



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, 2006 and October 31, 2007. 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, 2006 to October 31, 2007, there were fifteen 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. Seven individuals resided in the SCTF in Pierce County (SCTF-PC). One of these SCTF-PC residents received a court-ordered unconditional release in July 2007.

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

Report Year November 2006 to October 2007

On April 1, 2007, the Lakewood Police Department reported a possible inappropriate situation between a resident at the SCTF in Pierce County and his SCC escort while they were at the home of the resident's relative. When the resident's treatment team learned about this alleged incident, the resident was confined to the SCTF-PC and not allowed off of McNeil Island while the investigation of the April 1 incident 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 17, 2007, SCTF-PC staff found a contraband photograph hidden behind a photo of his daughter. Upon questioning by his Community Corrections Officer (CCO), he stated that he had stolen the contraband photograph, and he also failed to admit that he had a second contraband picture. On April 18, 2007, the resident's community sex offender treatment provider terminated the resident from treatment, a court-ordered condition. On April 19, 2007, the resident's CCO submitted a notice of violation report to the court and to all parties. A revocation court hearing is set for November 16, 2007.

On April 21, 2007, a resident at the SCTF in King County was found to have violated a series of court-ordered conditions. These violations included 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. The resident's CCO submitted a notice of violation report to the court and to all parties on May 18, 2007. 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.

For the two 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 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, 2006. This resident is still at the SCC Total Confinement Facility pending a determination by the King County Prosecutor whether to file criminal charges and/or to petition for revocation of the individual's conditional release.

The actions related to this individual, who was reported in the 2006 report 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, 2006 to October 31, 2007

Resident	LRA Setting	Violation	Action Taken
A	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 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.
B	SCTF in King County	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.	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.

Table 2. Follow-Up of Serious Violations Committed

November 1, 2005 to October 31, 2006

Resident	LRA Setting	Violation	Action Taken
C (Reported as Resident A in 2005-2006 report)	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.