



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

**APPLICABILITY
FIELD**

REVISION DATE
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POLICY

TITLE

COMMUNITY RESTITUTION PROGRAM

REVIEW/REVISION HISTORY:

Effective: 1/4/19
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SUMMARY OF REVISION/REVIEW:

VI.C. - Adjusted form used for notification


APPROVED:

Signature on file

STEPHEN SINCLAIR, Secretary
Department of Corrections

2/10/20

Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 72.09.100](#); [WAC 137-80](#); [DOC 280.525 Records Management](#); [DOC 390.600 Imposed Conditions](#); DOC 410.950 Emergency Management for Non-Prison Facilities and Offices (RESTRICTED); DOC 420.105 Transportation Standards for Community Corrections (RESTRICTED); [DOC 460.130 Response to Violations and New Criminal Activity](#); [DOC 700.000 Work Programs in Prisons](#); [DOC 890.000 Safety Program](#); [DOC 890.130 Job Safety Analysis, Hazard Assessments, and Personal Protective Equipment](#); [DOC 890.170 Outdoor Heat Exposure Plan](#); [26 USC 501](#); [State Administrative and Accounting Manual, Chapter 10 - Travel](#)

POLICY:


- I. The Department will provide individuals the opportunity to complete all or part of a community restitution order as ordered by the sentencing court or the Department through the Community Restitution Program (CRP), within available resources. Community restitution requirements may include:
 - A. Completion of a specified number of community restitution hours as a sanction for violation behavior or as an alternative to incarceration.
 - B. Participation in community restitution during periods when an individual is not employed or engaged in education programming.
- II. The CRP allows individuals the opportunity to repair harm to the community, develop good work habits, and expand their skills while serving the community through structured community restitution work.
 - A. Class V work crews will be subject to supervision by the Department and will operate and comply with WAC 137-80.
 - B. Community service worksites will be identified for individuals who cannot participate in a work crew.
- III. Individuals will not be paid for work activities performed through the CRP.
- IV. Individuals will not be assigned to worksite locations or assigned to perform work activities that put them in violation of their conditions of supervision.

DIRECTIVE:

- I. General Requirements
 - A. Restitution work may be provided to the following recipients:

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1. A local government (e.g., county, city/town, local school district, parks department), Federal or Washington State government agency, or federally recognized Native American tribe.
 - a. Goodwill services for these organizations require approval from the Assistant Secretary for Community Corrections.
 2. A public-benefit nonprofit organization, registered and authorized by the Internal Revenue Service (IRS) as either a 501(c)(3) charitable organization or 501(c)(4) social welfare organization.
 - a. Nonprofit organizations performing charitable or social welfare services similar to those performed by 501(c)(3) and 501(c)(4) organizations are also eligible for goodwill projects and may be approved as community service worksites.
 3. A cemetery, registered and authorized by the IRS as a 501(c)(13) cemetery company, for goodwill projects only.
- B. Recipients of restitution work must support the Department's mission of improving public safety and align with its vision of working together for safe communities.
- C. A hazard assessment is required before individuals may begin restitution work.
1. The hazard assessment will be completed as follows:
 - a. For work crew services, the recipient will complete the assessment using DOC 03-247 Hazard Assessment Certification and Personal Protective Equipment (PPE) Selection Worksheet or a similar report. Recipients may request that the Department of Labor and Industries complete the assessment at no cost.
 - b. For community service worksites, the CRP coordinator will perform the assessment using DOC 03-247 Hazard Assessment Certification and Personal Protective Equipment (PPE) Selection Worksheet.
 2. Work generally considered to be dangerous or hazardous will not be performed.
 3. If hazardous conditions or materials are found, the Department will, at its discretion:
 - a. Withdraw from the project/community service worksite,

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- b. Identify with the recipient the required Personal Protective Equipment (PPE) to mitigate the effects of the hazard(s), or
 - c. Request that the recipient remove or otherwise mitigate the hazard before services are provided.
- D. Restitution work will not be performed until the applicable written agreement, Work Project Description, if required, and hazard assessment are completed.
 - 1. Agreements will remain in effect for one year from the date of signature by the Field Administrator, unless terminated sooner.

II. Responsibilities


- A. The Assistant Secretary for Community Corrections/designee is authorized to:
 - 1. Develop or eliminate CRP services, and
 - 2. Develop alternative programming to mitigate costs, reduce daily jail population, and respond to natural disasters.
- B. Field Administrators will designate a CRP coordinator(s) to ensure orderly operation of the program.
 - 1. In offices operating work crews, the work crew manager/Community Corrections Supervisor (CCS) may also be designated as a CRP coordinator.

