



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: COMMUNITY PROTECTION STANDARDS POLICY 15.03
FOR EMPLOYMENT/DAY PROGRAMS

Authority: Chapter 71A RCW *Developmental Disabilities*
Chapter 388-825 WAC *DDD Services*
Chapter 388-831 WAC *Community Protection Program*
Chapter 388-850 WAC *County Employment and Day Programs*

PURPOSE

This policy establishes guidelines for serving persons identified as Division of Developmental Disabilities (DDD) Community Protection Program (CPP) participants in supervised employment/day program settings in a manner consistent with the values outlined in the [County Guidelines](#), DDD Policy 5.14, *Positive Behavior Support*, and DDD Policy 6.13, *Day Program Provider Qualifications*.

SCOPE

This policy applies to DDD Field Services staff, county providers, and DDD certified residential services providers serving persons who are designated by DDD as meeting the community protection definition as described in this policy, and who are receiving, or being referred to, employment/day program services.

DEFINITIONS

Community Protection Employment/Day Program means services specifically designed to support persons with community protection issues as defined in DDD Policy 15.01, *Community Protection Program Identification and Eligibility*, and in “CPP Participant” below.

CPP Participant means a person eighteen (18) years of age or older who meets one or more of the following criteria and is receiving CPP services:

- (1) Has been convicted of or charged with a crime of sexual violence as defined in Chapters [9A.44](#) and [71.09](#) RCW, including, but not limited to, rape, rape of a

child, and child molestation, and constitutes a current risk to others as determined by a qualified professional (Note: excluding charges or crimes that resulted in acquittal).

- (2) Has been convicted of or charged with sexual acts directed toward: strangers; individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or persons of casual acquaintance with whom no substantial personal relationship exists; and constitutes a current risk to others as determined by a qualified professional (Note: excluding charges or crimes that resulted in acquittal).
- (3) Has not been charged with or convicted of a crime, but has a history of violent, stalking, sexually violent, predatory, and/or opportunistic behavior which a qualified professional has determined demonstrates a likelihood to commit a violent, sexually violent and/or predatory act; and constitutes a current risk to others as determined by a qualified professional.
- (4) Has committed one or more violent offenses, such as murder, attempted murder, arson, first degree assault, kidnapping, or use of a weapon to commit a crime ([RCW 9.94A.030\(45\)](#)).

Specialized Support means supervision in a structured manner specifying rules, requirements, restrictions, and expectations for personal responsibility in order to maximize community safety.

Treatment Plan (TP) means an individualized plan written by a qualified professional/therapist for a client that includes the following, at a minimum:

- Specific time-limited goals and objectives based upon evaluation data;
- Specific therapeutic services proposed, include frequency and duration of services and methods to be used;
- Recommendations for supervision and any other restrictions and/or restrictive procedures;
- A description of how client progress will be assessed; and
- Treatment discharge criteria.

Treatment Team means the program participant and the group of people responsible for the development, implementation, and monitoring of the person's individualized supports and services. This group may include, but is not limited to, the case resource manager, therapist, residential provider, employment/day program provider, and the person's legal representative and/or family.

POLICY

- A. Individuals who receive employment/day program services must agree to comply with the specialized supports and restrictions specified in their Individual Support Plan (ISP) and treatment plan, including recommendations from psychosexual and risk assessment evaluations, and positive behavior support plans (PBSP).
- B. CPP participants may receive non-work related day program services such as Community Access, Individual and Family Assistance, and Person to Person, only with the prior approval of the Field Services Administrator (FSA).
- C. Employment/Day Program Services shall provide:
1. An opportunity for CPP participants to work successfully in the community;
 2. Environmental and programmatic safeguards and structures which enhance the protection of others from behaviors that endanger people or property and/or interfere with the rights of others; and
 3. Specialized supports to assist CPP participants to make positive choices to reduce the behaviors that require intensive intervention and supervision.
- D. When segregation of CPP participants and restrictions to their freedom of movement, association, communication, and access to goods or services are necessary to enhance public safety, the least restrictive interventions that effectively meet the goal of public safety must be used. Any restrictions must meet all requirements of DDD Policy 5.15, *Use of Restrictive Procedures*.

