</b> <b>PRISON/REENTRY/FIELD</b> FACILITY/SPANISH MANUAL		
	<b>REVISION DATE</b> 3/23/22	<b>PAGE NUMBER</b> 2 of 10	<b>NUMBER</b> <b>DOC 580.655</b>
	<b>TITLE</b> <b>DRUG SENTENCING ALTERNATIVE</b>		

## REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 9.94A](#); [WAC 137-24](#); DOC 300.380 Classification and Custody Facility Plan Review; DOC 310.150 Reception, Initial Classification, and Custody Facility Plan; DOC 380.200 Community Supervision of Offenders; DOC 380.605 Interstate Compact; DOC 390.600 Imposed Conditions; DOC 460.130 Response to Violations and New Criminal Activity; DOC 460.140 Hearings and Appeals; DOC 580.000 Substance Use Disorder Treatment Services

## POLICY:

- I. The Department has established procedures for the Drug Offender Sentencing Alternative (DOSA) program for individuals sentenced to DOSA per RCW 9.94A.660 to include the recommended level of care for Substance Use Disorder (SUD) treatment within available resources.
- II. An individual is considered an active participant in the DOSA program:
  - A. During total/partial confinement while serving the DOSA sentence or when a past or future DOSA sentence is served during that confinement period, and
  - B. While in the community during the time the DOSA community custody cause is being served.

## DIRECTIVE:

- I. General Requirements
  - A. Before sentencing, the court may order the Department to conduct a risk assessment report and/or a SUD screening report, which will be documented on DOC 09-173 Risk Assessment Report or DOC 14-045 Substance Use Disorder Pre-Screen.
  - B. Before imposing a Residential DOSA sentence, the court may order the Department to conduct a SUD examination.
    1. The individual will sign DOC 14-172 Substance Abuse Recovery Unit Compound Release of Confidential Information at the time of the examination.
    2. The Substance Use Disorder Professional (SUDP) will complete DOC 14-179 Residential Drug Offender Sentencing Alternative Examination Report.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p><b>POLICY</b></p>	<b>APPLICABILITY</b> <b>PRISON/REENTRY/FIELD</b> FACILITY/SPANISH MANUAL		
	<b>REVISION DATE</b> 3/23/22	<b>PAGE NUMBER</b> 3 of 10	<b>NUMBER</b> <b>DOC 580.655</b>
	<b>TITLE</b> <b>DRUG SENTENCING ALTERNATIVE</b>		

- a. The SUDP will complete DOC 14-182 Drug Offender Sentencing Alternative Non-Eligibility Finding Report if the individual is not eligible per RCW 9.94A.660.

C. The sentencing court may order the individual back to court at any time per RCW 9.94A.660.

D. Individuals will be ineligible for the DOSA program if subject to a valid Immigration and Customs Enforcement (ICE) deportation/removal order.

## II. General Responsibilities

A. The case manager will:

1. Review the individual's compliance with the DOSA program and complete:

a. DOC 07-038 Drug Offender Sentencing Alternative Compliance Review:

1) When a Custody Facility Plan is initiated or updated per DOC 300.380 Classification and Custody Facility Plan Review.

2) When the individual requests to transfer out of state per DOC 380.605 Interstate Compact.


3) 45 days before the Earned Release Date (ERD).

a) Compliance will be documented in the Release Notification Status screen in the electronic file by a Correctional Program Manager (CPM)/Community Corrections Supervisor (CCS) or higher rank.

b. DOC 02-175 Three Month (M3) Review Checklist per DOC 380.200 Community Supervision of Offenders.

2. Monitor the individual's progress and compliance with treatment in coordination with the SUDP.

a. Progress will be documented in the electronic file in Treatment and EM Conditions under the Supervision Activities section for individuals on community supervision or in partial confinement receiving treatment by a community SUDP.


