

Washington State Department of Social and Health Services

Transforming
Lives

REPORT TO THE LEGISLATURE

Violations, Penalties, and Actions Relating to Persons on Conditional Release to a Less Restrictive Placement

RCW 71.09.325(4)

November 01, 2017

Violations occurring from November 01, 2016 thru October 31, 2017

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INTRODUCTION

Residents under RCW 71.09.096 may receive a conditional release to a Less Restrictive Alternative (LRA) placement through a court order. Under the court order, the court will impose conditions necessary to ensure compliance with treatment and the protection of the community. The Special Commitment Center (SCC) and the Resident Community Transition Team (RCTT) closely monitor the resident's treatment progress and activities. Effective monitoring of residents in LRA settings, including the Special Commitment Center's Secure Community Transition Facilities (SCTFs), has greatly reduced the possibility of new sex offenses or other criminal offenses.

This report is submitted in fulfillment of the requirements under RCW 71.09.325(4); which states: "The secretary shall document in writing all violations, penalties, actions by the Department of Social and Health Services to remove persons from a secure community transition facility, and contract terminations. The secretary shall compile this information and submit it to the appropriate committees of the legislature on an annual basis. The Secretary shall give great weight to a service provider's record of violations, penalties, actions by the Department of Social and Health Services or the Department of Corrections to remove persons from a secure community transition facility, and contract terminations in determining whether to execute, renew, or renegotiate a contract with a service provider."

This report provides a summary of violations that occurred between November 01, 2016 and October 31, 2017. It also provides a status report on any violations that were addressed in the previous annual report and not resolved prior to this report being submitted.

DEFINITIONS

For the purpose of this report the following definitions from the SCC policies are used:

- a. **Less Restrictive Alternative (LRA):** Court-ordered treatment in a less restrictive setting than total confinement that satisfies the conditions set forth in RCW 71.09.092. LRAs include private homes, secure community transition facilities (SCTFs), and other court-authorized settings, including contracted residential settings with twenty-four hour staffing.
- b. **Secure Community Transition Facility (SCTF):** A residential facility for persons conditionally released to a LRA, including the SCTF in Pierce County on McNeil Island, the SCTF in King County and any community-based facilities established under Chapter 71.09 RCW and operated by DSHS.
- c. **Private Home:** The LRA resident's own home or the home of a family member or other person that the court of commitment has approved as a LRA placement.
- d. **General Violation:** Failure to comply with a condition of release set by the court of commitment, by DSHS, or by the Department of Corrections (DOC). A general violation may include a resident's failure to comply with a treatment plan requirement, posting, written instruction or verbal instruction given by an authorized person. A general violation is distinct from a serious violation.
- e. **Serious Violation:** A violation by an LRA resident that includes, but is not limited to, the commission of any criminal offense; any unlawful use or possession of alcohol or a controlled substance; or any violation of a court-ordered condition, which targets the individual's documented pattern of offense that increases the risk to public safety. The SCC CEO may determine a serious violation based on an accumulation of events that show a failure to comply with treatment plan requirements or with rules or any behavior that represents a risk to public safety.

CURRENT STATUS

To date there are forty-eight residents in court-ordered LRA settings. Thirty reside in private homes. Five residents live in the SCTF in King County. Thirteen residents reside at the SCTF in Pierce County (SCTF-PC).*

During this reporting period, seven residents violated conditions of their court orders and returned to the total confinement facility.

Fourteen residents have been unconditionally released during this reporting period.

Service Providers:

During this reporting period, there were no sanctions issued to service providers.

Violations:

Per RCW 71.09 (4) DSHS must document all violations, penalties and actions.

Residents may have multiple violations which is noted by (-) in the following columns.

* NOTE: Currently, due to a violation of their court order, the SCC has four residents residing at the Total Confinement Facility (TCF) who occupy a bed at the SCTF-PC. This brings the total to seventeen residents on the roster for the SCTF-PC. In addition, there are six waivers supporting residents to petition to move from the TCF to the SCTF-PC.

The tables below represent General Violations committed by residents, which resulted in treatment assignment, home restriction, off-island restriction, or no action.

