POLICY

REVIEW/REVISION HISTORY:

Effective: 6/18/03
Revised: 5/29/07

SUMMARY OF REVISION/REVIEW:

Numerous changes. Read Carefully.

APPROVED:

Signature on File

HAROLD W. CLARKE, Secretary
Department of Corrections

4/13/07
Date Signed
References:

DOC 100.100 is hereby incorporated into this policy; RCW 9.94A; WAC 137-28; DOC 280.500 Records Management of Official Offender Files; DOC 320.140 Jail Bed Resources for Offenders; DOC 320.155 Violation Process/Violations of Conditions; DOC 320.165 Community Custody Violator Sanction to Work Release; DOC 320.200 Administrative Segregation; DOC 350.200 Risk Based Offender Transition and Release; DOC 350.255 Registration Notification; DOC 350.500 End of Sentence Review/Post Confinement Review; DOC 350.600 Teletype Notification; DOC 390.300 Victim/Witness Notification Service; DOC 420.100 Transportation Standards; DOC 420.395 Evidence/Property Procedures for Field; DOC 460.000 Offender Disciplinary Process Requirements; DOC 460.130 Hearings for Community Custody and Work Release

Policy:

I. Community Custody Inmate (CCI), Community Custody Prison (CCP), Community Custody Jail (CCJ), and Community Custody Past Maximum Expiration Date (CCM) offenders under the supervision of the Department who are in violation of the conditions of supervision may represent a level of risk to the community that requires their placement in pre-hearing confinement in order to mitigate further risk to the community.

II. CCI, CCP, CCJ, and CCM offenders under the supervision of the Department who have been found guilty of violation behavior may be sanctioned to post-hearing total or partial confinement, when appropriate, based on the Department's Offender Behavior Response Guide.

III. Cases regarding Community Custody Board (CCB) and Parole Violators under the jurisdiction of the Indeterminate Sentence Review Committee (ISRB) will be coordinated with the ISRB by the supervising Community Corrections Officer (CCO) and/or Community Corrections Supervisor (CCS).

IV. If pre-hearing or post-hearing confinement occurs, the case will remain assigned to the supervising CCO’s caseload. If the case comes from a banked caseload/warrant caseload, it will be returned to the assignment officer and assigned as an “assume supervision” case.

V. Violators will be housed in the least restrictive custody level, provided bed space is available, unless there are compelling reasons for a higher custody level. Offenders under 18 must be kept separate from adult offenders.

Directive:

I. Placement Requirements
A. Offenders who are placed on pre-hearing or post-hearing confinement may be placed as follows:
   1. In a local county jail as authorized by DOC 320.140 Jail Bed Resources for Offenders based on local agreements. Use of local jail beds by the Department for sanction confinement time is dependent on jail capacity and local agreement.
   2. In the absence of a local agreement/contract or refusal by the local county jail, violators will be housed in the nearest Department facility that can meet the offender’s needs (e.g., health care, gender specific housing, programming, etc.).
   3. Per DOC 320.165 Community Custody Violator Sanction to Work Release. Prior to placing a violator in Work Release, an authorization and transfer order from the Classification Violator desk is required.

B. CCM offenders in violation of their conditions of supervision who represent a level of risk to the community that requires their placement in pre-hearing or post-hearing confinement may not be confined in a Department partial or total confinement facility, except under emergency circumstances when approved in writing by the Department Secretary or designee.
   1. CCOs may request housing for CCM offenders in a Department facility only after every local jail option has been exhausted.
   2. The Violator Desk will designate the appropriate Department facility on the authorization of the Secretary or designee.
   3. Pre-hearing CCM offenders in transit who require short term housing in a Department facility will be considered County Boarder status and require approval by the Out of State and Jail Facilities Unit Superintendent or designee.

C. If the CCO is aware of any medical or mental health issues that are currently being treated and/or require treatment, the CCO will contact the Health Services Out of State and Jail Coordinator during normal working hours to discuss placement options. If it is an emergency, the Health Services Director can be reached through the Headquarters Duty Officer 24 hours a day. Otherwise, staff can leave a message at 360-725-8700.

II. Initial Transport/Placement

A. During normal work hours:
1. The CCO will arrange the transportation of the offender.
   a. The CCO or another community custody staff may do the transport.
   b. If circumstances permit, the violator may be transported on a regular or special prisons transport.

