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THE SUPREME COURT OF THE STATE OF WASHINGTON

IN RE THE PERSONAL RESTRAINT PETITION OF:

AMEL W. DALLUGE
Petitioner.

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SUPPLEMENTAL BRIEF OF PETITIONER

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A. SUMMARY OF ARGUMENT

Amel Dalluge filed the present Personal Restraint Petition (PRP) alleging the Department of Corrections (DOC) lacked authority to sanction him for an alleged violation of community custody committed while he was confined. First, Mr. Dalluge maintains that because he was confined he was not on community custody as defined in RCW 9.94A.030(5), and thus, could not be sanctioned for violating conditions of community custody. Second, Mr. Dalluge maintains any term of community custody was tolling pursuant to RCW 9.94A.625 due to his incarceration on another matter and thus he could not be subject to sanctions for violating the conditions of community custody. Thus, Mr. Dalluge maintains he is entitled to relief.

B. ISSUES PRESENTED

1. RCW 9.94A.030(5) defines community custody as a period of time served in the community during which an offender is subject to conditions imposed by the Department of Corrections (DOC). Where Mr. Dalluge was confined was he on community custody?

2. RCW 9.94A.625 requires any term of community custody tolls during any period of confinement. Can DOC sanction an

offender for violations of community custody alleged to have occurred during the period in which the term of community custody tolled?

C. SUMMARY OF CASE

As a result of convictions in 2003 and 2004, Mr. Dalluge was serving a period of community custody when he was jailed, at some point prior to October 2005, in the Grant County Jail on unrelated charges. Over a two-day period beginning October 8, 2005, Mr. Dalluge was alleged to have broken a window and telephone, armed himself with a piece of the broken telephone, and assaulted a guard. Response to the Department of Correction to PRP (hereafter Response), Exhibit 10 at 7-8. As a result, Mr. Dalluge was convicted in Grant County Superior Court of one count each of third degree assault, first degree malicious mischief, and being armed while confined in a county jail. Response, Exhibit 4 and 5.

Subsequently, DOC alleged these same acts constituted a violation of the conditions of Mr. Dalluge's community custody. Response, Exhibit 8. Mr. Dalluge responded that because he was confined his term of community custody tolled and thus he was not subject to its conditions. Response, Exhibit 10 at 4. A hearing

officer rejected Mr. Dalluge's claim and found he had violated the conditions of his community custody. Response, Exhibit 8.

D. ARGUMENT

1. BECAUSE HE WAS CONFINED MR. DALLUGE WAS NOT ON COMMUNITY CUSTODY AND THUS COULD NOT VIOLATE THE CONDITIONS OF HIS COMMUNITY CUSTODY

The meaning of an unambiguous statute must be derived from the language of the statute alone. State v. Chester, 133 Wn.2d 15, 21, 940 P.2d 1374 (1997) (citing Cherry v. Municipality of Metro. Seattle, 116 Wn.2d 794, 799, 808 P.2d 746 (1991)).

"Community custody" is "that portion of an offender's sentence of confinement in lieu of earned release time or imposed [pursuant to statute] **served in the community** subject to controls placed on the offender's movement and activities by the department." RCW 9.94A.030(5) (Emphasis added); see also, WAC 137-104-020(3).

In its response to Mr. Dalluge's petition DOC contended:

"Reading into the community custody statutes and statutes regarding imposition of community custody conditions that the supervision conditions only apply when the offender is 'in the community' is not logical or reasonable." Response at 10.

Regardless of DOC's ability to appreciate the logic or

reasonableness of such a conclusion, since community custody can only be served when an offender is released to the community, RCW 9.94A.030(5), this Court need not read anything into the statute to conclude the community custody and its conditions only apply while the offender is in the community.

Despite the statutory definition of the term, the State argues that by limiting community custody to time served in the community, offenders could not “be held accountable” for violating no-contact orders, possessing or using controlled substances in jail, or escape. Response at 10-11. Yet each of these acts are fully punishable as crimes regardless of whether they are committed in a jail or any other place in the State of Washington. See, RCW 26.50.110 (pertaining to violations of no-contact order); RCW 69.50.401 (pertaining to possession of controlled substance); and RCW 9A.76.110 to RCW 9A.76.160 (pertaining to escape and introduction of contraband). In fact, Mr. Dalluge was convicted of three crimes for the very acts that led to the violations and sanctions that underlie this petition; third degree assault, malicious mischief, and possession a weapon while confined in a local jail and received 35, 29, and 12 months confinement respectively. Appendices 4 and 5 of State’s Response. Precluding DOC from

piling on additional punishments does not fail to hold Mr. Dalluge accountable.¹

Because Mr. Dalluge was not in the community at the time the alleged violations occurred he was not on community custody, did not violate his community custody, and cannot receive any sanction for an alleged violation. DOC lacked authority to impose any sanction.

2. BECAUSE ANY TERM OF COMMUNITY CUSTODY TOLLED DURING THE PERIOD OF HIS CONFINEMENT DOC LACKED AUTHORITY TO SANCTION MR. DALLUGE FOR ALLEGED VIOLATIONS OCCURRING DURING THAT PERIOD

RCW 9.94A.625 provides:

(1) A term of confinement ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented himself or herself from confinement without the prior approval of the entity in whose custody the offender has been placed. A term of partial confinement shall be tolled during any period of time spent in total confinement pursuant to a new conviction or pursuant to sanctions for violation of sentence conditions on a separate felony conviction.

(2) Any term of community custody, community placement, or community supervision shall be tolled by any period of time during which the offender has

¹ The Hearing Officer's Findings, Exhibit 8 of Response, notes that DOC dismissed the original violation allegations without prejudice to await Mr. Dalluge's convictions in Superior Court. Upon his convictions, DOC refiled the allegations against Mr. Dalluge, and found based upon the same facts underlying those convictions, that Mr. Dalluge had violated his community custody.

absented himself or herself from supervision without prior approval of the entity under whose supervision the offender has been placed.

(3) Any period of community custody, community placement, or community supervision shall be tolled during any period of time the offender is in confinement for any reason. However, if an offender is detained pursuant to RCW 9.94A.740 or 9.94A.631 and is later found not to have violated a condition or requirement of community custody, community placement, or community supervision, time spent in confinement due to such detention shall not toll the period of community custody, community placement, or community supervision.

(4) For terms of confinement or community custody, community placement, or community supervision, the date for the tolling of the sentence shall be established by the entity responsible for the confinement or supervision.

The plain meaning of a statute is discerned by affording statutory terms their "ordinary, everyday meaning." Waggoner v. Ace Hardware Corp., 134 Wn.2d 748, 752, 953 P.2d 88 (1998) (citing New York Life Ins. Co. v. Jones, 86 Wn.2d 44, 47, 541 P.2d 989 (1975)). Where a term's ordinary meaning is not apparent courts may rely on a dictionary. Zachman v. Whirlpool Fin. Corp., 123 Wn.2d 667, 671, 869 P.2d 1078 (1994) (citing American Legion Post 32 v. Walla Walla, 116 Wn.2d 1, 8, 802 P.2d 784 (1991)); State v. Argueta, 107 Wn.App. 532, 536, 27 P.3 242 (2001); see also, Waggoner, 134 Wn.2d at 752-53 (resorting to dictionary to determine term's ordinary meaning).

The Court of Appeals has defined “toll” to mean “to suspend or stop temporarily.” State v. Acery, 97 Wn.App. 784, 788, 988 P.2d 17 (1999) (citing Black’s Law Dictionary, p1034 (6th Ed. 1990)). A more recent version of Black’s defines the word as “to stop the running of; to abate.” Black’s Law Dictionary, p 1495 (7th Ed, 1999). A “term” is “a limited or definite extent of time: the time for which something lasts: DURATION, TENURE.” Webster’s Third New International Dictionary, p. 2358 (1993). “Community custody” is “that portion of an offender’s sentence of confinement in lieu of earned release time or imposed [pursuant to statute] served in the community subject to controls placed on the offender’s movement and activities by the department.” RCW 9.94A.030(5). Thus, the “term of community custody” is the limited or definite period during which an offender is in the community subject to DOC condition. Because RCW 9.94A.625(3) tolls the “term of community custody” it tolls the period during which an offender is subject to conditions of community custody or postrelease supervision. If that period during which an offender is subject to conditions of community custody is suspended or stopped temporarily, logic dictates the person is not subject to the conditions and cannot be sanctioned for violating them. .

The State maintains tolling simply means that the offender does not receive credit for the time he is confined, without relieving him of the conditions of community custody. Ignoring the requirement that community custody be served in the community, under the State's definition of tolling a person whose term of community custody tolled, would at the end be subject to the conditions of community custody for a period in excess of the that imposed by the trial court and/or that authorized by statute. For example, under the State's view, a person who receives a one-year term of community custody but who is confined for three months during that period, would be in fact serve 15 months community custody but only receive credit for 12 months. By contrast under the normal definition of tolling, that advanced by Mr. Dalluge, the same defendant would only be subject to a total term of community custody of 12 months, albeit with a 3 month interruption, the amount imposed by the court .

A tolled period is much like a time out in a sporting event, it merely stops the clock, without shortening or extending the period of play. For example, in a professional football game lasting 60 minutes, when a time out is called the clock stops running and begins again when play resumes. While the time necessary to

complete the game will exceed 60 minutes the actual time of play will not.

