



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE:	COMMUNITY PROTECTION PROGRAM EXIT CRITERIA	POLICY 15.05
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Authority:	Chapter 71A RCW Chapter 388-101 WAC Chapter 388-825 WAC Chapter 388-850 WAC	Developmental Disabilities Certified Community Residential Services and Support DD Services Rules County Employment and Day Programs
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PURPOSE

This policy establishes guidelines for Division of Developmental Disabilities (DDD) Field Services staff in addressing issues associated with the reduction or phasing out of restrictions, and/or termination of Community Protection - Intensive Supported Living Services (CP-ISLS) for Community Protection Program (CPP) participants.

SCOPE

This policy applies to DDD Field Services staff and certified residential providers serving persons who are designated by DDD as meeting the Community Protection definition as described in this policy and who are receiving CP-ISLS.

DEFINITIONS

Certified Community Protection Program Residential Services means Community Protection - Intensive Supported Living Services (CP-ISLS) as described in DDD Policy 15.04, *Standards for Community Protection – Intensive Supported Living Services*.

Community Protection Program (CPP) 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 convicted and/or charged of a crime, but has a history of stalking, sexually violent, predatory, and/or opportunistic behavior which demonstrates a likelihood to commit a sexually violent and/or predatory act based on current behaviors; 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\(45\)](#)).

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

Community Protection Program (CPP) participants will have appropriate opportunities to receive services in the least restrictive manner and in the least restrictive environments possible. In considering requests or recommendations for lessening program restrictions, phasing out supervision, or terminating services, DDD Field Services staff will give careful consideration to the safety and welfare of both the individual and the community.

The reduction of program restrictions should be based on the CPP participant's treatment plan and/or Positive Behavior Support Plan (PBSP), which must include specific objective behavioral criteria and goals.

PROCEDURES**A. Changes in Treatment Plan/Therapeutic Guidelines (Other Than Supervision)**

1. During the course of therapy, the CPP participant's therapist may make frequent changes to the treatment plan based upon the participant's progress. These changes must be documented on a "*Change of Therapeutic Guidelines*" form and approved by the residential provider, the Case Resource Manager (CRM) and other members of the treatment team, as appropriate. Examples of changes in therapeutic guidelines include, but are not limited to, access to television or other media; and a change in staffing level (e.g., from 1:1 to 2:1).
2. The approved "*Change of Therapeutic Guidelines*" form must be placed in the participant's record and will serve as an addendum to the treatment plan.

B. Reduction of Supervision

1. Whenever a CPP participant or any member of the treatment team requests or recommends a reduction in supervision to less than line of sight, the CRM will convene the treatment team within thirty (30) days, and:
 - a. Request review and written recommendations from the person's therapist;
 - b. Secure necessary input from treatment team members and significant others, including, but not limited to, the person's Community Corrections Officer (CCO), and mental health case manager. Note: Whenever the CPP participant is under a court order or correctional agency supervision, participation by the CCO or other system representative is required in the consideration of reduced supervision.
 - c. Review legal and/or mental health system conditions of release to determine whether the reduction would require modification of an existing court order;
 - d. Discuss the proposed reductions and develop a team recommendation based upon the participant's risk assessment. Note: The treatment team must reach consensus on all recommendations for reduction of supervision); and
 - e. Meet with the designated regional CPP coordinator/committee to review the treatment team's recommendation.

2. The regional CPP committee will review the recommendation(s) and determine whether to approve or deny the request to reduce supervision. In approving the request, the committee must verify that the proper procedural steps have occurred and that the reduced supervision is supported by the CPP participant's professional risk assessment or current therapist's assessment of risk.
3. Any reduction in supervision (by staff or therapist-approved chaperone) to less than line of sight while outside of the residence requires review and approval by the Field Services Administrator (FSA) within 21 calendar days.
4. When a CPP participant's request for a reduction in supervision is denied, the CRM, in consultation with the treatment professional, must inform the participant of the reasons for the denial.
5. If the CPP participant disagrees with the decision, the CRM must inform the person of his/her right to pursue a further review through the agency's CPP Participant Rights and Grievance procedure as required by DDD Policy 15.04, *Standards for Community Protection – Intensive Supported Living Services*.

C. Phasing Out Community Protection Program Services

Some CPP participants may benefit from treatment by gaining valuable insight to their problems and internalizing essential controls sufficiently that phasing out of the CPP is possible. When a CPP participant has demonstrated success in complying with reduced restrictions and remaining offense-free, the person may be considered for phasing out of the program.

