



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, 2008 and October 31, 2009. 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. 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, 2008 to October 31, 2009, there were sixteen persons in court-ordered LRA settings. Two persons resided in private homes and one in an adult family home. Three lived in a contracted residential setting with twenty-four hour staffing. Three persons lived in the SCTF in King County, one was placed in a private home and one was returned to the Total Confinement Facility. Seven individuals resided in the SCTF in Pierce County (SCTF-PC).

For these sixteen persons the following placement movement occurred related to violations.

Report Year November 2008 to October 2009

On February 9, 2009, a resident at the SCTF in King County was found to have violated a series of court-ordered conditions. These violations were failure to be truthful with his transition team, unapproved physical contact with an AA member, and failure to follow his CCO's directive by having unapproved phone contact with an AA member. On February 9, 2009, the CCO took the resident into custody for these violations, and he was transferred to the SCC Total Confinement Facility pending a revocation hearing.

Prior Report Year Updates

On November 17, 2007, a resident at the Relationships Through Self-Discovery (RTS) house was found to have violated a court-ordered condition. He removed his GPS device without permission. The Snohomish County Sheriff Deputy arrived and placed him under arrest. The resident was kept in the Snohomish County Jail for the night and returned to total confinement the following day. On January 25, 2008 the court held a revocation hearing. The judge ordered the resident to be sent to the SCTF – PC until a hearing on June 20, 2008. On August 1, 2008 the resident was back in court and the judge released him back to the RTS house on August 8, 2008.

On July 31, 2008, a resident at the SCTF in King County was found to have violated a series of court-ordered conditions by his transition team. These violations were having physical contact with an unapproved adult male on four occasions and failure to follow verbal directive of his SOTP by masturbating to unapproved scenarios. On August 6, 2008, the CCO took the resident into custody for these violations, and he was

transferred to the SCC Total Confinement Facility. The resident's CCO submitted a notice of violation report to the court and to all parties on July 31, 2008. On October 9, 2008, the court held a revocation hearing. The judge ordered the resident to be returned to the SCTF-KC on October 9, 2008.

On August 28, 2008, a resident at the SCTF in Pierce County was found to have violated a court-ordered condition. The violation was failing to participate in sex offender treatment as of August 21, 2008. The resident was returned to total confinement on August 21, 2008. The resident's CCO submitted a notice of violation report to the court and to all parties on August 28, 2008. On October 16, 2008, the court held a revocation hearing. The judge ordered the resident to be kept at the total confinement facility.

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 2008 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, 2008 to October 31, 2009

Resident	LRA Setting	Violation	Action Taken
A	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
B	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
C		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
D	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
E	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
F	SCTF – KC	Failure to be truthful with his transition team members	Returned to the Total Confinement facility pending revocation hearing
	SCTF – KC	Having unapproved physical contact with an AA member	Returned to the Total Confinement facility pending revocation hearing
	SCTF – KC	Failure to follow CCO directive by having phone contact with an AA member	Returned to the Total Confinement facility pending revocation hearing

Table 2. Follow-Up of Serious Violations Committed

November 1, 2007 to October 31, 2008

Resident	LRA Setting	Violation	Action Taken
G (Reported as Resident A in 2007-2008 report)	RTS	Resident removed his GPS device without permission on November 12, 2007	The Snohomish County Sherriff Deputy placed him under arrest. The resident was kept in the Snohomish County Jail for the night and returned to total confinement the following day. On January 25, 2008 the court held a revocation hearing. The judge ordered the resident to be sent to the SCTF – PC until a hearing on June 20, 2008. On August 1, 2008 the resident was back in court and the judge released him back to the RTS house on August 8, 2008.
H (Reported as Resident B in 2007-2008 report)	SCTF in King County	Resident was having physical contact with an unapproved adult male on four occasions and failure to follow verbal directive of SOTP by masturbating to unapproved scenarios.	On August 6, 2008, the CCO took the resident into custody for these violations, and he was transferred to the SCC Total Confinement Facility. The resident's CCO submitted a notice of violation report to the court and to all parties on July 31, 2008. On October 9, 2008, the court held a revocation hearing. The judge ordered the resident to be returned to the SCTF-KC on October 9, 2008.
I (Reported as Resident C in 2007-2008 report)	SCTF in Pierce County	Resident failed to participate in sex offender treatment as of August 21, 2008.	On August 21, 2008 the resident was returned to total confinement. On October 16, 2008, the court held a revocation hearing. The judge revoked his LRA.