Acery provides a useful example of this point. There a defendant received concurrent sentences for two current offenses of 43 months for a drug offense and 60 months for an assault, where 60 months was the maximum sentence for the drug offense. 97 Wn.App. at 786. Only the offense with the 43 month drug sentence carried a term of community placement, a 12 month term. Id. The defendant argued that requiring him to serve the term of community placement after his release from the longer assault sentence resulted in a sentence in excess of 55 month combined term of confinement and supervision ordered by the court on the drug offense and beyond the 60 month statutory maximum for the crime, i.e., a sentence of 72 months. Id. at 788. In rejecting the argument the court explained that because the term of community placement tolled during confinement the 17 month delay between his completion of the 43 month term and the beginning of the term of community placement did not “constitute an extension” of the 43 month sentence. Id. In essence, as with the football analogy above, the court found the clock stopped running on the drug sentence after 43 months confinement and did not begin again until

17 months later, thus the defendant served 55 months confinement and supervision over a 72 month period. If the State's argument were correct and an offender is subject to the condition of community placement even while confined, than the defendant in Acery actually served 29 months of community placement, beginning upon completion of the 43 month term, and his sentence exceed the 60 month maximum.

Nonetheless, the State has argued its strained reading of RCW 9.94A.625(3) is necessary to ensure "an offender serves the proper confinement or supervision period in accordance with the Judgment and Sentence." Response at 10. The State misconstrues Mr. Dalluge's argument, wrongly suggesting that his argument leads to the result that tolling the term of community custody somehow shortens the total period of supervision. This is plainly not Mr. Dalluge's argument. Instead, Mr. Dalluge's argument ensures offenders are only subject to the conditions of community custody for the period authorized by statute

Finally, "a statute is ambiguous if it can be reasonably interpreted in more than one way." McFreeze Corp. v. Dep't of Revenue, 102 Wn.App. 196, 200, 6 P.3d 1187 (2000) (citing Vashon Island Comm'n for Self-Gov't v. Washington State

Boundary Review Bd., 127 Wn.2d 759, 771, 903 P.2d 953 (1995)).

Assuming the State's construction of the tolling statute is reasonable, RCW 9.94A.625(3) is thus ambiguous. The rule of lenity which requires that where a penal statute is subject to more than one reasonable reading, a reviewing court must adopt the reading more favorable to the defendant. In re Post-Sentencing Review of Charles, 135 Wn.2d 239, 249-50, 955 P.2d 798 (1998).

As such, this Court must adopt the reading advanced by Mr. Dalluge.

Because, his term of community custody tolled while he was incarcerated, DOC lacked authority to impose sanctions for alleged violations occurring during Mr. Dalluge's incarceration.

3. MR. DALLUGE IS UNDER RESTRAINT AND ENTITLED TO RELIEF

A person is entitled to relief by way of a PRP where the person is unlawfully restrained as defined in RAP 16.4. Mr. Dalluge is under restraint as a result of the community custody violations and sanctions in this case. As a result of the violation finding, DOC imposed a sanction of 60 days and altered Mr. Dalluge's reporting requirements upon his release, requiring he report to his community corrections officer within one business day of release and report

weekly for one month. Exhibit 8 to Response. In addition, per DOC policy, Mr. Dalluge's present violations will increase the severity of any future sanction, see, DOC Policy 320.155, and attachment Department of Corrections Community Corrections Division Behavior Sanction Response Guide,² and will factor in Mr. Dalluge's Risk Assessment during his present incarceration and ultimate release. See, DOC Policy 320.400.³ Moreover, it should be noted that in responding to Mr. Dalluge's petition, DOC has never suggested that he is not under restraint, contending only that the restraint was lawful. Mr. Dalluge is under restraint as a result of DOC's actions.

RAP 16.4(c)(2) provides restraint is unlawful if:

The . . . sentence or other order entered in a criminal proceedings . . . was imposed or entered in violation of the Constitution of the United States or the Constitution or laws of the State of Washington.

As discussed above, the community custody violations and sanctions are contrary to the laws of the State of Washington, and Mr. Dalluge's restraint is unlawful under RAP 16.4(c)(2).

² The Response Guide was relied upon by DOC during the sanction hearing in this case, Response, Exhibit 10 at 7, and sets forth a graduated system of presumptive sanctions based in part on an offender's history of violations.

³ The cited DOC policies and attachments are included as an Appendix to this Brief, and are also available at www.doc.wa.gov/policies/default.aspx?show=300, (last visited 9/7/07).

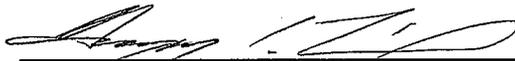
RAP 16.4(d) limits relief via a PRP to those situations where there are inadequate alternative remedies available to the petitioner. In other contexts the reviewing court evaluates a PRP by finding either: (1) a petitioner raising a constitutional error demonstrates actual prejudice; or (2) a petitioner raising a nonconstitutional issue demonstrates the “error constitutes a fundamental defect which inherently results in a complete miscarriage of justice.” In re Personal Restraint Petition of Cook, 114 Wn.2d 802, 812, 792 P.2d 506 (1990). These the threshold requirements exist because “collateral relief undermines the principles of finality of litigation, degrades the prominence of the trial, and sometimes costs society the right to punish admitted offenders.” Cook, 114 Wn.2d at 809(Internal citations omitted). However, this Court has held “None of these policies justify imposition of the threshold requirements when the challenge is to a decision . . . from which the inmate generally has had no previous or alternative avenue for obtaining state judicial review.” In re the Personal Restraint Petition of Cashaw, 123 Wn.2d 138, 149, 866 P.2d 8 (1994), see also, In re the Personal Restraint Petition of Mines, 146 Wn.2d 279, 288, 45 P.3d 535 (2002) (reaffirming Cashaw).

Mr. Dalluge has had no prior opportunity to obtain judicial review of DOC's action in his case and thus is not subject to the threshold requirements of Cook. Mr. Dalluge's confinement is contrary to the laws of the State of Washington, and thus he is entitled to relief by way of a PRP. RAP 16.4 (d); Cashaw, 123 Wn.2d at 149.

E. CONCLUSION

For the reasons above, this Court should grant Mr. Dalluge's petition.

Respectfully submitted this 7th day of September, 2007



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APPENDIX

APPENDIX

DOC Policy 320.155 - Violation Process/Violations of Conditions

Department of Corrections Community Corrections Division
Behavior Sanction Response Guide

DOC Policy 320.400 - Risk Assessment Process

APPENDIX

STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS  POLICY DIRECTIVE <input type="checkbox"/> Offender Manual <input type="checkbox"/> Spanish	PRE-RELEASE/ WORK RELEASE/FIELD	NUMBER DOC 320.155
	SIGNATURE  DATE	EFFECTIVE DATE 7/29/02
	JOSEPH D. LEHMAN, SECRETARY	PAGE NUMBER 1 of 9
TITLE VIOLATION PROCESS/VIOLATIONS OF CONDITIONS		

SUPERSESSION:

DOC 320.155 signed 7/31/00

REFERENCES:

DOC 100.100 is hereby incorporated into this Policy Directive; RCW 9.94A; DOC 280.510 Public Disclosure of Records; DOC 320.140 Jail Bed Resources for Offenders; DOC 320.165 Community Custody Violator Sanction to Work Release; DOC 390.570 Supervising Special Sex Offender Sentencing Alternative (SSOSA) Offenders; DOC 460.130 Hearings for Community Custody, Work Release and Pre-Release; DOC 670.655 Special Drug Offender Sentencing Alternative

POLICY:

- I. Community Corrections Officers (CCO) are responsible for taking action on known offender violations based on risk.
- II. The Department authorizes the use of Stipulated Agreements for all types and classifications of offenders as an alternative to a formal Department Hearing.
- III. A Hearing Officer from the Office of Correctional Operations (OCO) Hearing Unit must make a probable cause determination within 3 working days of initial detention when an offender is arrested without warrant and detained for violation of conditions.

DIRECTIVE:

- I. Offender Violations – General
 - A. Supervisors will ensure that CCOs take appropriate action when they learn an offender has violated conditions of supervision, probation, or parole.
 - B. Allegations involving violent, assaultive, or threatening behavior that poses a serious risk to the community, or behavior that is denied by the offender shall be addressed in a formal Hearing. CCOs shall consider a range of appropriate responses to other offender violation behavior as alternatives to a formal Department Hearing process.
 1. Appropriate, alternative responses shall be considered based on the offender's risk, the seriousness of the violation, and the offender's violation history. CCOs will use the Offender Behavior Response Guide (attached) when determining the appropriate response.

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- a. The response to violations shall occur within 30 calendar days from the date that the CCO becomes aware of the violation. Supervisors may authorize an additional 30 days to respond to violations of Risk Management (RM-D) offenders.
- b. The response to violations shall be documented on the Offender Based Tracking System (OBTS) DT37, and may include, but is not limited to:
 - 1) No action taken, with reason why:
 - 2) Verbal or written reprimand/warning; or
 - 3) Stipulated agreement.

- C. All violations will be acted upon within documented time frames per this Policy Directive, prior to the termination date of supervision, probation, or parole. The CCO/designee will enter allegations on the appropriate OBTS DP18, DP19, DP21, DI46, and/or DI89 screen(s), and findings of guilt and custody classification will be entered into OBTS by the Corrections Records Specialist/designee as appropriate.
- D. CCOs will submit DOC 09-228 Report of Alleged Violations when a community custody offender escapes or absconds and is placed on inactive status.

