

REPORT TO THE LEGISLATURE

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

RCW 71.09.325(4)

April 10, 2017

(Covering violations occurring between Nov. 1, 2015 and Oct. 31, 2016)

Rehabilitation Administration
Special Commitment Center
PO Box 88450
Steilacoom, WA 98388
(253) 583-5933

<https://www.dshs.wa.gov/ra/special-commitment-center>

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INTRODUCTION

This report is submitted in fulfillment of the requirements of RCW 71.09.325(4). The statute directs the Department of Social and Health Services (DSHS) to compile information in writing on all violations of court-ordered conditions of release committed by all civilly committed sex offenders who are living in less restrictive alternative (LRA) settings, which include Secure Transition Community Facilities (SCTFs) and private homes. In addition, the department is required to report any penalties and actions taken by the department to remove a person from an LRA setting. The report is submitted on an annual basis to the Office of Financial Management and the appropriate committees of the Legislature.

Some civilly committed sex offenders receive court-ordered conditional releases to transition out of the Special Commitment Center's (SCC) Total Confinement Facility. When this happens, the SCC staff and treatment teams closely monitor these individuals' transition, treatment progress, and activities. As a result of this monitoring, the persons ordered by the courts to LRA settings have not committed any new sex offense or other criminal offenses while on conditional release. When early warning signs of potential problems occur, consideration is given to taking the person into custody and returning him to the SCC for evaluation and recommending action to the court of commitment.

This report addresses violations that occurred between November 1, 2015 and October 31, 2016. It also provides a status report on any violations that were addressed in a previous annual report but were not resolved before the report was 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 setting less restrictive than total confinement that satisfies the conditions set forth in RCW 71.09.092. LRAs include private homes, secure community transition facilities (SCTF), 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 less restrictive alternative, 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 or under contract with 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 less restrictive alternative 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. For purposes of this SCC policy, an accumulation of failure to comply with treatment plan requirements or with rules, infractions of rules, or any behavior that, in the judgment of the SCC CEO, represents a risk to public safety may be considered a serious violation.

CURRENT STATUS

During the period November 1, 2015 to October 31, 2016, there were fifty-six persons in court-ordered LRA settings. The living arrangements and numbers of these 56 individuals in LRAs are as follows:

- Private homes – 17
- SCTF King County – 6
- SCTF Pierce County – 21
- Twelve of the 56 individuals have been unconditionally released during this reporting period.

Report Year November 2015 to October 2016

From November 2015 to October 2016 five residents were returned to the SCC due to violations of their court order which were considered to be serious violations. In addition to these five residents, several other residents were found to have committed violations that were not determined to be serious violations. For these non-serious violations, actions may have been taken in response, but the resident was not returned to confinement. *See attached Table 1.*

The five (5) residents listed below returned to SCC Total Confinement due to a serious violation of their court order:

- 1) Since August 2015, a resident living in the community was found to have violated his court-ordered LRA conditions. The violations consisted of failure to comply with Sexual Deviancy Treatment requirements, by failing to accurately report masturbation behaviors, failure to report violations of the LRA order to the transition team and failure to comply with Sexual Deviancy treatment by failing to disclose completely and honestly. – **On January 25, 2016, the resident was returned to the Special Commitment Center pending a court hearing. On May 26, 2016, the resident was returned to the PC-SCTF, on July 26, 2016, the resident returned to community LRA.**
- 2) Since January 2016, a resident at the SCTF-PC was found to have violated SCTF-PC policies by not complying with Court-order sexual deviancy treatment, having physical contact with another person, not complying with medication management, not following directives given by the Resident Community Transition Team (hereinafter RCTT), and failing to comply with both polygraph and plethysmograph. – **On February 24, 2016, the resident was returned to the Special Commitment Center, on September 26, 2016, his LRA was revoked.**
- 3) Since June 2016, a resident in a community LRA placement had been found to have violated their court-ordered LRA conditions by failure to comply with his

travel itinerary three times, leaving his residence without his GPS unit, and consuming a controlled substance without a lawfully issued prescription. – **On July 27, 2016, the resident was returned to the Special Commitment Center, pending a LRA revocation.**

4) In August of 2016, a resident in a community LRA placement had been found to have violated their court-ordered LRA conditions by failing to comply with a previous directive, failing to make a point-to-point call, and failing to comply with sex offender treatment rules and regulations, resulting in termination. – **On August 25, 2016, the resident was returned to the Special Commitment Center and on October 21, 2016 his LRA was revoked.**

5) In September of 2016, a resident living in the community had been found to have violated their court-ordered LRA conditions by not being transparent to the RCTT and demonstrating behaviors that would put the community at risk. – **On September 23, 2016, the resident was returned to the Special Commitment Center.**

Service Providers

During the period of this report there were no sanctions issued to service providers.

