



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

**APPLICABILITY
FIELD**

REVISION DATE
9/13/22

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NUMBER
DOC 390.560

POLICY

**TITLE
MENTAL HEALTH SENTENCING ALTERNATIVE**

REVIEW/REVISION HISTORY:

Effective: 2/23/22

Revised: 9/13/22

SUMMARY OF REVISION/REVIEW:


I.A. - Removed unnecessary language
I.A.1.a.- Adjusted language for clarification

APPROVED:

Signature on file

CHERYL STRANGE, Secretary
Department of Corrections

9/9/22
Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 9.94A](#); DOC 310.100 Intake; DOC 350.105 Supervision Compliance Credit; DOC 350.750 Warrants, Detainers, and Holds; DOC 420.380 Drug/Alcohol Testing; DOC 460.130 Response to Violations and New Criminal Activity

POLICY:

- I. The Department will establish procedures for supervising individuals sentenced by the court to community supervision per RCW 9.94A.695 Mental Health Sentencing Alternative (MHSA).
 - A. The Department will supervise individuals sentenced under MHSA regardless of risk classification.
- II. Individuals may be eligible for compliance credit per DOC 350.105 Supervision Compliance Credit.
- III. The court may order a multidisciplinary Treatment Collaboration Team be established with other stakeholders to facilitate the success of an individual sentenced under MHSA.

DIRECTIVE:

- I. General Requirements
 - A. Before sentencing an individual to MHSA, the court may order the Department to conduct a Pre-Sentence Investigation (PSI).
 1. Pre-Sentence Investigation assignments will be conducted by the case manager and will include:
 - a. A completed DOC 09-314 Mental Health Sentencing Alternative Report.
 - b. The name and address of the treatment provider that has agreed to provide treatment for the individual.
 - c. The proposed treatment plan containing:
 - 1) Treatment provider intake and evaluation dates
 - 2) Treatment provider's individualized plan for treatment
 - 3) A psychiatric evaluation

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- d. An agreement obtained from the treatment provider stating that the provider will monitor progress and notify the Department and ordering court of any changes.
- e. DOC 14-029 Mental Health/Criminal Justice System Multi-Party Authorization for Release of Information signed by the supervised individual, the treatment provider, and any representative of the individual's medical assistance plan.
- f. A proposed monitoring plan including any of the following as applicable:
 - 1) Requirements regarding living conditions or lifestyle
 - 2) Monitoring by family members/others
 - 3) Recommended crime-related prohibitions and/or affirmative conditions


B. The sentencing court may:

1. Schedule progress hearings for evaluating the individual's progress in treatment and compliance with supervision where the case manager/designee must attend.
2. Waive Cost of Supervision (COS) fees as documented on the Judgment and Sentence.

C. Individuals may be assigned to a Special Needs Unit and/or a specialized caseload when feasible.

II. Responsibilities

- A. When an individual is sentenced to MHSA, a case manager will be assigned to complete an intake per DOC 310.100 Intake. The case manager will:
 1. Participate as part of a Treatment Collaboration Team to jointly supervise the individual and help determine appropriate intervention for treatment.
 2. If not contained in the individual's electronic file:
 - a. Obtain written agreements from the proposed treatment provider including a treatment plan.
 - b. Have the supervised individual sign DOC 14-029 Mental Health/Criminal Justice System Multi-Party Authorization for

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Release of Information and DOC 11-046 Mental Health Sentencing Alternative Agreement.

3. Complete and submit DOC 09-315 Mental Health Sentencing Alternative Progress/Termination Review:

- a. For reporting a violation(s) of non-treatment conditions, and
- b. At least 7 days before a progress or termination hearing.

4. Notify the treatment provider of any violation not related to treatment.

5. Complete required training.

6. When ordered by the sentencing court, monitor the individual for alcohol and/or or nonprescribed controlled substances per DOC 420.380 Drug/Alcohol Testing.

- B. Individuals sentenced under MHSA will be responsible for payment of required treatment.

III. Treatment Collaboration Team

- A. A Treatment Collaboration Team will be established when ordered by the court which will consist of:

1. Case manager/Community Corrections Specialist
2. Treatment provider
3. Representatives of the supervised individual as part of a medical assistance plan


- B. The case manager will consult with the Treatment Collaboration Team to:

1. Supervise the individual per the court-ordered conditions
2. Develop an individualized plan that includes treatment
3. Review and monitor an individual's treatment progress
4. Determine response to treatment-related violations
5. Provide community resources and support

IV. Violations


- A. Violations will be addressed per DOC 460.130 Response to Violations and New Criminal Activity.

1. For treatment violations, the court may:

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- a. Modify or revoke a supervised individual's sentence.
 - b. Sanction the individual for up to 60 days for each violation.
 - c. Authorize the Department to terminate community supervision on the expiration date or conduct a Department hearing.
 2. The case manager may respond independently to a treatment violation without preapproval from the Treatment Collaboration Team if the supervised individual's behaviors are:
 - a. The safety of anyone is a concern,
 - b. Treatment violations consisting of deteriorated mental health that presents a risk to the individual or anyone else and cannot be mitigated by community intervention, and/or
 - c. Alleged violations of standard conditions.
 3. For violations not related to treatment:
 - a. The case manager is encouraged, but not required to consult the Treatment Collaboration Team before addressing the violation of a standard condition.
 - b. Violators may be sanctioned by the Department for up to 15 days confinement.
- B. If individuals sentenced under MHSA do not make themselves available for supervision, a warrant will be issued/requested by the case manager per DOC 350.750 Warrants, Detainers, and Holds as follows:
 1. A Bench Warrant may be issued by the sentencing court for violations related to treatment.
 2. A Secretary's Warrant will be requested for violations not related to treatment.
- V. Scheduled End Date (SED)
 - A. The case manager will:
 1. Notify the Tolling Unit to initiate a review per DOC 320.160 Tolling of Supervision 60 days before the SED.
 2. Close the cause upon reaching the SED per DOC 350.380 Discharge and Closure of Supervision.

DEFINITIONS:

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

ATTACHMENTS:

None

DOC FORMS:

DOC 09-314 Mental Health Sentencing Alternative Report
DOC 09-315 Mental Health Sentencing Alternative Progress/Termination Review
DOC 11-046 Mental Health Sentencing Alternative Agreement
DOC 14-029 Mental Health/Criminal Justice System Multi-Party Authorization for Release of Information