



*Washington State*  
Department of Social  
& Health Services

**Report to the Legislature**

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

RCW 71.09.325 (4)

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## **INTRODUCTION**

The Special Commitment Center (SCC) and the transition treatment teams for persons who have court-ordered conditional releases closely monitor the residents' treatment progress and activities. As a result, the persons ordered by the courts to less restrictive alternative settings, including the secure community transition facilities, have not committed a sex offense or other criminal offense. When early warning signs of potential problems occur, consideration is given to take the person into custody and return him to the SCC for evaluation and recommended action to the court of commitment.

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. 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 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 November 1, 2009 and October 31, 2010. 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 superintendent, represents a risk to public safety may be considered a serious violation.

## **CURRENT STATUS**

During the period November 1, 2009 to October 31, 2010, there were twenty-four persons in court-ordered LRA settings. Two persons resided in private homes and one in an adult family home, this resident was unconditionally released during this reporting period. Three lived in a contracted residential setting with twenty-four hour staffing; one of these residents was unconditionally released during this reporting period. Six persons lived in the SCTF in King County; one was placed in a private home, this resident was unconditionally released during this reporting period, one resident was returned to total confinement and one has his LRA revoked. Eleven individuals resided in the SCTF in Pierce County (SCTF-PC), one resident was unconditionally released during this reporting period and another was conditionally released to live in a private home.

For these twenty-four persons the following placement movement occurred related to violations.

### **Report Year November 2009 to October 2010**

During January and February 2010, a resident at the SCTF in King County was found to have violated a series of court-ordered conditions. These violations were failure to follow court-ordered treatment conditions, and failure to disclose completely and honestly to his Sex Offender Treatment Provider (SOTP). On January 7, 2010 the resident failed a polygraph on the violations. On February 5, 2010 the Community Corrections Officer took the resident into custody for these violations, and he was transferred to the SCC Total Confinement Facility pending a revocation hearing.

From January to March 2010, a resident at the SCTF in Pierce County was found to have violated three court-ordered conditions. These violations were failing to comply with the terms of the SCTF Resident Handbook by using profanity toward staff members, this behavior was address with the transition team, failing to abide by the terms in his SOTP contract by using the telephone under conditions that were not approved by his SOTP and transition team members, and failing to comply with the SCTF handbook by failing to be truthful and honest with the Assistant Clinical Director/SCTF manager. On March 15, 2010 the resident was returned to the Total Confinement facility pending a revocation hearing.

On September 8, 2010, a resident at the SCTF in King County was found to have violated four court-ordered conditions. These violations were failing to follow all staff directives, failing to report contact with adult females and males in the community, purchasing, possessing or viewing sexually explicit material and accessing the internet

without written permission of the transition team. On September 9, 2010 the resident was returned to the Total Confinement facility pending a revocation hearing.

### **Prior Report Year Updates**

During November 2008 and February 2009 four residents at the SCTF – PC facility were placed on two week island restriction for purchasing and selling cigarettes, which is a violation of the SCTF – PC resident handbook. No other actions were taken against them.

During November 2008 and January 2009 a resident at the SCTF – PC facility had physical contact with multiple adult females, all family members, without the prior approval of the transition team. This resident received new guidelines for contact with community members.

On May 31, 2009 a resident at the SCTF – PC facility had unapproved phone contact with his step-father. This resident received a new treatment plan that he had to follow. July 1, 2009 this same resident had unapproved phone contact with a SCC resident at which time a psychological evaluation was recommended by the transition team be completed to test for Bi-Polar II. This same resident also failed to comply with the policies of the SCTF – PC by ignoring a staff directive. The resident was placed on island restriction with the exception of treatment sessions and DOC office visits.

On December 30, 2008 a resident at the SCTF – PC facility had contact with an adult female without the prior approval of the transition team. A new phone guideline was established for him. On the same day this same resident failed to comply with the sexual deviancy treatment plan by talking on the phone for approximately 30 minutes. This behavior was addressed in therapy.

During the reporting period a resident at the SCTF – KC facility was returned to the Total Confinement Facility for failing to be truthful with his transition team, having unapproved physical contact with an Alcoholics Anonymous member and failure to follow CCO directive by having phone contact with an AA member. This residents LRA was revoked by the court.

For the six persons who committed violations during the reporting period, a chronology and description of the violations and actions that the department and the courts have taken appear in Table 1 on page 4. For the purposes of this report, alpha characters were used in lieu of the names of the individuals.

