



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: COMMUNITY PROTECTION PROGRAM POLICY 15.05
EXIT CRITERIA

Authority: Chapter 71A RCW Developmental Disabilities
Chapter 388-820 WAC Community Residential Services and Support
Chapter 388-825 WAC DD Services Rules
Chapter 388-850 WAC County Employment and Day Programs

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.

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 Behavior Support Plan (BSP), which must include specific objective behavioral criteria and goals.

PROCEDURES

A. Reduction of Program Restrictions

1. Whenever a CPP participant or any member of the treatment team requests or recommends a reduction in the restrictive conditions of the CPP participant's services, the case resource manager (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;
 - 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; and
 - e. Meet with the designated regional CPP coordinator/committee to review the treatment team's recommendation.
2. 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 program restrictions.
 3. The treatment team must reach consensus on all recommendations for reduction of restrictions before these are sent to the regional CPP coordinator/committee.
 4. The regional CPP committee will review the recommendation(s) and determine whether to approve or deny the request to reduce program restrictions. In approving the request, the committee must verify that the proper procedural steps have occurred and that the reduced program restrictions are supported by the CPP participant's professional risk assessment.
 5. 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).
 6. When a CPP participant's request for a reduction in program restrictions is denied, the CRM, in consultation with the treatment professional, must inform the participant of the reasons for the denial.
 7. 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*.

B. 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, 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;
 - 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 comments section in the database.

C. 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 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.

D. Quitting 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 quit the CPP.
3. Persons quitting the CPP against the advice of the treatment team will remain “**active**” in the CP database. The CRM must note that the person quit the program in the comments section in the database.
4. Persons quitting 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. Eligibility Review

1. The CRM will review eligibility for each CPP participant consistent with the requirements of WAC 388-825-035, 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).
- F. When a CPP participant leaves the program, whether through phasing out, voluntarily quitting, or termination, the person will remain on the division's CP database.
- G. 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.

SUPERSESSSION

DDD Policy 15.05
Issued July 1, 2001

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

Date: 11/1/03

Attachment A – *CPP Refusal of Services Statement*

**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 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 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
(Explain if legal representative is not available)

Date

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