



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
FIELD

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POLICY

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

REVIEW/REVISION HISTORY:

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SUMMARY OF REVISION/REVIEW:

Major changes. Read carefully!


APPROVED:

Signature on file

BERNARD WARNER, Secretary
Department of Corrections

11/18/13

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](#); [DOC 350.255 Registration Notification](#)

POLICY:


- I. The Department will supervise Sexually Violent Predators (SVPs) conditionally 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.
- II. If the court grants a conditional release to LRA status, the assigned Community Corrections Officer (CCO) will provide ongoing supervision per the court order until the offender is either granted an unconditional discharge by the court or is returned to the SCC and the LRA order is revoked.

DIRECTIVE:

- I. Civil Commitment Program
 - A. The Civil Commitment Program Administrator will serve as the primary contact person/resource for cases that are under LRA investigation or supervision by the Department.
- II. LRA Investigations
 - A. The Civil Commitment Program Administrator or designee will:
 1. Assign the appropriate employee within the Civil Commitment Program based on a court order, directing the Department to investigate the proposed LRA plan and recommend conditions of release for SCC/Secure Community Transition Facility (SCTF) residents.
 2. Assist the CCO and be a resource for ongoing information and direction.
 3. Contact DSHS to determine if there are concerns regarding the proximity of the proposed residence to any victims enrolled in the DSHS Victim/Witness Notification Program and provide that information to the assigned CCO.
 4. Coordinate with the Attorney General's Office or King County Prosecutor's Office SVP Units, the Washington State Office of Public Defense, and the SCC to:

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- a. Obtain relevant information and documentation for the CCO regarding the proposed LRA. Documentation may include, but will not be limited to:
 - 1) Polygraph/plethysmograph assessments,
 - 2) Annual review reports,
 - 3) Forensic psychological evaluations,
 - 4) Treatment records, and
 - 5) Current risk assessments from the SCC.
 - b. Schedule an interagency meeting to discuss release conditions.
5. Review the LRA Investigation Report.
- B. The assigned CCO will:
1. Review the records received and identify missing and/or necessary documents.
 2. Meet with the Civil Commitment Program Administrator or designee, SCC staff, designated Sex Offender Treatment Provider, and attorneys as scheduled to review the documentation and discuss the LRA plan to establish recommended conditions.
 3. Meet with the resident at the SCC.
 4. Verify the proposed LRA geographical residence to determine if the residence provides appropriate safeguards for the community by:
 - a. Personally visiting the residence and surrounding areas and interviewing the occupants of the residence, unless the proposed residence is an SCTF.
 - b. Verifying that the assigned housing will provide the level of security required by the court.
 - c. Confirming that the person or agency providing the housing agrees, in writing, to accept the conditionally released offender and will immediately report to the court, Prosecutor, supervising CCO, and the SCC Chief Executive Officer (CEO) if the resident leaves without authorization.
 5. Contact the designated Sex Offender Treatment Provider to complete a treatment contract, including rules and conditions, and ensure the contract is signed and dated by the treatment provider and resident.

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6. Comply with LRA investigation court ordered dates, and keep the Civil Commitment Program Administrator informed of the status of the investigation.
7. Complete and submit DOC 09-241 Less Restrictive Alternative Investigation Report to the Civil Commitment Program Administrator for approval before submitting the report to the court. The CCO does not have authority to approve or deny the proposed LRA plan.
 - a. If the investigation reveals that the proposed plan satisfies the minimum requirements for conditional release per RCW 71.09.092, the CCO will provide the investigation report to the court, providing an assessment of the plan and recommendations for conditions to adequately protect the community.
 - b. If the investigation reveals that the proposed plan does not satisfy the minimum requirements for conditional release per RCW 71.09.092, the CCO will notify the court using DOC 09-272 Less Restrictive Alternative Court - Special.
8. Email or fax a copy of the investigation report to the court on the date the original is submitted.
 - a. Copies of the report will also be emailed to the:
 - 1) SVP Prosecuting Attorney/Assistant Attorney General,
 - 2) SVP Defense Attorney,
 - 3) SCC CEO,
 - 4) SCC Community Programs Administrator,
 - 5) Civil Commitment Program Administrator,
 - 6) Designated SCC representative, and
 - 7) Residential Community Transition Team (RCTT) members, which is comprised of the designated Sex Offender Treatment Provider, SCC representative, and CCO.
9. Attend any court hearings that require Department representation.

