

Report to the Legislature

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

RCW 71.09.325 (4)

December 1, 2012

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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, 2011 and October 31, 2012. 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, 2011 to October 31, 2012, there were twenty-six persons in court-ordered LRA settings. Five persons resided in private homes. Two lived in a contracted residential setting with twenty-four hour staffing but one was returned to SCC. Six persons lived in the SCTF in King County one was unconditionally released, one was returned to SCC and one was revoked. Thirteen individuals resided in the SCTF in Pierce County (SCTF-PC), four were returned to SCC and three were placed in a private home as described above.

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

Report Year November 2011 to October 2012

In November 2011, a resident living in a private home in King County was found to have violated a court-ordered condition. This violation was failing to maintain the established, clearly marked perimeter on the property, as set forth by the Department of Corrections in consultation with the transition team, by removing the orange flag markers without authorization. On January 6, 2012 the resident was returned to the Total Confinement facility pending a revocation hearing.

It was found that between November 2011 and July 2012, a resident living in a private home in Snohomish County was found to have violated a series of court-ordered conditions. These violations were Failing to obtain approval by the transition team to travel to multiple locations since on or about 10/17/11, Failing to keep an accurate log of all places he has visited, Failing to make accurate point to point telephonic contact with the CCO as directed since on or about 10/17/11, Failing to comply with the 8 pm – 6 am curfew on or about 5/23/12 and 7/4/12, as set by the transition team, Failing to comply with GPS monitoring protocols by failing to wait outside the residence for at least 5 minutes, or until a GPS signal is acquired and prior to leaving the residence on multiple occasions since on or about 5/13/12. On July 24, 2012 the resident was returned to the Total Confinement Facility for further care and treatment until a court hearing could be scheduled.

It was found that between February 2012 and March 2012, a resident living in a contracted residential setting was found to have violated several court-ordered conditions. The violations were having unapproved contact with a minor child on or about 2/15/12 and Failure to comply with sex offender treatment rules/regulations, resulting in termination from treatment on 3/5/12. On March 2, 2012 the resident was returned to the Total Confinement Facility pending a revocation hearing.

In July 2012, a resident living at the SCTF in King County was found to have violated a court-ordered condition. This violation was Failure to comply with sex offender treatment rules, regulations and directives resulting in termination from treatment on 8/2/12. On August 3, 2012 the resident was returned to the Total Confinement Facility pending a revocation hearing.

In August 2012, a resident living at the SCTF in Pierce County was found to have violated a series of court-ordered conditions. These violations were Failing to comply with the written agreement for internet usage by visiting a site that was inappropriate in nature pertaining to sexual deviancy, Failing to comply with the written agreement for internet usage by failing to report to staff any questionable site or image immediately, Failing to comply with sex offender treatment agreement by possessing prohibited visual depictions of semi-clad children, Failing to comply with sex offender treatment agreement by possessing images of children or viewing media directed towards or focused upon children without the prior consent of the transition team, Failing to comply with SCTF rules and regulations by possessing an unapproved DVD, Failing to comply with SCTF staff directives, Failing to comply with SCTF rules and regulations by possessing an unauthorized cassette tape, Failing to comply with SCTF rules and regulations by listening to material that is not in the best therapeutic interest of the resident and Failing to comply with sex offender treatment rules/regulations, resulting in termination from treatment. On August 9, 2012 the resident was returned to the Total Confinement Facility pending a revocation hearing.

In October 2012, a resident living at the SCTF in Pierce County was found to have violated a series of court-ordered conditions during July and August. These violations were Failing to comply with the rules, regulations and policies of the SCTF – PC by lending money to another resident and Failing to comply with the rules, regulations and policies of the SCTF – PC by purchasing a cell phone for another resident. This resident was given a treatment assignment and a directive to not have direct or indirect contact with the other resident. The resident was having difficulty maintaining his mental health and during his October 10, 2012 transition team meeting he declined to participate in treatment and was returned to SCC pending a revocation hearing.

In October 2012, a resident living at the SCTF in Pierce County was found to have violated a series of court-ordered conditions. These violations were Failing to take medically prescribed mental health medications since about 7/1/12, Failing to comply with the rules, regulations and policies of the SCTF – PC by borrowing/giving personal property with another resident, Failing to comply with the rules, regulations and policies of the SCTF – PC by displaying intimidating, aggressive and/or threatening behavior toward a staff, Failing to comply with the rules, regulations and policies of the SCTF – PC by intimidating another resident, Failing to comply with staff directives, Failing to comply with SOTP conditions, rules and regulations and possession of alcohol. The resident was returned to SCC on October 17, 2012 pending a revocation hearing.

