



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

**APPLICABILITY
FIELD**

EFFECTIVE DATE
5/30/22

PAGE NUMBER
1 of 7

NUMBER
DOC 380.350

POLICY

TITLE

LESS RESTRICTIVE ALTERNATIVES

REVIEW/REVISION HISTORY:

Effective: 5/30/22

SUMMARY OF REVISION/REVIEW:

New policy. Read carefully!


APPROVED:

Signature on file

CHERYL STRANGE, Secretary
Department of Corrections

5/2/22

Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 10.77](#); [RCW 71.05](#); DOC 310.010 Assignments; DOC 310.100 Intake; DOC 320.160 Tolling of Supervision in the Community; DOC 350.380 Discharge and Closure of Supervision; DOC 380.370 Sexually Violent Predator/Less Restrictive Alternative; DOC 420.390 Arrest and Search; DOC 460.130 Response to Violations and New Criminal Activity

POLICY:

- I. When ordered by the court, the Department will supervise the following individuals released to the community under a Less Restrictive Alternative (LRA):
 - A. Individuals found not guilty by reason of insanity (i.e., insanity acquittal) per RCW 10.77, and
 - B. Individuals whose charges have been dismissed due to incompetency and found to have committed a violent felony per RCW 71.05.
- II. Sexually violent predators released to the community under a court-ordered LRA will be supervised per DOC 380.370 Sexually Violent Predator/Less Restrictive Alternative.

DIRECTIVE:

- I. General Requirements
 - A. Individuals will be supervised, regardless of risk level designation, per the court-order and monitoring plan developed by a transition team.
 1. A template of the monitoring plan will be maintained on the Community Corrections Division SharePoint site.
 - B. Mental health commitments on LRA status will not be tolled per DOC 320.160 Tolling of Supervision in the Community.
- II. Responsibilities
 - A. A Civil Commitment Program employee(s) will be designated as a liaison between the Department and Department of Social and Health Services (DSHS). The liaison will:
 1. Participate in treatment team meetings to provide consultation/ recommendations for risk to the community when requested by DSHS and the individual:

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- a. Is on inpatient status, and
 - b. Has been found not guilty by reason of insanity.
2. Assist with coordinating the initial transition team meeting.
3. Contact the Assignment Coordinator to assign a Community Corrections Officer (CCO) as the case manager per DOC 310.010 Assignments.
4. Ensure continuity of care following release to the community, as needed.

B. The case manager will:

1. Collaborate/coordinate with the transition team and appropriate agencies to supervise the individual per the monitoring plan.
2. When possible, discuss any recommendations for additional conditions or modifications to the court order with the transition team before documenting on DOC 09-124 Court - Special.
3. Complete required training.

III. Transition Team and Committee

- A. Individuals found not guilty by reason of insanity before July 25, 2021 may not have a transition team assigned.
- B. The court will appoint a transition team to:
 1. Develop a monitoring plan to assess the individual's progress in treatment and compliance with court-ordered conditions, and
 2. Discuss the support needs of the individual and/or safety concerns.
- C. The transition team may include:
 1. A case manager,
 2. Community behavioral health treatment representative, and/or
 3. A care coordinator as defined per RCW 10.77.175 for individuals found not guilty by reason of insanity.
- D. A Transition Team Advisory Committee has been established to provide oversight, recommendations/assistance (e.g., identifying resources, developing risk mitigation plans), and emergency consultation to the transition team.

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1. The committee will consist of a representative(s) from the Department, DSHS, and Health Care Authority.