Table 1 below represents violations committed by residents that resulted in treatment work, home restriction, off-island restriction, or when there is no action. Per RCW 71.09.325 (4) DSHS must document **all** violations, penalties and actions.

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

Note: The SCTF removed Resident Vv and returned him to the Total Confinement Facility due to a medical issue. This is not a violation, but is required to be documented as a removal per the RCW.

Prior Report Year Updates

A follow-up of serious violations committed from the prior report year (November 1, 2014 to October 31, 2015) is contained in Table 2 of this report.

**Table 1. Serious Violations
(November 1, 2015 to October 31, 2016)**

Resident	LRA Setting	Violation	Action Taken
A	SCTF-PC	Failure to comply with DSHS SCTF-PC Policies, borrowing lending and trading	Treatment Assignment
	SCTF-PC	Failure to comply with SOTP contract, not being transparent	Treatment Assignment
B	SCTF-PC	Unapproved contact with someone not approved by the team	Treatment Assignment
C	SCTF-PC	Failure to take prescribed medication as directed	Off-Island Restriction and Treatment assignment
D	Community LRA	Failure to abide by GPS Monitoring as directed	Off Island Restriction
E	Community LRA	Failure to comply with a DOC Directive	Two writing Assignments
F	Community LRA	Failure to comply with a DOC Directive	Treatment Assignment
G	Community LRA	Failure to make Point to Point Contact Call	Treatment Assignment
-	-	Failure to abide by GPS Instructions	Treatment Assignment
H	Community LRA	Failure to abide by GPS Instructions	Treatment Assignment
I	Community LRA	Failure to make Point to Point Contact Call	No Action Taken
-	-	Failure to abide by travel itinerary	No Action Taken
J	Community LRA	Enter Pierce County, WA in violation of RCW 71.09.250	No Action Taken
K	Community LRA	Participation in a community activity w/o approval from the team	Home restriction, limited visitation, no driving, written assignment
-	-	Driving a motor vehicle w/o permission from the team (1)	Home restriction, limited visitation, no driving, written assignment
-	-	Failure to provide DOC with proof of insurance (1)	Home restriction, limited visitation, no driving, written assignment
-	-	Providing a ride for two people w/o permission from the team	Home restriction, limited visitation, no driving, written assignment
-	-	Obtaining a WA state driver's license w/o approval from the team	Home restriction, limited visitation, no driving, written assignment
-	-	Driving a motor vehicle w/o permission from the team (2)	Home restriction, limited visitation, no driving, written assignment

-	-	Failure to provide DOC with proof of insurance (2)	Home restriction, limited visitation, no driving, written assignment
L	Community LRA	Failure to maintain a phone log	Travel privileges suspended for one week
-	-	Failure to follow approved travel itinerary	Travel privileges suspended for one week
M	Community LRA	Failure to comply with court ordered sexual deviancy treatment	Returned to SCC, pending revocation hearing
N	Community LRA	Failure to comply with a DOC Directive	Treatment Assignment
O	Community LRA	Failure to comply with court ordered sexual deviancy treatment	Treatment Assignment
P	Community LRA	Failure to make Point to Point Contact Call	Treatment Assignment
Q	Community LRA	Failure to make Point to Point Contact Call	Written Reprimand
R	Community LRA	Failure to make Point to Point Contact Call	Request a court hearing
-	-	Failure to report travel discrepancy	Request a court hearing
-	-	Purchasing and possessing an unapproved cell phone	Request a court hearing
-	-	Having unapproved contact with a person	Request a court hearing
-	-	Having intentional contact with victims family w/o approval from court	Request a court hearing
-	-	Failure to abide by GPS Instructions	Request a court hearing
-	-	Failure to follow approved travel itinerary	Request a court hearing
S	SCTF-PC	Failure to keep in line of sight	Treatment Assignment
T	SCTF-PC	Failure to keep in line of sight	Treatment Assignment
U	SCTF-PC	Unapproved contact with someone not approved by the team	Treatment Assignment
-	-	Failure to keep in line of sight	Treatment Assignment
V	SCTF-PC	Failure to comply with DSHS SCTF-PC Policies, borrowing lending and trading	Returned to Total Confinement, LRA Revoked
-	-	Failure to comply with DSHS SCTF-PC Policies, borrowing lending and trading	Returned to Total Confinement, LRA Revoked
-	-	Failure to comply with court ordered sexual deviancy treatment	Returned to Total Confinement, LRA Revoked
-	-	Having physical contact with another male	Returned to Total Confinement, LRA Revoked