2. Violators returned from other states must have transportation arrangements made by the Extradition Unit.

3. After transportation arrangements have been confirmed, the CCO will complete and submit DOC 09-180 Violator Transport Order Request for authorization to place the offender in pre-hearing confinement.

4. The Classification Unit Violator Desk will forward DOC 09-180 Violator Transport Order Request to provide authorization for placement. Notification may also include telephone contact with the receiving facility.

B. After normal work hours:

1. The CCO will identify the nearest contracted jail bed space and contact the Community Corrections Supervisor to get authorization to place the offender in that facility.

2. If the contracted jail bed space refuses or is otherwise unable to accept the offender, the CCO will contact the Duty Officer to arrange for authorization to transport the offender to one of the following Department facilities:
   a. Airway Heights Corrections Center (AHCC) (males only)
   b. Pine Lodge Corrections Center for Women (PLCCW) (females only)
   c. Washington Corrections Center (WCC) (males only)
   d. Washington Corrections Center for Women (WCCW) (females only)

3. If a male violator cannot be placed at WCC on the west side of the state, emergency placement can be made at Monroe Correctional Complex (MCC) or at Stafford Creek Corrections Center (SCCC) with CCS approval.

4. The CCO will complete and submit DOC 09-180 Violator Transport Order Request.
   a. During non-business hours, a response from the Violator Desk is not required prior to the transport.
5. The Classification Unit Violator Desk will follow up with the receiving facility the next working day to assure a transfer order or Offender Based Tracking System (OBTS) electronic authorization has been completed.

III. Conditions of Pre-Hearing and Post-Hearing Confinement

A. Placement in Administrative Segregation must comply with the requirements and processes in DOC 320.200 Administrative Segregation and DOC 460.000 Offender Disciplinary Process Requirements.

B. The facility may request transfers for placement changes through the Classification process when:

1. Necessary resources (e.g., mental/medical/dental health services, etc.) to manage the offender are not available, or

2. Special needs (e.g., protection issues, facility prohibitions, behavior requires closer supervision, etc.) exist that exceed the facility’s ability to manage the offender or the offender’s behavior.

C. Assigned staff at the facility housing the offender will ensure that the DOC Wanted Person entry has been cleared.

D. Offender property transported to a Department facility will comply with DOC 420.100 Transportation Standards. Retention and disposition of other offender property will be consistent with DOC 420.395 Evidence/Property Procedures for Field.

E. Community Custody violators detained for more than 10 days will have rights and privileges (e.g., visitation, telephone use, offender store, etc.) consistent with the practices of the receiving facility.

F. Pre-hearing Community Custody violators will be granted telephone access for the purpose of hearing preparation.

G. Violators may be infracted.

1. The Counselor will report any violations of Department-imposed or Court-ordered conditions identified on OBTS DT90, the Judgement and Sentence (J&S), or DOC 09-233 Hearing and Decision Summary to the offender’s assigned Field CCO as soon as possible. The CCO will respond to the report consistent with DOC 320.155 Violation Process/ Violations of Conditions.
2. Offender behaviors that violate facility rules will be handled through the facility disciplinary process. Prior to any facility disciplinary hearing, the supervising CCO should be contacted to review the infraction for possible additional violation sanctions.

   a. For CCJ and CCM cases, the facility may impose a sanction of loss of good time that was gained, but cannot impose any sanction that will increase the confinement time imposed by the Department Hearing Unit.

   b. If the behavior warrants an increase in the sanction time to be served, the offender’s assigned CCO will be contacted by the assigned facility Counselor/CCO. The CCO may prepare a violation report to pursue a new Community Custody hearing.

   c. An offender cannot be sanctioned through both a facility hearing and a Community Custody hearing.

IV. Release From Pre-Hearing Confinement

   A. The offender will be released from pre-hearing confinement when:

      1. Found not guilty,

      2. Found guilty, but the sanction imposed does not include continued confinement, or

      3. An appeal is upheld with the Regional Appeals Panel and the offender is ordered released.

   B. The Hearing Unit will approve a conditional release per DOC 460.130 Hearings for Community Custody and Work Release.

   C. The assigned CCO or facility Superintendent/designee may submit a request to the Field Administrator to release an offender from facility pre-hearing confinement for serious medical, dental, and/or mental health issues, or other circumstances.

V. Post-Hearing Confinement Facility Assignment and Classification

   A. If specific programming is being recommended as a sanction, prior to requesting post-hearing confinement, the CCO must contact the facility prior to the hearing to ensure the program(s) exists and an opening is available.

