

REPORT TO THE LEGISLATURE

Violations, Penalties, and Actions Relating to Persons on Conditional Release to a Secure Community Transition Facility

RCW 71.09.325 (4)

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TABLE OF CONTENTS

Introduction	1
Current Status	1
Serious Violation Explanation.....	2
Service Providers	2
Violations.....	2
Table 1. Serious Violation Data	3
Summary.....	3

Introduction

RCW 71.09.325(4) directs the Department of Social and Health Services (DSHS), on an annual basis, to compile information in writing on all violations, penalties, and actions by the department to remove persons from a secure community transition facility (SCTF), and contract terminations. The report is issued on an annual basis to the Office of Financial Management and the appropriate committees of the legislature.

This report addresses violations that occurred between September 1, 2023, and September 30, 2024.

The Special Commitment Center (SCC) and the transition treatment teams closely monitor the treatment progress and activity of residents who have court-ordered conditional releases. An SCTF is a structured and closely supervised community residential program that provides community protection and an appropriate environment where conditionally released SCC residents continue treatment and learn/practice skills to make a successful transition to community living. The SCC operates two facilities, one located in Pierce County on McNeil Island, and one located in the SODO district of Seattle in King County. During the reporting period, the Pierce County SCTF had a funded capacity of 18 beds, and the King County SCTF had a funded capacity of 12 beds.

Contracted Less Restrictive Alternatives (LRA) are privately-owned community placements for SCC residents. Contracted LRAs provide SCC the ability to provide oversight to community housing providers. During the reporting period, there were a total of 21 contracted beds across 5 contracted housing placements.

A resident that has been returned to custody for evaluation and recommended action still receives a final order from the court of commitment. The judge that oversees the case can remand the resident to the total confinement facility, re-release them to their original LRA, or re-release them to an alternative LRA community placement.

Current Status

From September 2023 to September 2024 there were 10 residents released to SCTFs and 5 residents released to contracted housing on LRAs court orders. During the reporting period, 14 residents were returned to the SCC Total Confinement Facility on McNeil Island. Of the 14 residents who were returned: 13 residents were from SCTF and 1 was from a contracted LRA.

Movement of those residents who returned to Total Confinement Facility (TCF) within the designated period reflects the following: 3 residents were re-released to an LRA, 2 residents had their LRA orders revoked by the court and 9 residents remain at the Total Confinement Facility pending a court hearing.

Violations Committed by SCTF LRA Residents

Serious Violation Explanation

RCW 71.09.325 (1) states that “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.”

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.

Service Providers

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

Violations

We categorize our violations based on type:

- Failure to follow Directives
- Failure to follow SCTF Rules
- Phone Misuse
- Failure to adhere to Treatment
- Unapproved Contact
- Failure to follow Internet/Computer/Media Guidelines
- Other – These are categorized as technical violations of the court order that may be beyond a resident’s control (i.e. an SOTP provider retiring suddenly or losing housing due to circumstances).

Table 1. Serious Violation Data

Note: “Date” indicates the day the resident was returned to Total Confinement and “Serious Violation Description” indicates the type of violation(s) that occurred that led to their return.

Resident	Date	Serious Violation Description	Outcome
23.1	11/17/2023	Violation 1: Failure to follow directives Violation 2: Failure to follow directives Violation 3: Unapproved contact Violation 4: Failure to follow directives Violation 5: Failure to adhere to treatment Violation 6: Failure to adhere to treatment Violation 7: Unapproved contact Violation 8: Failure to follow directives	Returned to Total Confinement

23.2	12/27/2023	Violation 1: Failure to follow directives Violation 2: Failure to follow directives	Returned to Total Confinement
24.1	01/18/2024	Violation 1: Failure to follow SCTF rules Violation 2: Failure to follow SCTF rules	Returned to Total Confinement
24.2	02/7/2024	Violation 1: Failure to follow SCTF rules Violation 2: Failure to follow SCTF rules Violation 3: Failure to follow directives	Returned to Total Confinement
24.3	02/16/2024	Violation 1: Failure to follow SCTF rules Violation 2: Failure to follow SCTF rules Violation 3: Failure to follow SCTF rules Violation 4: Failure to follow SCTF rules Violation 5: Failure to follow SCTF rules	Returned to Total Confinement
24.4	02/21/2024	Violation 1: Failure to follow SCTF rules	Returned to Total Confinement
24.5	02/28/2024	Violation 1: Failure to follow SCTF rules Violation 2: Failure to follow SCTF rules Violation 3: Failure to follow SCTF rules Violation 4: Failure to follow SCTF rules	Returned to Total Confinement
24.6	03/06/2024	Violation 1: Failure to follow Internet/computer/media guideline	Returned to Total Confinement
24.7	03/06/2024	Violation 1: Failure to follow SCTF rules	Returned to Total Confinement
24.8	03/06/2024	Violation 1: Failure to follow SCTF rules	Returned to Total Confinement
24.9	03/06/2024	Violation 1: Failure to follow SCTF rules	Returned to Total Confinement
24.10	03/06/2024	Violation 1: Failure to follow Internet/computer/media guideline	Returned to Total Confinement
24.11	05/03/2024	Violation 1: Failure to follow directives Violation 2: Unapproved contact Violation 3: Failure to adhere to treatment Violation 4: Phone misuse Violation 5: Failure to follow directives Violation 6: Failure to follow directives Violation 7: Failure to follow SCTF rules	Returned to Total Confinement

24.12	07/12/2024	Violation 1: Failure to follow SCTF rules Violation 2: Failure to follow SCTF rules Violation 3: Failure to follow SCTF rules Violation 4: Failure to follow SCTF rules Violation 5: Failure to follow SCTF rules Violation 6: Failure to follow SCTF rules Violation 7: Failure to follow SCTF rules Violation 8: Failure to follow SCTF rules	Returned to Total Confinement
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Between both SCTFs and all contracted LRA housing locations, there were a total of 60 violations committed by a total of 30 unique residents. Subsequently, 13 residents had violations resulting in their return to the total confinement facility.

RCW 71.09.325 states serious violations include but are not limited to

- a. The commission of any criminal offense;
- b. Any unlawful use or possession of a controlled substance; and
- c. Any violation of conditions targeted to address the person’s documented pattern of offense that increases the risk to public safety.

However, per the statute, nothing in this section limits the authority of the Department to return a person to the Special Commitment Center based on a violation that is not a serious violation as defined in RCW 71.09.325 1(a),(b),(c). An example of this would be if the resident presented or identified a need for additional support.

Each violation is viewed in individualized context, weighing ability to mitigate safety concerns, resident’s current presentation and circumstance, dynamic risk factors, protective factors, specific violation factors, and other relevant information that assists in informed decision making. Each violation generates the involvement and decision making of the Residential Community Transition Team.

Summary

This reporting period yielded a moderate number of returns relative to the total number of residents placed at both SCTFs and all contracted LRA housing. Contributors for the increase in return census include a commitment to community safety and providing further care and treatment within total confinement when deemed appropriate by the Residential Community Transition team.