-	-	Failure to comply with medication management directives	Returned to Total Confinement, LRA Revoked
-	-	Failure to engage in physical exercise as directed by the RCTT	Returned to Total Confinement, LRA Revoked
-	-	Failure to comply with DSHS SCTF-PC Policies, acting aggressive and harassing toward other residents	Returned to Total Confinement, LRA Revoked
-	-	Failure to comply with DSHS SCTF-PC Policies, having arousing contact with other residents	Returned to Total Confinement, LRA Revoked
-	-	Failing to comply with polygraph examination protocols	Returned to Total Confinement, LRA Revoked
-	-	Failing to comply with polygraph and plethysmograph examination protocols	Returned to Total Confinement, LRA Revoked
-	-	Failing to maintain an accurate phone log	Returned to Total Confinement, LRA Revoked
W	SCTF-KC	Failure to comply with DSHS SCTF-PC Policies, Staff Directives	Request a Court Hearing
X	SCTF-PC	Possession of pornography without approval of SOTP	Request a Court Hearing
-	-	Failure to abide by DSHS SCTF-PC policies by possessing pornography	Request a Court Hearing
Y	Community LRA	Failure to abide by travel itinerary	Request a Court Hearing
		Failure to abide by GPS Instructions	Request a Court Hearing
		Leaving residence without permission	Request a Court Hearing
Z	Community LRA	Failing to charge GPS unit	Verbal Reprimand
Aa	Community LRA	Failing to abide by a verbal directive from the transition team	Treatment Assignment
Bb	Community LRA	Possessing an image of a minor child	Treatment assignment
Cc	Community LRA	Unapproved telephone contact with businesses	Two treatment assignments
-	-	Failure to abide by travel itinerary	Two treatment assignments
-	-	Failing to provide a urine sample	Two treatment assignments
Dd	SCTF-PC	Entering a room of another resident	Treatment Assignment, Island restriction, restricted spending limit
-	-	Failure to comply with DSHS SCTF-PC Policies, acting aggressive and harassing toward	Treatment Assignment, Island restriction, restricted spending limit

		other residents	
Ee	Community LRA	Carrying and using a cellphone not approved by the treatment team	Request Court Hearing
-	-	Failing to act in a manner consistent with the goal of community safety	Request Court Hearing
Ff	Community LRA	Failing to abide by Transition Team directive	Request Court Hearing, Treatment Assignment
-	-	Failure to comply by GPS monitoring directives	Request Court Hearing, Treatment Assignment
-	-	Failure to comply by GPS monitoring directives	Request Court Hearing, Treatment Assignment
Gg	Community LRA	Unapproved contact with another person	Three Treatment Assignments
-	-	Leaving residence without his GPS monitor	Three Treatment Assignments
Hh	Community LRA	Failure to be accompanied/close proximity by his chaperone	Home Restriction, Request Court Hearing
-	-	Failure to make a point to point contact	Home Restriction, Request Court Hearing
li	Community LRA	Failure to inform DOC of arrival at approved location	No Action Taken
Jj	Community LRA	Accessing a prohibited electronic device, Laptop	Two treatment assignments
-	-	Failure to abide by electronics monitoring and GPS rules	Two treatment assignments
-	-	Accessing two prohibited devices, two smart phones	Two treatment assignments
Kk	Community LRA	Failure to abide by Travel Itinerary	Written Reprimand
LI - 78	Community LRA	Failure to make a point to point contact	Verbal directive to increase point to point calls
Mm	Community LRA	Having intentional contact with an unapproved person	Treatment Assignment
Nn	Community LRA	Failure to abide by written directive issued by Community Correction Officer	Sixteen hours of Community Services
Oo	SCTF-KC	Failure to abide by prescribed medications	Treatment Assignment
-	-	Failure to comply with Sex Offender Treatment, disclose stopping of medication	Treatment Assignment
-	-	Failure to disclose his violation behavior to his treatment team, 3/1/16	Treatment Assignment