IV. Release to Community Supervision

A. Upon an individual's release to supervision:

1. For individuals found not guilty by reason of insanity, the case manager will conduct intake per DOC 310.100 Intake.
2. The transition team will meet with the individual to:
 - a. Determine if a monitoring plan is necessary and update as needed. A monitoring plan will include:
 - 1) Contact information for appropriate supervising agencies
 - 2) Drug/alcohol testing requirements
 - 3) Contact standards, including mandatory attendance at transition team meetings
 - b. Review the following and provide copies to the individual, if applicable:
 - 1) Court order
 - 2) Monitoring plan
 - 3) Prison Rape Elimination Act (PREA) brochure
 - 4) Resolution Program Handout
 - 5) DOC 14-029 Mental Health/Criminal Justice System Multi-Party Authorization for Release of Information
 - 6) DOC 14-035A Less Restrictive Alternative Drug/Alcohol Testing Acknowledgment

V. Individuals Found Incompetent for a Violent Felony

- A. If there is a reasonable belief that the individual poses a likelihood of serious harm, the case manager will notify law enforcement and the Designated Crisis Responder.
- B. The case manager will notify the transition team if the individual has substantial deterioration in functioning (e.g., inability to care for basic needs, loss of motor skills), or has substantial decompensation (e.g., decline in mental status, increased anxiety or depression, unclear thoughts).
 1. If the Community Behavioral Health Agency Treatment Representative/designee is unavailable to conduct an evaluation, the case manager will

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consult the Community Corrections Supervisor (CCS)/designee and make a referral to the Designated Crisis Responder.


2. If the individual is willing to go to an appropriate detainment facility (e.g., crisis stabilization unit, hospital) for evaluation, the case manager may transport the individual with CCS/designee approval.
 - a. The case manager will notify the facility that the individual is under a LRA and make a referral to the Designated Crisis Responder.

VI. Individuals Found Not Guilty by Reason of Insanity

- A. The case manager will submit DOC 09-124 Court - Special to the court, Prosecuting Attorney, DSHS Secretary, and sending facility/agency to provide progress information, including:
 1. The individual's compliance with court-ordered conditions,
 2. New criminal arrests or citations, and
 3. Significant events or changes in the individual's mental health.
- B. Court specials will be submitted for the first 6 months upon an individual's release to supervision and at least every 6 months thereafter.

VII. Violations

- A. The case manager will respond to violations related to the LRA cause as follows:
 1. Notify the transition team of the violation.
 2. Report the violation using DOC 09-122 Court - Notice of Violation and notify the DSHS Secretary for individuals found not guilty by reason of insanity.
- B. For individuals with a violation that is similar under an LRA and non-LRA cause, the violation will be addressed as an LRA cause.
- C. If the violation is not related to the LRA cause, the violation will be addressed per DOC 460.130 Response to Violations and New Criminal Activity.
- D. If it has been determined that an individual has failed to report as directed or is unavailable for supervision, the case manager will notify the transition team and the:
 1. Designated Crisis Responder for individuals found incompetent for a violent felony.

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2. Court using DOC 09-122 Court - Notice of Violation to request a bench warrant for individuals found not guilty by reason of insanity.

E. Arrest/Detention


1. Individuals found incompetent for a violent felony should not be searched without a court order and may only be arrested for violations not related to the LRA.
2. Individuals found not guilty by reason of insanity may be searched and detained per DOC 420.390 Arrest and Search.
 - a. Individuals will be returned to the sending facility/agency or as ordered by the court. Individuals may not be detained in a state correctional institution or facility per RCW 10.77.220.
 - b. The case manager will:
 - 1) Obtain approval from the court or Secretary/designee before detaining an individual.
 - a) In an emergent situation, the case manager may detain the individual without prior authorization and will notify the court or Secretary/designee of the detention as soon as possible.
 - 2) Notify the court and prosecuting attorney within one business day of detention.

VIII. Supervision Closure

- A. Individuals will be supervised by the Department until granted an unconditional release by the court, or the LRA order has expired or is revoked.
- B. The case manager will request discharge for individuals found not guilty by reason of insanity per DOC 350.380 Discharge and Closure of Supervision.
 1. The case manager may recommend discharge if the court approves transfer out of state.

DEFINITIONS:

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

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ATTACHMENTS:

None

DOC FORMS:

DOC 09-122 Court - Notice of Violation

DOC 09-124 Court - Special

DOC 14-029 Mental Health/Criminal Justice System Multi-Party Authorization for Release of Information

DOC 14-035A Less Restrictive Alternative Drug/Alcohol Testing Acknowledgment