

**EXHIBIT D**

**to**

**Staffed LRA Residence Contract**

SCC Policies

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## Special Commitment Center

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**Title:** SCC 07.102 Serious Violations of LRA Conditions

**Approved By:** David Flynn (CHIEF EXECUTIVE OFFICER)

**Approval Date:** 06/24/2013

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### ***PURPOSE***

This policy provides direction to Special Commitment Center (SCC) staff and contracted service providers and establishes criteria and procedures for:

- Reporting and documenting alleged serious violations committed by Special Commitment Center (SCC) residents on court-ordered conditional release to less restrictive alternative (LRA) settings; and
- Transferring an LRA resident to the Special Commitment Center when a serious violation has allegedly occurred and the resident has not been arrested and detained by law enforcement.
- This policy provides direction to SCC staff, contracted service providers and court-authorized LRA resident escorts for reporting and documenting alleged serious violations committed by LRA residents.
- In accordance with RCW 71.09.325, this policy requires LRA residents suspected of committing serious violations be returned to the SCC pending the outcome of a judicial review, unless held in another place of detention by law enforcement.

### ***SCOPE***

This policy pertains to SCC residents on court-ordered conditional release to less restrictive alternative settings of any type, as well as to staff, contractors and court approved monitors & escorts with therapeutic, supervisory, or general oversight responsibility for these residents.

The scope of this policy also includes directions and criteria found in WAC 388-880-057  
*(How SCC considers a resident's revocation of LRA status)*

### ***DEFINITIONS:***

**Community Corrections Officer** means an employee of the Department of Corrections to whom a person placed in a less restrictive alternative setting is assigned for supervision under chapters

71.09.96 RCW. Community Corrections Officers have arrest authority over LRA Residents.

**Less Restrictive Alternative {LRA}** means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092. For the purposes of this policy, less restrictive alternative settings include private homes, secure community transition facilities, and other court-authorized residential settings.

**LRA Resident** means a *less restrictive alternative* to total confinement and it applies to an individual who has been civilly committed under chapter 71.09 RCW and has received a court-ordered conditional release to any type of *less restrictive alternative* placement.

**Private home** means the LRA resident's own home or the home of a family member or another person's home that has been approved by the court of commitment as a less restrictive alternative dwelling.

**Secure Community Transition Facility (SCTF)** means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under chapter 71.09 RCW. A secure community transition facility has supervision and security and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the Pierce and King County SCTF programs, and any community-based facilities established after June 26, 2001 under chapter 71.09 RCW and operated by the DSHS Secretary or under contract with the DSHS Secretary.

**Serious Violation** means a violation by an LRA resident that includes but is not limited to the commission of any criminal offense; any unlawful use or possession of alcohol or a controlled substance; or any violation of a court-ordered condition targeted to address the person's documented pattern of offense that increases the risk to public safety. For purposes of this policy, an accumulation of failure to comply with treatment plan requirements or with rules, infractions or any inappropriate behavior may be considered a serious violation if, in the judgment of the Superintendent, the behavior represents a risk to public safety.

## **POLICY**

### **1. Reporting Requirements**

All serious violations - alleged or founded - must be reported immediately upon discovery or incident of occurrence.

#### **A Who Must Report**

All SCC staff, contracted service providers, and court-authorized escorts and monitors who work with LRA residents must report all suspected serious violations, when a serious violation is known or suspected to have occurred. The aforementioned individuals mentioned above are expected to comply fully with the reporting requirements found in this policy, RCW 71.09.325 and DSHS Administrative Policy No. 8.06 & 9.01, as applicable.

#### **B Failure to Report**

Failure to report violations as required RCW 71.09.325 may subject the staff

person, contractor, or court approved monitor/escort with unreported; or complicit, knowledge of the violation to civil and/or criminal penalties. Strict adherence to this policy is expected.

## **2. Nature of the Violation**

- A. For the purposes of interpreting this policy, serious violations shall be viewed as acts of either a criminal or non-criminal nature.
  - 1. Violations of a criminal nature include any act that violates federal/state/municipal statute or code, whether the person has been arrested or not.

2. Violations of a non-criminal nature shall be seen as acts that constitute a violation of the court ordered conditions which include the treatment plan and community corrections components.

