



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON/WORK RELEASE/FIELD
OFFENDER MANUAL

REVISION DATE
3/29/16

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NUMBER
DOC 320.100

POLICY

TITLE
INDETERMINATE SENTENCE REVIEW BOARD (ISRB)

REVIEW/REVISION HISTORY:

- Effective: 9/15/96
- Revised: 12/2/03
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- Revised: 4/28/08
- Revised: 9/1/08
- Revised: 9/13/10
- Revised: 7/11/11
- Revised: 11/9/15
- Revised: 3/29/16

SUMMARY OF REVISION/REVIEW:

III.C.1.a., and III.C.3.a. - Adjusted language for clarification
III.C.6. - Added process for new criminal activity holds


APPROVED:

Signature on file

RICHARD "DICK" MORGAN, Secretary
Department of Corrections

3/29/16

Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 9.94](#); [RCW 9.94A.730](#); [RCW 9.95](#); [RCW 10.95.030](#); [RCW 72.04A](#); [ACA 4-4304](#); [DOC 350.200 Offender Transition and Release](#); [DOC 460.130 Response to Violations and New Criminal Behavior](#)

POLICY:

- I. The Department has established a process to assess the progress of an offender for the Indeterminate Sentence Review Board (ISRB), and to ensure hearings are properly managed and appropriate reports are submitted to the ISRB.
- II. The ISRB has jurisdiction over 3 categories of offenders:
 - A. All offenders who were sentenced to Prison for crimes committed prior to July 1, 1984, referred to as pre-Sentencing Reform Act (SRA) or Parole (PAR) offenders. ISRB jurisdiction for a pre-SRA offender extends from the date of sentence until the maximum expiration date or the date the offender is pardoned by the Governor.
 - B. Certain sex offenders who were sentenced to Prison for crimes committed on or after September 1, 2001, referred to as Community Custody Board (CCB) offenders. ISRB jurisdiction for CCB offenders extends from the date of sentence until either the maximum expiration date or the date the offender is pardoned by the Governor.
 - C. Certain offenders who were sentenced to Prison for crimes committed prior to their 18th birthday, referred to as Juvenile Board offenders.
 1. ISRB jurisdiction for Aggravated Murder Juvenile Board (AMJUVBRD) offenders extends from the date of sentence until the maximum expiration date.
 2. ISRB jurisdiction for all other Juvenile Board offenders, referred to as Long Term Juvenile Board (LTJUVBRD) offenders, extends from the date their petition is accepted until the end of their term of confinement as set by the court.

DIRECTIVE:

- I. Expectations for All ISRB Release Hearings
 - A. The assigned Counselor should submit to the ISRB either a Classification Action Report (CAR) or a recent Custody Facility Plan per Attachment 1.

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B. The Counselor is required to attend this hearing. In preparation for the hearing, the Counselor will:


1. Meet with the offender to review documents the ISRB will use in deciding parolability or releasability, as listed in the tentative docket notice.
2. Contact the ISRB at isrb@doc.wa.gov if a language, literacy, or competency problem exists to arrange for a court-certified interpreter and/or an attorney to review documents with the offender and assist the offender at the hearing.
3. Have knowledge of the offender's behavior, criminal history, program participation, mental health status, community support, the offender's progress towards meeting the expectations of the Custody Facility Plan, and plans for release, including community concerns.
4. Be prepared to answer questions asked by the ISRB panel.
5. Ensure the central and medical files are available at the hearing for ISRB review.

C. The ISRB will send the final decision and reasons to the offender, Counselor, and Department records unit following the decision.


II. Release Planning

A. The Offender Release Plan (ORP) will be used as a referral and investigation tool for offenders found parolable or releasable.

1. The Counselor will develop and submit the ORP as outlined in DOC 350.200 Offender Transition and Release.
2. The assigned Community Corrections Officer (CCO) will:
 - a. Recommend any additional conditions s/he deems appropriate.
 - b. Recommend approval or denial of the plan. If recommending denial, the CCO will identify plan alternatives.
 - 1) If an offender has identified more than one potential release address, only one investigation and recommendation will be submitted to the ISRB at a time. No other plans will be submitted until the ISRB has addressed the current submittal.

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3. Once the Field Administrator recommends approval or denial of the plan, it will automatically be sent to the ISRB.
 4. The ISRB retains the sole authority to approve or deny the ORP.
- B. Infractions Committed by an Offender Found Parolable/Releasable
1. When an offender is found guilty of a serious infraction, the Counselor or Superintendent will notify the ISRB with supporting documentation and a recommendation.
 2. The ISRB will administratively review the material and make a determination to:
 - a. Schedule a .100/.420/release hearing on the next available docket, or
 - b. Take no action and maintain the prior decision.
- C. Monohan Hearing
1. For infractions committed by an offender with a specific release date set or who has been paroled/released by the ISRB to a consecutive or concurrent cause, the Counselor or Superintendent will notify the ISRB immediately of any serious infraction behavior and provide the ISRB with supporting documentation and a recommendation.
 2. The ISRB will administratively review the material and make a determination to:
 - a. Suspend the parole/release date and schedule a Monohan hearing, or
 - b. Take no action and maintain the prior decision.
 3. A Monohan hearing is held to determine if there is probable cause to cancel the parole date and schedule another .100/.420/release hearing to reconsider the release decision.
 4. The Department will respond to requests from the ISRB with documents prior to the hearing per Attachment 1.
 5. The ISRB may schedule a hearing without a request from the Department.
 6. The ISRB will send the final decision and reasons to the offender, Counselor, and Department records staff following the decision.

