

Department of Social and Health Services  
Olympia, Washington  
**EAZ Manual**

Revision # 932  
Category Fleeing Felons  
Issued 6/20/2016  
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**Summary**

Revision of entire chapter due to new Federal Regulations

See below for edited text:

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**Clarifying Information - WAC 388-442-0010**

- 1) Fleeing felons; For a person to be "fleeing", they must be acting with the intent to avoid prosecution. If a magistrate has issued a felony warrant, the person must know that an arrest warrant was issued in order for us to consider that person "fleeing." We consider someone ineligible, when:
- (a) A Federal, State, or local law enforcement office presents an outstanding felony arrest warrant. The officer must be acting on behalf of their agency.
  - (i) The warrant can **ONLY** be issued for the following Uniform Offense Classification Codes:
    - **Escape (4901)**

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- Flight to Avoid (prosecution, confinement, etc.) (4902)
- ↳ Flight-Escape (4999)

**EXAMPLE:** John states at his application interview that he is aware of a felony warrant for his arrest. Because we were not presented with an outstanding felony warrant by a law enforcement officer, acting in their official capacity, for escape, flight to avoid, or flight escape and John is otherwise eligible, the worker approves John's application.

2) Probation or Parole violation: We consider someone ineligible when:

- (a) An arrest warrant is issued by an impartial party, because the individual failed to comply with a condition of probation or parole.
  - 1-(i) What is considered a violation of parole varies from case to case.
  - (ii) A corrections officer may tell us that they intend to issue a warrant, but a person's eligibility is not affected until the warrant is issued.

2. NOTE: We cannot use warrant information in FORS to determine if a client is a fleeing felon or probation/parole violator. Warrants for parole or probation violations must be issued by an impartial party. A DOC Community Corrections Officer is not an impartial party.

1) Juvenile convictions: A juvenile offender who flees a felony warrant is subject to the same rules as adult offenders. This includes persons who were convicted of a felony in a juvenile court. **Probation or parole violation:** Violating a condition of probation or parole means an arrest warrant is issued when the corrections officer informs an administrative body or court that an individual failed to comply with a condition of probation or parole.

2) What is considered a violation of parole varies from case to case. A corrections officer may tell us that they intend to issue a warrant, but a person's eligibility is not affected until the warrant is issued.

3) Pregnant felons who get SFA: A woman who was convicted of misrepresenting her residence in order to receive benefits from two or more states at the same time may get SFA while she is pregnant. When the pregnancy ends, she is no longer eligible for these benefits. Any children may be eligible for TANF/SFA benefits on their own. See [WAC 388-418-0020](#) to determine the effective date of the change.

4) Time periods for fleeing felon and parole/probation status – There is no disqualification period. Clients can reapply for benefits at any time. Determine if a warrant used to previously deny or terminate benefits is still valid. A warrant is not valid if the time period for actively seeking the client has expired.

**NOTE:** As allowed under federal law, Senate Bill 6411 passed in the 2004 legislative session, restored Basic Food benefits to persons convicted of a drug-related felony. Senate Bill 5213 passed in the 2005 legislative session restored TANF benefits to persons convicted of a drug-related felony.

## Worker Responsibilities - WAC 388-442-0010

### 1. When we are presented with a warrant for a client:

- a. We must consider that person "fleeing" and not eligible for TANF/SFA or Basic Food benefits when:
  - i. The law enforcement agency or Department of Corrections intends to enforce the warrant within:
    - a. 30 days from the date we contact the agency to verify the warrant; or
    - b. 20 days from the date the agency requests information about the client as described in Worker Responsibilities #3.

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b. Deny or close benefits as appropriate and clearly document each step taken to verify the warrant.

EXAMPLE: Worker is dishd an official document through DMS batch. The document is from Kootenai County Sheriff's office and it is requesting information about Tina. Tina is a current TANF & Basic Food recipient. The document contains a warrant for Flight to Avoid (4902). Worker contacts the sheriff's office and verifies that the warrant is still active and that the sheriff intends to enforce the warrant through extradition within the next 20 days. The worker closes benefits with advanced notice and sends a termination notice.