II. Stipulated Agreement

- A. If the behavior constitutes a violation of a supervision condition, the offender admits to committing the alleged behavior, and it is determined that a Stipulated Agreement is appropriate, DOC 09-226 DOC Jurisdiction Only Notice of Violation/Stipulated Agreement, DOC 09-051 Notice of Violation/Stipulated Agreement, or local version shall be written and signed during a face-to-face meeting with the offender.
 - 1. The Agreement will:
 - a. List all alleged violation behaviors;
 - b. List the specific actions/measures that the offender shall take to address or repair the harm done by the violation behavior;
 - c. Include specific time frame requirements; and
 - d. Be approved by the Supervisor.
 - 2. The appropriate Stipulated Agreement will be written and applied with regard for the offender's crime of conviction, the violation(s) committed, the offender's risk of re-offending, and the safety of the community.
 - 3. The CCO/designee shall enter the Stipulated Agreement violations in OBTS DP18 and shall document the facts and circumstances of the Stipulated Agreement in OBTS DT37.
- B. Failure to comply with the terms of a Stipulated Agreement constitutes a violation of conditions of supervision and is considered a violation of a Department requirement/condition. If the violation behavior, which is a violation of a targeted

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risk condition has previously been addressed in a Stipulated Agreement, the Hearing Officer may count the Stipulated Agreement as a violation process score when evaluating the appropriate sanction at a subsequent Hearing.

- C. Stipulated Agreements will not be used to impose confinement or to release from confinement.
 - D. Where the sentencing Court continues to have violation/sanction jurisdiction. The original Stipulated Agreement shall be submitted to the Court and Prosecuting Attorney within 3 working days of signing. A copy shall be forwarded to the Regional Records Unit for entry of the sanction/response information.
 - 1. A Stipulated Agreement submitted to the Court will not take effect immediately. The Court has 15 calendar days from receipt of the Stipulated Agreement to schedule a Hearing or modify Department sanctions.
 - E. Where the Department retains violation/sanction jurisdiction the CCO shall forward the original Stipulated Agreement to the Regional Records Unit for entry of the sanction/response information.
 - 1. In all other cases, a copy of the Stipulated Agreement will be forwarded to the Regional Records Unit for entry of the sanctions/response information.
 - 2. The Stipulated Agreement will take effect immediately upon supervisory approval.
 - F. If the CCO determines that the violation merits partial or total confinement s/he should first consider the appropriateness of home detention with electronic monitoring. The offender's medical/mental health criteria should be considered. The CCO may contact the Department's Health Services Utilization Review Manager in Olympia at (360) 455-6309 to assist in developing a response/sanction recommendation.
 - 1. If no viable alternatives remain, the CCO shall consider the most appropriate venue and duration of incarceration.
- III. Hearing Process Time Frames
- A. Time frames that begin when the violation becomes known to the CCO:
 - 1. Non-Detained Cases
 - a. CCOs will serve offenders DOC 09-230 Work Release Notice of Allegations, Hearing, Rights, and Waiver; DOC 09-231 Community Custody Notice of Allegations, Hearing, Rights, and Waiver; or DOC 09-232 Pre-Release Notice of Allegations, Hearing, Rights, and Waiver within 30 calendar days.

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- 1) Except for Work Release and Pre-Release cases, CCOs will provide the necessary Discovery information to the offender not less than 7 working days before the Hearing.
2. Arrested Pursuant to Warrant/Suspended Cases
- a. CCOs will serve the following documents, as appropriate, within 3 working days of the detention/suspension and distribute the documents to the detaining authority or Hearing Officer:
 - 1) DOC 09-230 Work Release Notice of Allegations, Hearing, Rights, and Waiver;
 - 2) DOC 09-231 Community Custody Notice of Allegations, Hearing, Rights, and Waiver; or
 - 3) DOC 09-232 Pre-Release Notice of Allegations, Hearing, Rights, and Waiver; and
 - 4) DOC 09-325 Order for Arrest and Detention; DOC 09-076A Compact – Interstate Order to Detain; and/or
 - 5) DOC 09-125 Order of Parole Suspension, Arrest, and Detention,
 - b. Except for Work Release and Pre-Release cases, the CCO will provide the necessary Discovery information to the offender within 3 working days of service of DOC 09-231 Community Custody Notice of Allegations, Hearing, Rights, and Waiver.
3. Arrested/Detained Without Warrant Cases
- a. The CCO shall request probable cause determination through the Probable Cause/Warrants Unit no later than the next working day following the arrest without warrant and detention of an offender by fax, phone, or electronically. The following information will be provided:
 - 1) Offender name;
 - 2) DOC number;
 - 3) Offender date of birth (DOB);
 - 4) Crime of conviction;
 - 5) County and cause numbers of jurisdiction;
 - 6) Arrest date;
 - 7) CCO name and phone number;
 - 8) Condition(s) alleged to have been violated;
 - 9) A description of evidence that supports the position that there is probable cause to believe a violation has occurred; and
 - 10) Supervision end date.
 - b. The Hearing Unit must make a probable cause decision within 3 working days of arrest and immediately enter the decision on OBTS DT37.

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- c. The appropriate Notice of Allegations, Hearing, Rights, and Waiver must be served on the offender within 3 working days of probable cause entry in OBTS DT37.
- d. Except for Work Release and Pre-Release cases, the CCO, or other authorized Department employee, will provide the necessary Discovery information to the offender within 3 working days of service of DOC 09-231 Community Custody Notice of Allegations, Hearing, Rights, and Waiver.

IV. Probable Cause

- A. An OCO Hearing Unit Hearing Officer must make a determination whether there is probable cause to believe a violation has occurred in all cases where the offender is detained, pre-hearing without a warrant.
- B. If the Hearing Unit Administrator/designee determines that there is no probable cause to believe a violation has occurred, s/he will immediately notify the CCO and order that the offender be released from detention. The CCO will promptly issue the necessary release from detention paperwork to the detaining facility:
 - 1. DOC 09-014 Cancellation of Order for Arrest and Detention and Order for Release or Transfer;
 - 2. DOC 09-014A Cancellation of Detainer for Interstate Compact cases; and/or
 - 3. Only the ISRB may cancel DOC 09-125 Order of Parole Suspension, Arrest, and Detention.

V. Distribution of Hearing Documents

- A. Hearing documents will be distributed to the appropriate detaining authority as specified in the Distribution of the Hearing Documents. (attached)

VI. Scheduling Hearings

- A. If the Court retains jurisdiction of the offender, the Court will schedule the Hearing per local practice.
 - 1. If the offender is detained, the sentencing Court will be notified by the next business day.
 - 2. CCOs must be subpoenaed to testify at Court Hearings when:
 - a. Traveling and testifying will take longer than the normal workday;
 - b. Testifying at the trial of an offender being prosecuted for a new offense; or
 - c. Testifying out of state.

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- B. If the offender is under the jurisdiction of the Indeterminate Sentence Review Board (ISRB), all parole Hearings will be scheduled by the ISRB.
 - 1. If the offender is detained, the ISRB will schedule Hearings within 2 weeks of service of the document.

- C. CCOs will be responsible for scheduling community custody Hearings for offenders under the Department's jurisdiction.
 - 1. CCOs will telephone the Hearing Unit Regional Records staff to request a Hearing and will provide the following information:
 - a. Offender name and DOC number;
 - b. Location;
 - c. Number of allegations;
 - d. Estimated length of the Hearing, and
 - e. Number of witnesses.
 - 2. The Hearing Unit Regional Records staff will notify the requesting CCO of the Hearing time and place no later than the next working day.
 - a. In-custody Hearings must be held within 5 working days from the date of service of DOC 09-230 Work Release Notice of Allegations, Hearing, Rights, and Waiver; DOC 09-231 Community Custody Notice of Allegations, Hearing, Rights, and Waiver; or DOC 09-232 Pre-Release Notice of Allegations, Hearing, Rights, and Waiver.
 - b. Out-of-custody Hearings must be held within 15 calendar days of service of the violations alleged.

VII. Preparation for Hearings

- A. To prepare for a Hearing, the CCO shall:
 - 1. For community custody Hearings, complete DOC 09-228 Report of Alleged Violations and DOC 09-126 Supplemental Report of Alleged Violations, if required, prior to the scheduled Hearing and deliver to the offender and the Hearing Officer as part of Discovery.
 - 2. Consult with his/her Supervisor when recommending response options outside the Offender Behavior Response Guide (attached) option ranges.
 - 3. Obtain Supervisor approval when recommending any response that will result in incarceration or suspended confinement time.
 - 4. Obtain certified interpretive services for offenders with language or communication barriers, if necessary, when serving Hearing documents and for the Hearing.

VIII. Pre/Post Hearing Confinement

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 320.155	VIOLATION PROCESS/VIOLATIONS OF CONDITIONS	7/29/02	7 of 9

- A. If pre-hearing or post-hearing confinement is required, the CCO shall attempt to arrange placement in a local correctional facility/county jail under the guidelines established in DOC 320.140 Jail Bed Resources for Offenders and as stipulated in any existing local jail agreement made based on DOC 320.140 Jail Bed Resources for Offenders. Placement may be precluded by medical/mental health needs disclosed by the offender or observed by Risk Management Team members, volunteers, or the CCO.
- B. Whenever possible, the violator will be confined in the Region where s/he is to be sanctioned. Field offices and facilities are encouraged to work together to develop local agreements in their Region to facilitate placement.
- C. The case will remain active on the supervising CCOs caseload.