* NOTE: The resident community transition team meets monthly to review the client's transition into the community. If any violations occurred during the reporting period, they are reviewed, and the team makes a decision to return the resident or provide a treatment assignment that will address the client's behaviors. Decisions to provide treatment or return a resident are based on several factors that include, but are not limited to, the severity of the action, relationship to the client's offense cycle, identification and number of dynamic risk factors involved, mental health decompensation, emotional dysregulation or impulsivity, etc. Outcomes for a violation range from no action taken, a treatment assignment, home lockdown or, in the most conservative example, return to the Total Confinement Facility pending a revocation hearing.

**Table 1. General Violations
(November 01, 2016 to October 31, 2017)**

Resident	LRA Setting	Violation	Action Taken
A	SCTF-PC	Walked away from Global Positioning System tracker (GPS) at the SCTF	Treatment Assignment
C	Community LRA	Unapproved third party contact	Treatment Assignment
–	–	Failure to keep GPS on his person while in the community	–
E	Community LRA	Having intentional contact with an unapproved person	Treatment Assignment
F	Community LRA	Failure to adhere to the approved schedule	Treatment Assignment
–	–	Failing verbal and written conditions per court order	–
G	–	Initiating a romantic relationship with another resident	Treatment Assignment
–	–	Failure to follow staff directives	–
–	–	Failure to take prescribed medications	–
–	–	Threatening to physically assault another resident (due to resident's mental health instability, this behavior was not considered a Serious violation)	Returned to TCF due to mental health instability
H	Community LRA	Failure to abide by travel itinerary	No Action Taken
–	–	Failure to comply with GPS rules	Treatment Assignment
–	–	Failure to abide by travel itinerary	–
I	Community LRA	Failure to make point-to-point call	Treatment Assignment
J	Community LRA	Failure to follow approved travel itinerary	Removed from non-mandatory activities for one week with Treatment Assignment

K	Community LRA	Failure to maintain GPS monitoring equipment	Treatment Assignment
L	Community LRA	Failure to keep accurate phone log	Treatment Assignment
-	-	Failure to report travel discrepancy	-
-	-	Possessing images of children visual depictions of semi-clad children	-
-	-	Failure to report violation within 24 hours	-
-	-	Failure to take prescribed medications	-
-	-	Failure to follow approved travel request	-
-	-	Failure to report trip deviation	-
-	-	Failure to comply with GPS rules (did not follow pre-approved route)	-
-	-	Failure to comply with GPS rules (left with uncharged GPS unit)	-
-	-	Failure to comply with GPS rules (did not follow pre-approved route)	-
M	Community LRA	Failure to comply with GPS rules	Treatment Assignment
-	-	Failure to make point to point call	-
N	SCTF-PC	Failure to comply with GPS rules	Treatment Assignment
O	Community LRA	Watched a TV program rated mature	Treatment Assignment
-	-	Misreported an illness	-
-	-	Watched unauthorized program on TV per CCO directive	-
-	-	Watched unauthorized program on TV per CCO directive	-
-	-	Failure to comply with GPS rules	-
-	-	Failure to make point-to-point contact	-
-	-	Failure to make point-to-point contact	-
-	-	Failure to make point-to-point contact	-
-	-	Failure to notify CCO of a violation	-
-	-	Failure to abide by CCO directive	-

-	-	Failure to abide by approved itinerary	-
-	-	Failure to abide by approved itinerary	-
-	-	Failure to turn in phone log	-
-	-	Attempting to contact an unapproved contact	-
P	Community LRA	Missed point-to-point call	Treatment Assignment
-	-	Failure to report vehicle he was riding in and failed to comply with travel itinerary	-
-	-	Intentional contact with an unapproved person	-
-	-	Using unapproved cell phone	-
R	-	Failure to stay in the line-of-sight of escorting staff member	Treatment Assignment
S	SCTF-KC	Unauthorized internet use	Treatment Assignment
-	-	Unauthorized internet use	-
V	Community LRA	Intentional regular contact with unapproved person	Treatment Assignment
-	-	Failure to report contact	-
-	-	Intentional contact via text message on a regular basis	-
-	-	Failure to comply with GPS rules	-
W	Community LRA	Failure to make point-to-point contact	Treatment Assignment
-	-	Failure to comply with travel itinerary	-
X	SCTF-PC	Not following rules of the SCTF by taking another residents food	Treatment Assignment
-	-	Failure to comply with GPS rules	-
-	-	Failure to comply SCTF rules	-
-	-	Leaving his GPS behind	-
-	-	Failure to comply SCTF rules	-
Y	Community LRA	Possession of images of children	Treatment Assignment
-	-	Failure to notify SOTP, CCO and SCC of violation	-