In October 2012, a resident living at the SCTF in Pierce County was found to have violated a series of court-ordered conditions. These violations were Failing to comply with DSHS Special Commitment Center (SCC)/SCTF-PC policies/rules/regulations by threatening another resident, Failing to comply with the DSHS Special Commitment Center (SCC)/SCTF-PC policies/rules/regulations by borrowing and trading during July and August 2012, Failing to comply with DSHS Special Commitment Center (SCC)/SCTF-PC policies/rules/regulations by displaying intimidating, aggressive and/or threatening behavior toward a SCTF-PC Residential

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Rehabilitation Counselor (RRC), Failing to comply with polygraph assessment on 10/24/2012, and Failing to consume medically prescribed mental health medications. The resident was returned to SCC on October 24, 2012 pending a revocation hearing.

Prior Report Year Updates

During December 2010, a resident at the SCTF in Pierce County was found to have violated a series of court-ordered conditions. These violations were failing to report to the SCTF control booth on December 17th by 7:30 am as directed by his transition team and failing to submit a daily list of planned activities Monday-Friday by 7:30 am on December 17th as directed by his transition team. On February 17, 2011 the resident received another violation for failing to participate in sex offender treatment with his SOTP since February 13th. On February 16, 2011 the resident was returned to the Total Confinement facility pending a revocation hearing. **The resident's LRA was revoked on May 13, 2011.**

From November 2010 to April 2011, a resident at the SCTF in Pierce County was found to have violated nine court-ordered conditions. These violations were having unauthorized contact with an adult female via telephone and third party on multiple occasions, engaging in an unauthorized romantic relationship with an adult female, failing to maintain an accurate telephone log as directed, failing to comply with the regulations of the SCTF by possessing three VHS tapes, possessing a movie that depicts sexual content, failing to comply with sexual deviancy treatment program rules/policies by engaging in a relationship with a negative support person, failing to comply with sexual deviancy treatment program rules/policies by deceiving his therapist, being terminated from sexual deviancy treatment and failing to notify the transition team of the above violations. On April 15, 2011 the resident was returned to the Total Confinement facility pending a revocation hearing. **The resident's LRA was revoked on July 26, 2011.**

On May 31, 2011, a resident at the SCTF in Pierce County was found to have violated a court-ordered condition. This violation was failing to participate in sex offender treatment. On April 15, 2011 the resident was returned to the Total Confinement facility pending a revocation hearing.

During September 2011, a resident residing in a private home was found to have violated three court-ordered conditions. These violations were consuming a controlled substance on or before September 28, 2011 without a lawfully issued prescription made out for him by a licensed physician, failing to comply with sexual deviancy treatment program rules/policies by consuming a controlled substance on or before September 28, 2011 and being terminated from sexual deviancy treatment as of September 30, 2011. **On September 28, 2001 the resident was returned to the Total Confinement facility pending a revocation hearing.**

Service Providers

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

Table 1. Serious Violations

November 1, 2011 to October 31, 2012

Resident	LRA Setting	Violation	Action Taken
A	Community	#1 - Viewing a movie that depicts excessive violence or sexual activity (Dated 11/23/11)	Treatment assignment
		#2 – Failing to report a violation of his court order to DOC	Treatment assignment
		Failing to maintain the established, clearly marked perimeter on the property (Dated 2/13/12)	Returned to SCC pending a revocation hearing
B	SCTF – PC	# 1 - Failing to consume medically prescribed mental health medications (Dated 12/5/11)	Treatment assignment
		# 2 - Failing to comply with SOTP directives	Treatment assignment
		# 1 - Failing to abide by staff directives (Dated 4/9/12)	Court hearing to review ongoing behavioral concerns
		# 2 - Failing to comply with rules of the SCTF	Court hearing to review ongoing behavioral concerns
		Failing to comply with LRA conditions by having unapproved contact with a felon (Dated 4/9/12)	Treatment assignment
		Failing to comply with DSHS Special Commitment Center (SCC)/SCTF-PC policies/rules/regulations by threatening another resident (Dated 10/31/2012)	Returned to SCC pending a revocation hearing
		Failing to comply with the DSHS Special Commitment Center (SCC)/SCTF-PC policies/rules/regulations by borrowing and trading	Returned to SCC pending a revocation hearing
		Failing to comply with DSHS Special Commitment Center (SCC)/SCTF-PC policies/rules/regulations by displaying intimidating, aggressive and/or threatening behavior toward a SCTF-PC Residential Rehabilitation Counselor (RRC)	Returned to SCC pending a revocation hearing
		Failing to comply with polygraph assessment on 10/24/2012	Returned to SCC pending a revocation hearing
		Failing to consume medically prescribed mental health medications	Returned to SCC pending a revocation hearing
C	Community	Having contact with an adult female without approval (Dated 12/2/11)	Treatment assignment

