

Sexually Violent Predator Civil Commitment, Release and Supervision in Washington State

June 2017

Less Restrictive Alternatives

Per RCW 71.09.092, before the Court may enter an order directing conditional release to a LRA, it must find the following:

- 1) The individual will be treated by a sex offender treatment provider (SOTP) who is qualified to provide such treatment in the state of Washington;
- 2) The treatment provider has presented a specific course of treatment, has agreed to assume responsibility for such treatment, will report progress to the court on a regular basis, and will report any violations immediately to the court, the prosecutor, the supervising CCO, and the SCC;
- 3) Housing exists that is sufficiently secure to protect the community, and the person or agency providing housing has agreed in writing to accept the conditionally released person, to provide the level of security required by the court, and will immediately report to the court, the prosecutor, the CCO and the SCC Chief Executive Officer if the person leaves court-ordered housing without authorization;
- 4) The individual is willing to comply with the treatment provider and all requirements imposed by that provider and by the court; AND
- 5) The individual is willing to comply with supervision requirements imposed by DOC.

Secure Community Transition Facilities

- ▶ Only residents who have successfully completed the required levels of treatment in the institutional program and receive DSHS recommendation are eligible for placement in a SCTF.
- ▶ Residents must be accompanied by a trained SCTF escort or Court-approved adult monitor (chaperones) at all times
 - ▶ SCC staff, SOTP and CCOs are automatically Court-approved adult monitors.
- ▶ Residents are subject to mandatory GPS monitoring at all times. This includes ankle bracelet and XT tracking device
 - ▶ SCTF staff monitor GPS for the SCTF residents only
 - ▶ CCO monitors GPS for all residents in the community.

LRA Investigations

- ▶ DOC receives an Order to Investigate the proposed LRA along with the supporting plan
- ▶ DOC requests all available records from the SCC and gathers any additional DOC file material
- ▶ DOC Civil Commitment Program Specialist communicates with SCC staff and schedules case for ESRC review prior to LRA Investigation due date.
- ▶ The assigned CCO will:
 - ▶ Review all records and information.
 - ▶ Personally visit the proposed residence and investigate all facets of the LRA plan, including surrounding areas, in order to determine if there are adequate safeguards.
 - ▶ Meet with housing owner/provider/manager, as well as other occupants of the residence, unless it is a SCTF.
 - ▶ Ensure the requirements of RCW 71.09.092(3) have been met and the housing provider is aware that there may be community notification and media involvement.

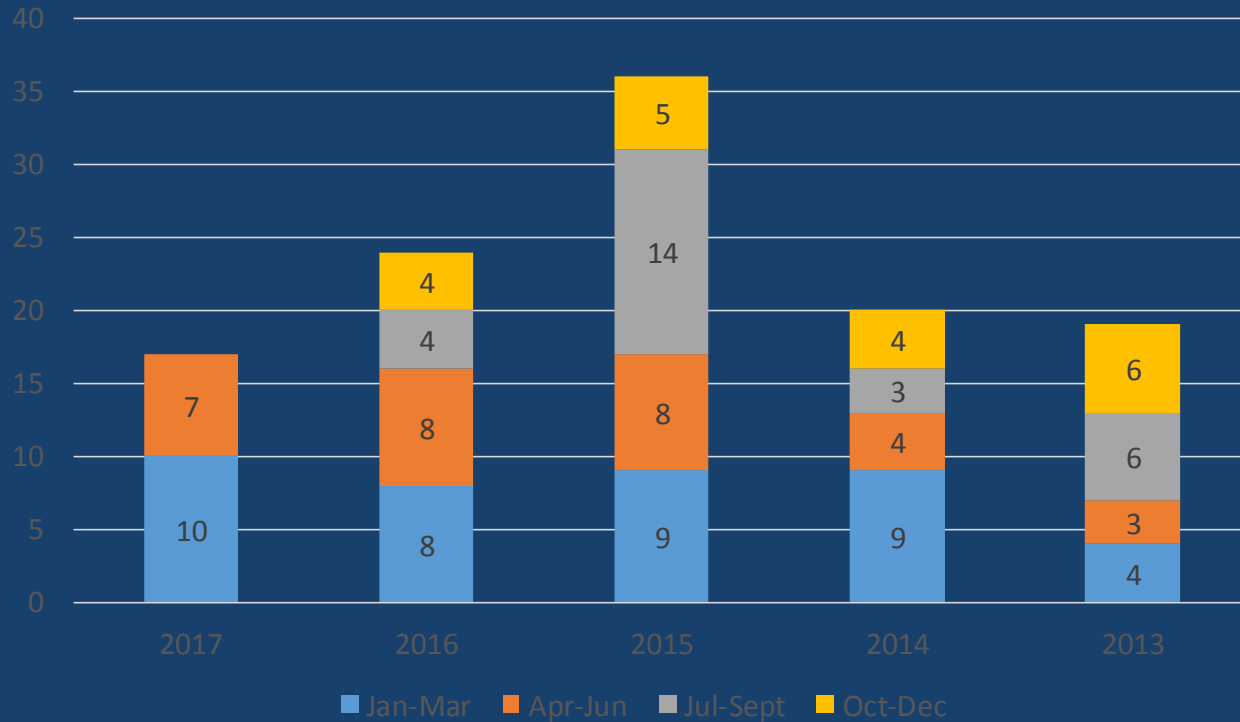
LRA Investigations

- ▶ Review the treatment plan and speak with the proposed SOTP
- ▶ Contact SCC therapists/staff for additional information
- ▶ Contact DSHS Victim/Witness Program for enrollee input.
- ▶ Contact local law enforcement to confirm registration / community notification will be conducted.
- ▶ Meet with the resident at the SCC.
- ▶ Complete the report containing the facts, both positive and negative, discovered during the investigation and give condition recommendations.
 - ▶ The purpose of the report is to provide the Court with an assessment of the proposed LRA plan and recommend conditions that could adequately protect the community. DOC DOES NOT APPROVE OR DENY THE PROPOSED PLAN, but rather provides the Court with sufficient information to make an informed release decision.
 - ▶ The investigation may reveal that the proposed plan does not satisfy the minimum statutory requirements outlined under RCW 71.09.092 for conditional release.