B. Special Instructions for Reporting Serious Violations of a Criminal Nature  
When the nature of the violation is urgent, emergent or appears to presents a public safety risk, the discovering / witnessing party shall immediately contact law enforcement using either a 911 call, police band radio call for assistance or by an approved alternative phone number to law enforcement.

1. If it is unclear where the violation is a criminal offense, or if the violation appears to present a threat to public safety, the person initiating the report must notify law enforcement; this is not a discretionary matter.

2. If the violation is suspected, but not confirmed, and it does not appear that the situation presents an imminent risk to public safety, the serious violation may be reported directly to the designated law enforcement representative assigned by the local sheriff/ chief of police, rather than contacting 911.

### 3. Reporting Expectations for Serious Violations

#### **How serious violations of any type are initially reported.**

A. Violations are initially reported to SCC Administration through a **verbal report**, in person or by phone call. Regardless of who in the SCC organizational structure (chain of command) initially receives this phone call, notice of the alleged violation shall be made to the Superintendent' Office within 3-hours of discovery or incident of occurrence.

- If the violation occurs after normal business hours, the SCC Administrative On- Call will be notified, that person will communicate the matter to the Superintendent.

B. The phone call is followed up with a **written preliminary violation report** to the Superintendent' office within 12-hours of discovery using the provided form attached to this policy.

- Lack of management/supervisory review shall not delay the submission of the written preliminary violations report from reaching the Superintendent's office within 12-hours.

C. The Superintendent or a party he/she designates to perform this function, will notify the following parties of the serious violation(s) as soon as possible,

- Assigned Community Corrections Officer, or that person's supervisor,
- Sex Offender Treatment Provider,
- Assigned civil commitment prosecuting attorney, and

- Local law enforcement.
- DSHS Director of Integrated Health Services.
- Court of Commitment.
- If the resident is returned to the SCC pending a revocation hearing, an incident report must be prepared for distribution to the Office of the Governor.

- E. Reporting of a serious violation also includes the sharing of appropriate information, pertinent to the violation with the assigned DSHS Public Information Officer (PIO).
  - The Superintendent may elect to designate a SCC staff member to act as SCC's designated Information Officer for the purpose of assisting the PIO as spokesperson on specific violations and associated matters.
- F. In accordance with RCW 71.09.098 the Court of Commitment shall be notified before the close of the next judicial day of the person's apprehension for a serious violation.
- G. The Clinical Director or designee shall be responsible to prepare the annual report to the legislature on all serious violations per RCW 71.09.325.
- H. In addition to the initial report, follow-up investigation and reporting may be done at the direction of the Clinical Director, or designee; or as directed by the Superintendent, when it is felt that additional investigation into the matter is warranted.

#### 4. **Documenting Reports of Serious Violations**

RCW 71.09.325 requires that the Special Commitment Center and any sec contracted service provider document all serious violations and the subsequent actions taken.

- A. The written violation report shall include a descriptive statement of actions and events which fully address the *Essential Elements* component criteria, as found in SCC Policy 103 to the extent possible.
- B. The initiator and management reviewer of all serious violations are required to follow the steps outlined below.
  - a. Submit a preliminary written *Report of Violation of LRA Conditions* using the format provided in this policy, as soon as circumstances permit, but in no case longer than 12- hours from the time of discovery.
  - b. In all cases, the preliminary report shall be completed and forwarded within 12 - hours of the violation or discovery of the alleged violation, the Clinical Director or designee is responsible to ensure that this action occurs.
  - c. The preliminary report shall include details of the violation, the resident's current location, and if applicable, the Police/ DOC arresting charge(s) and case number, if any.
    - The report shall also document any initial transfer/ restriction decisions related to the resident and the reported violation.
  - d. Once the court has reviewed the violation, the Clinical Director or designee shall ensure that for historical purposes, a copy of any/all court decisions revoking or



modifying the resident's less restrictive alternative placement shall be attached to the file copy of the violations report.

5. **Transfer of Residents Suspected of Committing Serious Violations**

An LRA resident alleged to have committed a serious violation must be removed, per RCW

71.09.325, from his or her current placement and transferred to the Special Commitment Center unless arrested and detained by a law enforcement agency.

