



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON/REENTRY/FIELD
FACILITY/SPANISH MANUAL

REVISION DATE
10/20/21

PAGE NUMBER
1 of 8

NUMBER
DOC 320.100

POLICY

TITLE
INDETERMINATE SENTENCE REVIEW BOARD

REVIEW/REVISION HISTORY:

- Effective: 9/15/96
- Revised: 12/2/03
- Revised: 1/12/04
- Revised: 9/19/05
- Revised: 4/28/08
- Revised: 9/1/08
- Revised: 9/13/10
- Revised: 7/11/11
- Revised: 11/9/15
- Revised: 3/29/16
- Revised: 1/1/19
- Revised: 10/20/21

SUMMARY OF REVISION/REVIEW:

Updated terminology throughout
Added III.A. that Board Hearings may be held in person or virtually


APPROVED:

Signature on file

CHERYL STRANGE, Secretary
Department of Corrections

10/6/21

Date Signed

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON/REENTRY/FIELD FACILITY/SPANISH MANUAL		
	REVISION DATE 10/20/21	PAGE NUMBER 2 of 8	NUMBER DOC 320.100
	TITLE 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 Hearings; DOC 320.110 Community Custody Board Hearings; DOC 320.120 Juvenile Board; DOC 350.200 Transition and Release; DOC 350.380 Discharge and Closure of Supervision; DOC 350.500 End of Sentence Review/Sexually Violent Predator Civil Commitment; DOC 380.200 Supervision of Individuals in the Community; DOC 390.300 Victims Services; DOC 450.500 Language Services for Limited English Proficient Individuals; DOC 460.130 Response to Violations and New Criminal Activity; DOC 590.500 Legal Access for Incarcerated Individuals; DOC 690.400 Individuals 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 individuals under Indeterminate Sentence Review Board (Board) jurisdiction as one of the following:
 - A. Pre-Sentencing Reform Act (PAR) as defined in DOC 320.105 Pre-Sentencing Reform Act Hearings.
 - B. Community Custody Board (CCB) as defined in DOC 320.110 Community Custody Board Hearings.
 - C. Juvenile Board (JUVBRD) as defined in DOC 320.120 Juvenile Board.

DIRECTIVE:

- I. Responsibilities
 - A. The Board will:
 1. Conduct hearings and reviews pertaining to an individual'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 individual's electronic file 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.


 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON/REENTRY/FIELD FACILITY/SPANISH MANUAL		
	REVISION DATE 10/20/21	PAGE NUMBER 3 of 8	NUMBER DOC 320.100
	TITLE INDETERMINATE SENTENCE REVIEW BOARD		

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 individual is denied release to the community or within 30 days of readmission when revoked from parole/ community custody.

III. Board Hearings


- A. Board Hearings may be held in person or virtually.
- B. 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 individual is housed, when possible.
 - a. In Prison, the Superintendent will provide suitable quarters to conduct the hearing.
 - b. If necessary, the case manager will arrange to transport the individual 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 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 themselves for good cause (e.g., unable to render a fair and impartial decision, unforeseen circumstances).
- C. The Board will provide copies of a hearing notice, including rights and privileges, for service upon the individual before any scheduled hearing.
- D. The assigned case manager is required to attend Board hearings and will:
 1. Submit documents per Attachment 1 to the Board before a hearing.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON/REENTRY/FIELD FACILITY/SPANISH MANUAL		
	REVISION DATE 10/20/21	PAGE NUMBER 4 of 8	NUMBER DOC 320.100
	TITLE INDETERMINATE SENTENCE REVIEW BOARD		

2. Meet with the individual 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 Individuals and/or a contract attorney per DOC 590.500 Legal Access for Incarcerated Individuals to review documents with the individual and assist the individual at the hearing.
 4. Have knowledge of the individual'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.
- E. The Board will provide the final findings and conclusions/decision and reasons in each case to the case manager, Correctional Unit Supervisor, and Department records employees.
- F. The Board may schedule a hearing without a request from the Department.

IV. Violations in a Prison/Reentry Center

- A. The Superintendent/Reentry Center Community Corrections Supervisor/case manager, or the Headquarters Community Screening Committee will immediately notify the Board with a recommendation and supporting documentation per Attachment 1 when an individual:
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.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON/REENTRY/FIELD FACILITY/SPANISH MANUAL		
	REVISION DATE 10/20/21	PAGE NUMBER 5 of 8	NUMBER DOC 320.100
	TITLE INDETERMINATE SENTENCE REVIEW BOARD		

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 individual commits a serious violation per DOC 320.105 Pre-Sentencing Reform Act Hearings.

V. Release Planning

A. The case manager will develop and submit a release plan per DOC 350.200 Transition and Release. The release plan will be used as a referral and investigation tool for individuals eligible for parole/release.

1. If an individual 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 individuals will be on active parole for 3 years from the date of release from a Prison/Reentry Center or until the statutory Max Ex date is reached, whichever is first. Individuals who receive a final discharge per DOC 350.380 Discharge and Closure of Supervision will remain on inactive parole until the statutory Max Ex date is reached.

a. If an individual 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 individuals will be on active community custody until the statutory Max Ex date.

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

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

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON/REENTRY/FIELD FACILITY/SPANISH MANUAL		
	REVISION DATE 10/20/21	PAGE NUMBER 6 of 8	NUMBER DOC 320.100
	TITLE INDETERMINATE SENTENCE REVIEW BOARD		

- C. Individuals under Board jurisdiction will comply with contact requirements while on community supervision per DOC 380.200 Supervision of Individuals in the Community.
- D. The case manager 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 individual due process.
 - a. In preparation for the hearing, the case manager 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 individual'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 individual 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 individuals may be represented during Board parole/release hearings by a defense attorney:


 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON/REENTRY/FIELD FACILITY/SPANISH MANUAL		
	REVISION DATE 10/20/21	PAGE NUMBER 7 of 8	NUMBER DOC 320.100
	TITLE INDETERMINATE SENTENCE REVIEW BOARD		

1. PAR individuals may be represented by an attorney at their own expense or a Department contract attorney.
 2. JUVBRD individuals may be represented by an attorney at their own expense.
 3. CCB and JUVBRD individuals may be represented by a Department contract attorney if the Board determines that a cognitive/mental health issue(s) prohibits the individual from participating in the hearing.
- B. Individuals 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 individuals 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

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON/REENTRY/FIELD FACILITY/SPANISH MANUAL		
	REVISION DATE 10/20/21	PAGE NUMBER 8 of 8	NUMBER DOC 320.100
	TITLE INDETERMINATE SENTENCE REVIEW BOARD		

- 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 individual 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. Individual's name, contact information, and 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 the individual's review.
 - 3. The Board will not transcribe audio recordings for individuals. Deaf and hard of hearing individuals may request transcription accommodation by contacting the facility ADA Coordinator per DOC 690.400 Individuals 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