

DAJD Community Corrections Division

Pretrial Eligibility Screening for CCAP, EHD and WER

Pretrial Restrictions:

RCW 10.21.015 took effect on June 12, 2014. A pretrial release program includes work release, day monitoring, and electronic monitoring.

A pretrial release program may not agree to supervise, or accept into its custody, an offender who is currently awaiting trial for a violent offense or sex offense, as defined in RCW 9.94A.030, who has been convicted of one or more violent offenses or sex offenses in the ten years before the date of the current offense, unless the offender's release before trial was secured with a payment of bail.

CCD Protocol:

CCD assumes that (a) prosecutors are providing criminal history to judges during bail hearings, and (b) courts are not sending CCD participants who are ineligible under the law. However, CCD will screen those who are potentially ineligible under the new law to ensure CCD is complying with the mandate to not supervise or accept into custody those not statutorily ineligible. Below are the list of crimes which would make a person ineligible for CCAP, WER, and EHD.

1. During the intake process, the CCD Supervisor will identify any person assigned to CCAP, WER, or EHD as a condition of pretrial release who is charged with one of the crimes listed below. This task may be delegated to Caseworkers; however the CCD Supervisor is responsible for ensuring the screening process is occurring.
2. For those persons identified, the CCD Supervisor or Caseworker will:
 - a. Look at the conditional release order to see if bail was ordered. If bail was ordered, follow up to see if the bail was posted:
 - i. If in secure detention, by looking at the release code in SIP; or
 - ii. If out of custody, by looking in ECR for the document that shows bail was posted.
 - b. If bail was posted, the person is eligible and the person may be placed in the CCD program. The CCD Supervisor shall notify the Corrections Program Administrator for his/her information.
 - c. If bail was not posted, look at the person's criminal history by looking at the Request for Bail section on the INFORMATION document which can be found on ECR. If no such document exists on ECR, they will run a criminal history from NCIC/WACIC. The charging RCW can also be verified by looking at the first page of the INFORMATION document.
3. If the person has not posted bail and is charged with an ineligible crime and has a conviction for an ineligible offense in the last ten years, the CCD Supervisor or Caseworker will:
 - a. Not complete the intake/booking process for that individual;
 - b. Immediately notify the Corrections Program Administrator; and
 - c. Send notice to the court, prosecution and defense counsel for clarification of eligibility and joint resolution.
4. If eligibility has not been verified and the court does not amend the order to CCAP, EHD, or WER, the Corrections Program Supervisor shall contact CCD's attorney for guidance and assistance in working with the courts to review the case.

Crimes:

- **Any violent offense** as defined in RCW 9.94A.030:
 - Any felony defined under any law as a class A felony or an attempt to commit a class A felony;
 - Murder in the first degree (RCW 9A.32.030)
 - Murder in the second degree (RCW 9A.32.050)
 - Homicide by abuse (RCW 9A.32.055)
 - Manslaughter in the first degree (RCW 9A.32.060)
 - Assault in the first degree (RCW 9A.36.011)
 - Assault of a child in the first degree (RCW 9A.36.120)
 - Kidnapping in the first degree (RCW 9A.40.020)
 - Trafficking in the first degree (RCW 9A.40.100(1))
 - Arson in the first degree (RCW 9A.48.020)
 - Burglary in the first degree (RCW 9A.52.020)
 - Robbery in the first degree (RCW 9A.56.200)
 - Criminal solicitation or (RCW 9A.28.030) or criminal conspiracy to commit (RCW 9A.28.040) a class A felony;
 - Manslaughter in the first degree (RCW 9A.32.060);
 - Manslaughter in the second degree (RCW 9A.32.070);
 - Indecent liberties if committed by forcible compulsion;
 - Kidnapping in the second degree (RCW 9A.40.030);
 - Arson in the second degree (RCW 9A.48.030);
 - Assault in the second degree (RCW 9A.36.021);
 - Assault of a child in the second degree (RCW 9A.36.130);
 - Extortion in the first degree (RCW 9A.56.120);
 - Robbery in the second degree (RCW 9A.56.210);
 - Drive-by shooting (RCW 9A.36.045);
 - Vehicular assault (RCW 46.61.522), when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and
 - Vehicular homicide (RCW 46.61.520), when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug or by the operation of any vehicle in a reckless manner.
- **Any sex offense** as defined in RCW 9.94A.030:
 - A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132 (Failure to register as a sex offender or kidnapping offender), unless the felony failure to register is the person's second conviction for a felony failure to register under RCW 9A.44.132(1);
 - A violation of RCW 9A.64.020 (Incest);
 - A felony that is a violation of chapter 9.68A RCW (Sexual Exploitation of Children) other than RCW 9.68A.080 (Reporting of depictions of minor engaged in sexually explicit conduct);
 - A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; and
 - A felony with a finding of sexual motivation under RCW 9.94A.835.