~~1.~~ **2. Reviewing fleeing felon parole/probation status:**

Take the following actions at application, at review, or when adding an individual to the Assistance Unit (AU):

a. Ask the ~~person~~ about ~~the possibility of~~ outstanding warrants due to parole or probation violations for each member of the household and record the information in ACES.

b. ~~Check adult AU members against the Department of Corrections (DOC) Felony Offender Reporting System (FORS) for outstanding warrants. Follow local office policy on who may use FORS.~~ If the client declares that they are aware of a warrant for probation/parole violation:-

1. Contact the Community Corrections Officer (CCO) listed in FORS.

2. Determine the type of warrant issued by the CCO.

a. If the warrant was issued by the CCO (Secretary's warrant, or bench warrant for example), the client is eligible for Basic Food or Cash if they meet all other eligibility requirements.

b. If the warrant was not issued by the CCO, verify that DOC intends to enforce the warrant within 30 days before denying or terminating benefits..

~~c.— If FORS has a warrant listed for an adult member of the household, contact DOC to verify that the warrant is still valid.~~

~~d.— Verify with DOC that they intend to enforce the warrant.~~

NOTE: Do not FRED for outstanding warrants. We can accept clients' statement on whether they are fleeing from the law.

EXAMPLE: John declares on his application for benefits that he is not fleeing from the law or breaking a condition of parole/probation. The worker accepts his statement and processes his application.

EXAMPLE: Tina declares on her application for benefits that she is not fleeing from the law or breaking a condition of parole/probation. During the interview, she says she may have an outstanding warrant in Idaho from an old parole violation. The worker verifies Tina has an felony arrest warrant with a Flight to Avoid (4902) code, and Idaho intends to enforce the warrant. Tina is not eligible for Basic Food or Cash benefits.

EXAMPLE: Same as above, however, Idaho does not intend to enforce the warrant in Washington. Tina is considered eligible for Basic Food and Cash if is meets all other eligibility criteria.

**2. When someone has a felony warrant:**

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- ~~a. Let a person know when that individual has a valid felony warrant.~~
- ~~b. Give a person who says the warrant is satisfied a chance to prove the status.~~
- ~~c. We must consider that person "fleeing" and not eligible for TANF/SFA or Basic Food benefits unless:~~
  - ~~i. the person can prove the warrant is satisfied, or;~~
  - ~~ii. The person can reasonably show they have made a good faith effort to satisfy the warrant and have been unable to do so for reasons beyond their control.~~
- ~~d. Deny or close benefits as appropriate and clearly document each step taken to verify the warrant.~~

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### 3. When law enforcement contacts the department:

If a law enforcement official contacts us regarding an individual, cooperate with the official as required by state and federal law.

a. **State Law - RCW 74.04.062** allows us to disclose current address and location information about cash-only clients to law enforcement officers when all of the following conditions are met:

- i. They are acting in an official capacity;
- ii. They identify themselves;
- iii. Provide the client's Social Security Number; and
- iv. Demonstrate that the client is a fugitive.

b. **Federal Law - 7CFR §272.1 (c)(1)(vii)** Requires us to cooperate with law enforcement officers by providing the address, Social Security Number, and any available photograph of a client only when the following conditions are met:

- i. The request is *specified in writing*; and
- ii. Includes the name of the household member being sought; and
- iii. The person is fleeing to avoid prosecution or custody for a crime, or an attempt to commit a crime, that would be classified as a felony or is violating a condition of probation or parole imposed under a Federal or State law; or
- iv. The person has information needed to apprehend or investigate another household member who is fleeing to avoid prosecution or custody for a felony, or has violated a condition of probation or parole.
- v. The federal law applies to all Basic Food applicants and recipients and supersedes the state law for these individuals.

**NOTE:** Federal regulations only allow the release of specific information when **all** of the conditions listed in b. above are satisfied.

### 4. DSHS Staff Reporting Felons:

In very limited circumstances, staff may report a fleeing felon applying for or receiving cash assistance.

- **RCW 74.04.062** allows us to contact the appropriate law enforcement agency when we learn that a person has a **valid** outstanding warrant. These provisions in state law apply to **cash only** clients.

- Federal law under [7CFR §272.1 \(c\)\(1\)\(vii\)](#) only allows us to disclose information on the whereabouts of a fleeing felon applying for or receiving food assistance as described under section (3)(b) above. It does not allow staff to initiate contact with law enforcement.

We **cannot** contact law enforcement to report a fleeing felon for food assistance, even if the person is also applying for or receiving cash assistance.

**NOTE:** Staff are not required to report fleeing felons to the authorities.

The only mandatory requirement when provided a written request meeting the requirements under RCW 74.04.062 is to provide the person's current address, location, and social security number.

Local offices are not required to assist in detaining or delaying a fleeing felon leaving the office in order for law enforcement to arrest them.