



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, 2007 and October 31, 2008. 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, 2007 to October 31, 2008, there were fourteen 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. Two persons lived in the SCTF in King County. Six individuals resided in the SCTF in Pierce County (SCTF-PC). One of these SCTF-PC residents received a court-ordered unconditional release in September 2008.

For these fourteen persons the following placement movements occurred related to violations.

Report Year November 2007 to October 2008

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 three 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.

Prior Report Year Updates

One resident on LRA to the SCTF – PC violated four of his court-ordered conditions of release including the decision of his sex offender treatment provider terminating him from outpatient treatment. On April 2, 2007, the resident was confined to the SCTF – PC and not allowed off of McNeil Island while the investigation was conducted. On April 13, 2007, the SCC Superintendent had the resident transferred to the more secure SCC Total Confinement Facility for mental health observation. On April 19, 2007, the resident's CCO submitted a notice of violation report to the court and to all parties. A court hearing on revocation is set for November 16, 2007. **His LRA was revoked on March 24, 2008.**

One resident on LRA to the SCTF – KC violated a series of his court-ordered conditions of release including possession of contraband pornography, failure to comply with SCTF policies, failure to comply with his sex offender treatment provider's treatment plan and rules, and illegally copying copyrighted materials. On May 2, 2007, the CCO took the resident into custody for these violations, and he was transferred to the SCC Total Confinement Facility. On June 21 and June 22, 2007, the court held a revocation hearing. The judge ordered the resident to remain in total confinement for ninety days and that on September 25, 2007 he was to be returned to the SCTF-KC. **He was returned to SCTF – KC on September 25, 2007.**

The actions related to these individuals, who were reported in the 2006 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

The department terminated one contract with a service provider during this report period. In addition, there were no sanctions issued to service providers.

Table 1. Serious Violations
November 1, 2007 to October 31, 2008

Resident	LRA Setting	Violation	Action Taken
A	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.
B	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.
C	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 ordered the resident to be kept at the total confinement facility.

Table 2. Follow-Up of Serious Violations Committed

November 1, 2006 to October 31, 2007

Resident	LRA Setting	Violation	Action Taken
<p>D (Reported as Resident A in 2006-2007 report)</p>	<p>SCTF on McNeil Island</p>	<p>Resident violated four of his court-ordered conditions of release including the decision of his sex offender treatment provider terminating him from outpatient treatment.</p>	<p>On April 2, 2007, the resident was confined to the SCTF-PC and not allowed off of McNeil Island while the investigation was conducted. On April 13, 2007, the SCC Superintendent had the resident transferred to the more secure SCC Total Confinement Facility for mental health observation. On April 19, 2007, the resident's CCO submitted a notice of violation report to the court and to all parties. A court hearing on revocation is set for November 16, 2007. His LRA was revoked on March 24, 2008</p>
<p>E (Reported as Resident B in 2006-2007 report)</p>	<p>SCTF in King County</p>	<p>Resident violated a series of his court-ordered conditions of release including possession of contraband pornography, failure to comply with SCTF policies, failure to comply with his sex offender treatment provider's treatment plan and rules, and illegally copying copyrighted materials.</p>	<p>On May 2, 2007, the CCO took the resident into custody for these violations, and he was transferred to the SCC Total Confinement Facility. On June 21 and June 22, 2007, the court held a revocation hearing. The judge ordered the resident to remain in total confinement for ninety days and that on September 25, 2007 he was to be returned to the SCTF-KC. He was returned to SCTF – KC on September 25, 2007.</p>