1. Before a CPP participant may begin phasing out, the following actions must occur:
 - a. Written verification of the person's treatment progress, assessment of low risk of re-offense by a qualified professional as described in Policy 15.01 definitions, and a phase out recommendation by his/her treatment professional;
 - b. Development of a gradual phase out plan by the treatment team, which is projected over a reasonable period of time and includes specific criteria for evaluating reductions in restrictions, especially supervision, at designated intervals. Note: If the person no longer meets the CPP eligibility criteria, the treatment team must develop a shortened transition plan;

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- c. The absence of any incidents that may indicate relapse for a minimum of twelve (12) months; and
 - d. Consensus by the treatment team that the CPP participant is ready to begin phasing out of the program.
 2. At the time the CPP participant is deemed ready to leave the program, the treatment team must develop a written plan which indicates what supports and services, including the level of supervision, the person may receive from DDD upon exiting the CPP, and send the plan to the regional CPP committee for review.
 3. Following review of the plan, the regional CPP committee will make a recommendation to the FSA. The FSA will consult with the Regional Administrator (RA) who will make the final decision on a CPP participant's phase out or exit from the CPP.
 4. If the person successfully phases out of the program, the CRM will make the person "**inactive**" in the CP database and send a written notice to the person advising that this has been done. The CRM must note the successful exit from the program in the Service Episode Records (SER).
 - D. Termination of Community Protection Program Services for Noncompliance
 1. In considering whether to terminate CPP services, the CRM and regional CPP coordinator/committee will always consider individual circumstances.
 2. Circumstances that may be considered grounds for termination by DDD from the program include, but are not limited to, the following:
 - a. Physical assault(s) by the CPP participant resulting in injury to other CPP participants or providers;
 - b. Repeated elopement from the program that indicates an unwillingness to comply with necessary supervision;
 - c. Illegal behavior of any kind; and/or
 - d. Consistent refusal to comply with treatment guidelines to the extent that the therapist determines the person is not amenable to treatment.
 3. The regional CPP coordinator/committee must make certain that the treatment team has reviewed and discussed the individual circumstances, and has had an

opportunity to make recommendations to prevent the person's termination from the program.

4. Prior to implementation, the regional CPP coordinator/committee will refer a decision to terminate services to the division's Assistant Attorney General (AAG) for review and discussion.
5. Following AAG review, the regional CPP coordinator/committee will make a recommendation to the RA. Prior to termination, the CPP coordinator must verify that substantial efforts to address the participant's noncompliance have occurred.
6. The RA, in consultation with the Division Director, will make the final decision whether to terminate the person's CPP services for noncompliance.
7. Persons terminated from the CPP for noncompliance will remain "**active**" in the CP database. The CRM must note that the person was terminated from the program in the comments section in the database.
8. When a person is terminated from the CPP, the CRM must notify all current service providers and others as appropriate (e.g., law enforcement, mental health case manager).
9. Persons terminated from the CPP are not eligible for other DDD residential or employment/day program services. Refer to DDD Policy 15.02, *Community Protection Program Services*, for more information.

E. Voluntarily Leaving the Community Protection Program

When a CPP participant decides to leave the program against the advice of the treatment team, the CRM will:

1. Ask the person to sign the *CPP Refusal of Services Statement* (Attachment A), indicating he/she no longer wants to receive CPP services. If the person refuses to sign the form, document the refusal in the person's record; and
2. Notify DDD Central Office, all current service providers, and others as appropriate, that the person has left the CPP.
3. Persons who leave the CPP against the advice of the treatment team will remain "**active**" in the CP database. The CRM must note that the person left the program in the Comments Section in the database.

4. Persons who leave the CPP are not eligible for other DDD residential or employment/day program services. Refer to DDD Policy 15.02, *Community Protection Program Services*, for more information.

F. Eligibility Review

1. The CRM will review eligibility for each CPP participant consistent with the requirements of Chapter 388-823 WAC, DDD Policy 11.01, *Eligibility Determination*, and DDD Policy 11.03, *Eligibility Reviews*.
 2. When it is determined that a CPP participant no longer meets DDD eligibility criteria, the CRM will:
 - a. Consult with the FSA;
 - b. Provide written notification, including appeal rights, to the individual and his/her legal representative and family consistent with division policy;
 - c. Notify other parties who need to be informed, including current service providers, local law enforcement agency, CCO, mental health case manager, and others as appropriate; and
 - d. Refer the person to other services for which he/she might be eligible (e.g., mental health services, housing resources).
- G. When a CPP participant leaves the program, whether through phasing out, voluntarily leaving, or termination by DDD, the person will remain on the division's CP database.
- H. When a person is denied services, or his/her services are reduced or terminated in applying the provisions of this policy, the CRM will provide a written notice to the person and his/her legal representative of the right to a fair hearing in accordance with Chapter 388-02 WAC.

EXCEPTIONS

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

SUPERSESSON

DDD Policy 15.05
Issued September 1, 2005

**DIVISION OF DEVELOPMENTAL DISABILITIES
COMMUNITY PROTECTION PROGRAM
REFUSAL OF SERVICES STATEMENT**

I, _____ am voluntarily leaving the
Community Protection Program on this day, _____.

I am accepting full responsibility for my actions and realize that by leaving the program I am giving up my residential services and employment/day program. I understand I will not be eligible for DDD residential services in the future.

I understand that my providers may contact the police or county sheriff, the Department of Corrections, my physician, therapist, family members, and anyone else that DDD deems necessary.

I understand that by my refusal of Community Protection Services, I will also be removed from the Home and Community Based Services Waiver because my health and safety needs can no longer be met.

I further understand that refusal to sign this statement will be considered refusal of CPP services.

Client Signature Date

Legal Representative Signature Date
(Explain if legal representative is not available)

I have explained the consequences of the decision that _____ is making, and he/she still wants to leave the program.

Signature/Title Date

Witness Signature/Title Date

c: DDD Case File
DDD Central Office