The actions related to these individuals, who were reported in the 2009 report and mentioned above, also appear in this year's report to the legislature. The status of these resident's violations is listed in Table 2 on page 5. For the purposes of this report, alpha characters are used in lieu of the person's name.

### **Service Providers**

There were no sanctions issued to service providers.

**Table 1. Serious Violations**  
November 1, 2009 to October 31, 2010

<b>Resident</b>	<b>LRA Setting</b>	<b>Violation</b>	<b>Action Taken</b>
<b>A</b>	SCTF – KC	Failure to follow court-ordered treatment conditions.	Returned to the Total Confinement Facility pending revocation hearing
		Failure to disclose completely and honestly to his SOTP	Returned to the Total Confinement Facility pending revocation hearing
<b>B</b>	SCTF – PC	Failing to comply with the terms of the SCTF Resident Handbook by using profanity toward staff members	The behavior was addressed with the transition team.
		Failing to abide by the terms in his SOTP contract by using the telephone under conditions that were not approved by his SOTP and transition team members	Returned to the Total Confinement Facility pending revocation hearing
		Failing to comply with the SCTF handbook by failing to be truthful and honest with the Assistant Clinical Director/SCTF manager	Returned to the Total Confinement Facility pending revocation hearing
<b>C</b>	SCTF – KC	Failing to follow all staff directives.	Returned to the Total Confinement Facility pending revocation hearing
		Failing to report contact with adult females and males in the community.	Returned to the Total Confinement Facility pending revocation hearing
		Purchasing, possessing or viewing sexually explicit material.	Returned to the Total Confinement Facility pending revocation hearing
		Accessing the internet without written permission of the transition team.	Returned to the Total Confinement Facility pending revocation hearing

**Table 2. Follow-Up of Serious Violations Committed**

November 1, 2008 to October 31, 2009

<b>Resident</b>	<b>LRA Setting</b>	<b>Violation</b>	<b>Action Taken</b>
Resident A in 2009	SCTF – PC	Failing to comply with the policies of the SCTF – PC by purchasing cigarettes from another resident in November 2008	Two week island restriction with the exception of treatment sessions and DOC office visits
	SCTF – PC	Failing to comply with the policies of the SCTF – PC by purchasing cigarettes from another resident in December 2008	Two week island restriction with the exception of treatment sessions and DOC office visits
Resident B in 2009	SCTF – PC	Having physical contact with multiple adult females, all family members, between the dates of on or about November 2008 and January 2009 without the prior approval of the transition team	New guidelines for contact
	SCTF – PC	Failing to comply with the policies of the SCTF – PC by selling cigarettes to another resident in November 2008	Two week island restriction with the exception of treatment sessions and DOC office visits
Resident C in 2009		Having unapproved telephonic contact with his step-father on or about May 31, 2009	Follow the treatment plan proposed by Dr. Sziebert
	SCTF – PC	Having unapproved telephonic contact with a resident of the Total Confinement Facility on or about July 1, 2009	Psychological evaluation by Dr. Sziebert to test for Bi-Polar II
	SCTF – PC	Failing to comply with the policies of the SCTF – PC by ignoring a staff directive	No off island trips with the exception of treatment sessions and DOC office visits
Resident D in 2009	SCTF – PC	Failing to comply with the policies of the SCTF – PC by selling cigarettes to another resident in February 2009	Two week island restriction with the exception of treatment sessions and DOC office visits
Resident E in 2009	SCTF – PC	Having contact with an adult female on December 30, 2008 without the prior approval of the transition team	Develop new guidelines for phone contact
	SCTF – PC	Failing to comply with the sexual deviancy treatment plan on December 30, 2008 by talking on the telephone for approximately 30 minutes	Address behavior in therapy
	SCTF – PC	Failing to comply with the policies of the SCTF – PC by selling cigarettes to another resident in December 2008	Two week island restriction with the exception of treatment sessions and DOC office visits
	SCTF – PC	Failing to comply with the policies of the SCTF – PC by purchasing cigarettes from another resident in February 2009	Two week island restriction with the exception of treatment sessions and DOC office visits
Resident F in 2009	SCTF – KC	Failure to be truthful with his transition team members	Returned to the Total Confinement facility pending revocation hearing. <b>LRA revoked.</b>

	SCTF – KC	Having unapproved physical contact with an AA member	Returned to the Total Confinement facility pending revocation hearing. <b>LRA revoked.</b>
	SCTF – KC	Failure to follow CCO directive by having phone contact with an AA member	Returned to the Total Confinement facility pending revocation hearing. <b>LRA revoked</b>