III. CRP Intake and Eligibility

- A. Individuals with court or Department-ordered community restitution requirements will be screened by their assigned Community Corrections Officer (CCO) using DOC 11-018 Community Restitution Program Referral and DOC 11-070 Community Restitution Program Confidential Medical Information to determine work crew eligibility.
 - 1. Reasons an individual may be unable to participate on a work crew include, but are not be limited to:
 - a. No work crew available
 - b. Physical, medical, or mental health concerns or needs
 - c. Schedule conflicts (e.g., programming, employment)
 - d. Court order specification
 - e. Criminal history
 - f. Conditions of supervision

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2. The individual will be required to sign DOC 11-072 Community Restitution Program Release of Information.
- B. For eligible individuals, the assigned CCO will forward the screening and related materials to the work crew manager/CCS/designee for work crew assignment.
 - C. For individuals ineligible to participate on a work crew, the assigned CCO will forward the screening and related materials to the CRP coordinator, who will meet with the individual to determine availability and work skills, and identify approved community service worksites suitable to the individuals' needs and abilities.
 1. The CRP coordinator will refer the individual to an approved worksite, if available.
 - a. The individual will be required to sign DOC 11-073 Community Service Worker Agreement.
 - b. The CRP coordinator will forward DOC 11-074 Referral to Community Service Worksite to the worksite, along with a copy of the individual's completed DOC 11-070 Community Restitution Program Confidential Medical Information and DOC 11-071 Community Restitution Program Confidential Criminal History Information.
 2. If a suitable worksite cannot be located, the CRP coordinator will notify the assigned CCO, who will:
 - a. For court-ordered requirements, notify the court using DOC 09-124 Court - Special, specifying that the Department lacks the resources to supervise completion of the requirements.
 - b. For Department-imposed requirements, remove the imposed condition per DOC 390.600 Imposed Conditions.
 - D. Individuals who are deemed ineligible for work crew or an approved worksite for medical reasons may be allowed to participate by obtaining medical clearance, at their own expense, using DOC 11-075 Community Service Medical Clearance. Medical clearance does not guarantee acceptance.
- IV. Class V Work Crews
- A. General Work Crew Requirements

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1. Work crews will operate under the direct supervision of a work crew manager/CCS/designee.
2. Work crews may include individuals under other jurisdictions within Washington State, provided there are agreements in effect placing the individuals on Department work crews.
 - a. The Department may charge other jurisdictions a daily rate to recover operational costs for supervision.
 - 1) Field Administrators will determine whether recovery of operational costs will be charged for section work crew operations and request final approval to develop a contract from the appropriate Regional Administrator.
 - b. Interactions with individuals under other jurisdictions will be conducted in a professional manner consistent with state law and correctional practice.
3. For each distinct work crew project, a Work Project Description will be completed by the work crew manager/CCS/designee and signed by both the recipient and Field Administrator.
 - a. For fee-based services, the Work Project Description will document the agreed upon daily rate for crew services based on duration of the project and services requested.

B. Fee Based Services


1. A Master Work Crew Agreement drafted by Contracts and Legal Affairs is required for fee-based services.
 - a. With Assistant Secretary for Community Corrections/designee approval, fee-based services may be provided under a temporary letter of agreement in urgent circumstances (e.g., emergency, natural disaster) and may remain in effect for a maximum of 30 days.
 - b. No other alternative agreements will be permitted.
2. The agreement will outline recipient costs, including:
 - a. Daily rate for work crew services provided, as outlined in the Work Project Description, payable to the Department of Corrections.

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- b. Reimbursement of the cost of workers' compensation insurance for individuals providing the services per WAC 137-80.
- c. Transportation costs, including the prevailing state mileage rate for transporting the work crew to and from the project site each day services are provided, along with any other transportation costs negotiated and defined in the Work Project Description.
- d. Equipment and other costs related to provision of the services (e.g., tools, clothing, PPE), as negotiated and defined in the Master Work Crew Agreement or Work Project Description.

C. Non-Fee Based (i.e., Goodwill) Services


- 1. Goodwill services may only be initiated/renewed after attempts to establish fee-based services are unsuccessful.
- 2. DOC 11-076 Class V Goodwill Project Agreement must be completed for goodwill services, detailing terms and conditions. Alternative agreements will not be permitted.
 - a. The signed agreement must be forwarded to Contracts and Legal Affairs within 2 days of being finalized and will supersede any previous agreement.
- 3. The work crew manager/CCS/designee will review organizations interested in receiving goodwill services.
 - a. In addition to the General Requirements, the following factors will be considered:
 - 1) Availability of sufficient resources to provide the services, including work crew.
 - 2) Ability to maintain safety and security of the individuals on the crew, crew personnel, recipients, and public.
 - 3) Project site location (e.g., distance, accessibility), logistical constraints, and Department staffing. Overtime will not be permitted for Department personnel supervising individuals performing goodwill services.
- 4. Organizations that do not qualify or cannot be accommodated will be notified their request will not be considered further.

