



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON/WORK RELEASE/FIELD
OFFENDER/SPANISH MANUALS

REVISION DATE
1/1/19

PAGE NUMBER
1 of 5

NUMBER
DOC 320.110

POLICY

TITLE
COMMUNITY CUSTODY BOARD (CCB) HEARINGS

REVIEW/REVISION HISTORY:

Effective: 5/27/04
 Revised: 9/19/05
 Revised: 4/24/08
 Revised: 10/1/08
 Revised: 7/23/12
 Revised: 11/9/15
 Revised: 1/1/19

SUMMARY OF REVISION/REVIEW:

Major changes to include community custody violation/revocation hearings. Please read carefully!


APPROVED:

Signature on file

STEPHEN SINCLAIR, Secretary
 Department of Corrections

11/7/18

 Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 9A.76.115](#); [RCW 9.94A.030](#); [RCW 9.94A.507](#); [RCW 9.95](#); [RCW 71.09](#); [WAC 381](#); [DOC 320.100 Indeterminate Sentence Review Board \(Board\)](#); [DOC 350.500 End of Sentence Review/Sexually Violent Predator Civil Commitment](#); [DOC 460.130 Response to Violations and New Criminal Activity](#); [DOC 570.000 Sex Offender Treatment and Assessment Programs](#)

POLICY:

- I. The Indeterminate Sentence Review Board (Board) has jurisdiction over Community Custody Board (CCB) offenders, who have committed sex crimes on or after September 1, 2001 per Attachment 1, from the date of sentence until the statutory Maximum Expiration (Max Ex) date.
- II. Hearings will be conducted per DOC 320.100 Indeterminate Sentence Review Board (Board).

DIRECTIVE:

- I. General Requirements
 - A. CCB offenders will be:
 1. Referred for an End of Sentence Review (ESR) per DOC 350.500 End of Sentence Review/Sexually Violent Predator Civil Commitment.
 2. Assessed for the Sex Offender Treatment and Assessment Program (SOTAP) to determine their risk to commit future sex offenses per DOC 570.000 Sex Offender Treatment and Assessment Programs.
- II. Offender Review of End of Sentence Review Committee (ESRC) Information
 - A. Following an ESRC review, Law Enforcement Notification (LEN) program employees will notify the records office at the facility where the offender is housed and the assigned Classification Counselor (CC) when the ESRC packet is available in the offender's electronic imaging file per DOC 350.500 End of Sentence Review/Sexually Violent Predator Civil Commitment.
 - B. The offender's CC will provide a copy of the Board letter and redacted ESRC packet for the offender's review.
 - C. The offender may review the redacted ESRC packet, including previous redacted packets and Board letters, within 10 business days of the current document's availability.

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1. The offender may take handwritten notes during this review, but no document copies will be made.

D. Employees should contact the Board at isrb@doc1.wa.gov if a language, literacy, or competency problem exists per DOC 320.100 Indeterminate Sentence Review Board (Board).

E. The offender will sign DOC 07-027 ESRC Report Review Acknowledgment once s/he has completed reviewing the Board letter and supporting documentation. The CC will send a copy of the signed form to the Board within 2 business days of the offender's signature.

III. .420 Hearings

A. A .420 hearing is held to determine whether an offender is more likely than not to commit another sex offense if released to the community.

1. A .420 hearing will be scheduled 120 days before the offender's Earned Release Date (ERD).

2. A .420 hearing will be scheduled 120 days after the offender's arrival at the facility, if the ERD:

- a. Expires, or
- b. Will expire within 120 days of arrival.

B. The offender may prepare a written statement before the .420 hearing and/or give a verbal statement at the .420 hearing for Board consideration.

C. If the Board determines the offender will not be released, additional time may be added to the existing minimum term, not to exceed 5 years, and a new .420 hearing will be scheduled 120 days before the new ERD.

1. A Board Correctional Records Technician will update the offender's electronic file to reflect the status.

2. Before each subsequent .420 hearing, the LEN Specialist will review the offender's electronic file and electronic imaging file for new information and notify the ESRC/Board per DOC 350.500 End of Sentence Review/Sexually Violent Predator Civil Commitment, as necessary.

D. If the Board determines the offender will be released, the CC will begin release planning per DOC 320.100 Indeterminate Sentence Review Board (Board).

IV. Cashaw Hearings



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A. A Cashaw hearing will be held when the Board has previously extended an offender to his/her statutory Max Ex date to either reaffirm the decision or to find the offender eligible for release.

1. The hearing will be scheduled at a point before the offender's statutory Max Ex date.

V. Akridge Hearings

A. An Akridge hearing may be scheduled when an offender is convicted of new criminal activity to determine if the offender's parole will be revoked or reinstated with or without additional sanctions per DOC 460.130 Response to Violations and New Criminal Activity.

1. The hearing will be held within 30 business days of receiving a written notice of conviction, signed by the court (e.g., Judgment and Sentence, Court Judgment, Statement of Defendant on Plea of Guilty).

VI. Community Custody Violation/Revocation Hearings

A. The Board will determine probable cause within 48 hours of receiving written notification of the alleged violation(s). An administrative review will be held within 15 days of service of DOC 09-306 Board - Violations Specified to determine if a hearing should be held or if other sanctions would be appropriate.


1. Offenders may use DOC 09-308 Board - Offender Supplement to submit information concerning community custody (e.g., family stability, employment, education) and the alleged violation(s) for the Board to review.

B. A violation/revocation hearing may be held within 30 business days of service of DOC 09-306 Board - Violations Specified.

1. The Board will provide the offender notice of the hearing date and location within 10 days of the scheduled hearing.

C. Imposed sanctions/conditions may be appealed within 7 days. A new minimum term cannot be appealed.

1. The Board Chair/designee will appoint a panel of 3 Board employees to review the appeal.
2. The sanction/condition will only be reversed or modified if it was not reasonably related to any of the following:

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- a. Crime of conviction,
- b. Violation committed,
- c. Offender's risk of reoffending, and/or
- d. Safety of the community.

DEFINITIONS:

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

ATTACHMENTS:

[Community Custody Board Offenses \(Attachment 1\)](#)

DOC FORMS:

[DOC 07-027 ESRC Report Review Acknowledgment](#)

[DOC 09-306 Board - Violations Specified](#)

[DOC 09-308 Board - Offender Supplement](#)