- A. Upon notification of an alleged violation of law or court-ordered condition of release, the law enforcement agency responding, or notified; or the community corrections officer may arrest, detain, and take custody of the resident. SCC staff shall provide assistance as requested by any peace officer as defined under RCW 10.93 to the full extent expected under RCW 9A.76.
- B. If the individual is not detained by law enforcement, the sec Superintendent or designee must arrange the resident's immediate transfer to, and retention within, the Special Commitment Center, pending proceedings by the prosecuting agency under RCW 71.09.098 and a court ruling.
- C. While the resident is housed at the Total Confinement Facility pending a court hearing regarding the determination of his/her conditional release status, he/she will live under the conditions found in WAC 388-880-057(3).

**6. Routing Written Preliminary Reports of Serious Violation**

Written reports and related documentation shall be promptly submitted to the Superintendent's Office.

- A. Routing Reports Submitted by sec, SCTF or DOC employees
  - a. The preliminary report of a serious violation is essentially an incident report formatted specific to a violations described in RCW 71.09.325. As such, document review and investigation shall not delay submission of the preliminary report or notification of violation.
  - b. The written preliminary report of a serious violation shall not be delayed in reaching the Superintendent's office.
  - c. Based on need to relay additional information, shed new light, or more fully describe the events of the violation, the Clinical Director or designee may elect to issue a revised violations report within 72-hours of the preliminary report being submitted to the Superintendent's office.
- B. Routing Reports Submitted by Contractors, Court Approved Monitors/Escorts and Others
  - a. Any SCC staff member receiving information from a contractor, court approved monitor/escort or others that, if true, would constitute a violation must take action to promptly report that information.
  - b. Any SCC staff member receiving general information, or an actual notice that a resident has committed a violation from a contractors and/or court approved monitors/ escorts shall submit whatever written statements received and make a written summary of any phone calls and/or verbal conversations that occurred, related to a LRA resident committing a serious

violation.

- c. That information shall be related in an expeditious manner to the Clinical Director or designee, for initial processing.

When collecting information that may lead to submission of a violation report, the initial recipient of the information shall collect as much detailed information as possible and obtain contact information from the person making the report.

The Clinical Director or designee shall:

- Review the material and information provided
- Make follow-up contact with the reporting party to verify who they are, clarify issues, collect additional information, and provide confirmation to the reporting party that action is being taken.
- Rate the information as fictitious or factual, serious or general.
- If determined to be fictional, submit an SCC incident report explaining why. Do not submit a violations report.
- If determined to be factual, process the preliminary violation report accordingly following this policy if it is serious, or policy 721 if the violation appears to be of a general nature.
- When uncertain if the violation is serious or general, report it as a serious violation and follow the actions required by this policy of the initial reporter.

## **7. Contractual Requirements for Service Providers**

- A. Applicable reporting and documentation requirements of this policy shall be included in all contracts between the SCC and individuals or agencies providing services to LRA residents.
- B. Contracting agencies shall hold their employees responsible for compliance with applicable requirements specified in this policy and referenced in contract.
- C. Failure to adhere to the reporting requirements of this policy may result in contract termination

**Preliminary REPORT OF A VIOLATION, Per RCW 71.09.325**

Today's Date:

RESIDENT (Last, First, MI)		sec NUMBER	TRACKING NUMBER:
LRA LOCATION		DOC NUMBER	
PERSON REPORTING VIOLATION Last, First, MI		VIOLATION DATE/TIME	LOCATION
<b>DESCRIPTION OF VIOLATION</b>		<i>Attach all documentation.</i>	
<p>A. Check one or both, as applicable</p> <p>This a <b>Serious</b> Violation covered under sec Policy 720 D</p> <p>Or</p> <p>This a <b>General</b> Violation covered under sec Policy 721 D</p> <p>B. Check one or more below, as applicable, and provide a complete description of the violation behavior.</p> <p>Identify the Court-Ordered Condition Violated:</p>			
<b>WITNESSES</b>			
(1) Identify other non-court-ordered condition or		(3) program rules violated:	
<p>Identify the Criminal Offense(s) Covered by Policy</p> <p><b>NARRATIVE DESCRIPTION OF VIOLATION</b></p>			

