REVIEW/REVISION HISTORY:

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Revised: 11/9/15
Revised: 3/29/16
Revised: 1/1/19

SUMMARY OF REVISION/REVIEW:

Major changes. Read carefully!

APPROVED:

Signature on file

STEPHEN SINCLAIR, Secretary
Department of Corrections

11/7/18 Date Signed
POLICY

INDETERMINATE SENTENCE REVIEW BOARD

REFERENCES:

DOC 100.100 is hereby incorporated into this policy; RCW 2.40.010; RCW 9.94A; RCW 9.95; RCW 72.04A; DOC 280.510 Public Disclosure of Records; DOC 320.105 Pre-Sentencing Reform Act (PAR) Hearings; DOC 320.110 Community Custody Board (CCB) Hearings; DOC 320.120 Juvenile Board Offenders; DOC 350.200 Offender Transition and Release; DOC 350.380 Discharge, Termination, and Closure of Supervision; DOC 350.500 End of Sentence Review/Sexually Violent Predator Civil Commitment; DOC 380.200 Community Supervision of Offenders; DOC 390.300 Victims Services; DOC 450.500 Language Services for Limited English Proficient (LEP) Offenders; DOC 460.130 Response to Violations and New Criminal Behavior; DOC 590.500 Legal Access for Offenders; DOC 690.400 Offenders with Disabilities; State Administrative & Accounting Manual (SAAM) 10.90.20; Records Retention Schedule

POLICY:

I. The Department has established a process to assess and supervise the following offenders under Indeterminate Sentence Review Board (Board) jurisdiction:

A. Pre-Sentencing Reform Act (PAR) offenders as defined in DOC 320.105 Pre-Sentencing Reform Act (PAR) Hearings.

B. Community Custody Board (CCB) offenders as defined in DOC 320.110 Community Custody Board (CCB) Hearings.

C. Juvenile Board (JUVBRD) offenders as defined in DOC 320.120 Juvenile Board Offenders.

DIRECTIVE:

I. Responsibilities

A. The Board will:

1. Conduct hearings and reviews pertaining to an offender’s release to the community and violation/revocation of community custody.

2. Meet monthly to discuss policy issues, communicate instructions, act on cases requiring full board consideration, and to schedule its work calendar.

3. Assist in the maintenance and updating of the offender’s electronic file in order to accurately record and retrieve data on every case processed by the Department under Board jurisdiction.

B. Victim services will be available per DOC 390.300 Victim Services.
II. Minimum Terms

A. The Board will set the minimum terms of confinement consistent with the purposes, standards, and sentencing ranges per RCW 9.94A and RCW 9.95.040.

1. The Parole Eligibility Review Date is the expiration of the minimum term set by the Board, less any earned time.

B. New minimum terms will be set when an offender is denied release to the community or within 30 days of readmission when revoked from parole/community custody.

III. Board Hearings

A. Parole/release hearings will be conducted by at least 2 members of the Board and at least one member of the Board for violation/revocation hearings.

1. Hearings will be held at the facility where the offender is housed, when possible.

   a. In Prison, the Superintendent will provide suitable quarters to conduct the hearing.

   b. If necessary, the Community Corrections Officer (CCO) will arrange to transport the offender to the location where the hearing will be held.

2. A continuance may be granted if a request is received in writing before the hearing or if issues arise at the hearing (e.g., determine offender’s mental status or competency, obtain a witness or witness statement).

3. Parole/release hearings will be reviewed and voted on by all Board members, unless a member recuses him/herself for good cause (e.g., unable to render a fair and impartial decision, unforeseen circumstances).

B. The Board will provide copies of a hearing notice, including rights and privileges, for service upon the offender before any scheduled hearing.

C. The assigned Classification Counselor (CC)/CCO is required to attend Board hearings and will:

1. Submit documents per Attachment 1 to the Board before a hearing.
2. Meet with the offender to review documents the Board will use in determining eligibility for parole/release.

3. Contact the Board at isrb@doc1.wa.gov if a language, literacy, or competency problem exists to arrange for a court-certified interpreter per DOC 450.500 Language Services for Limited English Proficient (LEP) Offenders and/or a contract attorney per DOC 590.500 Legal Access for Offenders to review documents with the offender and assist the offender at the hearing.

4. Have knowledge of the offender’s behavior, criminal history, program participation, mental health status, community support, community concerns, and progress towards meeting expectations for parole/release.

5. Be prepared to answer questions asked by the Board.

D. The Board will provide the final findings and conclusions/decision and reasons in each case to the CC/CCO, Correctional Unit Supervisor, and Department records employees.

E. The Board may schedule a hearing without a request from the Department.

IV. Violations in Prison/Work Release

A. The Superintendent/CC, CCS/CCO, or the Headquarters Community Screening Committee will immediately notify the Board with a recommendation and supporting documentation per Attachment 1 when an offender:

1. Is found eligible for parole/release, without a scheduled release date, and guilty of a serious violation,
   a. The Board will administratively review the material and make a determination to schedule a parole/release hearing on the next available docket or take no action and maintain the prior decision.

2. With a scheduled release date commits a serious violation, or
   a. The Board will administratively review the material and make a determination to suspend the release date and schedule a Monohan hearing, or take no action and maintain the prior decision.
      1) A Monohan hearing will be held to determine if there is probable cause to cancel the release date and schedule another parole/release hearing.
3. Has been found conditionally eligible for parole and there is a change to the approved Mutual Reentry Plan.

