

81324-8

NO. 58823-1-I

**COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

MARK DAVID MATTSON

Petitioner.

SUPPLEMENTAL
SUBMISSION OF
RECORDS

2007 MAY 29 AM 10:26
COURT OF APPEALS, DIVISION I
STATE OF WASHINGTON

In the course of preparation for the oral argument, Department's counsel found out that on December 25, 2006, Department of Corrections came up with a new policy 350.200. The December 25, 2006, policy replaces June 25, 2002, 350.200 Policy Department attached to its October 23, 2006, answer as Exhibit 4. December 25, 2006, policy does not contain the amendments of June 25, 2002, policy regarding the non-approval of community protection plans of sex offenders found to meet sexually violent predator criteria, attached to Department's October 2006 response as Exhibit 5.

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The Department hereby attaches the revised 350.200 policy as
Exhibit 6.

RESPECTFULLY SUBMITTED this 25 day of May, 2007.

ROBERT M. MCKENNA
Attorney General



ALEX A. KOSTIN
Assistant Attorney General
Criminal Justice Division
P.O. Box 40116
Olympia, WA 98504-0116
(360) 586-1445

CERTIFICATE OF SERVICE

I certify that I served a copy of the SUPPLEMENTAL SUBMISSION OF RECORDS on all parties or their counsel of record as follows:

- US Mail Postage Prepaid
- United Parcel Service, Next Day Air
- ABC/Legal Messenger
- State Campus Delivery
- Hand delivered by _____

TO:

Gregory C. Link WSBA 25228
Washington Appellate Project
701 Melbourne Tower
1511 Third Avenue
Seattle, WA 98101

Mark David Mattson, # 265524
Monroe Correctional Complex
P.O. Box 888
Monroe, WA 98272-0888

FILED
COURT OF APPEALS CIV. DIV.
STATE OF WASHINGTON
2007 MAY 29 AM 10:26

EXECUTED this 25th day of May, 2007 at Olympia, Washington.

Karen Thompson
KAREN THOMPSON

EXHIBIT 6



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DEPARTMENT OF CORRECTIONS

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OFFENDER MANUAL**

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12/25/06

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NUMBER
DOC 350.200

POLICY

TITLE
**RISK BASED OFFENDER TRANSITION AND
RELEASE**

REVIEW/REVISION HISTORY:

Effective: 3/31/89
 Revised: 6/1/91
 Revised: 1/31/92
 Revised: 4/30/93
 Revised: 1/31/95
 Revised: 8/14/95
 Revised: 5/30/96
 Revised: 10/30/96
 Revised: 3/15/98
 Revised: 4/11/00
 Revised: 12/1/00
 Revised: 1/14/01
 Revised: 5/4/01
 Revised: 6/25/02
 Revised: 12/25/06

SUMMARY OF REVISION/REVIEW:

Major changes. Read carefully!

APPROVED:

HAROLD W. CLARKE, Secretary
Department of Corrections

10/19/06
Date Signed

EXHIBIT 6



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REFERENCES:

DOC 100.100 is hereby incorporated into this policy; RCW 9.94A; RCW 71.05; RCW 71.09; RCW 72.02.100; RCW 72.09; WAC 137-28; WAC 137-56; ACA 4-4446; ACA 6A-13; ACA 1C-01PP; DOC 210.025 Gate Money/Transportation Funds; DOC 300.380 Classification and Plan Review; DOC 320.145 Violator Confinement in Department Facilities; DOC 320.155 Violation Process/Violations of Conditions; DOC 320.410 Risk Management Teams; DOC 350.240 Ten Day Release; DOC 350.255 Registration Notification; DOC 350.500 End of Sentence Review/Post Confinement Review; DOC 350.600 Teletype Notification of Release of Offenders; DOC 380.605 Interstate Compact; DOC 390.300 Victim/Witness Notification Service; DOC 790.100 Work Ethic Program

POLICY:

- I. [1C-01PP] The Department manages offenders with the goal of enhancing public safety by providing opportunities for offenders to successfully transition into the community. When transitioning offenders to the community, the Department will focus on developing release plans that best utilize available resources. Risk based offender management principles will be used to transition offenders from a facility to the community, focusing resources on the highest risk offenders.