Reporting Staff Member Signature/ Date / Time	
<b>Initial Management Review</b>	
Management Rep. Signature & Date	
<b>Superintendent/Designee REVIEW AND FOLLOW-UP</b>	

*Agencies Contacted, Time/ines, Conclustons, etc.*

<b>AGENCY CONTACTS</b>	DEPARTMENT OF CORRECTIONS:
	Incident Report Sent to DSHS DEPUTY SECRETARY:
	DSHS MEDIA RELATIONS:
	WASHINGTON STATE PATROL:
<b>REPORTS FILED</b>	COURT OF RECORD:
	PROSECUTOR:
<b>LEGAL ACTIONS</b>	
<b>PLACEMENT MADE</b>	sec SECURE FACILITY (DATE):
	SCTF (LOCATION/DATE):
<b>OTHER ACTIONS AND RELATED EVENTS</b>	
Signature	

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## Special Commitment Center

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**Title:** SCC 07.103 General Violations of LRA Conditions

**Approved By:** David Flynn (CHIEF EXECUTIVE OFFICER)

**Approval Date:** 06/24/2013

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### ***PURPOSE***

Per RCW 71.09.325, this policy on general violations is a companion to policy 720, which addresses serious violations. This policy provides direction to Special Commitment Center

(SCC) staff and contracted service providers for reporting and documenting alleged general violations committed by sec residents on court-ordered less restrictive alternative (LRA) placements. It establishes:

- Criteria for requesting a resident's court of commitment to consider amending or revoking the current conditional release and;
- Requirements for reporting and documenting alleged general violations committed by SCC residents on conditional release to LRA settings.

### ***SCOPE***

This policy pertains to SCC residents on court-ordered conditional release to less restrictive alternatives.

### ***DEFINITIONS***

**Community Corrections Officer** means an employee of the Department of Corrections to whom a person placed in a less restrictive alternative setting is assigned for supervision under chapters 71.09 and 72.09 RCW.

**General violation** means failure to comply with a condition of release set by the court of jurisdiction, by the Department of Social and Health Services, or by the Department of Corrections. A general violation may include a resident's failure to comply with a treatment plan requirement or with a posting, written instruction or verbal instruction given by an authorized person. A general violation is distinct from a serious violation.

**Less Restrictive Alternative (LRA)** means court-ordered treatment in a setting less restrictive than total confinement that satisfies the conditions set forth in RCW 71.09.092. For the purposes of this policy, less restrictive alternative settings include

private homes, secure community transition facilities (SCTF), and other court-authorized residential settings.



**LRA Resident** means an individual who has been civilly committed under chapter 71.09 RCW and who has received a court-ordered conditional release to any type of a less restrictive alternative placement.

**Private home** means the LRA resident's own home or the home of a family member or another person's home that has been approved by the court of commitment as a less restrictive alternative dwelling.

**Secure Community Transition Facility (SCTF)** means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under chapter 71.09 RCW. A secure community transition facility has supervision and security and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the Pierce County facility established pursuant to RCW 71.09.250(1)(a)(i), the facility in King County and any community-based facilities established after June 26, 2001 under chapter 71.09 RCW and operated by DSHS or under contract with the DSHS Secretary.

## ***POLICY***

1. All SCC staff, contracted service providers, and court-authorized escorts who work with LRA residents must report in writing any general violations of conditions of release committed by LRA residents.
2. If it is unclear if the violation is serious, it must be reported as a serious violation per policy 720. The findings of the investigation will determine whether it is a serious violation or general violation.

### **3. Reporting Process**

A. When the Alleged Violator lives in an SCTF,

1. The staff member or escort making the report:

Must complete a SCC Form titled "*Report of Violation*" prior to departing from his or her shift and forward the report to the SCTF Manager or designee; and clearly document the violation behavior in the report.

2. The SCTF Manager or designee must:

- a. Review the report within 24 hours of its receipt for accuracy and determine if there is a need to investigate the violation further.
- b. Make comments in the *Manager Review* section of the form and
- c. Forward the original report to the Clinical Director or designee.

3. The Clinical Director or designee must:

- a. Review the report, complete and sign the relevant section and submit the report to the sec Superintendent.

