



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, 2004

Department of Social & Health Services  
Health and Rehabilitative Services Administration  
Special Commitment Center  
PO Box 88450  
Steilacoom, WA 98388-0646  
(253) 589-7363  
Fax: (253) 589-7371

## 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, 2003 to October 31, 2004 and a status update on any violations that were committed from November 1, 2001 to October 31, 2003 and that had not been resolved. In order to have the most current status of action taken, the report does reflect action that has been taken before issuance of the report on December 1, 2004.

## 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 McNeil Island SCTF 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, 2003 to October 31, 2004, there were thirteen individuals in court-ordered LRA settings. Four persons resided in private homes. Three lived in contracted residential settings with twenty-four hour staffing. Six individuals resided in the SCTF in Pierce County.

For these thirteen individuals the following placement movements occurred. One person in the SCTF received a court-ordered placement to live with his family in their private residence in January 2004. One individual, who was taken into custody and returned to the SCC total confinement facility in October 2002, appeared before the court of commitment in December 2003 for a determination of status hearing and was returned to the SCTF on December 12, 2003. A resident in the SCTF in Pierce County was taken into custody and returned to SCC total confinement on February 26, 2004. That person is still awaiting the court of commitment to set a hearing date for the determination of the status of his civil commitment.

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. He is scheduled for a revocation hearing in the court of commitment on December 6, 2004.

For the two persons who incurred violations during the reporting period, a chronology and description of the violations and actions that the department has taken appear in Table 1. The actions related to the individuals who were reported in 2002 and 2003 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.

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

**Table 1. Serious Violations**  
November 1, 2003 to October 31, 2004

<u>Resident</u>	<u>LRA Setting</u>	<u>Violation</u>	<u>Action Taken</u>
<b>A</b>	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, 2003, Resident was taken into custody and returned to the SCC. The court of commitment has not set a hearing to determine the status of Resident's civil commitment.
<b>B</b>	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. 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. The court of commitment has scheduled a hearing for December 6, 2004 to determine the status of his civil commitment.

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

November 1, 2001 to October 31, 2002

and

November 1, 2002 to October 31, 2003

<u>Resident</u>	<u>LRA Setting</u>	<u>Violation</u>	<u>Action Taken</u>
<p style="text-align: center;"><b>C</b> (Reported as Resident A in 2002-2003 report; in current 2003-2004 report as Resident B)</p>	Private Residence	On two occasions Resident briefly left his residence without his global positioning system (GPS) equipment. He viewed pornography on the Internet and did not report this to his assigned community corrections officer (CCO) or his certified sex offender treatment provider (SOTP). He also failed a polygraph.	On October 7, 2003, Resident was taken into custody and returned to the SCC. The court of commitment held a hearing and returned Resident to community LRA on January 5, 2004 with no changes in his conditions for release.
<p style="text-align: center;"><b>D</b> (Reported as Resident C in 2001-2002; and in 2002-2003 report as Resident F)</p>	McNeil Island SCTF	Resident violated court conditions of release: demonstrated a pattern of repeated failure to comply with and follow through on program requirements imposed by the SCTF; provided deceptive comments to SCTF staff and his therapist; and over an extended period of time displayed a pattern of inappropriate behaviors and committed several general violations of SCTF policies.	On October 29, 2002, Resident was taken into custody and returned to SCC. The court of commitment held a hearing and returned Resident to the SCTF on McNeil Island on December 12, 2003. There were no changes in his conditions for release.