Z	SCTF-PC	Possession of unauthorized equipment (MP3 Player)	Treatment Assignment
AA	Community LRA	Failure to abide by requirements of the court and/or RCTT (8/2817 and 9/11/17)	Treatment Assignment
-	-	Failure to complete bedroom cleanness check list	-
BB	Community LRA	Violation of condition #13 by creating a Facebook pager without approval	Treatment Assignment
CC	Community LRA	Failure to carry his GPS	Treatment Assignment
-	-	Calling unapproved contacts	-
DD	Community LRA	Failure to follow approved travel request	Treatment Assignment
-	-	Failure to follow approved travel request	-
-	-	Contacting unapproved person/business	-
-	-	Went to wrong location in the community	-
EE	Community LRA	Accessed unapproved internet site	Treatment Assignment
-	-	Failure to comply with GPS rules	-
-	-	Failure to comply with GPS rules and failed to maintain accurate phone log	Required chaperone for 14 days
FF	SCTF-PC	Refused to meet with SOTP (Not considered a serious violation due to mental decompensation)	Returned to TCF
GG	Community LRA	Failure to comply with travel itinerary	Treatment Assignment
-	-	Violated court order by waiting at DOC without a Chaperone	-
-	-	Failure to make point-to-point call	-
-	-	Failure to comply with CCO Directive	-
-	-	Failure to make point-to-point call	-
-	-	Failure to comply with condition #8 (Unauthorized visitor)	-
-	-	Failure to comply with condition #8 (Unauthorized overnight guest)	-
HH	Community LRA	Failure to report vehicle he was riding in	Treatment Assignment

–	–	Failure to report deviation from approved travel plan	–
–	–	Failure to have cell phone on person while in the community	–
–	–	Failure to comply with GPS rules	–
II	Community LRA	Entered another resident's room without permission and engaged in unwanted physical touching of another resident	Treatment Assignment

General Violations – Narrative:

Resident G:

Community Placement: RTS Group home August 2014. Returned to SCTF-PC due to closure of RTS.

Violations: The resident attempted to enter into a romantic relationship with a peer, and then threatened another peer. He was returned to the TCF June 2017.

Status: **On September 19, 2017, the resident was moved to a new community LRA.**

Resident FF:

Community Placement: SCTF-PC, July 2010.

Violations: Refusing to meet with the Treatment providers due to mental decompensation. Returned to TCF November 2016.

Status: **Currently, the resident resides at the TCF but is still considered a resident of the SCTF-PC.**

The table below represents Serious Violations committed by residents that resulted in a return to the total confinement facility on McNeil Island.