IX. Special Sex Offender Sentencing Alternative (SSOSA)

- A. SSOSA offenders who commit their crimes on or after June 6, 1996 and on or before July 1, 2000 on Community Custody (SCC) status are under the jurisdiction of the sentencing Court and Violations should be referred to the Court for disposition using DOC 09-228 Report of Alleged Violations.
- B. SSOSA offenders on Community Custody past their Maximum Release Date (CCM) are under the jurisdiction of the Department and may be sanctioned to the county jail for up to 60 days per violation. Violations will be handled through the Department's Hearing process.
- C. County shuttle process shall be used to transport an offender confined in the local county jail from the county of confinement to the county of jurisdiction. The CCO will ensure the Headquarters Warrant Desk is notified to arrange transport.
 - 1. CCOs will make arrangements with the local county jail, if applicable, prior to holding the offender for transport to the county of jurisdiction.
- D. CCOs or other designated staff shall coordinate with local jails to hold offenders sanctioned to jail as a result of a CCM/SCC Violation Hearing. CCM cases may not be placed in a Department facility.

X. Drug Offender Sentencing Alternative (DOSA)**

- A. For offenders who committed their crimes before July 25, 1999, while on community custody status, violations disposed of via DOC 09-226 DOC Jurisdiction Only Notice of Violation/Stipulated Agreement, DOC 09-051 Notice of Violations/Stipulated Agreement, or local version Stipulated Agreement and/or a Hearing conducted by a Department Hearing Officer are subject to a Court review.
 - 1. CCOs will complete DOC 09-228 Report of Alleged Violations, using DOC 20-259 DOSA – Notice of Violation as the first page, recommending for or against further Court action based on the Hearing Officer's decision.

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
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- a. A copy of DOC 09-228 Report of Alleged Violations will be distributed to the Chemical Dependency Treatment Unit in the West Central Region.
 - b. Court action will be requested within 30 days for a report recommending a Hearing and within 15 days if the Court decides to take further action on a Stipulated Agreement.
- B. The following applies to offenders who committed their crimes on or after July 25, 1999:
- 1. If the offender violates any of the sentence conditions, the Department will hold a violation Hearing unless waived by the offender.
 - 2. An offender who violates any conditions of supervision as defined by the Department shall be sanctioned.
 - 3. If the Hearing Officer finds that conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. If the offender is reclassified s/he shall be subject to all rules relating to earned release time.

XI. Hearings

- A. Hearings shall be conducted per DOC 460.130 Hearings for Community Custody, Work Release and Pre-Release.

DEFINITIONS:

Words/terms appearing in this Policy Directive may also be defined in the Glossary section of the Policy Directive Manual.

ATTACHMENTS:

Offender Behavior Response Guide
Distribution of Hearing Documents

DOC FORMS (See Appendix):

DOC 09-014 Cancellation of Order for Arrest and Detention and Order for Release or Transfer
DOC 09-014A Cancellation of Detainer
DOC 09-051 Notice of Violations/Stipulated Agreement
DOC 09-076A Compact – Interstate Order to Detain
DOC 09-082 Compact – Notice of Violation
DOC 09-112 Compact – Supplemental Notice of Violation
DOC 09-114 Board – Notice of Violation
DOC 09-118 Board – Supplemental Notice of Violation
DOC 09-122 Court – Notice of Violation
DOC 09-125 Order of Parole Suspension, Arrest, and Detention
DOC 09-126 Supplemental Report of Alleged Violations
DOC 09-226 DOC Jurisdiction Only Notice of Violation/Stipulated Agreement

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DOC 09-228 Report of Alleged Violations
DOC 09-230 Work Release Notice of Allegations, Hearing, Rights, and Waiver
DOC 09-231 Community Custody Notice of Allegations, Hearing, Rights, and Waiver
DOC 09-232 Pre-Release Notice of Allegations, Hearing, Rights, and Waiver
DOC 09-233 Hearing and Decision Summary
DOC 09-238 Confinement Order
DOC 09-239 Secretary's Warrant
DOC 09-325 Order for Arrest and Detention
DOC 20-259 DOSA – Notice of Violation

Department of Corrections Community Corrections Division

Behavior Sanction Response Guide

Sanction Guide Use Instructions

This guide is for the use of Community Corrections and Hearing Officers in fashioning appropriate responses to the conduct of offenders being supervised in the community. The guide contains a non-exclusive list of violations along with a list of graduated sanctions that should be imposed upon a finding that a violation has occurred.

Community Corrections Officers are authorized to use this guide to impose sanctions in the Low range using verbal or written reprimands. In handling minor or less serious violations that fall within the Medium range, CCO's may impose slightly higher sanctions by entering into a stipulated agreement.

CCO's are not permitted to impose sanctions for conduct falling within the High range of the guide. High range sanctions may only be imposed by a Hearings Officer following a full hearing or by approving a Negotiated Sanction. CCO's may recommend sanctions. Hearing Officers are not bound by such recommendations. As quasi-judicial officers, they are responsible for receiving and reviewing allegations in a manner consistent with well-established principles of neutrality and independence.

Step One: Identifying Violations

Violations or prohibited conduct may occur with one event or may occur over time. In order to report violations, the CCO must have sufficient information and/or documentation to support a belief that the offender has engaged in prohibited conduct that constitutes a violation of a condition of supervision. The 14-day time period during which the CCO is required to respond to a violation, begins at the point when the CCO has sufficient facts to support a conclusion that an offender likely has violated a condition of supervision.

Step Two: Determining the Sanction

The point at which the offender's risk level located at the top of the response chart intersects with the violation listed on the left side of the chart, represents the presumptive response. To determine the appropriate response, use the following guiding principles to determine if the sanction/intervention is appropriate or should be higher or lower:

- The risk that the offender poses to the community.
- The severity of the offender's violation.
- The offender's assessed community risk level.
- The offender's programming/treatment needs.
- The offender's performance while on supervision.
- Previous violations by the offender while under supervision.
- The offender's receptiveness to supervision.
- The relationship of the violation to the offender's crime of conviction.
- The availability of other intervention means and the anticipated affect on the offender.

CCOs and Hearing Officers should also refer to the aggravating and mitigating circumstances listed, following step 2 of these instructions as aids in determining and supporting a decision regarding whether to recommend or impose a sanction/intervention outside of the guide. CCO's and Hearing Officers are reminded that the Indeterminate Sentencing Review Board's (ISRB) rules must be followed in addressing violation by ISRB offenders.

CCOs must consult with his/her supervisor and obtain approval to impose a sanction that falls "above" or "below" the levels shown in this guide.

Note: Unclassified offenders who violate should be handled as follows:

- Current conviction is violent crime: RMA
- Current conviction is non-violent crime: RMB

Note: CCOs may, with the exception of offenders under the ISRB, conditionally release an offender pending resolution of the alleged violation when the release would not pose an increased risk to the safety of the community. CCOs are also authorized to place offenders in a treatment program immediately in those instances where treatment could likely assist in addressing the offender's conduct and needs.

*Pursuant to ESSB 6157, offenders who violate with a felony arrest are not eligible for conditional release.

Step 3: Documenting Violations

CCOs must complete required documents such as notice, statements of rights, and discovery within the timelines set out in the Department's Policy Directives. CCOs shall document applicable decisions and actions on DT37.

Step 1 – Determine Intervention Level

Violations – Sex Offender

Violation Behavior	A	B	C	D
Possessing or perusing pornography	H	H	M	M
Fail to submit to polygraph	C	C	H	M
Fail to submit to plethysmograph	H	H	M	M
Contact with prohibited class/minors	C	H	H	M
Accessing the internet	H	H	M	M
Accessing sexually explicit telephone service/chat lines	H	H	H	M
Entering playground/school	H	H	H	M
Entering sex related business	H	M	M	L
Failure to complete sexual deviancy treatment as directed	C	H	M	M
Failure to enter sexual deviancy treatment as directed	C	H	M	M
Failure to register	H	M	L	L
Contact with crime victim	C	C	C	C

Violations – Contact

Violation Behavior	A	B	C	D
Contact with crime victim	C	C	C	H
Contact with a specified class of individuals	M	M	L	L
Contact with prohibited class/minors	C	H	H	M
Contact with prohibited class/co-defendants	M	M	L	L
Contact with prohibited class/drug user/seller	M	M	L	L
Contact with prohibited class/known felons	M	L	L	L
Associating with known gang members	H	H	M	L

Violations – Offender Programs

Violation Behavior	A	B	C	D
Failing to attend sober support group i.e. AA/NA	M	M	L	L
Failing to complete victim education program	H	H	M	L
Failure to complete Relapse Educational Program	H	H	M	L
Failure to complete Moral Reconation Therapy	M	M	L	L
Failing to complete Getting It Right Program	M	M	L	L
Failure to complete Nurturing Fathers Program	M	M	L	L
Failure to complete Partners in Parenting Program	M	M	L	L
Failure to complete Job Hunter Program	M	M	L	L
Failure to complete Thinking for a Change	M	M	L	L
Failing to attend gamblers anonymous	M	M	L	L
Failing to attend school or training program	M	M	L	L
Failing to complete shoplift cessation class	M	M	L	L
Failing to participate in reintegration program	M	M	L	L
Failing to complete other programming as directed	M	M	L	L

Violations – Geographic

Violation Behavior	A	B	C	D
Outside geographic boundary	H	M	M	M
Unapproved residence	H	M	L	L
Unapproved travel	H	M	M	L
Leaving Washington State without permission	H	M	L	L
Unapproved employment/residence change	H	M	M	L