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5. The Department will not charge organizations receiving services under a Goodwill Project Agreement for work performed, workers' compensation insurance for individuals providing the services, mileage, or other program costs.

D. Work Crew Operations

1. Each office will develop and maintain standard operating procedures for work crew operations.
 - a. Standard operating procedures require Field Administrator approval and will address, at a minimum, processes for:
 - 1) Crew size and staffing requirements,
 - 2) Monitoring daily work crew itineraries,
 - 3) Check-ins with the office at least every 3 hours for work crew supervisors operating a work crew,
 - 4) Responding to medical emergencies, and
 - 5) Responding to unplanned media presence/inquiries.
 - b. Applicable employees will be informed of approved standard operating procedures and any subsequent changes.
2. The work crew manager/CCS/designee will:
 - a. Ensure work crew supervisors are provided appropriate communication and safety equipment.
 - b. Maintain a roster of participating individuals.
 - c. Make attempts to locate a crew if they do not check in as required.
 - 1) If the work crew cannot be located within one hour of the expected check-in, the work crew manager/CCS/designee will notify the Field Administrator and seek further instruction.
 - a) If law enforcement is contacted for assistance, the work crew manager/CCS/designee will complete a report in the Incident Management Reporting System (IMRS) no later than end of shift.
 - d. Ensure records are maintained per DOC 280.525 Records Management.
3. The work crew supervisor will:

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- a. Before departing the office with a work crew:
 - 1) Provide a daily itinerary to the work crew manager/CCS/designee, and
 - 2) Ensure communication and safety equipment are operational.
- b. While supervising a work crew:
 - 1) Provide direct supervision of individuals assigned to the project, for safety and security purposes.
 - 2) Provide project supervision of the work assigned, as negotiated in the applicable written agreement.
 - 3) Maintain a daily log of activities, including:
 - a) Name of work crew supervisor
 - b) Names of individuals on the crew
 - c) DOC numbers for individuals on Department supervision, and jurisdiction for all other individuals
 - d) Recipient and project location
 - e) Date and work begin/end times
 - f) Type of service provided
 - g) Record of any injury to individuals on the crew at the project site
 - 4) Follow the standard operating procedures.
 - 5) Transport individuals on the crew to and from each project site per DOC 420.105 Transportation Standards for Community Corrections (RESTRICTED). Individuals will not provide their own transportation to and from project sites.
 - 6) Report any injuries to individuals on the crew or Department employees per DOC 890.000 Safety Program.
 - 7) Report inappropriate behavior to the supervising jurisdiction for individuals under another jurisdiction.
 - 8) If an individual walks off a crew or cannot be accounted for, make a reasonable effort to locate the individual. If the individual cannot be located and is under:

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- a) Department jurisdiction, the work crew supervisor will notify the work crew manager/CCS/designee, assigned CCO, or section Duty Officer as soon as possible, but no later than end of shift.
- b) Another jurisdiction, the work crew supervisor will notify the supervising jurisdiction as soon as possible, but no later than end of shift.


- 9) If an emergency occurs, ensure the steps in the first phases of response are completed per DOC 410.950 Emergency Management for Non-Prison Facilities and Offices (RESTRICTED).

4. Individuals assigned to a work crew will be provided:

- a. A worker orientation, including training on work safety and how to report a work-related injury per DOC 890.000 Safety Program.
- b. Necessary safety equipment and a copy of the work schedule before starting work.

V. Community Service Worksites


- A. The CRP coordinator will identify charitable/social welfare organizations and community betterment programs/projects that may be suitable community service worksites. Individuals may also recommend potential community service worksites.
 - 1. In addition to the General Requirements, worksite location (e.g., distance, accessibility) and logistical constraints (e.g., hours of operation) will also be considered.
 - 2. Worksites must not exploit community service workers. Individuals providing restitution work must not be required to perform duties that employees and/or other volunteers would not be asked to do.
 - 3. Worksites that provide services to individuals on supervision or otherwise support Department functions may be considered for approval.
- B. Organizations that do not qualify or cannot be accommodated will be notified their request will not be considered further.
- C. The CRP coordinator will work with suitable organizations to determine eligibility and complete DOC 11-077 Community Service Worksite Description.