III. LRA Supervision

- A. If the court or jury determines that an LRA is suitable per RCW 71.09.092 and RCW 71.09.096, the court will order the conditional release to LRA status, and the CCO will:
 1. Review the LRA order with the resident and have him/her date and sign:

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- a. DOC 02-353 Offender Instructions - Care and Use of GPS Equipment,
 - b. DOC 05-781 Less Restrictive Alternative Internet Rules,
 - c. DOC 07-023 Registration Notification,
 - d. DOC 07-024 Conditions, Requirements, and Instructions,
 - e. DOC 07-033 Less Restrictive Alternative Prohibited Contact Definitions,
 - f. DOC 09-274 Offender Notification of Department Violation Process, and
 - g. DOC 14-035 Consent for Drug/Alcohol Testing (Field).
2. Supervise the resident at no less than a High Violent risk level classification while on active LRA supervision.
 - a. The CCO will contact the Civil Commitment Program Administrator/designee when the LRA cause needs to be gained in Offender Management Network Information (OMNI).
3. Supervise the resident and monitor compliance through:
 - a. Ongoing communication and coordination with the RCTT.
 - b. Regularly attending scheduled meetings with the RCTT, Civil Commitment Program Administrator, SCC forensic and treatment staff, resident, and other community support persons.
 - c. Thorough review of all reports submitted by the Sex Offender Treatment Provider.
 - d. Regular office visits, phone contacts, and field contacts with the resident and collateral contacts at place of residence or employment, or other approved locations in the community.
 - e. Drug/alcohol testing.
 - f. Polygraph/plethysmograph assessments.
 - g. Electronic monitoring.

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4. Attend law enforcement notification community meetings that pertain to the LRA investigation and/or resident, when possible.
5. Immediately contact the RCTT, Civil Commitment Program Administrator, CCS, and SVP Prosecuting Attorney regarding any community concerns, violations, or possible violation behavior.

B. The CCO may recommend additional conditions or modifications to the LRA order. All recommendations will be staffed with the Civil Commitment Program Administrator and should be discussed with and agreed to by the RCTT when possible.

1. Conditions cannot be imposed without the court's written approval.

C. Each resident released to an LRA will have his/her case reviewed by the court no later than one year after release, and annually thereafter until s/he is unconditionally released.

IV. Polygraph/Plethysmograph Assessments

A. Polygraph/plethysmograph assessments must be conducted by designated SCC contractors.

B. As outlined by the SCC Clinical Director, and with input from the other RCCT, the CCO will request:


1. General maintenance polygraph assessments every 6 months, and
2. Specific issue assessments as needed.

C. Plethysmograph assessments will be requested by the Sex Offender Treatment Provider and/or SCC representative.

V. Electronic Monitoring

A. SCTF residents must wear electronic monitoring devices at all times per RCW 71.09.305.

1. The SCC Community Programs Administrator will request the appropriate electronic monitoring equipment. If funds are appropriated by the legislature, DSHS will use electronic monitoring devices with Global Positioning System (GPS) capabilities.
2. The CCO will contact the Washington Association of Sheriffs and Police Chiefs (WASPC) and SCC Community Programs Administrator if alternate electronic monitoring equipment is subsequently needed.

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- B. SCTF staff will be responsible for monitoring GPS for each resident. Upon the SCC Civil Commitment Program Administrator's request, the assigned CCO may assist with electronic monitoring during a resident's community outings.
 - 1. The SCC Community Programs Administrator will ensure that SCTF residents do not depart McNeil Island without activating electronic monitoring.
- C. As court ordered, the assigned CCO will be responsible for actively monitoring for any resident not confined to an SCTF.
 - 1. When GPS or other electronic monitoring devices are used, the CCO will attend approved WASPC training sessions to ensure that the equipment is properly activated, operated, and supervised while residents are away from or residing outside of an SCTF.

VI. Community Outings

- A. During community outings, each resident must be supervised by at least one SCTF employee or other person authorized by the court and/or RCTT.
- B. The CCO will conduct a criminal background check on anyone with whom the resident would like to have contact/visitation.

VII. Use of LRA Chaperones


- A. The chaperone must supervise the resident closely (i.e., visual and auditory contact) and maintain close proximity at all times.
- B. Per the LRA Chaperone Information Guide and Training Protocol (Attachment 1), chaperones must immediately notify:
 - 1. The SCC when a resident commits any serious violation as defined in RCW 71.09.325, and
 - 2. Law enforcement when a resident commits any law violation.
- C. For prospective chaperones who are not SCTF employees, the CCO will conduct a criminal background check, and the RCTT will evaluate and determine appropriateness to act as a chaperone based on:
 - 1. Requirements outlined in the LRA Chaperone Information Guide and Training Protocol (Attachment 1).
 - 2. Acknowledgment and understanding of the resident's:

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- a. Offense pattern,
 - b. Conditions of treatment,
 - c. Supervision,
 - d. Preliminary relapse prevention plan, and
 - e. Risk factors.
3. Understanding of the dynamics of victimization,
 4. Willingness and ability to report violations or concerns to the SCC and/or law enforcement, and
 5. Willingness and ability to protect potential victims.
- D. The RCCT will provide initial training to chaperones and subsequent sessions at least once yearly.
- E. After agreeing to act as a chaperone and successfully completing the training, the CCO will provide the chaperone with a copy of the LRA order and the LRA Chaperone Information Guide and Training Protocol (Attachment 1).