PROCEDURES**A. Agency Support Structure**

Agency services must include, but are not limited to:

1. Security precautions reasonably available to enhance protection of community members, children, vulnerable adults, and animals;
2. Participation in the integration of treatment goals and objectives, and therapeutic interventions to assist CPP participants to function safely in society and avoid offending or re-offending;
3. Collaboration and coordination between DDD staff, residential providers, therapists, families/legal representatives, and other agencies and individuals, such as law enforcement, schools, employers, and mental health workers; and

4. Program designs that avoid dehumanization or punitive attitudes.

B. Administration

Employment/Day Program service providers must:

1. Maintain commercial general liability insurance of at least \$1,000,000 per occurrence and \$3,000,000 in the aggregate; and
2. Have written agency policies and procedures for serving individuals with community protection issues that include, but are not limited to:
 - a. Program description and admission criteria and process;
 - b. Communication between the employment/day program, treatment team members, and other persons and agencies as appropriate;
 - c. Staff participation as a member of the treatment team;
 - d. The development of a written plan of service for each CPP participant that reflects the person's CPP status and addresses the following:
 - (i) Any treatment plan restrictions and measures applicable to employment/day program services;
 - (ii) Staff roles and responsibilities, including the security and supervision of CPP participants at job sites and other day program settings;
 - (iii) Transportation to and from the employment/day program setting; and
 - (iv) Disclosure requirements and procedures. Note: The nature and timing of disclosure is a treatment team decision.
 - e. Confidentiality and release of information, including maintaining program confidentiality with regard to disclosure of information related to the community protection designation of the program participant;
 - f. CPP participants' rights and grievance procedures as they relate to specialized environments and use of any restrictive measures per DDD Policy 5.15, *Use of Restrictive Procedures*;

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- g. Response and contingency plans for:
- (i) Emergency staffing in the event changes are required to protect staff or others;
 - (ii) Situations which may be potentially dangerous (e.g., where the gender of staff working alone may cause them to be at risk or when the CPP participant obsesses about or makes threats to a specific staff person); and
 - (iii) General emergencies; and
- h. Incident reporting, including procedures to notify DDD, the residential provider, county, therapist, and law enforcement as appropriate, when a significant incident occurs or a CPP participant refuses to abide by restrictions, supervision requirements, treatment recommendations and/or supervision.

Refer to DDD Policy 12.01, *Incident Management* and DDD Policy 5.13, *Protection from Abuse: Mandatory Reporting*, for additional guidance on incident reporting requirements.

C. **Staff Training**

1. Employment/Day Program service providers must ensure that their employees receive training, at a minimum, in the following:
 - a. The [DDD County Guidelines](#) as related to or modified for serving people with community protection issues;
 - b. Functional Assessment (FA) and Positive Behavior Support (PBS) ;
 - c. Orientation specific to community protection behavior issues and the needs of CPP participants (such as the DDD Community Protection Orientation Video and Training Manual) covering the following topics:
 - i. Supervision;
 - ii. Staff and/or victim grooming and manipulation techniques;
 - iii. Triangle relationships (e.g., participant/therapist/provider);
 - iv. Emotional responses of staff;

- v. Offense patterns;
 - vi. Awareness of power and control over individuals in a subordinate role;
 - vii. Ways to develop mutually respectful and trusting relationships while guarding against potentially manipulative behaviors of some CPP participants;
 - viii. Expectations for collaboration and cooperation with therapists which may include treatment team meetings and having joint training with therapists;
 - ix. Coordination and communication protocols with case resource managers, families/legal representatives, residential providers, schools, employers, and other community supports;
 - x. Security procedures for the safety of CPP participants, staff, and the community;
 - xi. Procedures regarding maintenance of confidentiality and appropriate disclosure of personal information;
 - xii. Legal issues relating to CPP participants; and
 - xiii. Incident reporting procedures.
2. Staff working with CPP participants must receive community protection specific training within ninety (90) calendar days.

D. Client Records

In addition to general record standards, records of CPP participants must include the following documents written by either a Certified Sex Offender Treatment Provider (SOTP) or an Affiliate SOTP working under the supervision of a Certified SOTP for persons with sexual deviancy issues, or by another qualified treatment professional (i.e., a licensed psychologist or psychiatrist) for individuals with no history of sexual deviancy:

1. Psychological and/or psychosexual evaluations and risk assessment(s);
2. Current treatment and support recommendations;
3. Current treatment plan, including the written PBSP and any approved restrictive procedures;

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4. Copies of any exceptions to policy (ETP) for the use of restrictive procedures; and
5. Documentation of all agreements, plans and/or understandings with other agencies or individuals who support the CPP participant, including the person's legal representative and/or family. These must include requirements for supervision of the person when day program employees are not present.

EXCEPTIONS

Any exceptions to this policy must have the prior written approval of the Division Director.

SUPERSESSSION

DDD Policy 15.03
Issued July 1, 2008

Approved: /s/ Linda Rolfe
Director, Division of Developmental Disabilities

Date: July 1, 2009