



*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, 2005

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## **INTRODUCTION**

This report is submitted in fulfillment of the requirements of RCW 71.09.325(4). Specifically, the Department of Social and Health Services (DSHS) is directed to compile information in writing of all violations of conditions of release committed by all persons 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.

The violations cited in this report are those committed in the period from November 1, 2004 to October 31, 2005 and a status update on any violations that were committed from November 1, 2001 to October 31, 2004 and that had not been resolved. In order to have the most current status of action taken, the report reflects action that has been taken before issuance of the report on December 1, 2005.

## **DEFINITIONS**

For the purpose of this report the following definitions from the Special Commitment Center (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, 2004 to October 31, 2005, there were eleven individuals in court-ordered LRA settings. Three persons resided in private homes. Three lived in contracted residential settings with twenty-four hour staffing. Five individuals resided in the SCTF in Pierce County.

For the eleven individuals the following placement movements occurred.

### **Report Year November 2004 to October 2005**

One resident, who lives in the community with his spouse, violated a condition of his LRA court order and was returned to the SCC Total Confinement Facility on December 31, 2004. He failed to be available for electronic monitoring at all times as required by RCW 71.09.305 because he damaged his electronic monitoring system's miniature tracking device by driving over it with a tractor. On January 4, 2005, he was returned to his LRA with stipulated changes to his conditions of release, and his electronic monitoring equipment was replaced.

Another person residing in the community on an LRA also violated his court-ordered conditions of release related to his electronic monitoring device, i.e. signal acquisition and damage to the equipment. On January 5, 2005, he was returned to the SCC Total Confinement Facility for these violations. After the court approved stipulated changes in his conditions of release, this resident returned to LRA in the community on January 18, 2005.

On March 3, 2005, a resident at the SCTF in Pierce County was returned to the SCC Total Confinement Facility because of non-compliance with medications and because he submitted a request to the court for return to the SCC. As a result, his sex offender treatment provider decided to terminate the resident from outpatient treatment. On April 11, 2005, the court determined that this termination by the SOTP resulted in a violation of a court-ordered condition of release, and the resident's LRA to the SCTF was revoked.

One person in the SCTF in Pierce County received a court-ordered placement to live with his family in their private residence in July 2005. This same individual was returned to the SCTF in Pierce County on July 15, 2005, because of a violation of a court-ordered condition. The individual did not commit any offense. However, his court-approved chaperone was no longer available to monitor and escort him in the community. On August 5, 2005, the court revoked his LRA with his family and ordered him to the SCTF in Pierce County.

On September 20, 2005, a person residing in an LRA at a contracted residential setting with twenty-four hour staffing violated his court-ordered conditions of release by failing to follow verbal commands given by the manager of the facility. He was taken into custody by his community corrections officer (CCO) and was returned to the SCC. SCC monitored and evaluated this resident. His treatment team composed of his sex offender treatment provider, CCO, SCC staff, his defense attorney and the prosecutor agreed that he should not have his LRA revoked. While awaiting his LRA status hearing scheduled for November 18, 2005, this person was returned on October 12, 2005, to the contracted facility where he previously resided in the community.

For the five persons who incurred 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. For the purposes of this report, alpha characters were used in lieu of the names of the individuals.

### **Prior Report Year Updates**

A resident at the SCTF in Pierce County was taken into custody and returned to the SCC Total Confinement Facility on February 26, 2004. On November 17, 2004, a stipulated court order revoked that person's LRA at the SCTF because he no longer had a treatment provider as required by RCW 71.09.092 and .098.

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. A court hearing date has not been scheduled for revocation or modification of his LRA.

The actions related to the individuals who were reported in 2004 and mentioned above also appear in this year's report. The status of their violations appears in Table 2. For the purposes of this report, alpha characters were used in lieu of the names of the individuals.

### **Service Providers**

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

**Table 1. Serious Violations**  
November 1, 2004 to October 31, 2005

<b>Resident</b>	<b>LRA Setting</b>	<b>Violation</b>	<b>Action Taken</b>
<b>A</b>	Private Residence	Resident violated a condition of his release to the community. He failed to be available for electronic monitoring at all times as required by RCW 71.09.305 because he damaged his electronic monitoring system's miniature tracking device by driving over it with a tractor.	On December 31, 2004, Resident was taken into custody and returned to the SCC Total Confinement Facility. On January 4, 2005, in a stipulated order he was returned to his LRA, and his electronic monitoring equipment was replaced
<b>B</b>	Private Residence	Resident violated his court-ordered conditions of release related to his electronic monitoring device, i.e. signal acquisition and damage to the equipment.	On January 5, 2005, Resident was returned to the SCC Total Confinement Facility for these violations. After the court approved stipulated changes in his conditions of release, this resident returned to LRA in the community on January 18, 2005.
<b>C</b>	SCTF on McNeil Island	Resident violated his conditions of release to the SCTF in Pierce County because of non-compliance with medications and because he submitted a request to the court for return to the SCC.	On March 3, 2005, Resident was returned to the SCC Total Confinement Facility. His sex offender treatment provider decided to terminate the resident from outpatient treatment. On April 11, 2005, the court of commitment ordered a revocation of his LRA to the SCTF because he no longer had a treatment provider required by RCW 71.09.092 and .098.
<b>D</b>	Private Residence	Resident violated placement a court-ordered condition for living with his family in their private residence. He did not commit any offense. However, his court-approved chaperone was no longer available to monitor and escort him in the community.	Resident was taken into custody by his CCO and was returned to the SCTF in Pierce County on July 15, 2005. On August 5, 2005, the court revoked his LRA with his family and ordered him to the SCTF in Pierce County.
<b>E</b>	Contracted Facility with Twenty-four Hour Supervision	Resident violated his court-ordered conditions of release by failing to follow verbal commands given by the manager of the facility.	On September 20, 2005, Resident was taken into custody by his CCO and was returned to the SCC Total Confinement Facility. SCC monitored and evaluated this resident. While awaiting his LRA status hearing scheduled for November 18, 2005, this person was returned on October 12, 2005 to the contracted facility where he previously resided in the community.

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

November 1, 2003 to October 31, 2004

<u>Resident</u>	<u>LRA Setting</u>	<u>Violation</u>	<u>Action Taken</u>
<b>F</b> (Reported as Resident A in 2003-2004 report)	SCTF on McNeil Island	Resident violated three conditions of his release to the SCTF. He failed to report deviant sexual fantasies to his treatment team. Resident failed to follow the instructions from his CCO regarding eating at a fast food restaurant (McDonald's), which is frequented by children. He also failed to report to his treatment team that he had telephone contacts with a female sales associate at a local store.	On February 26, 2004, Resident was taken into custody and returned to the SCC Total Confinement Facility. On November 17, 2004, the court of commitment agreed to a stipulated order revoking his LRA to the SCTF because he no longer had a treatment provider required by RCW 71.09.092 and .098.
<b>G</b> (Reported as Resident B in 2003-2004 report)	Private Residence	Resident failed a polygraph when he was asked if he had ever observed his 12-year-old daughter undressed. 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.	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.