Non-compliance with Stay Out of Areas of Prostitution	H	M	M	L
Non-compliance with Stay Out of Drug Areas	H	M	M	L
Non-compliance with Do Not Enter Known Narcotic Areas	H	H	M	L
Frequenting places where known gang members congregate	H	M	M	L

Violations – Reporting

Violation Behavior	A	B	C	D
Abscond	H	H	M	M
Escape	H	H	M	M
False monthly report	M	L	L	L
Failure to report	H	M	M	L
Failure to show for a hearing	C	H	H	M

Violations – Financial

Violation Behavior	A	B	C	D
Failure to pay legal financial obligations	L	L	L	L
Non-payment of cost of supervision fees	L	L	L	L
Entering into financial contract without permission	L	L	L	L

Violations – Prohibitions

Violation Behavior	A	B	C	D
Possession of firearm/deadly weapon	C	H	H	H
Possession of non-firearm weapons	H	M	M	M
Possession of ammunition or explosives	H	H	M	M
Committing a like offense	C	H	M	M
Gambling	L	L	L	L
Possessing checking account/checks without approval	M	L	L	L
Possessing burglary tools	H	H	H	M
Operating a motor vehicle without permission	M	L	L	L
Operating a motor vehicle without license and/or insurance	M	M	L	L
Possessing access device or PIN without permission	H	H	M	M
Possessing drug paraphernalia	M	M	L	L
Displaying gang names	M	M	L	L
Wearing/displaying gang clothing/paraphernalia	M	M	L	L

Entering alcohol establishment	H	M	M	L
Non-compliance with crime related prohibitions	H	M	L	L
Changing treatment providers without prior approval	M	L	L	L

Violations –Affirmative Conduct Requirements

Violation Behavior	A	B	C	D
Violation of Affirmative Conduct Requirement	M	L	L	L
Failing to work	M	L	L	L
Failing to perform community restitution hours	M	L	L	L
Failing to attend victim impact panel	H	H	M	L
Failure to obtain a mental health evaluation as directed	H	M	L	L
Fail to complete mental health treatment as directed	H	H	M	M
Failure to abide by treatment rules	H	H	M	L
Non-participation in mental health treatment	H	H	M	M
Failure to obtain a domestic violence evaluation as directed	H	H	M	M
Failure to complete domestic violence treatment as directed	H	H	M	M
Failure to obtain an anger management evaluation as directed	H	H	M	L
Failure to complete anger management as directed	H	H	M	L
Failing to complete DNA testing as required	M	M	M	M
Failing to complete HIV testing as required	M	M	M	M
Failing to participate in job search as directed	M	L	L	L
Fail to obey all laws - Felony - Sex	C	C	C	C
Fail to obey all laws - Felony - Violent	C	C	C	C
Fail to obey all laws - Felony - Drugs	C	C	C	C
Fail to obey all laws - Felony - Property	C	C	C	C
Fail to obey all laws - Felony - Other	C	C	C	C
Fail to obey all laws - Misdemeanor - Sex	H	H	H	H
Fail to obey all laws - Misdemeanor - Violent	H	H	H	H
Fail to obey all laws - Misdemeanor - Drugs	H	M	M	L
Fail to obey all laws - Misdemeanor - Property	H	M	L	L
Fail to obey all laws - Misdemeanor - Other	H	M	L	L

Violations – Drug Alcohol Violations

Violation Behavior	A	B	C	D
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Failure to obtain substance abuse evaluation as ordered	M	M	L	L
Consuming alcohol	H	M	M	L
Using controlled substance	H	M	M	L
Abide UA/BA monitoring	H	M	M	M
Possess controlled substance	H	M	L	L
Possessing alcohol	H	M	L	L
Failing to notify CCO of controlled substance prescription	M	M	L	L
Termination from Drug Offender Sentencing Alternative program	C	C	C	N/A
Submitting a diluted or adulterated UA	H	H	M	M
Failure to obtain a chemical dependency evaluation as directed	M	M	L	L
Fail to complete chemical dependency Treatment as directed	H	H	M	M
Failure to abide by treatment rules	H	H	M	L
Failing to comply with Drug Offender Sentencing Alternative requirements	H	H	M	N/A

Violations – Other

Violation Behavior	A	B	C	D
Search refusal	C	H	M	M
Breaking curfew	M	M	L	L
Failure to abide by DOC imposed sanctions	M	M	L	L
Willful cause placement failure	M	M	L	L
Failure to complete original jail time	C	C	C	C
Failure to comply with court ordered impositions	M	M	L	L
Failing to abide by CCO verbal directive	M	L	L	L
Failing to notify CCO of arrest/citation	M	M	L	L
Failure to notify employer of convictions	M	M	L	L
Failure to complete electronic home monitoring as ordered	C	C	C	C
Failing to advise CCO of motor vehicle	M	M	L	L
Failing to follow facility rules	H	M	H	H
Failing to abide by Indeterminate Sentencing Review Board special condition not listed elsewhere in the guide.	M	M	N/A	N/A
Fail to comply with rules of electronic home monitoring	H	H	H	M

Step Two: Determining the Sanction

Rev. (6/07)

DOC 320.155
DOC 460.130

Sanctions – LOW	<i>Availability of resources varies by location</i>
▪ Apology letter	
▪ Case staffing	
▪ Community restitution hours (16 hours or less)	
▪ Curfew – 30 days or less	
▪ Daily log/letter Writing	
▪ Getting it Right (specific exercise)	
▪ Health education Classes	
▪ Increased reporting	
▪ Structured job search	
▪ Support group meetings	
▪ Thinking report	
▪ Travel restrictions – 30 days or less	
▪ Verbal reprimand	
▪ Written reprimand by CCO	
Sanctions – MEDIUM	<i>Availability of resources varies by location</i>
▪ Additional UA testing	
▪ Adjustment in contacts	
▪ Anger management classes	
▪ Community Accountability Board (CAB)	
▪ Community Justice Center (specialized programs)	
▪ Community restitution hours (more than 16 hours)	
▪ Counseling from a community agency	
▪ Curfew (longer than 30 days)	
▪ Daily breathalyzer testing / 30 days or less	
▪ Day reporting	
▪ Drug/Alcohol assessment	
▪ GED- Adult Basic Education	
▪ Getting it Right (full program)	
▪ Increased structured job search	
▪ Increase support group meetings	
▪ Moral Reconciliation Therapy	
▪ Relapse Education Program	
▪ Thinking for a Change	

▪ Travel restrictions- over 30 days
▪ Verbal/Written reprimand by Community Corrections Supervisor
▪ Victim education program
Sanctions - HIGH <i>Availability of resources varies by location</i>
▪ Daily reporting with option of UA testing
▪ Daily UA testing
▪ Detention pending hearing
▪ Drug/Alcohol treatment
▪ Evaluation & completion of recommended: mental health, sexual deviancy, or anger management
▪ Geographic restrictions – specific limitations
▪ Intensive curfew

Sanctions - CONFINEMENT

Sanctions – Confinement Options <i>Availability of resources varies by location</i>
▪ Detention prison/jail
▪ Electronic home monitoring
▪ Global Positioning System
▪ In-Patient treatment
▪ Work Release

Recommended Confinement Time

Risk	1 st Hearing	2 nd Hearing	3 rd or more Hearing
A	0-30 days confinement	30-45 days confinement or inpatient treatment	45-60 days confinement or inpatient treatment
B	0-20 days confinement	20-35 days confinement or inpatient treatment	35-50 days confinement or inpatient treatment
C	0-15 days confinement	15-30 days confinement or inpatient treatment	30-40 days confinement or inpatient treatment
D	0-10 days confinement	10-20 days confinement or inpatient treatment	20-30 days confinement or inpatient treatment

Sanctions - CONFINEMENT Mitigating Circumstances

The following are well established lists of circumstances that have been found to be sufficient to support a CCO's or Hearing Officer's decision to impose sanctions higher or lower than required by this guide. Please note that the lists are not exclusive. CCOs and Hearing Officers may seek approval of other factors to support a recommendation or decision.

Mitigating Circumstances for Exceptional Sanctions: Non-Exclusive List

- Before detection, the violator compensated or made a good faith effort to compensate the victim of the violation conduct for any damage or injury sustained.
- The violator committed the violation under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.
- The violator, with no apparent predisposition to do so, was induced by others to participate in the violation.
- The violator's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. (Voluntary use of drugs or alcohol is excluded.)
- To a significant degree, the victim of the alleged violation was an initiator, willing participant, aggressor, or provoker of the incident.
- The violation was principally accomplished by another person and the violator manifested extreme caution or sincere concern for the safety or well-being of the victim.
- The violator or the violator's children suffered a continuing pattern of physical or sexual abuse by the victim of the violation and the violation behavior is a response to that abuse.

