



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: COMMUNITY PROTECTION STANDARDS POLICY 4.10
FOR INTENSIVE TENANT SUPPORT

Authority: Chapter 71A RCW Developmental Disabilities
Chapter 388-820 WAC Community Residential Services and Support

PURPOSE

It is the intent of the Division of Developmental Disabilities (DDD) to serve persons identified as community protection program participants in highly supervised, non-facility-based community residential settings. These settings must be Intensive Tenant Support (ITS) services certified according to Chapter 388-820 WAC, *Community Residential Services and Support*. The standards described in Chapter 388-820 WAC apply except where otherwise indicated in this policy.

SCOPE

This policy applies to all persons meeting the definition of community protection participant as described in this policy and receiving ITS services.

DEFINITIONS

Community Protection ITS definitions are those found in WAC 388-820-010 and in this section.

Community Protection Intensive Tenant Support means access to twenty-four (24) hour supervision and instruction and support services, as identified in the program participant's Individual Service Plan (ISP) and Individual Instruction and Support Plan (IISP), by a DDD certified and contracted community residential program in generic housing owned, leased, sub-leased, or rented by the program participant.

Community Protection Program means a residential program specifically designed to support DDD clients who meet the definition of a community protection program participant, and who voluntarily, or as directed by the court, participate in the program and abide by agreed upon restrictions stated in the ISP and/or IISP.

Community Protection Program Participant means a DDD client eighteen (18) years of age or older who meets one or more of the following criteria:

1. Has been convicted of or charged with a crime of sexual violence as defined in Chapter 71.09 RCW, including, but not limited to, rape, statutory rape, and child molestation;
2. Has been convicted of or charged with acts directed toward strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization;
3. Has been convicted of and/or charged with a sexually violent offense and/or predatory act, and may constitute a future danger;
4. Has not been convicted and/or charged, but has a history, of sexually violent, predatory, and/or opportunistic behavior which demonstrates a likelihood to commit a sexually violent and/or predatory act based on current behaviors that may escalate to violence; and/or
5. Has committed one or more violent crimes, such as murder, attempted murder, arson, first degree assault, kidnapping, or use of a weapon to commit a crime.

Specialized Environment means a place where the program participant has agreed to supervision in a safe, structured manner specifying rules, requirements, restrictions, and expectations for personal responsibility in order to maximize community safety.

Security Precautions means environmental modifications that may include, but are not limited to:

1. The use of door and/or window alarms and visual screening of windows and fence openings;
2. Appropriate levels and ratios of supervision; and
3. Other modifications or restrictions recommended by the program participant's sex offender treatment provider or described in the IISP.

POLICY

DDD Community Protection ITS services shall provide:

- A. An opportunity, voluntary or court ordered, for program participants to live successfully in the community and continue to remain out of prison, or other criminal justice system settings;
- B. Environmental and programmatic safeguards and structures that protect neighbors and community members, to the extent possible, from behaviors that endanger people or property and/or interfere with the rights of others; and
- C. A structured, specialized environment in which program participants are supported to make positive choices to resolve or contain the behaviors that require intensive intervention and supervision.

Segregation of program participants and restrictions to freedom of movement, access to goods or services, and free association must be necessary to ensure public safety, and must be implemented in the least restrictive manner possible. Refer to DDD Policy 5.15, *Use of Restrictive Procedures*, for additional information and requirements regarding restrictive procedures.

PROCEDURES**A. Certification**

In addition to certification standards in WAC 388-820-020, certification for Community Protection ITS agencies must include, but are not limited to, the following:

- 1. Security precautions for protection of neighbors and other community citizens to the extent possible;
- 2. Integrated treatment goals, objectives, and therapeutic interventions to assist program participants to function safely in society and avoid offending or re-offending;
- 3. Collaboration and coordination with appropriate community resources, such as local government, schools, employers, therapists, mental health workers, parole officers, law enforcement agencies, and other program services; and

4. Program designs that avoid dehumanization or punitive attitudes in program implementation, including settings, language, and group practices.

B. Review and Evaluation

Standards for reviewing and evaluating Community Protection ITS are the same as in WAC 388-820-025.

C. Administrative Appeals

Procedures for appealing DSHS action in the Community Protection ITS are the same as in WAC 388-820-030, *Administrative Review Conference-Adjudicative Proceeding Process*.