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- D. DOC 11-019 Community Service Worksite Agreement must be completed and signed by the recipient and Field Administrator.
- E. Community restitution services will be provided to approved community service worksites at no cost. The Department will pay the cost of workers' compensation insurance for individuals completing community restitution service hours at approved community service worksites.
 - 1. The Department will not be required to provide necessary gear/equipment or to transport individuals providing community service to/from the worksite.
- F. The Department will only record and report to the court community restitution hours performed at an approved community service worksite.
- G. While an individual is assigned to perform community restitution at an approved worksite, the CRP coordinator will:
 - 1. Maintain contact with the individual and worksite to monitor completion of community restitution hours, and document the monitoring in the individual's electronic file.
 - 2. Conduct periodic visits to the worksite and investigate reported issues.
 - 3. Report any issues/violations to the assigned CCO within 3 business days of becoming aware of the issue/violation.
- H. The agreement will outline expectations of the worksite, including:
 - 1. Providing individuals a worker orientation addressing, at a minimum, work safety protocols and how to report a work-related injury.
 - 2. Supervising assigned individuals and providing supervision of the work assignment.
 - 3. Documenting and reporting any issues to the Department.
 - 4. Notifying the Department if any individual ends their assignment before completing the agreed upon community restitution hours.

VI. Failure to Complete


- A. Failure to complete court or Department-ordered community restitution requirements will be addressed per DOC 460.130 Response to Violations and New Criminal Activity.

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1. The individual will be in violation if they fail to complete the required hours by the specified completion date.
 2. If no completion date is specified, or if the requirement is to complete the hours before jurisdiction ends on the cause, the individual will be in violation if they have not completed the required hours 60 days before jurisdiction ends on the cause.
- B. If the individual is found guilty, the remaining hours will be removed from the Community Restitution Service Hours (CRSH) application as necessary.
1. For original jail time converted to community restitution hours on the Judgment and Sentence, the assigned CCO will forward a copy of the Order Modifying the sentence to the local records office.
 2. For all other community restitution hours ordered, the assigned CCO will forward a copy of the Order Modifying, Stipulated Agreement, or DOC 09-233 Hearing and Decision Summary Report to the CRP coordinator via email to update the CRSH application.
- C. If an individual has court-ordered community restitution hours not yet completed before jurisdiction ends on the cause, the CCO will notify the court using DOC 09-309 Request for Termination.

VII. Documentation

- A. Contracts and Legal Affairs will maintain Master Work Crew Agreements and related Work Project Descriptions.
- B. The CRP coordinator/designee will maintain Goodwill Project Agreements and related Work Project Descriptions, and Community Service Worksite Agreements.
- C. The CRP coordinator/designee will document:
 1. The following activities in the individual's electronic file:
 - a. Completion of CRP intake, and
 - b. Reporting instructions for CRP assignments.
 2. The following activities in the CRSH application:
 - a. Referrals made, and
 - b. Completed community restitution hours, as necessary.

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- 1) Community restitution hours worked will be applied toward sanction time first, followed by court or Department-ordered community restitution requirements.
- 2) Hours worked can only be applied to community restitution requirements on current supervision causes.

D. Each section will establish processes for tracking CRP documentation, including:

1. Centralized maintenance of completed Goodwill Project Agreements and Community Service Worksite Agreements for the section.
2. A system for tracking project start and end dates of Goodwill Project Agreements, related Work Project Descriptions, and Community Service Worksite Agreements.

DEFINITIONS:

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

ATTACHMENTS:

None

DOC FORMS:

[DOC 03-247 Hazard Assessment Certification and Personal Protective Equipment \(PPE\) Selection Worksheet](#)
[DOC 09-124 Court - Special](#)
[DOC 09-233 Hearing and Decision Summary Report](#)
[DOC 09-309 Request for Termination](#)
[DOC 11-018 Community Restitution Program Referral](#)
[DOC 11-019 Community Service Worksite Agreement](#)
[DOC 11-070 Community Restitution Program Confidential Medical Information](#)
[DOC 11-071 Community Restitution Program Confidential Criminal History Information](#)
[DOC 11-072 Community Restitution Program Release of Information](#)
[DOC 11-073 Community Service Worker Agreement](#)
[DOC 11-074 Referral to Community Service Worksite](#)
[DOC 11-075 Community Service Medical Clearance](#)
[DOC 11-076 Class V Goodwill Project Agreement](#)
[DOC 11-077 Community Service Worksite Description](#)