		# 1 - Having intentional regular contact with an adult female, without the presence of an approved monitoring adult on three occasions (Dated 5/2/12)	Met with the transition team to review the court order and given a directive to have all movies approved by DOC.
		# 2 - Failing to use his DSHS provided cell phone for the sole purpose of maintaining contact with his transition team members	Met with the transition team to re-review the court order and given a directive to have all movies approved by DOC.
		# 3 - Viewing digital media (DVD) in which sex with violence and force, sex with non-consenting adults, sexual themes and excessive violence were prominently featured	Met with the transition team to re-review the court order and given a directive to have all movies approved by DOC.
		# 4 - Failing to comply with GPS monitoring protocols by failing to maintain a charged battery	Met with the transition team to re-review the court order and given a directive to have all movies approved by DOC.
		# 1 - Failing to obtain approval by the transition team to travel to multiple locations (Dated 8/1/12)	Returned to SCC pending a revocation hearing
		# 2 - Failing to keep an accurate log of all places visited and failing to make accurate point to point contact with the CCO	Returned to SCC pending a revocation hearing
		# 3 - Failing to comply with the 8pm – 6am curfew	Returned to SCC pending a revocation hearing
		# 4 - Failing to comply with GPS monitoring protocols by failing to wait outside the residence for at least 5 minutes or until a GPS signal is acquired	Returned to SCC pending a revocation hearing
D	SCTF – PC	# 1-4 - Failing to comply with the regulations of the SCTF by possessing one commercial CD which was not in its original package, 92 CD/CDR disks, 3 commercial cassette tapes and possessing a total of 96 pieces of retail media (Dated 12/8/11)	Treatment assignment and the transition team verbally admonishing for adopting a cavalier attitude toward his obligations, including failure to pay his cost of care
		# 5 - Failing to pay towards cost of care for the time period of 5/16/11 through 8/15/11	Treatment assignment and the transition team verbally admonishing for adopting a cavalier attitude toward his obligations, including failure to pay his cost of care
		# 6 - Failing to comply with a staff directive by entering the Clover Park Vocational College cafeteria	Treatment assignment and the transition team verbally admonishing for adopting a cavalier attitude toward his obligations, including failure to pay his cost of care

		# 7 - Failing to comply with a staff directive by entering a public restroom at the Clover Park Vocational College without staff having first inspect it	Treatment assignment and the transition team verbally admonishing for adopting a cavalier attitude toward his obligations, including failure to pay his cost of care
		Failing to follow transition team directives on 22 occasions by failing to report to work by 8:30 am (Dated 3/22/12)	Court hearing to address continued defiance with the court and transition team members
E	Community	# 1 - Having unapproved contact with a minor child.	Returned to SCC pending a revocation hearing
		# 2 - Failure to comply with sex offender treatment rules resulting in termination from treatment.	Returned to SCC pending a revocation hearing
F	SCTF – PC	Failing to follow transition team directives on 20 occasions by failing to report to work by 8:30 am	No action taken
G	SCTF – PC	Failing to follow transition team directives on 11 occasions by failing to report to work by 8:30 am	No action taken
		Failing to comply with the rules, regulations and policies of the SCTF – PC by purchasing a sandwich for another resident (Dated 10/24/12)	Treatment assignment
H	SCTF – PC	# 1 - Failing to comply with regulations of the SCTF by possessing illegally reproduced copyrighted music and a “Clone CD” (Dated 6/18/12)	Treatment assignment
		# 2 - Failing to comply with regulations of the SCTF by having password protected documents on the computer	Treatment assignment
		# 3 - Failing to comply with regulations of the SCTF by possessing sketches and diagrams of the resident rooms	Treatment assignment
		# 1 - Failing to comply with rules, regulations and policies of the SCTF by borrowing money from another resident (Dated 9/20/12)	Treatment assignment, write a letter of apology to the resident, no direct or indirect contact with the resident, develop a budget and repay the money
		# 2 - Failing to comply with rules, regulations and policies of the SCTF by borrowing money for a cell phone	Treatment assignment, write a letter of apology to the resident, no direct or indirect contact with the resident, develop a budget and repay the money
		# 3 - Possessing a portable telephone since May in contrary to SCC policy	Treatment assignment, write a letter of apology to the resident, no direct or indirect contact with the resident, develop a budget and repay the money
		# 4 - Possessing a portable memory/smart card since about 8/23/2012 contrary to SCC policy	Treatment assignment, write a letter of apology to the resident, no direct or indirect contact with the resident, develop a budget and repay the money