VIII. LRA Violation/Modification Process

- A. All violations of the LRA court order must be reported to the court in the most expedient manner. The CCO will:
1. Contact the Civil Commitment Program Administrator for assistance with processing violations and notifying the appropriate authorities.
 2. Complete and submit DOC 09-271 Less Restrictive Alternative Court - Notice of Violation to the Civil Commitment Program Administrator for review and signature before submitting the original to the court.
 - a. The notice will outline the nature of each violation, supporting evidence, and overall adjustment to treatment and supervision, and include a recommendation.
 3. Email or fax a copy of the signed report on the date the original is submitted.
 4. Email copies of the signed report to the:
 - a. SVP Prosecuting Attorney/Assistant Attorney General,
 - b. SVP Defense Attorney,
 - c. SCC CEO,
 - d. SCC Community Programs Administrator,

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- e. RCTT, and
 - f. Civil Commitment Program Administrator.
5. Attend violation/revocation hearings and be available to testify or respond to questioning.
- B. The CCO, SVP Prosecutor, DSHS Secretary/designee, and treatment provider who submits reports per RCW 71.09.096 may petition the court for an immediate hearing to determine whether the resident's conditional release should be revoked or the terms modified if the petitioner believes the resident:
 1. Has violated or is in violation of the LRA court order, or
 2. Is in need of additional care, monitoring, supervision, or treatment.
 - C. The CCO or DSHS Secretary/designee may restrict the resident's movement in the community until the petition is determined by the court.
 1. The resident may be taken into custody if the CCO, the DSHS Secretary/designee, or a law enforcement officer reasonably believes the resident has violated or is in violation of the LRA court order.
 - a. Residents that commit a serious violation, as defined under RCW 71.09.325, must be taken into custody.
 2. If the LRA court order continues, the resident may be taken into custody if the CCO or DSHS Secretary/designee reasonably believes that the resident poses a danger to him/herself or others and is in need of additional care, monitoring, supervision, or treatment.
 - D. When possible, a decision to detain a resident should be staffed with the Civil Commitment Program Administrator and discussed and agreed to by the RCTT before taking action.
 1. The SCC Community Programs Administrator and/or CEO must be notified of the plan and the location where the resident is being returned/detained.
 - a. Every effort will be made to return the resident directly to the SCC. However, s/he may be detained in a county jail or returned to an SCTF, if necessary.
 - E. The CCO and Civil Commitment Program Administrator will ensure the following are immediately notified of a decision to detain a resident:
 1. SCC Community Programs Administrator and/or CEO,

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2. SVP Prosecuting Attorney/Assistant Attorney General,
3. RCTT,
4. SCTF Manager, when the resident is being returned to the facility, and
5. The court, no later than the close of business on the next judicial day.

F. If the court revokes a resident's LRA status, s/he will be returned to or remain at the SCC, and Department supervision will cease.

G. If the court grants continued LRA status for the resident with the same or modified conditions, the CCO will continue supervision per the court order.

H. The CCO will inform the Civil Commitment Program Administrator of the court's ruling.

IX. Absconding Supervision While on LRA

A. The CCO will immediately contact the Civil Commitment Program Administrator if a resident fails to report as directed and/or the CCO cannot locate the resident:

1. By phone,
2. Through collateral contacts, including relatives and the RCTT, or
3. By other means, including a residence visit and calls to the local hospital or jail.


B. The Civil Commitment Program Administrator will ensure the following are immediately contacted to provide information necessary for public safety and/or to get assistance with apprehension:

1. SVP Prosecuting Attorney/Assistant Attorney General,
2. Law Enforcement officials,
3. SCC CEO and Community Programs Administrator, and
4. Others as necessary, including Department Community Response Units.

C. The CCO will submit DOC 09-271 Less Restrictive Alternative Court - Notice of Violation, per the LRA Violation/Modification Process section of this policy, no later than the close of business on the next judicial day after determining that the resident has absconded. The report will recommend the court issue a warrant.

X. Unconditional Release

A. Only the resident and the DSHS Secretary may petition the court for an unconditional release. The CCO may not petition for unconditional release or a step-down modification of the current conditional court order.

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1. At the request of any party initiating a petition for release, the CCO may provide input regarding the resident's compliance with imposed conditions and considerations for public safety.
- B. The court must grant the resident an unconditional release before Department supervision will be terminated.
1. If an unconditional release is not granted, the resident will remain under Department supervision according to the court imposed conditions.

DEFINITIONS:

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

ATTACHMENTS:

[LRA Chaperone Information Guide and Training Protocol \(Attachment 1\)](#)

DOC FORMS:

- [DOC 02-353 Offender Instructions - Care and Use of GPS Equipment](#)
- [DOC 05-781 Less Restrictive Alternative Internet Rules](#)
- [DOC 07-023 Registration Notification](#)
- [DOC 07-024 Conditions, Requirements, and Instructions](#)
- [DOC 07-025 LRA Chaperone Training Completion Certificate](#)
- [DOC 07-033 Less Restrictive Alternative Prohibited Contact Definitions](#)
- [DOC 09-241 Less Restrictive Alternative Investigation Report](#)
- [DOC 09-271 Less Restrictive Alternative Court - Notice of Violation](#)
- [DOC 09-272 Less Restrictive Alternative Court - Special](#)
- [DOC 09-274 Offender Notification of Department Violation Process](#)
- [DOC 14-035 Consent for Drug/Alcohol Testing \(Field\)](#)