Less Restrictive Conditions

- Per RCW 71.09.096(4), the Court shall order DOC to investigate proposed LRA placements, and recommend any additional conditions to the Court. These conditions shall include, but are not limited to:
 - Specification of residence;
 - Prohibition of contact with potential or past victims;
 - Prohibition of alcohol and other drug use;
 - Participation in a specific course of inpatient or outpatient treatment that may include monitoring by the use of polygraph and plethysmograph;
 - Monitoring through the use of Global Positioning Satellite (GPS) technology
 - Supervision by a DOC Community Corrections Officer (CCO)
 - A requirement that the person remain within the state unless the person receives prior authorization by the Court; AND
 - Any other conditions that the court determines are in the best interest of the person or others.

Investigation Statistics



LRA Caseloads

➤ 53 active LRA cases

➤ 28 in Secure Community Transition Facilities (SCTF)

➤ 22 Pierce County - McNeil Island (can accommodate 24)

➤ 7 from Pierce, 7 King, 1 Snohomish, 2 Spokane, 1 Kittitas, 2 Whatcom, 1 Mason, 1 Thurston

➤ 6 King County - Seattle (can accommodate 6; 12 with remodeling)

➤ 3 from King, 1 from Pierce, 1 from Island, 1 from Clark

➤ 15 in community (private housing)

➤ 10 in Pierce (4 from King, 1 from Clark, 1 from Grays Harbor, 2 from Pierce, 2 from Snohomish)

➤ 1 supervised from Pierce (1 lives in Lewis from Snohomish)

➤ 3 in Snohomish (1 from Snohomish, 1 from King, 1 from Spokane)

➤ 1 in Spokane (from Pierce)

➤ 9 at SCC for further care & treatment, pending LRA revocation or an amended release order

➤ 1 in Federal Detention pending criminal charges

Residential Community Transition Teams (RCTT)

- Each individual on LRA status has a Transition Team that makes the majority of decisions and recommendations within the boundaries of the LRA Court Order.
 - SCC Community Programs Administrator or other Senior Clinical representative
 - SOTP
 - CCO
- Following a LRA investigation, the Transition Team, DOC Civil Commitment Program Administrator, SCC Administrative staff, SVP prosecutor and the resident's defense attorney(s) *should* meet to discuss the proposed plan and any conditions being recommended to the court.

LRA Supervision

- ▶ If the proposed LRA is granted, residents *should* be released no less than 30 days after an Order is signed, to allow for DSHS compliance with notification statutes.
- ▶ LRA Orders typically include 52+ conditions, including any typically ordered on a standard J&S, in addition to specific LRA Residential, Supervision, Treatment, Standard and Special conditions. Orders may be modified by the Court at any time, and supervision is indefinite. For these reasons, the LRA Order basically "trumps" the standard J&S for any remaining DOC causes.
- ▶ SCC staff typically place LRA residents on GPS monitoring, and escort them to the appropriate county sheriff's office for registration, the CCO's office for supervision intake, and the Court-authorized residence on the day of conditional release.
- ▶ RCW 71.09 requires DOC to supervise LRAs, but they remain under DSHS jurisdiction, even if there is DOC supervision remaining for a prior cause. LRAs are supervised utilizing a team approach to address issues and make decisions, rather than DOC acting alone.

LRA Supervision

CCO monitoring for each LRA resident includes:

- ▶ Supervising all Court-imposed conditions and reporting violations
 - ▶ Additional conditions are not imposed without Transition Team agreement and a written directive
- ▶ Meeting with residents weekly (in the office or community)
- ▶ Attending monthly Transition Team meetings with residents
- ▶ Being on-call 24 hours daily for emergent situations
- ▶ Daily phone calls, including point-to-point travel check-ins
- ▶ Ensuring criminal records checks are completed for anyone residents wish to have contact with (i.e. direct, telephone, written) and participating in adult chaperone trainings
- ▶ Installing, monitoring and tracking GPS for community LRAs
- ▶ Reviewing, approving/denying media (i.e. internet use or DVD rental/purchase) requests based on individual risk factors
- ▶ Searches, arrests, and returns to total confinement
- ▶ Conducting site surveys, working with the Transition Team to approve/deny proposed locations

LRA Violations

- ▶ Transition Team members, SCC Community Programs Admin, DOC Civil Commitment Program Admin, and SVP Prosecutor are immediately informed of and typically included in any discussions involving violation or potential violation behaviors.
 - ▶ Phone conference is typically held within 24 hours
- ▶ RCW 71.09.098 authorizes the CCO, DSHS Secretary's designee (SCC CEO), and law enforcement to take LRA residents into custody if it is reasonably believed that the person is in need of additional care, monitoring, supervision, or treatment because the person presents a danger to him/herself or others if his/her conditional release under the conditions imposed by the Court's release order continues
 - ▶ The Court must be notified within 1 business day

Polygraphs / Plethysmographs

- ▶ LRA residents are Court-ordered to:
 - ▶ Participate in periodic polygraph testing at the discretion of any member of their Transition Team, and may only be conducted by SCC contracted examiners.
 - ▶ Submit to plethysmographic (PPG) assessments at the discretion of the SOTP.

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