 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p><b>POLICY</b></p>	<b>APPLICABILITY</b> <b>PRISON/REENTRY/FIELD</b> FACILITY/SPANISH MANUAL		
	<b>REVISION DATE</b> 3/23/22	<b>PAGE NUMBER</b> 4 of 10	<b>NUMBER</b> <b>DOC 580.655</b>
	<b>TITLE</b> <b>DRUG SENTENCING ALTERNATIVE</b>		

3. Impose community supervision conditions on all active causes for Prison DOSA individuals per DOC 390.600 Imposed Conditions, if not imposed by the sentencing court:
  - a. To obey all laws,
  - b. Not use or consume alcohol, marijuana, and/or illicit drugs, and
  - c. To comply with DOC 14-042 Prison Drug Offender Sentencing Alternative Agreement.
4. Coordinate the transport of the individual to a community-based inpatient treatment facility when no other alternative is available for Residential DOSA cases.
5. Verify the individual is admitted to SUD treatment in the community.

### III. Total Confinement Prison DOSA

- A. Individuals arriving at Reception Diagnostic Centers may be screened and assessed per DOC 310.150 Reception, Initial Classification, and Custody Facility Plan and will sign DOC 14-039 Substance Use Disorder Treatment Participation Requirements and DOC 14-042 Prison Drug Offender Sentencing Alternative Agreement at the time of the SUD assessment.
- B. If the SUDP determines the SUD assessment indicates the individual is not in need of treatment, the SUDP will notify the DOSA Treatment Compliance Manager/designee.
  1. The DOSA Treatment Compliance Manager/designee will notify the Senior Records Manager, who will use DOC 09-124 Court - Special to notify the sentencing court within 10 days of receiving the decision.
- C. Case managers who become aware of mental health issues that may affect participation in treatment will notify the DOSA Treatment Compliance Manager/designee. The Substance Abuse Recovery Unit (SARU) Administrator will consult the Director of Mental Health as needed to determine the individual's ability to participate.
  1. The DOSA Treatment Compliance Manager/designee will notify the case manager of the final decision.


### IV. Residential DOSA

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p><b>POLICY</b></p>	<b>APPLICABILITY</b> <b>PRISON/REENTRY/FIELD</b> FACILITY/SPANISH MANUAL		
	<b>REVISION DATE</b> 3/23/22	<b>PAGE NUMBER</b> 5 of 10	<b>NUMBER</b> <b>DOC 580.655</b>
	<b>TITLE</b> <b>DRUG SENTENCING ALTERNATIVE</b>		


- A. The Field Administrator for the county where the residential treatment facility (e.g., therapeutic community, inpatient program) is located will designate a CCS/ designee to act as a liaison between the treatment facility and the Department.
- B. The case manager will submit DOC 09-260 Court Special - Drug Offender Sentencing Alternative to the court one week before a scheduled court hearing and provide progress information, provided by the treatment facility, while the individual is in treatment.
- C. Case managers will coordinate with the individual and treatment facility before release to community supervision to arrange necessary clean and sober housing, if appropriate.

V. Violations of the DOSA Program

- A. Violations for Residential DOSA individuals will be reported to the sentencing court per DOC 460.130 Response to Violations and New Criminal Activity.
  1. For Residential DOSA individuals subject to a valid deportation/removal order, the case manager will notify the sentencing court using DOC 09-124 Court - Special.
- B. Individuals with a Prison DOSA sentence serving total/partial confinement time are in violation of the DOSA program and will be reclassified to serve the remainder of the DOSA sentence if they fail to complete or are administratively terminated from the DOSA program.
  1. Willful violations of the DOSA program, proven by a preponderance of evidence, will result in reclassification of the sentence structure.
    - a. Failure to enter into SUD treatment as directed will be considered failure to complete the DOSA program.
    - b. An individual may be administratively terminated for treatment-related or drug-related behavior as determined by the:
      - 1) SARU for individuals in Prison.
      - 2) CCS for individuals serving partial confinement time.
    - c. Negotiated sanctions may not be used for failing to complete or being administratively terminated from SUD treatment.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p><b>POLICY</b></p>	<b>APPLICABILITY</b> <b>PRISON/REENTRY/FIELD</b> FACILITY/SPANISH MANUAL		
	<b>REVISION DATE</b> 3/23/22	<b>PAGE NUMBER</b> 6 of 10	<b>NUMBER</b> <b>DOC 580.655</b>
	<b>TITLE</b> <b>DRUG SENTENCING ALTERNATIVE</b>		