I	SCTF – PC	Failing to comply with SCC staff directives during a daily census count at the main facility	Treatment assignment
J	Community	Failing to comply with GPS protocols by failing to maintain a charged battery	Reviewed GPS rules
K	SCTF – KC	Failure to comply with sex offender treatment rules, regulations and directives resulting in termination from treatment	Returned to SCC pending a revocation hearing
L	SCTF – PC	# 1 - Failing to comply with the written internet agreement by visiting a site that was inappropriate in nature pertaining to sexual deviancy	Returned to SCC pending a revocation hearing
		# 2 - Failing to comply with the written internet agreement by failing to report to staff any questionable site or image immediately	Returned to SCC pending a revocation hearing
		# 3 - Failing to comply with the sex offender treatment agreement by possessing prohibited visual depictions of semi-clad children	Returned to SCC pending a revocation hearing
		# 4 - Failing to comply with the sex offender treatment agreement by possessing images of children or viewing media directed towards or focused upon children without prior consent of this team	Returned to SCC pending a revocation hearing
		# 5 - Failing to comply with SCTF rules and regulations by possessing an unapproved DVD	Returned to SCC pending a revocation hearing
		# 6 - Failing to comply with SCTF staff directives	Returned to SCC pending a revocation hearing
		# 7 - Failing to comply with SCTF rules and regulations by possessing an unauthorized cassette tape	Returned to SCC pending a revocation hearing
		# 8 - Failing to comply with SCTF rules and regulations by listening to material that is not in the best therapeutic interest of the resident	Returned to SCC pending a revocation hearing
		# 9 - Failure to comply with sex offender treatment rules and regulations resulting in termination from treatment	Returned to SCC pending a revocation hearing
M	SCTF – PC	Failing to comply with the rules, regulations and policies of the SCTF – PC by lending money to another resident	Treatment assignment and directive to not talk to the other resident
		Failing to comply with the rules, regulations and policies of the SCTF – PC by purchasing a cell phone for another resident	Treatment assignment and directive to not talk to the other resident

N	SCTF – PC	Failing to take medically prescribed mental health medications since about 7/1/12	Returned to SCC pending a revocation hearing
		Failing to comply with the rules, regulations and policies of the SCTF – PC by borrowing/giving personal property with another resident	Returned to SCC pending a revocation hearing
		Failing to comply with the rules, regulations and policies of the SCTF – PC by displaying intimidating, aggressive and/or threatening behavior toward a staff	Returned to SCC pending a revocation hearing
		Failing to comply with the rules, regulations and policies of the SCTF – PC by intimidating another resident	Returned to SCC pending a revocation hearing
		Failing to comply with staff directives	Returned to SCC pending a revocation hearing
		Failing to comply with SOTP conditions, rules and regulations	Returned to SCC pending a revocation hearing
		Possession of alcohol	Returned to SCC pending a revocation hearing