-	-	Failure to disclose his violation behavior to his treatment team, 3/2/16 to 4/4/16	Treatment Assignment
-	-	Failure to comply with Sex Offender Treatment directive, purchasing, possessing and playing "M" rated video games, without approval from team	Treatment Assignment
-	-	Failure to disclose his violation behavior to his treatment team, 4/25/16	Treatment Assignment
-	-	Failure to abide by CCO directive, by not turning in all media items	Treatment Assignment
Pp	Community LRA	Failure to abide by Travel Itinerary, 06/08/16	Returned to SCC, Pending LRA revocation
-	-	Failure to abide by Travel Itinerary, 7/14/16	Returned to SCC, Pending LRA revocation
-	-	Failure to abide by Travel Itinerary, 7/27/16	Returned to SCC, Pending LRA revocation
-	-	Traveling in the community without a functional GPS	Returned to SCC, Pending LRA revocation
-	-	Consuming a controlled substance without a lawfully issued prescription	Returned to SCC, Pending LRA revocation
Qq	Community LRA	Having intentional contact with an unapproved person	Treatment Assignment
Rr	Community LRA	Failure to comply with verbal directive	Returned to SCC, Pending LRA revocation
-	-	Failure to make a point to point contact	Returned to SCC, Pending LRA revocation
-	-	Failure to comply with Sex Offender Treatment rules and regulations	Returned to SCC, Pending LRA revocation
Ss	Community LRA	Having intentional contact without prior approval from the team	No Action Taken
-	-	Failure to comply with GPS rules/regulations	No Action Taken
Tt	SCTF-PC	Failure to abide by GPS rules, by traveling into the community without GPS unit	Treatment assignment
Uu	Community LRA	Failure to stay within 150 feet of the XT GPS unit	No Action Taken
Vv	Community LRA	- No violation on NOV - 9/28/16	Returned to SCC, Pending LRA revocation
Ww	SCTF-KC	Failure to comply with GPS monitoring, by leaving without his XT unit	Treatment assignment
-	-	Failure to comply with verbal	Treatment assignment

		directive	
Xx	Community LRA	Leaving confines of residence without approval from team	Restricted to residence
-	-	Failure to comply with verbal and written instructions of DOC	Restricted to residence
Yy	Community LRA	Failure to report travel deviation	No Action Taken
Zz	Community LRA	Having intentional contact without prior approval from the team	Restricted to residence, Treatment assignment
A1	Community LRA	Failure to abide by Travel Itinerary	Treatment Assignment

**Table 2. Follow-Up of Serious Violations Committed
(November 1, 2014 to October 31, 2015)**

Resident	LRA Setting	Violation	Action Taken
A in 2015 report	SCTF – PC	Having un-approved telephone contact	Treatment assignment
		Failing to comply with GPS rules	Treatment assignment
B in 2015 report	Community LRA	Failing to comply with GPS rules	Treatment assignment
		Failing to comply with point to point calling	Treatment assignment
		Have intentional contact with an unapproved person	Written assignment
C in 2015 report	SCTF – PC	Failing to comply with GPS rules	Treatment assignment
		Having intentional contact with an unapproved adult person	Treatment assignment
D in 2015 report	Community LRA	Leaving the residence for activities that were not pre-approved	Returned to SCC pending a revocation hearing
		Frequenting parks where minors congregate on 12 occasions without permission	Returned to SCC pending a revocation hearing
		Initiating in a physical or romantic relationship with an adult female without the approval of the transition team	Returned to SCC pending a revocation hearing
		Patronizing the female prostitute on one or more occasions	Returned to SCC pending a revocation hearing
		Failing to notify the transition team of violations	Returned to SCC pending a revocation hearing
		Being terminated from treatment for failing to follow the rules	Returned to SCC pending a revocation hearing
		Failing to comply with the approved travel schedule	Requested a court hearing
		Failing to comply with the approved travel schedule	Requested a court hearing
		Failing to comply with the approved travel schedule	Requested a court hearing
		Failing to comply with the approved travel schedule	Requested a court hearing
E in 2015 report	SCTF – PC	Failing to follow the resident handbook by entering a restricted area	Returned to SCC pending a revocation hearing
		Failing to follow a staff directive to return to his house	Returned to SCC pending a revocation hearing
F in 2015 report	Community LRA	Failing to comply with GPS rules	Maintain a written log for two weeks on where GPS is located
		Having intentional contact with an unapproved adult person	Written assignment