D. Eligibility For Community Protection Residential Services and Support

In addition to eligibility standards in WAC 388-820-035, a Community Protection ITS program participant must:

1. Meet the definition for “Community Protection Program Participant” under the Definitions section of this policy;
2. Voluntarily consent, or consent as a condition of a court order, to participate in the program, including program policy, therapy recommendations, and restrictions to personal freedoms; and
3. Sign a pre-placement agreement between DDD and the participant.

E. Client Remuneration

Standards for client remuneration in Community Protection ITS are the same as in WAC 388-820-040.

F. Administration

In addition to administration standards in WAC 388-820-045, Community Protection ITS 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. Agency policies and procedures for serving individuals with community protection issues that include, but are not limited to, the following:
- a. **Program description and admission criteria:**
 - (1) Program design,
 - (2) Special protocols;
 - (3) Communication between the provider, program participants, therapists, and employment or day program staff;
 - (4) Guidelines for choosing appropriate residential, employment or day program, and leisure time locations;
 - (5) Involvement of family and friends and their supervision responsibilities; and
 - (6) Admission process for program participants with community protection behaviors, including agency documentation requirements.
 - b. **Definition of staff roles and responsibilities:**
 - (1) Program participant security and supervision in the residence; and
 - (2) Program participant security when not in the residence (i.e., transporting program participants and during events in the community);
 - c. **Confidentiality and release of information**, including maintaining program confidentiality with regard to disclosure of information related to the behavioral designation of the program participant;
 - d. **Program participant rights and grievance procedure:**
 - (1) Specific program participant rights and grievance procedures related to specialized environments; and

- (2) Exception to Policy (ETP) procedures for the use of restrictive procedures as specified in DDD Policy 5.15, *Use of Restrictive Procedures*;

e. **Response and contingency planning for:**

- (1) Emergency relocation of program participant; and
- (2) Emergency staffing in the event staffing changes are required to protect staff or others. Policies must address situations where the gender of staff working alone cause them to be at risk, the program participant obsesses about or makes threats to a specific staff person, and similar potentially dangerous situations.

f. **Law enforcement** requirements, including acknowledgment of and adherence to state laws governing registered and non-registered sexual offenders; and

g. **Incident reporting**, including emergency procedures to notify DDD when a program participant refuses to abide by restrictions, supervision requirements, treatment recommendations, and/or ceases participation in therapy. Refer to DDD Policy 6.12, *Residential Reporting Requirements*, and DDD Policy 12.01, *Incident Management*, for further information.

G. Personnel

In addition to personnel standards in WAC 388-26-050, Community Protection ITS staff must:

1. Be committed to community protection and safety;
2. Behave respectfully towards program participants;
3. Maintain appropriate personal and professional relationships with program participants; and
4. Implement the program participant's IISP, behavior support plan (BSP), and specialized therapy or recommendations, including implementing therapist-approved treatment procedures. These must meet the requirements of DDD Policy 5.15, *Use of Restrictive Procedures*, and other related DDD policies.

H. Staffing

In addition to staffing standards in WAC 388-820-055, Community Protection ITS staffing must:

1. Meet supervision guidelines in the program participant's IISP, BSP, and/or a therapist-approved treatment plan; and
2. Ensure the security needs of the program participants to the extent possible.

I. Staff Training

In addition to staff training standards in WAC 388-820-060, Community Protection ITS staff training must include, but is not limited to, the following topics:

1. DDD Residential Guidelines as related to or modified for serving people with community protection needs;
2. Orientation specific to community protection behavioral issues and needs of program participants, including training on issues such as:
 - (a) Staff and/or victim grooming and manipulation techniques;
 - (b) The therapy "triangle relationship" that can occur;
 - (c) Staff's emotional responses;
 - (d) Offense patterns;
 - (e) Awareness of power and control over individuals in a subordinate role; and
 - (f) Ways to develop mutually respectful and trusting relationships while guarding against potentially manipulative behaviors of some program participants;
3. Expectations for collaboration and cooperation with therapists, including attending group meetings and having joint training with therapists;
4. Coordination and communications protocols with other community supports, including schools, employers or day programs, families and/or guardians;

5. Security procedures for safety of program participants, staff, and the community;
6. Procedures regarding maintenance of confidentiality and appropriate disclosure of personal information; and
7. Legal issues regarding community protection behaviors.