Table 2. Follow-Up of Serious Violations Committed

November 1, 2010 to October 31, 2011

Resident	LRA Setting	Violation	Action Taken
A in 2011 report	Community	Having intentional contact with an adult female without the prior approval of his transition team.	Treatment assignment by the SOTP to address the thinking errors.
B in 2011 report	SCTF-PC	Failing to report to the SCTF Control Booth by 7:30 am as directed by his transition team. Dated 1/12/2011	Treatment assignment by the SOTP to address the thinking errors.
		Failing to submit a daily list of planned activities as directed by his transition team.	Treatment assignment by the SOTP to address the thinking errors.
		Failing to participate in sex offender treatment. Dated 2/17/2011	Returned to Total Confinement pending a revocation hearing. Revoked
C in 2011 report	SCTF-PC	Failing to maintain an accurate phone log. Dated 3/17/2011	Treatment assignment by the SOTP to address the thinking errors.
		Possessing prohibited media. Dated 8/8/2011	Treatment assignment by the SOTP to address the thinking errors.
		Failing to comply with internet usage rules established by his transition team. Dated 10/19/2011	Treatment assignment by the SOTP to address the thinking errors.
		Failing to maintain an updated internet log. Dated 10/19/2011	Treatment assignment by the SOTP to address the thinking errors.
D in 2011 report	SCTF-PC	Keeping secrets from his transition team. Dated 4/26/2011	Treatment assignment by the SOTP to address the thinking errors.
		Failing to comply with the terms of the SCTF-PC handbook. Dated 10/26/2011	The SOTP and Clinical Director will assist with emotional stability and behavior issues.
		Failing to follow SCTF-PC staff directives.	The SOTP and Clinical Director will assist with emotional stability and behavior issues.
E in 2011 report	SCTF-PC	Having unauthorized contact with an adult female via telephone and third party on multiple occasions. Dated 4/27/2011	Returned to Total Confinement pending a revocation hearing. Revoked
		Engaging in an unauthorized romantic relationship with an adult female.	Returned to Total Confinement pending a revocation hearing. Revoked
		Failing to maintain an accurate telephone log.	Returned to Total Confinement pending a revocation hearing. Revoked
		Failing to comply with the regulations of the SCTF-PC by possessing three VHS tapes.	Returned to Total Confinement pending a revocation hearing. Revoked
		Possessing a movie that depicts sexual content.	Returned to Total Confinement pending a revocation hearing. Revoked
		Failing to comply with sexual deviancy treatment program rules/policies by engaging in a relationship with a negative support person.	Returned to Total Confinement pending a revocation hearing. Revoked

		Failing to comply with sexual deviancy treatment program rules/policies by deceiving his SOTP.	Returned to Total Confinement pending a revocation hearing. Revoked
		Being terminated from sexual deviancy treatment.	Returned to Total Confinement pending a revocation hearing. Revoked
		Failing to notify the transition team of violations noted above.	Returned to Total Confinement pending a revocation hearing. Revoked
F in 2011 report	SCTF-PC	Failing to participate in sex offender treatment. Dated 6/7/2011	Returned to Total Confinement pending a revocation hearing.
G in 2011 report	SCTF-PC	Possessing prohibited media. Dated 6/27/2011	Treatment assignment by the SOTP to address the thinking errors.
H in 2011 report	SCTF-PC	Failing to consume medically prescribed mental health medications. Dated 9/14/2011	Treatment assignment by the SOTP to address the thinking errors.
I in 2011 report	Community	Consuming a controlled substance without a lawfully issued prescription. Dated 10/3/2011	Returned to Total Confinement pending a revocation hearing.
		Failing to comply with sexual deviancy treatment program rules/policies.	Returned to Total Confinement pending a revocation hearing.
		Being terminated from sexual deviancy treatment.	Returned to Total Confinement pending a revocation hearing.
J in 2011 report	SCTF-PC	Failing to comply with the regulations of the SCTF-PC by possessing 47 DVD's.	Reminded of the SCTF-PC rules and policies regarding purchasing or bringing any new media to the facility.
		Failing to comply with the regulations of the SCTF-PC by possessing 123 CD's.	Reminded of the SCTF-PC rules and policies regarding purchasing or bringing any new media to the facility.
		Failing to comply with the regulations of the SCTF-PC by possessing 19 recordable CD's.	Reminded of the SCTF-PC rules and policies regarding purchasing or bringing any new media to the facility.
K in 2011 report	SCTF-PC	Possessing prohibitive media.	Reminded of the SCTF-PC rules and policies regarding purchasing or bringing any new media to the facility.
L in 2011 report	Community	Failing to make point to point contact with the CCO as directed	No action taken
		Failing to report and participate in a polygraph test.	No action taken
M in 2011 report	SCTF-PC	Possessing prohibited media.	Treatment assignment by the SOTP to address the thinking errors.
N in 2011 report	Community	Failing to have his GPS device in his possession while in the community.	Treatment assignment by the SOTP to address the thinking errors.
		Failing to report a potential violation to his CCO within 24 hours.	Treatment assignment by the SOTP to address the thinking errors.