

WAC 388-880-059 Communicating and coordinating resident discharge and conditional release related matters. (1) Communication with the department.

(a) The SCC clinical director, or designee serves as the principal party at SCC responsible to communicate discharge and release matters internally within SCC.

(b) When a resident's request for advancement to community transition status is approved by the superintendent, the superintendent shall inform the DSHS secretary.

(c) If the SCC superintendent endorses the resident's request to petition the court for conditional release to either a secure community transition facility or other type of less restrictive alternative, the superintendent (as the secretary's designee) shall formally authorize the resident, in writing, to petition the court for a less restrictive alternative hearing in accordance with RCW 71.09.090.

(d) Once the superintendent has made a decision to support a resident's request to petition the court, the superintendent shall notify the clinical director of that decision. At that point the clinical director or designee shall serve as the principal party at SCC to communicate discharge and release matters to the resident, to external stakeholders which among others shall include the state attorney general's criminal justice division's sexually violent predator unit and the King County prosecuting attorney's sexually violent predator unit, and to organize the necessary activities in support of that discharge or conditional release.

(2) Responsibility to communicate court related activities.

(a) The resident's attorney is responsible to coordinate the court hearing.

(b) When the court orders a resident to be conditionally released to a less restrictive alternative, the SCC clinical director or designee shall:

(i) Manage the release process, including community notification to the appropriate law enforcement agency at least thirty days prior to the resident's release to the court-approved LRA.

(ii) Keep internal SCC stakeholders apprised of the status of the case.

(iii) Coordinate the transition with the:

(A) DOC end of sentence review committee program manager;

(B) Assigned DOC community corrections officer, if applicable;

(C) Court-approved sex offender treatment provider, if applicable;

(D) Appropriate SCTF manager, if applicable; and

(E) Other court-approved providers or persons for the resident's court-approved living setting.

(iv) The coordination will address civil commitment issues, community safety and the court-ordered conditions of release.

(3) When the secretary objects to a pending release.

When the DSHS secretary objects to a pending release under RCW 71.09.090, before the scheduled less restrictive alternative court hearing or following the hearing such as in the case of newly discovered information, that objection shall be presented to the court in writing and shall be signed by the secretary or designee.

(4) When a less restrictive alternative placement is approved by the court.

When a resident of SCC is approved to transfer to a less restrictive alternative placement or a resident of a secure community transition facility is approved to transfer to an alternative less restric-

tive alternative placement, that placement will occur no sooner than thirty days following the day the court approves that placement. This thirty day period will allow SCC to fulfill its law enforcement notification obligations under RCW 9A.44.130 and the affected county sheriff to fulfill their public notification obligations under RCW 4.24.550.

(5) When a resident is unconditionally released by the court.

When a resident of the SCC total confinement facility or a secure community transition facility is determined by the court to no longer meet the criteria of a sexually violent predator under chapter 71.09 RCW, and the court orders that the resident shall be unconditionally released, SCC shall release the person within twenty-four hours of the court's decision.

(6) When a resident or attorney proposes an alternative less restrictive alternative placement.

(a) When a resident or attorney proposes an alternative less restrictive alternative placement other than what SCC recommends or supports, the resident or the attorney shall bear the responsibility to locate and identify that alternative.

(b) The department shall not reimburse attorneys or other parties for assisting residents in finding an alternative less restrictive alternative placement unless otherwise ordered by the commitment court for good cause.

[Statutory Authority: Chapter 71.09 RCW and RCW 72.01.090. WSR 10-13-130, § 388-880-059, filed 6/22/10, effective 7/23/10.]