B. The Board may hold a disciplinary hearing when a PAR offender commits a serious violation per DOC 320.105 Pre-Sentencing Reform Act (PAR) Hearings.

V. Release Planning

A. The CC/CCO will develop and submit a release plan per DOC 350.200 Offender Transition and Release. The release plan will be used as a referral and investigation tool for offenders eligible for parole/release.

1. If an offender has identified more than one potential release address, only one investigation and recommendation will be submitted to the Board at a time. No other plans will be submitted until the Board has addressed the current submission.

2. The Board retains the sole authority to approve/deny the release plan.

VI. Community Supervision

A. Duration of Supervision

1. PAR offenders will be on active parole for 3 years from the date of release from Prison/Work Release or until the statutory Max Ex date is reached, whichever is first. Offenders who receive a final discharge per DOC 350.380 Discharge, Termination, and Closure of Supervision will remain on inactive parole until the statutory Max Ex date is reached.

   a. If an offender commits a new crime while on inactive parole, the Board may order an arrest per DOC 460.130 Response to Violations and New Criminal Activity.

2. CCB offenders will be on active community custody until the statutory Max Ex date.

3. The Board will set the term of community custody for JUVBRD offenders at the time of their release.

B. The assigned CCO will impose the Board Order of Conditions and Release in the continuous case management plan.

C. Offenders under Board jurisdiction will comply with contact requirements while on community supervision per DOC 380.200 Community Supervision of Offenders.
D. The CCO will respond to violations of community supervision conditions and new criminal activity per DOC 460.130 Response to Violations and New Criminal Activity.

1. A parole/community custody violation/revocation hearing, composed of fact finding and disposition, may be held to provide the offender due process.

   a. In preparation for the hearing, the CCO will:
      
      1) Contact the Attorney General's Office if there are any questions.
      
      2) Provide all discovery documents to the Board, defense attorney, if applicable, and the Attorney General's Office.
      
      3) Provide information to the Board regarding community resources available at the time of the hearing, even if the recommendation is to revoke.

   b. As a result of the hearing, the offender’s parole/community custody will be revoked or reinstated with or without additional sanctions per the Graduated Sanction/Violation Response Guide in DOC 460.130 Response to Violations and New Criminal Activity.

      1) The presiding Board member will consider the crime of conviction, violation(s) committed, risk of reoffending, and the safety of the community when determining the appropriate sanction.

      2) If revoked, the offender will be returned to Prison and referred to the End of Sentence Review Committee per DOC 350.500 End of Sentence Review/Sexually Violent Predator Civil Commitment.

VII. Attorney Privilege

A. The following offenders may be represented during Board parole/release hearings by a defense attorney:

   1. PAR offenders may be represented by an attorney at their own expense or a Department contract attorney.
2. JUVBRD offenders may be represented by an attorney at their own expense.

3. CCB and JUVBRD offenders may be represented by a Department contract attorney if the Board determines that a cognitive/mental health issue(s) prohibits the offender from participating in the hearing.

B. Offenders under Board jurisdiction for a violation/revocation hearing may be represented by a defense attorney at their own expense or by the Board contract attorney.

1. Requests for representation by a Board Contract Attorney must be submitted on DOC 09-307 Board Request for Appointment of Attorney.

C. Board contract attorneys providing representation to offenders in violation/revocation hearings will be compensated per the established contract, unless a request for excess fees is made.

1. Requests for payment will be submitted on SFA19-1A Invoice Voucher.

2. Requests for excess fees must be submitted to the Board before the expenditure of attorney time. The request must include the justification and why less time-consuming measures would not be appropriate.
   a. Requests will be processed within 5 business days from the date the request is received.

VIII. Witness Hearing Attendance

A. Witnesses subpoenaed or requested to appear by the Board at a violation/revocation hearing will be compensated per RCW 9.95.123 and RCW 2.40.010.

1. To receive compensation for witness fees and mileage reimbursement, witnesses will request approval before the hearing and complete SFA19-1A Invoice Voucher within 10 business days of the conclusion of the hearing.

2. Mileage will be calculated per State Administrative & Accounting Manual 10.90.20.

IX. Access to Board Hearing Records

A. The Board will post hearing schedules, meeting minutes, and press releases on the Department’s external website.
B. Board hearings will be recorded and maintained per the Records Retention Schedule.

1. At the conclusion of a hearing, an offender may submit a written request for a copy of the audio recording to the Board at P.O. BOX 40907, Olympia, WA 98504. The written request should include the:
   a. Offender’s name and contact information, including DOC number,
   b. Date the request was made, and
   c. Records requested.

2. In Prison, the recording will be forwarded to the law library or designated employee/contract staff for offender review.

3. The Board will not transcribe audio recordings for offenders. Deaf and hard of hearing offenders may request transcription accommodation by contacting the facility ADA Coordinator per DOC 690.400 Offenders with Disabilities.

C. Requests for Board hearing information will be submitted per DOC 280.510 Public Disclosure of Records.

DEFINITIONS:

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

ATTACHMENTS:

Documents Required for Board Hearings (Attachment 1)

DOC FORMS:

DOC 09-191 Board - Order for Arrest & Detention
DOC 09-304 Board - Rights and Privileges for Parole/Community Custody Violation/Revocation Hearings
DOC 09-306 Board - Violations Specified
DOC 09-307 Board - Request for Appointment of Attorney