DIRECTIVE:

- I. Transition Review Timeframes
 - A. At 18 months prior to the offender's Earned Release Date (ERD), the Classification Counselor/facility Community Corrections Officer (CCO) will begin the transition process for all offenders per DOC 300.380 Classification and Plan Review.
 1. The Counselor/facility CCO will prepare packets to forward to the End of Sentence Review Committee per DOC 350.500 End Of Sentence Review/Post Confinement Review for:
 - a. All offenders who have been convicted of a sex offense, a kidnapping offense, and all other registerable offenses per RCW 72.09.
 - b. All offenders who have committed a crime against a child.
 - c. Special needs offenders who are considered a high risk to re-offend due to their mental illness or developmental disability.



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- d. Those offenders who are considered a high risk to re-offend in a violent way due to current threats they may be making toward past or future victims.
 2. Any offender with a Community Placement requirement, whose crime was committed prior to June 11, 1992 must be released from Department confinement on his/her Earned Release Date if the Judgment and Sentence does not specifically require an approved address to transfer to community placement prior to the Maximum Expiration (Max Ex) date.
 - B. At 9 months prior to the Re-entry Intensive Transition (RIT) offender's Earned Release Date, the Counselor/facility CCO will notify the Facility Re-entry Specialist (FRS) to initiate transition team development per DOC 320.410 Risk Management Teams.
 - C. At 6 months prior to the offender's Earned Release Date, the Counselor/facility CCO will:
 1. Submit an Offender Release Plan (ORP) for Notification on Risk Management (RM)-D offenders who have a confirmed release address per Transition Plan Procedure (Attachment 6).
 2. Confirm the offender's proposed release address and document confirmation on the DT37 screen prior to submitting a plan for investigation.
 - D. At 6 months prior to the offender's release date, a Transition Plan Investigation will be conducted for offenders who are required to have an approved address to release prior to Max Ex date to Community Placement - Community Custody Inmate (CCI) and Community Custody Prison (CCP), the Counselor/facility CCO will:
 1. Submit an Offender Release Plan (ORP) for Transition Plan Investigation on RM-A, RM-B, and RM-C offenders. RM-A and RM-B offenders whose proposed address is denied will be reassigned for plan development. The DT07 check date due date for MAT (RM-A offender) or TPB (RM-B offender) may be adjusted to allow more time for plan development. The Community Corrections Supervisor and the Correctional Unit Supervisor will ensure the Counselor/facility CCO and the CCO collaborate until an approved plan is developed.
- II. Transition Plan Development



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- A. An Offender Release Plan (ORP) for Transition Plan Development will be submitted on RM-A and RM-B offenders who do not have a proposed release address per Release Determination for Offenders (Attachment 4). For Re-entry Intensive Transition offenders, the Counselor, CCO, Facility Re-entry Specialist, and Community Re-entry Specialist (CRS) will collaborate to establish a viable release plan per Release Determination for Offenders (Attachment 4).
- B. Maximum Expiration Date Releases - For offenders who will release on their maximum expiration date to Community Placement - Post Release Supervision (PRS), Community Custody Maximum (CCM), or Community Custody Prison (CCP), if at 60 days prior to the Max Ex date were unable to develop an approved release address or refused to provide a release address, the Counselor/facility CCO will:
1. Submit an Offender Release Plan Notification on all offenders releasing homeless per Release Determination for Offenders (Attachment 4).
 2. Submit an Offender Release Plan Notification on all offenders refusing to provide a release address per Release Determination for Offenders (Attachment 4).
 - a. Offenders who refuse to provide a release address may be processed as a violator by the CCO. The offender may be processed as a violator on his/her Max Ex date.