2. If the SUDP/supervisor or DOSA Treatment Compliance Manager/designee determines an individual serving the confinement portion of a DOSA sentence in Prison has violated the DOSA program:
  - a. The SUDP/supervisor or DOSA Treatment Compliance Manager/designee will:
    - 1) Complete DOC 14-044 Substance Use Disorder Discharge Summary and Continued Care Plan and/or DOC 14-197 Drug Offender Sentencing Alternative Treatment Termination Report including reasons for terminations and forward it to the DOSA Treatment Compliance Manager/designee for review,
    - 2) Notify the case manager, and
    - 3) Be available to testify at the hearing or assign a designee.
  - b. Discharge summaries and recommendations for individuals receiving services in Prison will be reviewed per DOC 580.000 Substance Use Disorder Treatment Services.
    - 1) The DOSA Treatment Compliance Manager/designee will notify the SUDP/supervisor and case manager of a decision made based on recommendations.
    - 2) If the decision is that the individual should not be terminated from SUD treatment, no hearing will be held and the individual will be retained in the DOSA program and treatment within available resources.
3. DOC 17-076 Initial Serious Infraction Report, citing a 762 violation consistent with infraction language, will be completed and forwarded to the CPM/CCS/designee for preponderance of evidence review.
  - a. DOC 17-069 Infraction Review Checklist will be completed with the report, including supporting documents and evidence, by the:
    - 1) DOSA Hearing Manager for individuals in Prison.
    - 2) Case manager for individuals serving partial confinement time.
  - b. 557 and 810 violations will not be used for individuals in violation of the DOSA program.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p><b>POLICY</b></p>	<b>APPLICABILITY</b> <b>PRISON/REENTRY/FIELD</b> FACILITY/SPANISH MANUAL		
	REVISION DATE 3/23/22	PAGE NUMBER 7 of 10	NUMBER <b>DOC 580.655</b>
	TITLE <b>DRUG SENTENCING ALTERNATIVE</b>		


C. Individuals with a Prison DOSA sentence serving community supervision on an active DOSA cause are in violation of the DOSA program and will be reclassified to serve the remainder of the DOSA sentence if they fail to complete or are administratively terminated from SUD treatment.

1. Failure to enter into SUD treatment as directed will be considered failure to complete the DOSA program.
2. Negotiated sanctions may not be used for failing to complete or being administratively terminated from SUD treatment.
3. For individuals on community custody, the case manager will report the violation per DOC 460.130 Response to Violations and New Criminal Activity.

## VI. Hearings


A. The Hearings Unit will preside over hearings for Prison DOSA individuals who are in violation of the DOSA program. Hearings will be conducted per DOC 460.140 Hearings and Appeals.

1. To prepare for the hearing, the case manager/DOSA Hearing Manager will:
  - a. In total/partial confinement, email a request to schedule a hearing to [dochearingsunit@doc1.wa.gov](mailto:dochearingsunit@doc1.wa.gov).
  - b. Compile relevant documentation, including behavioral information and/or discharge summary provided by the SARU or community treatment provider.
    - 1) When applicable, the case manager/DOSA Hearing Manager will coordinate with the case manager where the violation behavior occurred to prepare and/or gather necessary documents and arrange the scheduling of witnesses.
    - 2) SARU clinical documentation (e.g., discharge summaries, agreements) related to treatment while in Prison will be requested by emailing [docsadosarecords@doc1.wa.gov](mailto:docsadosarecords@doc1.wa.gov).
    - 3) Clinical treatment documentation related to a community-based treatment should be requested directly from the community treatment provider.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p><b>POLICY</b></p>	<p>APPLICABILITY <b>PRISON/REENTRY/FIELD</b> FACILITY/SPANISH MANUAL</p>		
	<p>REVISION DATE 3/23/22</p>	<p>PAGE NUMBER 8 of 10</p>	<p>NUMBER <b>DOC 580.655</b></p>
	<p>TITLE <b>DRUG SENTENCING ALTERNATIVE</b></p>		

