

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

(a) If the SCC CEO 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 CEO (as the secretary's designee) must formally authorize the resident, in writing, to petition the court for a less restrictive alternative hearing in accordance with RCW 71.09.090.

(b) Once the CEO has made a decision to support a resident's request to petition the court, the CEO must notify forensic services of that decision. SCC staff will communicate discharge and release matters to the resident, their attorney, to external stakeholders which, among others, must 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 organize the necessary activities in support of that discharge or conditional release.

(2) Responsibility to communicate court related activities.

(a) It is not the SCC's responsibility to petition the court for a resident to be conditionally released or discharged.

(b) When the court orders a resident to be conditionally released to a less restrictive alternative, SCC must:

(i) Manage the release process, including community notification to the appropriate law enforcement agency at least 30 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 correctional specialist, if applicable;

(C) Court-approved certified 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 or designee objects to a pending release.

When the secretary or designee 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 must be presented to the court in writing and signed by the secretary or designee.

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

When a resident from SCC or a resident already conditionally released is approved to transfer to a less restrictive alternative placement, that placement will occur within 30 days following the day the court approves that placement but not before the department of corrections files their investigation or the court orders release to a specific placement, whichever occurs first. This 30-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 be unconditionally released, SCC must release the person within 24 hours of the court's decision.

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

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

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

[Statutory Authority: RCW 71.09.070, 71.09.090, and 71.09.097. WSR 23-11-031, § 388-880-059, filed 5/10/23, effective 6/10/23. 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.]