Sanctions - CONFINEMENT Aggravating Circumstances

Aggravating Circumstances for Exceptional Sanctions: Non-Exclusive List

- The violator and the DOC both stipulate that justice is best served by the imposition of an exceptional sanction.
- The violator has committed multiple current violations and standard sanction results in some conduct going unpunished.
- The violator's conduct during the commission of the violation manifested deliberate cruelty to the victim.
- The violator has had multiple prior hearings.
- The violator knew or should have known that the victim of the violation was particularly vulnerable or incapable of resistance.
- The current violation was a violent offense, and the violator knew that the victim of the current offense was pregnant.
- The current violation was a major economic offense or series of offenses, and involved multiple victims or multiple incidents per victim; or involved attempted or actual substantial monetary loss; or involved a high degree of sophistication or planning or occurred over a lengthy period of time; or the violator used his or her position of trust, confidence, or fiduciary responsibility to facilitate the violation.
- The violation behavior was of a sexual nature.
- The violation involved domestic violence.
- The violation was part of an ongoing pattern of psychological, physical, or sexual abuse of a victim under 18 and/or manifested by multiple incidents over a prolonged period of time;
- The violation occurred within sight or sound of the victim's or the violator's minor children under the age of eighteen years; or

- The violator's conduct during the commission of the current violation manifested deliberate cruelty or intimidation of the victim.
- The violation involved a high degree of sophistication or planning.
- The violator used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the violation.
- The violator committed a sex offense, has a history of sex offenses, and does not appear to be amenable to treatment.
- The violator demonstrated or displayed an egregious lack of remorse.
- The violator committed the current violation shortly after being released from confinement.
- The violation was committed against a Community Correction or law enforcement officer who was performing his or her official duties at the time of the offense.
- The violator committed the violation against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

Violation Sanction Descriptions- LOW

Apology letter:

An apology letter is most appropriate for a minor violation where the offender has been inconsiderate of another person through being late for appointments, forgetting appointments or other inconsiderate actions where proper social etiquette would warrant an apology.

Case staffing:

This may be an effective sanction for those offenders that have good community support structures but are struggling. A case staffing with family members (mom, dad, spouse), members of the clergy, counselors, CCO supervisor or others that may be offering support or structure in the community to assist the offender with understanding and changing their behaviors.

Community restitution hours (16 hours or less):

Ordering an offender to Community Restitution is an appropriate sanction to use as punishment or as means of holding an offender accountable for an administrative violation of the conditions of supervision. Community Restitution can serve as a meaningful sanction for dealing with a broad range of violations such as not reporting as scheduled, failure to maintain employment or attendance for other programs.

Curfew – 30 days or less:

This may be an effective sanction for offenders that need to be at their place of residence vs. being on the streets, out late and not able to get up in the mornings for work or other reporting requirements. Ordering the restriction of the time spent in the community protects the community from the offender and keeps the offender from a negative peer group on the streets.

Daily log/letter writing:

The requirement to keep a daily log or to write a daily/weekly/monthly letter is a continual reminder to the offender that the supervising CCO will be monitoring his/her behavior and provide ongoing reinforcement of appropriate behavior.

Getting it Right (specific exercise):

This program assists offenders in personal growth, responsible thinking, life management, relapse prevention, change plans, and a passport to action. This sanction involves assigning the offender an exercise from the book that addresses the specific non-compliant behavior.

Health education classes:

Ordering an offender to participate in Health Education classes will provide education and information to promote offender health, teach offender self-care, and address disease prevention, early detection, and treatment.

Structured job search:

For the offenders with no or poor work histories, who are frequently unemployed and need assistance with resume writing, employment application completion, job interviewing procedures, and career exploration should be referred to available community resources.

Support group meetings:

Requiring an offender to attend scheduled meetings for chemical dependency/addictive behavior programming provides learning on addiction and maintaining sobriety in a structured environment. This sanction should be used for offenders who have had a minor relapse or had a positive UA.

Thinking report:

This sanction involves the writing of a report by the offender and is to be used when offenders are using criminal thinking to excuse their behavior and do not understand how their thinking is effecting their violation of the conditions of their supervision. The CCO should review the report and reinforce the learning with the offender.

Travel restrictions – 30 days or less:

This may be an effective sanction for offenders who frequently travel to meet family and friends in the state or who often travel to larger cities for entertainment or shopping.

Verbal reprimand:

Counseling or a reprimand is the most common response to a minor violation of supervision. It involves confronting the offender with the apparent violation, listening to his/her side of the story, and delivering a warning.

Written reprimand by CCO:

A written reprimand is used when a verbal reprimand has not been effective. A written reprimand has the additional benefit of putting in writing exactly what the problem is and exactly what needs to be done to change the behavior that is causing a violation of the conditions of the supervision agreement.

Violation Sanction Descriptions-MEDIUM

Additional UA testing:

An increase in UA testing is designed to assist the offender in breaking the cycle of substance abuse by providing close monitoring. This sanction is most often used when an offender has an extensive background in using chemicals or after an offender has had a positive UA.

Adjustment in contacts:

For the offender who has demonstrated multiple minor violations such as not keeping appointments or finding full-time employment, an effective strategy is to increase his or her

reporting requirements to multiple times per week, and a restriction of the time spent with negative peers on the streets

Anger management classes:

The sanction involves requiring an offender to attend anger management classes and is to be used when offenders are using anger to control others or are allowing anger to control their behavior and do not understand how their anger could effect the violation of the conditions of their supervision.

Community Accountability Board (CAB):

This sanction involves ordering an offender to appear before a CAB. A Community Accountability Board is based on restorative justice principles and seeks to engage the community and victims with the offender to restore the harm done as a result of the offender's behavior. The offender is held accountable to the community for the harm done by his/her criminal behavior. This is achieved by appearing before the CAB and developing a Community Negotiated Action Plan (CNAP) that effectively addresses behavior. The CAB consists of volunteers from local communities who want to impact crime by being involved in the decisions made about an offender's behavior.

Community Justice Center (specialized programs):

This sanction requires an offender to report to a Community Justice Centers (CJC) to complete specialized programming.

Community restitution hours: (more than 16 hours)

Ordering an offender to perform Community Restitution is an appropriate sanction to use as punishment or as means of holding an offender accountable for an administrative violation of the conditions of supervision. Community Restitution can serve as a meaningful sanction for dealing with a broad range of violations such as not reporting as scheduled, failure to maintain employment, failure to follow through on treatment or education, or failure to follow through on program attendance.

Counseling from a community agency:

Requiring an offender to participate in Counseling should be used as a sanction when a offender has mental health issues that are causing him/her problems that may eventually effect violation of a condition of supervision or when a condition of supervision has been violated but the offender's mental health are exacerbating their problems.

Curfew – longer than 30 days:

This sanction is for individuals needing to be in their residence rather than in the community during the late night hours. Offenders are restricted to their residence during the evening hours. During non-curfew hours, the offender may come and go as he or she chooses. Ordering the restriction of time spent in the community, keeps the offender from negative peer groups or activities during the evening hours when the offender is more likely to get into trouble.

Daily breathalyzer testing / 30 Days or Less:

This sanction is most often used when an offender has a history of alcohol abuse problems and recent alcohol use that includes two (2) indications of alcohol use within a six (6) month period.

Day reporting:

Requiring an offender to report to his CCO daily allows the CCO to check on the offender's sobriety, drug usage or employment status daily. Offenders under this sanction should be

deterred from further violation of the condition of their supervision agreement by the increased risk of discovery of behavior that violates his/her supervision agreement and should, over time, develop the skills needed to succeed in the community.

Drug/Alcohol assessment:

An offender with a history of substance abuse problems and recent drug use should be referred to a designated program for screening for an outpatient treatment program, after increased urine testing, Relapse Education Program and other intermediate sanctions have been used without success. Mandatory aftercare and regular substance abuse testing are all part of the outpatient treatment protocol.

GED:

Participation in this program assists in increasing reading, writing, and math levels to a 9.0 grade level in order to obtain a GED certificate.

Getting it Right (full program):

This program assists offenders in personal growth, responsible thinking, life management, relapse prevention, change plans, and a passport to action. This sanction involves enrolling the offender in the full program.

Increased structured job search:

Creating a structured job search plan and requiring the offender to follow it may be an effective sanction for offenders that need assistance in finding and maintaining jobs (at a more intensive level.)

Increased support group meetings:

Increasing the number of scheduled meetings to attend weekly chemical dependency/addictive behavior programming (addictive behavior support groups) provides enhanced learning on addiction and maintaining sobriety and the opportunity to address this through a structured environment. This sanction should be used for offenders who have had a minor relapse or who have had a major relapse but have had a long period of sobriety prior to their relapse.

Moral Reconciliation Therapy:

Ordering an offender to complete MRT can help those correct thinking errors and take responsibility for actions. If this is not available locally, Thinking 4 a Change is a good alternative program.

Education Program:

Ordering an offender to complete REP can help offenders understand and change the self-defeating behaviors that may result in relapse.

Thinking 4 a Change:

Ordering an offender to complete this program helps offenders correct thinking errors and take responsibility for their actions.

Travel restrictions- over 30 days:

This may be an effective sanction for offenders who have demonstrated the inability to control travel to meet family and friends in the state or who often travel to larger cities for entertainment or shopping.

Verbal/written reprimand from Community Corrections Supervisor:

A verbal/written reprimand is used when a verbal/written reprimand by the CCO has not been effective. A written reprimand has the additional benefit of putting in writing exactly what the problem is and exactly what need to be done to change the behavior that is causing a violation of the conditions of the supervision agreement.

Victim education program:

Ordering an offender to complete this program can help offenders understand the impact of crime and accept responsibility.

Violation Sanction Descriptions-HIGH

Daily reporting with option of daily UA testing:

Requiring an offender to report to his CCO daily allows the CCO to check on the offender's sobriety, drug usage or employment status daily. Offenders under this sanction should be deterred from further violations of the conditions of their supervision agreement by the increased risk of discovery of behavior that violates his/her supervision agreement. Daily UA testing can assist the offender in breaking the cycle of substance abuse by providing close monitoring. This sanction is most often used when an offender has an extensive background in using chemicals or after an offender has had a positive UA.