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III. Community Supervision

A. Offender Supervision Plan


1. The assigned CCO will address the ISRB Order of Conditions and Release in the Offender Supervision Plan (OSP) under appropriate targeted risks.

B. Duration of Supervision

1. Pre-SRA offenders will be supervised by the Department in the community for 3 years and will receive an automatic final discharge after 3 years if they have not reached their statutory maximum term and paid their Legal Financial Obligations (LFOs). If an offender commits a new crime, this final discharge may be rescinded and after a hearing, the offender's parole may be revoked.
2. CCB offenders will be supervised in the community for the length of their court-ordered maximum sentence.
3. The ISRB will set the term of community supervision for Juvenile Board offenders at the time of their release.

C. Parole/Community Custody Violation

1. If a CCO believes that an offender has violated one or more conditions of his/her parole or community custody, the CCO:
 - a. Will notify the ISRB within 24 hours of becoming aware of all violation(s).
 - b. May contact the ISRB to get clarification and assistance to determine the action to take on the violation(s).
2. If the CCO believes the offender does not pose a threat to community safety, the CCO may recommend that the violation(s) be addressed by one of the sanctions listed in the Indeterminate Sentence Review Board (ISRB) Sanction Grid (Attachment 2).
 - a. For written Board warnings, the CCO will submit a request to the ISRB via email to isrb@doc.wa.gov, which will provide information regarding the violation(s) and reasoning to support the request.
 - b. Stipulated Agreements may be requested on CCB and Juvenile Board cases only. The CCO will issue DOC 09-064 Board -

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Stipulated Agreement and email the signed form to the ISRB at isrb@doc.wa.gov with reasoning to support the request.

3. Out-of-Custody Violation Hearing
 - a. The CCO may request an out-of-custody hearing via email at isrb@doc.wa.gov or by completing DOC 09-117 Board - Special.
 - b. The ISRB will administratively review the CCO's request and make a final decision if a hearing will be held out-of-custody, or if the offender should be arrested and an in-custody hearing scheduled.
 - c. Upon receipt of the ISRB decision to hold an out-of-custody hearing, the CCO must serve the following documents within 5 business days:
 - 1) PB 402 Board - Violations Specified
 - 2) PB 401 Board - Rights and Privileges Relating to Parole Revocation Procedures
 - d. The CCO will submit DOC 09-114 Board - Notice of Violation to the Board within 3 business days from the date of service of the PB 402 Board - Violations Specified.
 - e. The ISRB will schedule the out of custody violation hearing within 30 days of service of the PB 402 Board - Violations Specified.
4. In-Custody Violation Hearing
 - a. If the violation is serious or the CCO believes the offender is a threat to community safety, the CCO will:
 - 1) Arrest the offender per DOC 420.390 Arrest and Search, using DOC 09-191 Board - Order for Arrest and Detention.
 - 2) Notify the ISRB within 24 hours of the arrest via telephone or email at isrb@doc.wa.gov.
 - 3) Serve the following documents on the offender within 3 business days of the arrest and submit to the ISRB within 24 hours of service:
 - a) PB 402 Board - Violations Specified
 - b) PB 401 Board - Rights and Privileges Relating to Parole Revocation Procedures



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- 4) Submit DOC 09-114 Board - Notice of Violation to the ISRB within 5 business days from the date of service of the PB 402 Board - Violations Specified.
 - 5) If additional violations surface, re-serve the offender with PB 401 Board - Violations Specified including the additional violations, and submit DOC 09-118 Board - Supplemental Notice of Violation as soon as possible.
 - 6) Contact the Attorney General's Office if there are any questions.
 - 7) Provide all discovery documents to both the defense attorney, if one is assigned, and the Attorney General's Office.
 - 8) Determine if an interpreter is needed. If yes, the CCO will immediately notify the ISRB and obtain the interpreter.
 - 9) Provide information on community resources available at the time of the hearing, even if the recommendation is to revoke.
5. A parole/community custody violation hearing, composed of fact finding and disposition, may be held to provide the offender due process regarding whether a parole or community custody violation occurred.
- a. [4-4304] The Department will respond to requests from the ISRB with documents before the hearing per Attachment 1.
 - b. The CCO will arrange to transport the offender to the location where the hearing will be held, if necessary.
 - c. As a result of the hearing, the offender's parole or community custody will be reinstated, reinstated with additional sanctions, or revoked. If revoked, the offender will be returned to Prison.
6. In addition to the violation process in this section, offenders will be held as follows per DOC 460.130 Response to Violations and New Criminal Activity:
- a. Offenders on supervision for one of the underlying felonies, who commit a crime in the presence of an authorized employee, and law enforcement declines to arrest, will be held for 30 calendar days or until the prosecutor files charges per statute.

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- b. All other offenders who commit a crime in the presence of an authorized employee, and law enforcement declines to arrest, will be held using DOC 09-278 DOC - New Criminal Activity Hold for no more than 3 days or until the prosecutor files charges, whichever occurs first. The DOC 09-191 Board - Order of Arrest and Detention will remain in effect until released by the Board.

DEFINITIONS:

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

ATTACHMENTS:

[Documents Required for ISRB Hearings \(Attachment 1\)](#) [4-4304]
[Indeterminate Sentence Review Board \(ISRB\) Sanction Grid \(Attachment 2\)](#)

DOC FORMS:

[DOC 09-064 Board - Stipulated Agreement](#)
[DOC 09-114 Board - Notice of Violation](#)
[DOC 09-117 Board - Special](#)
[DOC 09-118 Board - Supplemental Notice of Violation](#)
[DOC 09-191 Board - Order for Arrest & Detention](#)
[DOC 09-278 DOC - New Criminal Activity Hold](#)