      1. The CCO will notify the facility of any change in a proposed sanction.
B. When the Hearing Officer requires programming as a sanction and the offender is determined to be ineligible for placement at either the facility where the program is offered or for the program, the assigned Counselor will refer the case back to the Hearing Officer for resolution.

C. Violators will be assigned a custody level by the Classification Unit.
   1. CCJ offenders will be assigned a level of custody as an initial classification action that will be documented on OBTS DI88.
   2. CCI and CCP offenders who have previously been incarcerated will be assigned custody as a Custody review action using OBTS DI89, Violation (V) type review.

VI. Release from Post-Hearing Confinement

A. Sanction Release Dates (SRD) will be tracked using OBTS DT07. The release date will be calculated based on the length of the sanction as entered on OBTS DP21.

B. Risk Management (RM)-A and high need RM-B offenders release circumstances (i.e., address, living conditions, employment expectations, community concerns, and victim and potential victim concerns) will be reviewed by the assigned CCO and may be reviewed by the facility or Re-entry Specialist.

   1. Release arrangements may include:
      a. Department provided transportation directly to the County Sheriff’s office for the purpose of registration per DOC 350.255 Registration Notification.
      b. Department provided transportation to the supervising CCO’s office or other designated location, if appropriate.
      c. Sponsor, family, or friend provided transportation.

C. Other RM-B offender release circumstances should be reviewed by the assigned CCO. Depending on the type and level of need for services (e.g., medications, mental health, etc.) as the offender transitions from the facility to the community, the case may also be suitable for review by the Re-entry Specialist. Release arrangements may include:

   1. Department transportation to the CCO’s office or other designated location,
2. Department paid bus ticket to the release community, or

3. Sponsor, family, or friend provided transportation.

D. RM-C and RM-D offender release circumstances should be reviewed by the facility Risk Management Transition Team. Release arrangements may include:

   1. Department paid bus ticket to the release community, or
   2. Guardian, family, or friend provided transportation.

E. RM-A and high need RM-B CCI and CCP violators sanctioned to serve more than 120 days will transition back to the community per DOC 350.200 Risk Based Offender Transition and Release. If sanctioned to less than 120 days, they will be released at the end of the sanction to an approved address.

   1. The assigned CCO retains the case while the offender is serving the sanction. The CCO will immediately begin to work with the offender and the Counselor to prepare a release address and/or release plan so the offender is not retained in custody beyond the end of his/her sanction date.

   2. Retention of an offender beyond the end of the specified sanction time for lack of a transition plan or release address must be approved, for cause, by the Community Corrections Assistant Deputy Secretary. S/he will submit a monthly report, detailing the reasons for any extensions and actions taken to affect the offender’s release, to the Prisons and Community Corrections Deputy Secretaries.

F. RM-C, RM-D, and non-high need RM-B offenders will be released at the end of their sanction. The assigned CCO will facilitate placement back into the community.

G. The facility CCO/Counselor cannot change the risk management classification level.

H. Releasing CCI and CCP Violators

   1. When the violator is not releasing under post-release supervision and the sanction was less than 120 days:

      a. The facility Counselor/CCO will notify the CRM/designee, via email, of the release date and name of the assigned CCO.

      b. The CRM/designee will use DOC 09-233 Hearing and Decision Summary to calculate the release date, prepare DOC 20-312
2. When the violator is releasing from a sanction that was 120 days or more, the CRM/designee will:

   a. Use DOC 09-233 Hearing and Decision Summary and prepare DOC 20-312 Registration Notification Requirements and obtain the offender's signature.

   b. Notify law enforcement per DOC 350.600 Teletype Notification.

   c. Notify the Victim Services Unit, if applicable, per DOC 390.300 Victim/Witness Notification and DOC 350.500 End of Sentence Review/Post Confinement Review.

   d. Send email notification of the offender's release to the supervising CCO/office of supervision and Field CRM when the release is prior to the maximum expiration date.

   e. Transfer the central and medical files within 72 hours of release per DOC 280.500 Records Management of Offender Central, Field, and Work Release Files, and note the file transfer on OBTS DT37.

   f. Update OBTS DI43.

DEFINITIONS:

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

ATTACHMENTS:

None

DOC FORMS:

DOC 09-180 Violator Transport Order Request
DOC 09-233 Hearing and Decision Summary
DOC 20-312 Registration Notification Requirements