



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)

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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, 2010 and October 31, 2011. 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 (DOC). 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, 2010 to October 31, 2011, there were twenty-seven persons in court-ordered LRA settings. Seven persons resided in private homes. Two lived in a contracted residential setting with twenty-four hour staffing. Six persons lived in the SCTF in King County two moved to community settings with one of those being unconditionally released. Twelve individuals resided in the SCTF in Pierce County (SCTF-PC), three residents LRA were revoked.

For these twenty-seven persons the following placement movement occurred related to violations.

Report Year November 2010 to October 2011

During December 2010, a resident at the SCTF in Pierce County was found to have violated a series of court-ordered conditions. These violations were failing to report to the SCTF control booth on December 17th by 7:30 am as directed by his transition team and failing to submit a daily list of planned activities Monday-Friday by 7:30 am on December 17th as directed by his transition team. On February 17, 2011 the resident received another violation for failing to participate in sex offender treatment with his SOTP since February 13th. On February 16, 2011 the resident was returned to the Total Confinement facility pending a revocation hearing. The resident's LRA was revoked on May 13, 2011.

From November 2010 to April 2011, a resident at the SCTF in Pierce County was found to have violated nine court-ordered conditions. These violations were having unauthorized contact with an adult female via telephone and third party on multiple occasions, engaging in an unauthorized romantic relationship with an adult female, failing to maintain an accurate telephone log as directed, failing to comply with the regulations of the SCTF by possessing three VHS tapes, possessing a movie that depicts sexual content, failing to comply with sexual deviancy treatment program rules/policies by engaging in a relationship with a negative support person, failing to comply with sexual deviancy treatment program rules/policies by deceiving his therapist, being terminated from sexual deviancy treatment and failing to notify the transition team of the above violations. On April 15, 2011 the resident was returned to the Total Confinement facility pending a revocation hearing. The resident's LRA was revoked on July 26, 2011.

On May 31, 2011, a resident at the SCTF in Pierce County was found to have violated a court-ordered condition. This violation was failing to participate in sex offender

treatment. On April 15, 2011 the resident was returned to the Total Confinement facility pending a revocation hearing.

During September 2011, a resident residing in a private home was found to have violated three court-ordered conditions. These violations were consuming a controlled substance on or before September 28, 2011 without a lawfully issued prescription made out for him by a licensed physician, failing to comply with sexual deviancy treatment program rules/policies by consuming a controlled substance on or before September 28, 2011 and being terminated from sexual deviancy treatment as of September 30, 2011. On September 28, 2011 the resident was returned to the Total Confinement facility pending a revocation hearing.

Prior Report Year Updates

During January and February 2010, a resident at the SCTF in King County was found to have violated a series of court-ordered conditions. These violations were failure to follow court-ordered treatment conditions, and failure to disclose completely and honestly to his Sex Offender Treatment Provider (SOTP). On January 7, 2010 the resident failed a polygraph on the violations. On February 5, 2010 the Community Corrections Officer took the resident into custody for these violations, and he was transferred to the SCC Total Confinement Facility pending a revocation hearing. **This resident was revoked and is currently residing at the SCC Total Confinement Facility.**

From January to March 2010, a resident at the SCTF in Pierce County was found to have violated three court-ordered conditions. These violations were failing to comply with the terms of the SCTF Resident Handbook by using profanity toward staff members, this behavior was address with the transition team, failing to abide by the terms in his SOTP contract by using the telephone under conditions that were not approved by his SOTP and transition team members, and failing to comply with the SCTF handbook by failing to be truthful and honest with the Assistant Clinical Director/SCTF manager. On March 15, 2010 the resident was returned to the Total Confinement facility pending a revocation hearing. **This resident was revoked and is currently residing at the SCC Total Confinement Facility.**

On September 8, 2010, a resident at the SCTF in King County was found to have violated four court-ordered conditions. These violations were failing to follow all staff directives, failing to report contact with adult females and males in the community, purchasing, possessing or viewing sexually explicit material and accessing the internet without written permission of the transition team. On September 9, 2010 the resident was returned to the Total Confinement facility pending a revocation hearing. **This resident was returned to the SCTF in King County.**

Service Providers

There were no sanctions issued to service providers.