- b. Send copies of the report to the resident's assigned Community Corrections Officer and Sex Offender Treatment Provider.

- c. Enter the report, with follow-up information, in a monthly report to the sec Superintendent.
  - 4. If the resident is returned to the sec pending a revocation hearing, the Clinical Director drafts an incident report intended for the Superintendent's review before being distributed to the Office of the Governor.
- B. When the Alleged Violator lives in a family home or other court-authorized residential setting:
  - 1. The Clinical Director or designee is responsible for receiving the initial report from the Community Corrections Officer.
    - a. If the resident lives in a family residence under the custody of his family, the Clinical Director or designee and the Community Corrections Officer who writes the violation report, coordinate with other Community Transition Team members and determine if there is a need to investigate the violation further.
    - b. If the resident lives in another court-authorized contracted residential setting, the Clinical Director or designee and the Community Corrections Officer, who writes the report, coordinate with the contracted staff for accuracy and with other Community Transition Team members and determine if there is a need to investigate the violation further.
  - 2. The Clinical Director or designee must write his/her comments in the Manager Review section and forward to the Superintendent for review.
  - 3. The Clinical Director or designee submits the report to the Superintendent.
  - 4. If the resident is returned to the sec pending a revocation hearing, the Clinical Director drafts an incident report intended for the Superintendent's review before being distributed to the Office of the Governor.
  - 5. The Clinical Director or designee ensures that copies of the report are shared with the resident's assigned Community Corrections Officer and Sex Offender Treatment Provider.
  - 6. The Clinical Director or designee enters the report, with follow-up information, in a monthly report to the SCC Superintendent.
  - 7. The Clinical Director or designee is responsible for preparing an annual report to the legislature on all serious violations per RCW 71.09.325.

#### **4. Security Procedures for Residents following General Violations**

- A. When a resident's violation of conditions becomes, in the opinion of the sec Superintendent, indicative of the resident's failure to meet the criteria for placement in a LRA setting, the Superintendent may order the person to be placed under security restrictions pending a court review of the person's. conditional release. Restrictions may include reducing or eliminating the resident's movement outside the SCTF, increased monitoring of the resident, removal of the resident's property, or other actions intended to

reduce the LRA resident's likelihood of engaging in further violations and to reduce the possibility of the resident's leaving the facility without authorization. Any new restrictions must be consistent with the resident's current court order.

8. When the LRA resident is living in a private home, additional security provisions or other appropriate actions might be recommended or put into effect.

C. If SCC employees become aware of violations, they must inform their direct supervisors. The supervisor must forward the information to the SCTF Manager of that facility or the Clinical Director or designee. The SCTF Manager or the Clinical Director or designee must follow steps outlined in Section III of this policy.

## **5. Request for Hearing**

When an LRA resident has committed one or more general violations and the nature of the violations is such that the person no longer meets the criteria for placement in a LRA setting, the Superintendent may request a hearing in the court of commitment to reconsider the resident's conditional release with a recommendation regarding the resident's return to the sec or transfer to an SCTF offering greater security.

## **6. Reporting of General Violations by Superintendent**

A. The sec Superintendent must inform the Secretary:

1. Promptly, if a resident is transferred to a more secure residential setting under the terms of this policy.

2. Quarterly, of the nature and frequency of general violations committed by LRA residents.

8. Annually, the SCC Superintendent shall report to the legislature a summary of general and serious violations by LRA residents and any actions taken to transfer residents per RCW 71.09.325.

## **7. Contractual Requirements for Service Providers**

A. The applicable reporting and documentation requirements of this policy shall be included in all contracts between the SCC and individuals or agencies providing services to LRA residents.

8. Contracting agencies shall hold their employees responsible for compliance with the applicable requirements specified in this policy and referenced in the contract.

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## Special Commitment Center

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**Title:** SCC 7.104 Condition Violations of Residents in LRA

**Approved By:** Keith Devos (CHIEF EXECUTIVE OFFICER)

**Approval Date:** 11/15/2022

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**Authorizing Source:**

RCW 71.09.325  
WAC 388-880-057

**Purpose:**

This policy outlines expectations when staff witness or are notified a resident violated a court order while residing in a Less Restrictive Alternative (LRA), including Secure Community Transition Facilities (SCTF).