III. Exceptional Transition Processes

- A. Offenders in the Work Ethic Program (WEP) will have a release plan per DOC 790.100 Work Ethic Program.
- B. Offenders being released to Parole/Community Custody Board status will have an Offender Release Plan submitted after the offender has been found parolable/releasable by the ISRB.
- C. All offenders with supervision requirements requesting to release out of state, to include RM-D, must be accepted by the receiving state per DOC 380.605 Interstate Compact. These offenders will be processed per Prison Releases to Out of State Address (Attachment 3).
- D. For offenders serving Community Custody Jail (CCJ) sentences concurrent with a Prison commitment, the CCJ portion of the sentence does not require an approved release address.



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- E. Offenders housed as an Out of State, County, or Federal boarder will be released on the date determined by the sending agency.
 - F. Offenders housed in Department facilities as violators serving less than 120 days will be released per DOC 320.145 Violator Confinement in Department Facilities. An ORP will be developed for Offenders housed in Department facilities as violators serving 120 days or longer who are required to have an approved release address.
- IV. Offenders Releasing To Detainers
- A. Offenders with an Immigrations and Customs Enforcement (ICE) Detainer will be released on their Earned Release Date. At 60 days prior to the offender's Earned Release Date, the Offender Release Plan Notification will be submitted to the ICE/Deportation Unit Assignment Officer.
 - B. Offenders with Out of State or Federal Detainer will be released on their Earned Release Date per Offender Release Plan (ORP) and Release Process for Out of State Detainer (Attachment 2).
 - C. Instate Detainer
 - 1. Offenders with an Instate Detainer that will require them to serve a period of confinement less than 4 months or the period of confinement is unknown, will be released to the requesting agency on the Earned Release Date if they have secured an approved release address, or on their Max Ex date if no release address has been approved.
 - 2. Offenders with an Instate Detainer that will require them to serve a period of confinement of 4 months or longer, will be released to the requesting agency on their Earned Release Date.
 - a. The Offender Release Plan Notification will be sent to the Field Office nearest to the receiving detention facility.
 - b. The assigned CCO will:
 - 1) Complete intake if required.
 - 2) Enter a DT07 check date for jail release and hold the file pending the offender's release.
 - 3) Work with the offender while s/he is detained to develop a community release plan.



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- D. Offenders under ISRB jurisdiction will not release to a detainer without ISRB authorization.
- V. 5990/Supervision Closure Monetary Release
- A. Offenders releasing with monetary obligations and no supervision requirements will have an Offender Release Plan for Notification submitted per 5990/Supervision Closure Monetary Release Procedure (Attachment 1).
- VI. Offender Release Procedures
- A. Prior to offender transfer/release, records staff or designee will:
1. Complete the Order of Release and other required release procedures per Release Process (Attachment 5).
 2. Consider a release of up to 10 days prior to the earned release date per DOC 350.240 Ten Day Release.
- B. Offenders will be issued gate funds per DOC 210.025 Gate Money/Transportation Funds.
- C. [4-4446] [6A-13] Written procedures for releasing offenders at the end of their term include, but are not limited to:
1. Verification of identity.
 2. Verification of release papers.
 3. Completion of release arrangements, including notification of the parole authorities in the jurisdiction of release, if required.
 4. Return of personal effects or contraband.
 5. Check to see that no facility property leaves the facility.
 6. Arrangements for completion of any pending action, such as grievances or claims for damages or lost possessions.
 7. Medical screening and arrangements for community follow-up where needed.
 8. Instructions on forwarding of mail.

DEFINITIONS:

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Community Custody. Other words/terms appearing in this policy may also be defined in the glossary.

ATTACHMENTS:



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5990/Supervision Closure Monetary Release Procedure (Attachment 1)
Offender Release Plan (ORP) and Release Process for Out of State Detainer (Attachment 2)
Prison Releases to Out of State Address (Attachment 3)
Release Determination for Offenders (Attachment 4)
Release Process (Attachment 5)
Transition Plan Procedure (Attachment 6)

DOC FORMS (See Appendix):

DOC 02-243 5990/5256 Notice to Offender
DOC 09-182 Court - Prison Special 5990 Supervision Closure
DOC 09-332 60 Day Notification Letter
DOC 20-047 Community Release Plan Packet Checklist
DOC 20-311 Order of Release
DOC 20-312 Registration Notification Requirements