Table 1. Serious Violations

November 1, 2010 to October 31, 2011

| Resident | LRA Setting | Violation | Action Taken |
|----------|-------------|---|--|
| A | Community | Having intentional contact with an adult female without the prior approval of his transition team. | Treatment assignment by the SOTP to address the thinking errors. |
| B | SCTF-PC | Failing to report to the SCTF Control Booth by 7:30 am as directed by his transition team. Dated 1/12/2011 | Treatment assignment by the SOTP to address the thinking errors. |
| | | Failing to submit a daily list of planned activities as directed by his transition team. | Treatment assignment by the SOTP to address the thinking errors. |
| | | Failing to participate in sex offender treatment. Dated 2/17/2011 | Returned to Total Confinement pending a revocation hearing. Revoked |
| C | SCTF-PC | Failing to maintain an accurate phone log. Dated 3/17/2011 | Treatment assignment by the SOTP to address the thinking errors. |
| | | Possessing prohibited media. Dated 8/8/2011 | Treatment assignment by the SOTP to address the thinking errors. |
| | | Failing to comply with internet usage rules established by his transition team. Dated 10/19/2011 | Treatment assignment by the SOTP to address the thinking errors. |
| | | Failing to maintain an updated internet log. Dated 10/19/2011 | Treatment assignment by the SOTP to address the thinking errors. |
| D | SCTF-PC | Keeping secrets from his transition team. Dated 4/26/2011 | Treatment assignment by the SOTP to address the thinking errors. |
| | | Failing to comply with the terms of the SCTF-PC handbook. Dated 10/26/2011 | The SOTP and Clinical Director will assist with emotional stability and behavior issues. |
| | | Failing to follow SCTF-PC staff directives. | The SOTP and Clinical Director will assist with emotional stability and behavior issues. |
| E | SCTF-PC | Having unauthorized contact with an adult female via telephone and third party on multiple occasions. Dated 4/27/2011 | Returned to Total Confinement pending a revocation hearing. Revoked |
| | | Engaging in an unauthorized romantic relationship with an adult female. | Returned to Total Confinement pending a revocation hearing. Revoked |
| | | Failing to maintain an accurate telephone log. | Returned to Total Confinement pending a revocation hearing. Revoked |
| | | Failing to comply with the regulations of the SCTF-PC by possessing three VHS tapes. | Returned to Total Confinement pending a revocation hearing. Revoked |
| | | Possessing a movie that depicts sexual content. | Returned to Total Confinement pending a revocation hearing. Revoked |
| | | Failing to comply with sexual deviancy treatment program rules/policies by engaging in a relationship with a negative support person. | Returned to Total Confinement pending a revocation hearing. Revoked |
| | | Failing to comply with sexual deviancy treatment program rules/policies by deceiving his SOTP. | Returned to Total Confinement pending a revocation hearing. Revoked |
| | | Being terminated from sexual deviancy treatment. | Returned to Total Confinement pending a revocation hearing. Revoked |
| | | Failing to notify the transition team of violations noted above. | Returned to Total Confinement pending a revocation hearing. Revoked |

| | | | |
|----------|-----------|--|--|
| F | SCTF-PC | Failing to participate in sex offender treatment. Dated 6/7/2011 | Returned to Total Confinement pending a revocation hearing. |
| G | SCTF-PC | Possessing prohibited media. Dated 6/27/2011 | Treatment assignment by the SOTP to address the thinking errors. |
| H | SCTF-PC | Failing to consume medically prescribed mental health medications. Dated 9/14/2011 | Treatment assignment by the SOTP to address the thinking errors. |
| I | Community | Consuming a controlled substance without a lawfully issued prescription. Dated 10/3/2011 | Returned to Total Confinement pending a revocation hearing. |
| | | Failing to comply with sexual deviancy treatment program rules/policies. | Returned to Total Confinement pending a revocation hearing. |
| | | Being terminated from sexual deviancy treatment. | Returned to Total Confinement pending a revocation hearing. |
| J | SCTF-PC | Failing to comply with the regulations of the SCTF-PC by possessing 47 DVD's. | Reminded of the SCTF-PC rules and policies regarding purchasing or bringing any new media to the facility. |
| | | Failing to comply with the regulations of the SCTF-PC by possessing 123 CD's. | Reminded of the SCTF-PC rules and policies regarding purchasing or bringing any new media to the facility. |
| | | Failing to comply with the regulations of the SCTF-PC by possessing 19 recordable CD's. | Reminded of the SCTF-PC rules and policies regarding purchasing or bringing any new media to the facility. |
| K | SCTF-PC | Possessing prohibitive media. | Reminded of the SCTF-PC rules and policies regarding purchasing or bringing any new media to the facility. |
| L | Community | Failing to make point to point contact with the CCO as directed | No action taken |
| | | Failing to report and participate in a polygraph test. | No action taken |
| M | SCTF-PC | Possessing prohibited media. | Treatment assignment by the SOTP to address the thinking errors. |
| N | Community | Failing to have his GPS device in his possession while in the community. | Treatment assignment by the SOTP to address the thinking errors. |
| | | Failing to report a potential violation to his CCO within 24 hours. | Treatment assignment by the SOTP to address the thinking errors. |

Table 2. Follow-Up of Serious Violations Committed

November 1, 2009 to October 31, 2010

| Resident | LRA Setting | Violation | Action Taken |
|--------------------|--------------------|---|--|
| Resident A in 2010 | SCTF – KC | Failure to follow court-ordered treatment conditions. | Returned to the Total Confinement Facility pending revocation hearing This resident was revoked and is currently at the Total Confinement Facility |
| | | Failure to disclose completely and honestly to his SOTP | Returned to the Total Confinement Facility pending revocation hearing This resident was revoked and is currently at the Total Confinement Facility |
| Resident B in 2010 | SCTF – PC | Failing to comply with the terms of the SCTF Resident Handbook by using profanity toward staff members | The behavior was addressed with the transition team. This resident was revoked and is currently at the Total Confinement Facility |
| | | Failing to abide by the terms in his SOTP contract by using the telephone under conditions that were not approved by his SOTP and transition team members | Returned to the Total Confinement Facility pending revocation hearing This resident was revoked and is currently at the Total Confinement Facility |
| | | Failing to comply with the SCTF handbook by failing to be truthful and honest with the Assistant Clinical Director/SCTF manager | Returned to the Total Confinement Facility pending revocation hearing This resident was revoked and is currently at the Total Confinement Facility |
| Resident C in 2010 | SCTF – KC | Failing to follow all staff directives. | Returned to the Total Confinement Facility pending revocation hearing This resident was returned to the SCTF-KC facility |
| | | Failing to report contact with adult females and males in the community. | Returned to the Total Confinement Facility pending revocation hearing This resident was returned to the SCTF-KC facility |
| | | Purchasing, possessing or viewing sexually explicit material. | Returned to the Total Confinement Facility pending revocation hearing This resident was returned to the SCTF-KC facility |
| | | Accessing the internet without written permission of the transition team. | Returned to the Total Confinement Facility pending revocation hearing This resident was returned to the SCTF-KC facility |