**Table 2. Follow-Up of Serious Violations Committed
(November 01, 2016 to October 31, 2017)**

Resident	LRA Setting	Violation	Action Taken
B	Community LRA	Unauthorized use of a cell phone/Contacting multiple prostitutes	Returned to TCF/LRA revoked
–	–	Possession of Pornography, soliciting for illegal substances.	–
D	Community LRA	Possession of unauthorized cell phone, speaking with developmentally disabled individual in the community	Returned to TCF/LRA revoked
F	Community LRA	Intentional direct contact with a minor (under 18) without approval	Returned to TCF/Returned to LRA
–	–	Failure to report contact with a minor to RCTT	–
–	–	Intentional contact with unapproved female	–
H	Community LRA	Collecting unauthorized items	Returned to TCF/Returned to LRA
O	Community LRA	Ingested controlled substance codeine/morphine	Returned to TCF/Returned to LRA
Q	SCTF-PC	Lewd Conduct toward staff	Returned to TCF/LRA pending Court Hearing
T	Community LRA	Unauthorized travel, unauthorized media	Returned to TCF/LRA pending Court Hearing
–	–	Failure to abide by CCO Directive	–
–	–	Failure to abide by travel restrictions by riding a bike in the community	–
–	–	Loitering outside a location which caters primarily to minors	–
–	–	Violations for possessing M rated video games and R rated movies	–
–	–	Failure to abide by travel restrictions by making unapproved stops while traveling in the community	–
U	Community LRA	Termination from Treatment	Returned to TCF/LRA pending Court Hearing
X	SCTF-PC	Threatening another resident with bodily harm	Returned to TCF/LRA pending Court Hearing

Serious Violations – Narrative:

RCW 71.09.325 (1) any conditionally released person who commits a serious violation of conditions shall be returned to the special commitment center, unless arrested by a law enforcement officer, and the court shall be notified immediately and shall initiate proceedings under RCW [71.09.098](#).

The nine (9) residents listed below returned to the TCF due to a violation of their court order. If an action occurs and a resident is returned to the TCF, a court hearing is requested to determine if the resident will be revoked or returned to the community.

Resident F

Community Placement: Community LRA, March 2016. Resident attended a culinary art's program at a local technical college.

Violation: Unauthorized contact with a minor female while at school. On February 10, 2017, he was returned to the TCF pending a court hearing.

Status: On March 29, 2017, the resident was returned to his community LRA.

Resident H

Community Placement: Community LRA, August 2016

Violations: Unapproved items in resident's possession, failing to call point to point travel to his CCO, and failing to utilize approved travel routes. On June 08, 2017, he was returned to TCF.

Status: September 19, 2017, the resident was returned to his community LRA.

Resident O

Community Placement: Community LRA, November 2016

Violations: Resident failed to comply with his travel itinerary, leaving his residence without his GPS unit, and consuming a controlled substance without a lawfully issued prescription. On November 21, 2016, he was returned to the TCF.

Status: On March 09, 2017, the resident was returned to his community LRA.

Resident Q

Community Placement: SCTF PC, April 19, 2017

Violation: Lewd conduct towards a staff and making threats towards the resident's CCO.

Status: On October 25, 2017, the resident was returned to TCF pending a court hearing.

Resident T

Community Placement: Community LRA, November 21, 2016

Violations: Resident failed to abide by CCO directives, failed to abide by travel restrictions by riding a bike in the community, loitering outside a location which caters primarily to minors, violations surrounding possession of M rated video games and R rated movies, and failure to abide by travel restrictions by making unapproved stops while traveling in the community. On February 24, 2017, he was returned to the TCF.

Status: – Currently residing at the TCF.

Resident U

Community Placement: SCTF-PC, June 2017.

Violation: Resident terminated from treatment due to lack of progress and inability to locate a new treatment provider per his court order.

Status: On August 22, 2017, the resident was returned to TCF pending a court hearing.

Resident X

Community Placement: SCTF KC, February of 2014, resident X was living at the SCTF-KC and was returned to the TCF for violations of his court order. In April 27, 2015, the resident was released to the SCTF-PC.

Violation: On October 30, 2017, the resident was returned to TCF for threatening another resident and is pending a court hearing.

Status: Currently resides at TCF.

October 2016 Violations:

Resident M

Community Placement: Community LRA, October of 2016. Resident M was living in a community LRA placement and had been found to have violated his court-ordered LRA conditions.

Violations: Failed to comply with a previous directive, failed to make a point-to-point call, and failed to comply with sex offender treatment rules and regulations

Status: On June 8, 2017, the resident was returned to his community LRA.

Resident #1 (No violations during this time period)

Community Placement: As of June 02, 2015, Resident #1 was living at the SCTF-KC.

Violations: Violated his court-ordered conditions by trading video games with two other residents and viewing prohibited material via a work source computer. On October 18, 2016, he was returned to the TCF.

Status: On April 18, 2017, the resident was returned to the SCTF-KC.