



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)

December 1, 2006

Department of Social & Health Services
Public Affairs
Special Commitment Center
PO Box 88450
Steilacoom, WA 98388-0646
(253) 583-5933
Fax: (253) 589-7368

INTRODUCTION

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 to be 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, 2005 and October 31, 2006. 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.

The Special Commitment Center (SCC) and the transition treatment teams for persons who have court-ordered conditional releases monitor closely the residents' treatment progress and activities. As a result, the persons, whom the courts have ordered 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.

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 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 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, 2005 to October 31, 2006, there were fourteen persons in court-ordered LRA settings. Three persons resided in private homes and one in an adult family home. Three lived in a contracted residential setting with twenty-four hour staffing. Five individuals resided in the SCTF in Pierce County. Two persons lived in the SCTF in King County.

For these fourteen persons the following placement movements occurred.

Report Year November 2005 to October 2006

One person residing in the community on an LRA violated his court-ordered conditions of release related to his electronic monitoring device. He damaged the equipment and deviated from pre-approved travel routes to and from work and other community outings. On January 26, 2006, the resident reported to the office of his Community Corrections Officer with his severely damaged electronic monitoring device. The resident was immediately taken into custody and was returned to the SCC Total Confinement Facility for these violations on January 26. This resident is still at the SCC Total Confinement Facility pending a determination by the King County Prosecutor to file criminal charges and/or petition for revocation of the individual's conditional release.

On March 7, 2006, a resident at the SCTF in Pierce County failed his polygraph examination which was designed to determine the resident's adherence to following the conditions of his release and the directives of his transition team. He had been on restriction to the SCTF in Perce County since February 22. The resident was returned to the SCC Total Confinement Facility because of four violations of his court-ordered conditions of release on March 8, 2006. His sex offender treatment provider decided to terminate the resident from outpatient treatment on March 11, 2006. Having an assigned sex offender treatment provider is one of the court-ordered conditions for release to a less restrictive alternative in the community. His other three violations resulted from his failure to comply with provisions of his court order, failing to notify his transition team of violations of behavior, and failure to comply with his sex offender treatment contract. On July 27, 2006, the court revoked the resident's LRA.

Another person in the SCTF in Pierce County failed to attend weekly Alcohol Anonymous (AA) meetings as required as a condition of his release. The Department

of Corrections Community Corrections Officer (CCO) filed a "Court - Notice of Violation" on February 27, 2006. It was determined later that the resident did not attend the AA meetings because of illness and had notified the CCO of the cancelled outings. The CCO and the person's transition treatment team recommended to the court that no action be taken, but require the resident to provide weekly written verification to the CCO of attendance at AA meetings. The resident has complied with this requirement.

On April 7, 2006, a person residing in an LRA with his family violated a condition of his release. In the presence of his wife, he inadvertently left his motion tracking device (MTD), which is a component of his GPS, at his worksite. As soon as he discovered the MTD missing, he returned to the job location and retrieved the MTD. He attempted to notify his CCO, who was unavailable, but did contact his sex offender treatment provider. The CCO and the other transition treatment team members decided to file a "Court – Notice of Violation" regarding this incident. Because of the resident's overall comportment with the terms and conditions of his LRA and the fact that the violation appeared to be an error that the resident quickly addressed, the recommendation to the court was that no sanctions needed to be taken.

For the four 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

An individual living with his family was taken into custody and returned to the SCC Total Confinement Facility on October 7, 2003. He appeared before the court of commitment in January 2004 for a determination of status hearing and was returned to a community LRA with his family on January 5, 2004. On February 28, 2004, this same person was taken into custody again for violations and returned to the SCC Total Confinement Facility. He appeared in King County Superior Court in September 2004 and was sentenced to fourteen days for false reporting and was credited for time served. At a court hearing on February 2, 2006, this resident was conditionally released to the SCTF in King County.

The actions related to this individual, who was reported in 2004 and mentioned above, also appear in this year's report to the legislature. The status of this resident's violations is listed in Table 2 on page 5. For the purposes of this report, an alpha character was used in lieu of the person's name.

Service Providers

The department did not terminate any contracts with service providers during this report period. In addition, there were no sanctions issued to service providers.

Table 1. Serious Violations
November 1, 2005 to October 31, 2006

Resident	LRA Setting	Violation	Action Taken
A	Private Residence	Resident violated his court-ordered conditions of release related to his electronic monitoring device, i.e. damage to the equipment, and made deviations from pre-approved travel routes to and from work and on other community outings.	On January 26, 2006, he was returned to the SCC Total Confinement Facility for these violations. This resident is still at the SCC Total Confinement Facility pending a determination by the King County Prosecutor to file criminal charges and/or a revocation of the conditional release.
B	SCTF on McNeil Island	Resident violated four of his court-ordered conditions of release including the decision of his sex offender treatment provider terminating him from outpatient treatment.	On March 8, 2006, the resident was returned to the SCC Total Confinement Facility for these violations. The court revoked the conditional release on July 27, 2006.
C	SCTF on McNeil Island	Resident violated a condition of release to the SCTF in Pierce County because he failed to attend weekly Alcohol Anonymous (AA) meetings.	On February 27, 2006, the CCO filed a "Court – Notice of Violation." These cancellations of trips to AA meetings were as a result of illness. The resident had notified the CCO of the cancelled outings. The CCO and the person's transition treatment team recommended to the court that no action is taken but that the resident is required to provide weekly written verification to the CCO of attendance at AA meetings. The resident has complied with this requirement.
D	Private Residence	A person residing in an LRA with his family violated a condition of his release. In the presence of his wife, he inadvertently left his motion tracking device (MTD), which is a component of his GPS, at his worksite.	The CCO and the other transition treatment team members decided to file a "Court – Notice of Violation" regarding this. Because of the resident's overall comportment with the terms and conditions of his LRA and that the violation constituted an oversight, the recommendation to the court was that no sanctions needed to be taken.

Table 2. Follow-Up of Serious Violations Committed

November 1, 2003 to October 31, 2004

Resident	LRA Setting	Violation	Action Taken
<p style="text-align: center;">E (Reported as Resident B in 2003-2004 report and as Resident G in 2004-2005 report)</p>	<p style="text-align: center;">Private Residence</p>	<p>Resident failed a polygraph when he was asked if he had ever observed his 12-year-old daughter undress. Following that polygraph, Resident's wife and the DSHS Child Protective Services unit agreed to a safety plan that would not permit Resident to live in the family home with the daughter present.</p>	<p>On February 28, 2004, Resident was taken into custody and returned to the SCC Total Confinement Facility. The King County prosecutor charged Resident with false reporting. On October 5, 2004, the King County Superior Court sentenced him to 14 days (time served) on that charge. A hearing date in the court of commitment to consider revocation or modification of the LRA has not been scheduled.</p> <p>On February 2, 2006, the King County Superior Court conditionally released this person to the SCTF in King County.</p>