J. Individual Service Plan

In addition to standards in WAC 388-820-065, the Individual Service Plan (ISP) must:

1. Specifically refer for placement in Community Protection ITS;
2. Include all services paid for by DDD, including, but not limited to, residential, day program, and therapies;
3. Indicate the nature and frequency of required reports and updates; and
4. Be reviewed and updated at least annually, or when there is a change in program participant condition or services.

K. Instruction and Support

In addition to instruction and support standards in WAC 388-820-070, program participants must have:

1. A written individual plan which contains, at a minimum, the following:
 - a. An assessment of the program participant's emotional and behavioral issues as related to community protection risks;
 - b. Specific intervention strategies and techniques related to community protection risks;
 - c. Specific restrictions and measures, including security precautions, both in-home and out-of-home; and
 - d. Signatures of the DDD case/resource manager and the program participant.

2. A written behavior support plan (BSP) that meets the criteria set forth in DDD Policy 5.15, *Use of Restrictive Procedures*, when restrictive procedures are considered necessary to ensure participant or community protection. For those participants with histories of sexual offending behavior, the written assessment by a certified sexual offender treatment provider may substitute for the functional assessment, and the recommendations of that provider may serve as justification for restrictive procedures.
3. For those participants who meet the definition of sexually violent/predatory offenders, a written assessment and treatment recommendations, including any restrictive procedures, provided by a certified sexual offender treatment provider.

L. Health Services

Standards for health services are the same as in WAC 388-820-075.

M. Nurse Delegation

In addition to nurse delegation standards in WAC 388-820-080, Community Protection ITS providers must disclose to the delegating nurse any relevant information related to community protection requirements of program participants.

N. Client Records

In addition to client records standards in WAC 388-820-085, program participant records must include the following:

1. The IISP, BSP, and a therapist-approved treatment plan when completed;
2. A psychosexual assessment for sexually violent/predatory program participants when completed;
3. Documentation of the program participant's registration with appropriate law enforcement authorities, if required, as well as documentation of subsequent notification to DDD of registration;
4. Documentation of agreements, plans and/or understandings with other community agencies or individuals supporting the program participant, including families and/or guardians. This includes requirements when staff are not present;

5. Documentation of program participant's refusal to follow conditions of the IISP, BSP, and/or the treatment recommendations of the certified sexual offender treatment provider; and
6. Documentation of any exceptions to policy (ETP) that have been approved.

O. Nurse Delegation-Penalties

The penalties for inappropriate delegation of nursing duties are the same as in WAC 388-820-090.

P. Notice of Fine and Appeal Rights

Standards and procedures are the same as in WAC 388-820-095.

Q. Transportation

In addition to transportation standards in WAC 388-820-100, Community Protection ITS programs:

1. Must ensure and provide supervised transportation as needed for medical emergencies, appointments, day programs, and community activities; and
2. Are exempt from encouraging the independent use of public transportation.

R. Physical Requirements

1. In addition to physical requirements standards in WAC 388-820-105, Community Protection ITS programs must:
 - a. Consider specific offense patterns when determining appropriate program locations taking into account program participant preference as much as possible. Program participants with sexually violent/predatory behaviors must not live near schools, day care centers, public playgrounds, or similar settings; and
 - b. Determine appropriate and necessary restrictive procedures that may include visual screening of windows, doors and other openings, use of door and/or window alarms, and restricted access to certain areas; and

2. Community Protection ITS programs are exempt from WAC 388-820-105 that requires a location in a residential neighborhood within reasonable distance of physical resources.
3. The DDD Regional Administrator must provide written approval of the residential site for program participants with sexually violent/predatory behaviors.

S. Payment Exceptions

Standards for payment exceptions are the same as in WAC 388-820-110.

T. Payment for Service

Payment standards are the same as in WAC 388-820-115.

U. Program Set-up Cost

Program set-up costs standards are the same as in WAC 388-820-120.

V. Change of Ownership

Change of ownership standards are the same as in WAC 388-820-125.

W. Accounting Procedures for Client Accounts

Accounting procedures standards are the same as in WAC 388-820-130.

EXCEPTIONS TO POLICY

Standards for exemptions are the same as in WAC 388-820-015.

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SUPERSESSSION

DDD Policy 4.10
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DDD Policy 4.10
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DDD Policy 4.10
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Approved: /s/ Timothy N. Brown
Director, Division of Developmental Disabilities

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