Daily UA testing:

Requiring daily UA testing may be an effective sanction for the offender that has demonstrated problems with alcohol or drugs. This sanction is most often used when an offender has an extensive background in using chemicals or after an offender has had a positive UA. The objective is to work with the offender to increase the amount of time where the offender remains clean and sober with the goal of achieving this for life.

Detention pending hearing:

CCO uses a DOC detainer or Secretary's Warrant to place offender in custody **pending** a hearing. The imposition of jail/detention time should be used in cases where offenders have willfully and consistently failed to abide by the conditions of supervision and a conditional release has been used previously and the offender failed to follow through with the requirements or less severe sanctions have been unsuccessful or would significantly detract from the seriousness of the situation. (**Continued** confinement must be imposed by a Hearing Officer in a hearing)

Drug/Alcohol treatment:

An offender with a history of substance abuse problems and recent drug/alcohol use should be referred to a designated program only after the CCO has made treatment referrals, increased urine testing, and used other intermediate sanctions without success. The offender will complete the program per their assessed needs. Mandatory aftercare treatment and regular substance abuse testing are all part of the treatment protocol.

Evaluation & completion of recommended: mental health, sexual deviancy, and anger management:

Requires an offender to receive an evaluation from a provider and to successfully complete treatment as recommended by the evaluator.

Geographic restrictions – specific limitation:

Restricting the locations in which an offender frequents may be an effective sanction for offenders who have demonstrated the inability to control their traveling activities which puts them at risk for non-compliant behavior.

Intensive curfew:

This sanction is for individuals needing more restriction on their movement in the community. Offenders are to remain at their residence at all times leaving for employment, treatment, education/training, reporting and other activities approved by the CCO. This sanction would be used when the offender has demonstrated that other less restrictive measures are not preventing him or her from violating the conditions of supervision.

Violation Sanction Descriptions-CONFINEMENT

Detention prison/jail:

CCO recommends continued total confinement based on the severity of the behavior and risk to re-offend.

Electronic home monitoring:

The offender wears a tamper-resistant device which monitors when the offender is in his or her residence 24 hours a day. This sanction would be used when the offender has demonstrated that less restrictive measures have been ineffective and partial confinement is warranted.

Global Positioning System (GPS):

The offender wears a tamper-resistant device and carries a location tracking device which monitors and tracks the offender's location 24 hours a day. The technology allows the CCO to monitor if the offender is at certain locations during the day such as residence, work, treatment, etc. (inclusion zones) or is at or near prohibited locations such as parks or school grounds (exclusion zones). This sanction and technology should be used only when location tracking is identified as a necessary component of the sanction.

In-Patient treatment:

An offender who is sanctioned to the completion of a chemical dependency program based on their assessed need.

Work Release:

Work Release allows an offender to be removed from the community for a period of time to deal with the relapsing behavior and make appropriate plans to continue to address the behavior when he/she returns to the streets. This sanction is most often used when an offender has an extensive background in using chemicals or needs a structured transitional program to successfully maintain his/her in the community.



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REVIEW/REVISION HISTORY:

Effective: 9/1/93
 Revised: 8/1/99
 Revised: 6/26/02
 Revised: 4/15/03
 Revised: 9/19/05
 Revised: 12/10/06
 Revised: 4/30/07

SUMMARY OF REVISION/REVIEW:

Adjusted language to in Policy I. and II.; and Directive I.C.1.b., and II.B.1. to clarify intent and compliance with ACA

APPROVED:

3/16/07

HAROLD W. CLARKE, Secretary
Department of Corrections

Date Signed



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REFERENCES:

DOC 100.100 is hereby incorporated into this policy; ACA 2A-07; ACA 5A-01; ACA 2A-01PP; ACA 2A-02PP; ACA 2A-03PP; ACA 2D-01PP; ACA 2D-13PP; DOC 300.380 Classification and Plan Review; DOC 310.100 Intake; DOC 320.420 Offender Accountability Plans

POLICY:

- I. The Department will manage offenders using a risk management system. Offender risk and changes in offender risk will be measured using objective assessment tools. The classification process identifies offender program needs and level of supervision. [2A-01]
- II. [2D-01PP] The Department will use the Level of Service Inventory-Revised (LSI-R) as the primary, standardized, validated instrument to assess offender needs and risk for re-offense, and the Risk Management Identification (RMI) Criteria (Attachment 1) to identify potential for future harm. [2A-02PP] Assessment tools will be used to identify dynamic risk factors that may be targets for intervention, determine supervision levels, measure offender change, and establish the foundation for supervision practices.

DIRECTIVE:

- I. Assessment
 - A. The LSI-R and RMI criteria will be the primary risk assessment tools to establish risk classification. [2A-02PP]
 1. The LSI-R/RMI assessments will be completed on every offender, and will be documented on the Offender Management Network Information (OMNI) LSI-R/RMI applications. [2A-07] [2A-02PP]
 - a. When staff are doing a risk assessment, the Counselor/Community Corrections Officer (CCO) will ask the offender if s/he is currently subject to court ordered services for mental health or chemical dependency.
 - 1) The offender must sign DOC 14-029 Criminal Justice System/Multi-Party Authorization for Release of Information. Offenders who refuse to sign the form may be processed as a violator by the Counselor/CCO.
 2. Eighteen months prior to the offender's Earned Release Date (ERD), the Counselor/ facility CCO will send DOC 13-409 High Needs B Assessment to the medical practitioner or mental health provider to identify medical or



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mental health needs that may meet the High Need Risk Management (RM)B criteria.

- a. When the form is completed by the medical practitioner or mental health provider and returned to the Counselor/facility CCO, the counselor/facility CCO will document in OMNI RMI:
 - 1) Designation of High Needs B,
 - 2) Practitioner or provider who authorized the designation, and
 - 3) A summary of the reason for the High Needs B designation.
 - b. The Counselor/facility CCO will ensure a copy of the form is sent to the Records Manager for placement in the central file.
3. If information is available or behavior is observed by the Field CCO that may indicate a need for mental health services, the CCO will refer the offender for an evaluation from a community mental health provider.
- a. If the results of the evaluation indicate a high need for services, the CCO will document in OMNI RMI and contact the Community Re-entry Specialist for further medical and/or mental health assistance.

B. Facility Assessment

1. If the LSI-R/RMI has been completed as a component of the Pre-Sentence Investigation or Risk Assessment Report for the current conviction, no LSI-R/RMI assessment/reassessment is required unless new information is discovered or new events have occurred.
2. [2A-07] The Reception Diagnostic Center Counselor will complete the LSI-R/RMI assessment/reassessment for all offenders within available resources.
3. The Counselor/facility CCO will administer the LSI-R/RMI assessment or reassessment on all offenders committed to prison within 30 days of arrival at the initial placement, if one was not completed at the Reception Diagnostic Center for the current admission or as part of a Pre-Sentence Investigation or Risk Assessment Report for the current offense. [2A-07]
4. Youthful offenders committed as adults will be assessed using the LSI-R/RMI after turning age 16.
5. The LSI-R/RMI risk assessments will be based on behaviors and circumstances that occurred in the community prior to incarceration and



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any behaviors that occurred during confinement, past and present, that demonstrate increased risk.

C. Field Assessment

1. CCOs will complete the LSI-R/RMI assessment as a component of:
 - a. The Pre-Sentence Investigation or the Risk Assessment Report if requested by the court, or
 - b. The supervision intake process that identifies the supervision classification level that is completed within 30 days of receipt of the case. [2A-03PP]

II. Reassessments

A. Prison Reassessments

1. [5A-01] The Counselor/facility CCO will complete an LSI-R/RMI reassessment:
 - a. To correct any scoring or information inaccuracies identified during review of the most recent LSI-R/RMI assessment within 30 days of arrival at a new facility/placement.
 - b. If new or additional conviction or behavioral information not previously documented or considered in the risk assessment process is discovered.
 - c. When an event occurs that demonstrates an increase in risk-related behaviors that may include, but are not limited, to infractions.

B. [2A-02PP] Field Reassessments

1. CCOs will promptly complete the LSI-R/RMI reassessment for offenders at all classification levels, as deemed necessary by the CCO and/or his/her supervisor, as events occur during the supervision of the offender. [2A-07PP] This will be documented on the OMNI LSI-R/RMI application. [2A-03PP] Events are defined, at a minimum, as:
 - a. Prior to requesting an override.
 - b. When the offender no longer meets the current RMI designation criteria (i.e., 6 months of sexual deviancy treatment completed in the community, imminent threat no longer present, sex offender community notification level changes, etc.).



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- c. When significant events occur that increase or decrease an offender's risk in the community. Significant events include, but are not limited to:
- 1) New violent offense behavior and/or new convictions,
 - 2) Violations related to offender criminal behavior pattern,
 - 3) Program completion or termination related to targeted risk factors (e.g., sexual deviancy, chemical dependency, domestic violence/batterers, cognitive change programs, etc.),
 - 4) Victim access, behavior, or threats directed toward previous victims or potential victims, and
 - 5) Life changes that increase or decrease risk (e.g., employment status change, family/marital changes, access to negative/pro-social companions, mental health diagnosis, change of residence, change of supervision location) if those changes could result in a classification change.

2. In the absence of an event, CCOs will complete the LSI-R/RMI reassessment for all RMA and RMB offenders at least every 6 months.
[2A-07PP] [2D-13PP]

- C. Reassessments will include an update of the criminal history narrative sections of the OMNI LSI-R.