**Scope:**

This policy applies to all SCC staff, including Total Confinement and SCTFs, and any contracted LRA provider.

**Definitions:**

**Serious Violation**, per RCW 71.09.353(1)(a)-(c), means a violation by an LRA resident that includes but is not limited to the commission of any criminal offense; any unlawful use or possession of a controlled substance; and any violation of conditions targeted to address the person's documented pattern of offense that increases the risk to public safety.

**Violation** means an act that goes against a condition listed in the court order.

**Less Restrictive Alternative (LRA)** means a court ordered setting that is less restrictive than total confinement.

**Policy Requirements:**

- A. Staff are expected to review the court conditions for the resident prior to escorting or visiting with the resident.
- B. Staff will immediately report violations when witnessed or discovered.
  - a. SCTF staff or social workers assigned to the SCTF will report violations to the

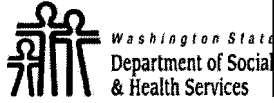
- SCTF Manager who will then notify DOC through the RCTT.
- b. Social Work staff for residents in a contracted LRA home will report to assigned DOC Representative or designee.
  - c. Contracted LRA providers will report to the DOC representative.
- C. All violations will be reported to and reviewed by the Resident Community Transition Team (RCTT). Depending on severity of violation, an emergency RCTT meeting may occur.
- D. For residents in the King County SCTF or a contracted LRA provider, DOC will transport the resident back to the Total Confinement Facility, unless the RCTT identifies another option.
- E. Staff will complete all required documentation as soon as it is safe to do so (e.g., incident report, progress note).
- F. SCC CEO may authorize a return of any resident residing in an SCTF to TCF for a violation that is not a serious violation and needs additional care, monitoring, supervision, or treatment.
- G. Upon return, staff will follow SCC SOP 10.45 LRA Returnee Process.
- a. If a resident is on return status and violates a condition of the court order, staff will complete an incident report and a copy will be provided to DOC.

**Exception:**

No exceptions will be granted without express written permission from the CEO.

**Supersedes:**

SCC Policy 7.102 dated 6/24/2013  
SCC Policy 7.103 dated 6/24/2013



Isec Special Commitment Center

**Preliminary REPORT OF A VIOLATION, Per RCW 71.09.325**

Today's Date:

RESIDENT (Last, First, MI)		sec NUMBER	TRACKING NUMBER:
LRA LOCATION		DOC NUMBER	
PERSON REPORTING VIOLATION Last, First, MI		VIOLATION DATE/TIME	LOCATION
<b>DESCRIPTION OF VIOLATION</b> <small>SUPERVISOR</small>		<i>Attach all documentation.</i>	
<p>A. Check one or both, as applicable  This a <b>Serious</b> Violation covered under sec Policy 720 D  Or  This a <b>General</b> Violation covered under sec Policy 721 D</p> <p>B. Check one or more below, as applicable, and provide a complete description of the violation behavior.</p> <p>Identify the Court-Ordered Condition Violated:</p>			
<b>WITNESSES</b> Per non-court-ordered condition or program rules violated:			
(1)		(3)	
Identify the Criminal Offense(s) Committed (if applicable):			
<b>NARRATIVE DESCRIPTION OF VIOLATION</b>			



<b>Reporting Staff Member Signature / Date/Time</b>	
<b>Initial Management Review</b>	
<b>Management Rep. Signature &amp; Date</b>	
<b>Superintendent/Designee REVIEW AND FOLLOW-UP</b>	

*Agencies Contacted, Timelines, Conclusions, etc.*

<b>AGENCY CONTACTS</b>	DEPARTMENT OF CORRECTIONS:
	Incident Report Sent to DSHS DEPUTY SECRETARY:
	DSHS MEDIA RELATIONS:
	WASHINGTON STATE PATROL:
<b>REPORTS FILED</b>	COURT OF RECORD:
	PROSECUTOR:
<b>LEGAL ACTIONS</b>	
<b>PLACEMENT MADE</b>	sec SECURE FACILITY (DATE):
	SCTF (LOCATION/DATE):
<b>OTHER ACTIONS AND RELATED EVENTS</b>	