G in 2015 report	SCTF – PC	Failing to comply with GPS rules	Written assignment
		Failing to follow the resident handbook by borrowing loaning or trading	Written assignment
H in 2015 report	SCTF – PC	Failing to comply with GPS rules	Written assignment
		Failing to log a phone call	Written assignment
		Failing to disclose violations	Written assignment
I in 2015 report	Community LRA at SCC	Failing to comply with medication management directives	Court hearing to discuss behaviors
J in 2015 report	Community LRA	Failing to make point to point calls	Written assignment
		Having intentional contact with an unapproved minor person	Treatment assignment and polygraph
		Failing to comply with GPS rules	Treatment assignment
		Failing to comply with point to point calling	Treatment assignment
K in 2015 report	Community LRA	Failing to comply with GPS rules	Treatment assignment
		Failing to comply with point to point calling	Treatment assignment
		Failing to comply with GPS rules	Written assignment
L in 2015 report	Community LRA	Failing to obey verbal instructions of the CCO	Written assignment
		Failing to make point to point calls	Written assignment
		Possessing and storing pictures on the cell phone	Written assignment
		Failing to comply with GPS rules	Written assignment
		Failing to comply with the approved travel schedule	Written assignment
		Failing to log a phone call	Written assignment
M in 2015 report	Community LRA at SCC	Failing to maintain a dedicated phone line for GPS	Returned to SCC pending a revocation hearing
		Using the dedicated phone line for personal calls	Returned to SCC pending a revocation hearing
		Failing to make point to point calls	Returned to SCC pending a revocation hearing
		Failing to comply with GPS rules	Returned to SCC pending a revocation hearing
		Been at large alone in the community without prior approval	Returned to SCC pending a revocation hearing
		Failing to submit a travel log to the CCO	Returned to SCC pending a revocation hearing
		Being terminated from treatment for failing to follow the rules	Returned to SCC pending a revocation hearing
N in 2015 report	Community LRA	Failing to have a functioning cell phone	Returned to SCC pending a revocation hearing and then

			unconditionally released
		Failing to comply with GPS rules	Returned to SCC pending a revocation hearing and then unconditionally released
		Leaving the county of residence without prior approval	Returned to SCC pending a revocation hearing and then unconditionally released
O in 2015 report	Community LRA	Using a phone and chat line to have intentional contact with unknown adult females	Returned to SCC pending a revocation hearing
		Accessing the Internet without prior approval	Returned to SCC pending a revocation hearing
		Having intentional contact with an unapproved adult person (female)	Returned to SCC pending a revocation hearing
		Leaving the residents for activities that were not pre-approved	Returned to SCC pending a revocation hearing
		Being at large alone in the community without prior approval	Returned to SCC pending a revocation hearing
		Failure to report violation behavior to the transition team	Returned to SCC pending a revocation hearing
		Having intentional contact with an unapproved adult person in personal residence (female) than	Returned to SCC pending a revocation hearing
		Initiating in a physical or romantic relationship with an adult female without the approval of the transition team	Returned to SCC pending a revocation hearing
		Being terminated from treatment for failing to follow the rules	Returned to SCC pending a revocation hearing
P in 2015 report	Community LRA	Failing to make point to point calls	Treatment assignment
		Failing to notify the CCO of a canceled trip	Treatment assignment
		Failing to obey verbal instructions of the CCO	Written assignment
		Failing to comply with GPS rules	Written assignment
		Failure to report violation behavior to the transition team	Written assignment
		Failing to comply with the approved travel schedule	Written assignment
		Having intentional contact with an unapproved adult person (female) - Using phone and chat line	Return to SCC pending a court hearing
		Possessing and viewing pornography without prior approval	Returned to SCC pending a court hearing
Q in 2015 report	Community LRA	Failing to comply with the approved travel schedule	No community trips for one week and a treatment

			assignment
R in 2015 report	SCTF – KC	Failing to comply with a directive by watching a prohibited TV show	Treatment assignment
		Failure to disclose violations to transition team	Treatment assignment
		Failure to comply with GPS rules	Written assignment
S in 2015 report	Community LRA	Accessing the Internet for un-approved activities	Returned to SCC pending a revocation hearing
		Accessing the Internet for un-approved activities	Returned to SCC pending a revocation hearing
		Failing to disclose deviant sexual thoughts to the therapist	Returned to SCC pending a revocation hearing
		Possessing and viewing pornography without prior approval	Returned to SCC pending a revocation hearing
		Initiating in a physical or romantic relationship with an adult female without the approval of the transition team	Returned to SCC pending a revocation hearing
T in 2015 report	SCTF – PC	Having intentional contact with an unapproved minor person	No action taken as this was an oversight of the therapist and not the residents fault scroll up 30
		Failing to comply with GPS rules	Written assignment and restricting access to video games
		Failing to log a phone call	Treatment assignment
		Failing to comply with medication management directives	Request a court hearing
U in 2015 report	Community LRA	Leaving residence without cell phone	No action taken
		Been at large alone in the community without prior approval	No action taken
V in 2015 report	Community LRA	Failing to comply with GPS rules	Written assignment
W in 2015 report	SCTF – PC	Failing to comply with medication management directives	Treatment assignment
X in 2015 report	SCTF – PC	Having un-approved telephone contact	Written assignment
Y in 2015 report	SCTF – PC	Failing to obey verbal instructions of the CCO	No action taken