III. Verification Requirements

- A. For the purpose of assessment, documented history means data obtained through a records check, information obtained by the Department from official sources, collateral contacts, and the offender's self report.

1. The initial LSI-R/RMI risk assessment will be done with the offender's participation. [2A-02PP]
 - a. If an offender refuses or is unable to participate, Counselors and CCOs will complete the assessment by:
 - 1) Reviewing all available criminal history sources,
 - 2) Reviewing all available file materials,
 - 3) Using collateral contacts, and



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- 4) Documenting the refusal and sources used to obtain/verify information in the LSI-R Criminal History narrative.

B. The Counselor/CCO will use multiple sources whenever possible to verify the information provided by the offender to enhance the reliability and validity of the LSI-R/RMI assessment. The results of a risk assessment will not be based on unconfirmed or unconfirmable allegations.

1. Sources for verification include:

- a. Judgment and Sentence,
- b. National Crime Information Center (NCIC), Federal Bureau of Investigation (FBI), Washington Crime Information Center (WACIC),
- c. Superior Court Operations Management Information System (SCOMIS),
- d. District Court Information System (DISCIS),
- e. County Prosecuting Attorney's Statement, and
- f. Department files (i.e., electronic and hardcopy)

2. Additional sources for verification may include:

- a. County Department of Adult Detention,
- b. Department of Social and Health Services (DSHS) – Child Protective Services (CPS), Adult Protective Services (APS), Developmental Disabilities Division (DDD),
- c. Washington State Juvenile Rehabilitation Administration (JRA),
- d. Collateral contacts,
- e. Victim Impact Statement and/or other victim information, and
- f. Other states' criminal history information resources.

IV. Documenting LSI-R/RMI Assessment/Reassessment

A. The Counselor/CCO will document criminal history information in the LSI-R Criminal History subcomponent narrative on DOC 12-024 LSI-R Criminal History Narrative.

1. Criminal History narrative information will include:

- a. All convictions by date in descending chronological order from most recent date of offense to earliest date of offense. Include date of offense and crime title. Include cause number, sentence date, and disposition, if known.



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- 1) For multiple non-violent misdemeanor and criminal traffic convictions, group like-offenses with start and end dates listed by most recent offense (i.e., "05/17/97 back to 01/02/90, P had 7 DWLS 3rd Degree convictions").
- b. A behavioral description for the current offense for any convictions on the Felony Index of Violent and Serious Violent Offenses and any conviction that is felony and misdemeanor domestic violence related.
 - 1) Behavioral descriptions include where, when, with whom, and to whom offenses occurred, and the role of accomplices, if any. Include whether the offense was planned or impulsive, if weapons were used, if the offender was under the influence of alcohol or drugs at the time of the offense, etc.
 - 2) Indicate whether behavioral descriptions are from official documents or offender self-report.
- c. For sex offenses, how the victim was selected, relationship with the victim, and age of victim and description of harm, if applicable.
- d. Any escape behaviors, unless previously included in the criminal history conviction record.
- e. Brief summary of any violent, sex and/or crime-related incidents of misconduct occurring in prison, jail, or detention center, adult or juvenile.
- f. Brief summary of any violent, sex, and/or crime-related community violations occurring while on any type of supervision, adult or juvenile.
2. Upon completion of the LSI-R/RMI assessment/reassessment, the Counselor/facility CCO will complete a DT07 RA (PRISON RA COMPL) coded entry.
3. The Counselor/CCO will update the LSI-R Criminal History narrative of the OMNI LSI-R during reassessment with any new information related to additional past or present criminal convictions and/or behaviors not previously documented.

V. Risk Management Level Reclassification



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- A. Reclassification means a change in RMI classification. Reclassification can occur through reassessment or through the field override process.
1. Only RMA offenders who meet the following criteria can be reclassified through reassessment:
 - a. Have an LSI-R score of 41 or over, with a past or current conviction on the Felony Index of Violent and/or Serious Violent Offenses, or comparable conviction from another state.
 - b. Are considered an Imminent Threat.
 - 1) Cases designated as Imminent Threat during confinement in jail or prison are not to be reclassified while the offender is still in confinement, unless the victim of the threat dies or moves out of the state.
 - 2) The Imminent Threat designation may be considered for reclassification after the offender returns to the community following confinement if the offender is free of Imminent Threat behaviors and the offender has been compliant with all risk related supervision conditions for at least 12 months.
 - 3) Removing Imminent Threat must be a Risk Management Team decision which, at a minimum, must include the CCO/Re-entry Specialist (RES) and the Community Victim Liaison as well as any treatment providers working with the offender.
 - a) If the decision is to remove the Imminent Threat classification, the CCO will complete a reassessment of the OMNI RMI scoring.
 - b) If necessary, the Headquarters Victim Services Program Manager may be consulted.
 2. A reclassification of an RMA offender will require supervisory review.
 3. Offenders classified other than those with a score of 41 or higher and a violent offense or Imminent Threat must remain RMA. These offenders cannot be reclassified through the period of community supervision unless extenuating circumstances exist to warrant an override or the offender meets the classification reduction override criteria.



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4. Offenders classified RMB because they are Level II sex offenders cannot be reclassified downward.
 5. Offenders classified RMB because they are under the jurisdiction of the Indeterminate Sentencing Review Board (ISRB) cannot be reclassified downward.
 6. Field offenders classified RMC because they are Level I sex offenders for a current sex offense cannot be reclassified downward through the period of community supervision.
 7. All offenders incarcerated for a current sex offense will be classified no lower than RMB and will not be reassessed to a lower risk management level until released and compliant to community supervision requirements for at least a 6 month period; including sexual deviancy treatment, if ordered.
 8. Cases designated during incarceration as RMB due to a high need will not be reassessed to a lower risk management level until release, community transition has occurred, and the CCO has verified with the treatment provider that ongoing services are no longer necessary.
 9. Offenders classified RMC because they are a Drug Offender Sentencing Alternative (DOSA) case cannot be reclassified downward through the period of community supervision, unless their DOSA is revoked and they are subsequently released.
 10. RMD offenders in the community will only be reassessed when a disciplinary hearing has been completed or information is received that suggests an increased risk to the community, past victims, or potential victims. Reclassification of an RMD offender requires supervisory approval.
- B. Risk Management Level Overrides
1. Risk Management overrides will occur only in the field.
 2. An offender's risk management level may be overridden up or down when an aggravating or mitigating factor exists that was not taken into account by the RMI criteria.
 - a. Only DOSA and sex offenders will remain supervised at the RMC classification level. Upon completion of intake, classification, and



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any treatment referrals all other RMC offenders will be overridden to RMD.

- 1) Community service referrals will be completed prior to RMD override and transfer to the appropriate caseload.
 - 2) Non-DOSA and non-sex offense RMC offenders remain at the RMC classification level until court-ordered referral(s) has been made.
 - 3) Non-DOSA and non-sex offense RMC offenders with no treatment conditions and no community service will immediately be overridden to RMD.
- b. Offenders overridden to RMD will remain RMD unless violation behavior results in reclassification to RMA or RMB.
- c. Only DOSA and sex offenders may be overridden from RMA and RMB to RMC. All other offenders who would be overridden to RMC will instead be overridden to RMD.
- d. Eligible RMA and RMB offenders who have been violation free for 70 percent of their supervision or the low end of the community custody range, which is non-broken consecutive, not accumulative time between violations, whichever is greater will be overridden to RMD.
- 1) Not all RMA or RMB offenders are eligible for consideration for this override. Offenders who are not eligible for an override to RMD are:
 - a) Sex offenders and felony or misdemeanor offenses with a finding of sexual intent,
 - b) DOSA offenders,
 - c) Insanity acquittal offenders,
 - d) Offenders on supervised appeals,
 - e) Dangerously Mentally Ill Offenders (DMIO),
 - f) Cases on Least Restrictive Alternatives, and
 - g) Offenders in violation of supervision conditions or a violation of any targeted risk factor for which a condition has been imposed resulting in a stipulated agreement; agreed sanction; or a hearing resulting in a guilty finding, except the disposition for non-payment of Legal Financial Obligations.

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- 2) Offenders with a violation that results in no action taken or if the deposition is a verbal and/or written reprimand are eligible for an override to RMD.
 - a) Overrides will be entered and approved using the OMNI LSI-R/RMI application. Approval and rationale for the override will be documented on the OMNI RMI Override Justification Narrative.
 - b) Overrides for RMA and RMB to a lower classification require Field Administrator approval, through the Community Corrections Supervisor (CCS). All other overrides require CCS approval.
 - c) Documented rationale for community cases will be forwarded to the CCS and/or Field Administrator.
- 3) All reviews and actions will be entered on DT37 chrono using the CRI chrono code.

VI. Risk Assessment Quality Assurance

- A. The Headquarters Case Management/Risk Assessment Program Manager will oversee quality assurance of a random selection of risk assessments for those cases determined to be eligible for ESSB 5990 legislation considerations.
- B. If a reassessment changes a prison offender's eligibility for ESSB 5990 (i.e., 50 percent Earned Release Time), the case will be referred to the Headquarters Case Management/ Program Manager for review.

DEFINITIONS:

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

ATTACHMENTS:

Risk Management Identification (RMI) Criteria (Attachment 1)

DOC FORMS:

DOC 12-024 LSI-R Criminal History Narrative

DOC 13-409 High Needs B Assessment

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