2. In Prisons, the Department SUD Regional Director/supervisor/designee may attend the hearing and will be prepared to testify and respond to questions for treatment-related issues.
    - a. Participation by phone will be allowed if in-person attendance is not possible.
  3. If the individual is found not guilty or a guilty finding is reversed or vacated on appeal:
    - a. Prison individuals will be reinstated into the DOSA program and SUD treatment, within available resources, according to clinical placement by the SARU.
    - b. Individuals in partial confinement or on community custody will be directed to resume SUD treatment in the community.
  4. If the Hearing Officer determines by a preponderance of the evidence that the individual was in violation of the DOSA program, the Hearing Officer will reclassify the individual to serve the remaining portion of the DOSA sentence as follows:
    - a. All Prison DOSA causes will be reclassified for individuals in total/partial confinement who have served or will serve the confinement portion of the DOSA sentence.
    - b. All active Prison DOSA causes will be reclassified for individuals on community custody.
- B. The Hearings Unit will preside over hearings for individuals with a Prison DOSA sentence serving total/partial confinement time or community supervision on an active DOSA cause, who are subject to a valid ICE deportation/removal order per DOC 460.140 Hearings and Appeals.
1. To prepare for the hearing, the case manager will:
    - a. Email a request to [dochearingsunit@doc1.wa.gov](mailto:dochearingsunit@doc1.wa.gov) to schedule a hearing,
    - b. Compile relevant documentation, including the ICE deportation/removal order,



 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p><b>POLICY</b></p>	<b>APPLICABILITY</b> <b>PRISON/REENTRY/FIELD</b> FACILITY/SPANISH MANUAL		
	<b>REVISION DATE</b> 3/23/22	<b>PAGE NUMBER</b> 9 of 10	<b>NUMBER</b> <b>DOC 580.655</b>
	<b>TITLE</b> <b>DRUG SENTENCING ALTERNATIVE</b>		

- c. Complete and serve DOC 09-231 Notice of Allegations, Hearing, Rights, and Waiver no less than 24 hours and no more than 5 business days before the hearing to the individual with:
  - 1) DOC 09-248 Prison DOSA Deportation/Removal Order Hearing Disposition Report,
  - 2) The deportation/removal order, and
  - 3) Any other supporting evidence that will be used at the hearing.
- d. Be available to present evidence and/or testify at the hearing.

## VII. Out-of-State Transfer for DOSA Individuals

- A. Case managers will review the individual's compliance with the DOSA program using DOC 07-038 Drug Offender Sentencing Alternative Compliance Review before submitting a request to transfer out-of-state.
  1. Individuals will be responsible for any requirements of their Judgment and Sentence, including treatment.

## DEFINITIONS:

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Case Manager, Community Custody, Drug Offender Sentencing Alternative (DOSA), Substance Use Disorder. Other words/terms appearing in this policy may also be defined in the glossary.

## ATTACHMENTS:

None

## DOC FORMS:

DOC 02-175 Three Month (M3) Review Checklist  
 DOC 07-038 Drug Offender Sentencing Alternative Compliance Review  
 DOC 09-124 Court - Special  
 DOC 09-173 Risk Assessment Report  
 DOC 09-231 Notice of Allegations, Hearing, Rights, and Waiver  
 DOC 09-248 Prison DOSA Deportation/Removal Order Hearing Disposition Report  
 DOC 09-260 Court Special - Drug Offender Sentencing Alternative  
 DOC 14-039 Substance Use Disorder Treatment Participation Requirements  
 DOC 14-042 Prison Drug Offender Sentencing Alternative Agreement  
 DOC 14-044 Substance Use Disorder Discharge Summary and Continued Care Plan



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY  
**PRISON/REENTRY/FIELD**  
FACILITY/SPANISH MANUAL

REVISION DATE  
3/23/22

PAGE NUMBER  
10 of 10

NUMBER  
**DOC 580.655**

## **POLICY**

TITLE

**DRUG SENTENCING ALTERNATIVE**

DOC 14-045 Substance Use Disorder Pre-Screen

DOC 14-172 Substance Abuse Recovery Unit Compound Release of Confidential Information

DOC 14-179 Residential Drug Offender Sentencing Alternative Examination Report

DOC 14-182 Drug Offender Sentencing Alternative Non-Eligibility Finding Report

DOC 14-197 Drug Offender Sentencing Alternative Treatment Termination Report

DOC 17-069 Infraction Review Checklist

DOC 17-076 Initial Serious Infraction Report