



### *Frequently Asked Questions Notification Presentation Sexually Violent Predator*

#### **How is a resident found to be a Sexually Violent Predator?**

A psychological evaluation has to indicate that the individual suffers from a personality disorder and/or mental abnormality (e.g., pedophilia) that makes them likely to commit an act of sexual violence if not confined to a secure facility. This is done through a lengthy and comprehensive evaluation process.

#### **How is it decided that they no longer meet that criteria?**

Similarly, every year a new psychological evaluation is completed to determine if the resident still meets the criteria stated above.

#### **RCW 71.09.070**

#### **Annual examinations of persons committed under chapter—Suspension of section.**

\*\*\* CHANGE IN 2019 \*\*\* (SEE 5017-S.SL) \*\*\*

- (1) Each person committed under this chapter shall have a current examination of his or her mental condition made by the department at least once every year.
- (2) The evaluator must prepare a report that includes consideration of whether:
  - (a) The committed person currently meets the definition of a sexually violent predator;
  - (b) Conditional release to a less restrictive alternative is in the best interest of the person;and
- (c) Conditions can be imposed that would adequately protect the community.
- (3) The department, on request of the committed person, shall allow a record of the annual review interview to be preserved by audio recording and made available to the committed person.
- (4) The evaluator must indicate in the report whether the committed person participated in the interview and examination.
- (5) The department shall file the report with the court that committed the person under this chapter. The report shall be in the form of a declaration or certification in compliance with the requirements of RCW [9A.72.085](#) and shall be prepared by a professionally qualified person as defined by rules adopted by the secretary. A copy of the report shall be served on the prosecuting agency involved in the initial commitment and upon the committed person and his or her counsel.
- (6)(a) The committed person may retain, or if he or she is indigent and so requests, the court may appoint a qualified expert or a professional person to examine him or her, and such expert or professional person shall have access to all records concerning the person.
  - (b) Any report prepared by the expert or professional person and any expert testimony on the committed person's behalf is not admissible in a proceeding pursuant to RCW [71.09.090](#), unless the committed person participated in the most recent interview and evaluation completed by the department.
- (7) If an unconditional release trial is ordered pursuant to RCW [71.09.090](#), this section is suspended until the completion of that trial. If the individual is found either by jury or the



court to continue to meet the definition of a sexually violent predator, the department must conduct an examination pursuant to this section no later than one year after the date of the order finding that the individual continues to be a sexually violent predator. The examination must comply with the requirements of this section.

(8) During any period of confinement pursuant to a criminal conviction, or for any period of detention awaiting trial on criminal charges, this section is suspended. Upon the return of the person committed under this chapter to the custody of the department, the department shall initiate an examination of the person's mental condition. The examination must comply with the requirements of subsection (1) of this section.

[ [2015 c 278 § 1](#); [2011 2nd sp.s. c 7 § 1](#); [2001 c 286 § 8](#); [1995 c 216 § 7](#); [1990 c 3 § 1007](#).]

**How/Why would a resident be released to a Less Restrictive Alternative Placement?**

### **RCW 71.09.090**

#### **Petition for conditional release to less restrictive alternative or unconditional discharge—Procedures—Suspension of section.**

(1) If the secretary determines that the person's condition has so changed that either: (a) The person no longer meets the definition of a sexually violent predator; or (b) conditional release to a less restrictive alternative is in the best interest of the person and conditions can be imposed that adequately protect the community, the secretary shall authorize the person to petition the court for conditional release to a less restrictive alternative or unconditional discharge. The petition shall be filed with the court and served upon the prosecuting agency responsible for the initial commitment. The court, upon receipt of the petition for conditional release to a less restrictive alternative or unconditional discharge, shall within forty-five days order a hearing

### **RCW 71.09.092**

#### **Conditional release to less restrictive alternative—Findings.**

Before the court may enter an order directing conditional release to a less restrictive alternative, it must find the following: (1) The person will be treated by a treatment provider who is qualified to provide such treatment in the state of Washington under chapter [18.155](#) RCW; (2) the treatment provider has presented a specific course of treatment and has agreed to assume responsibility for such treatment and will report progress to the court on a regular basis, and will report violations immediately to the court, the prosecutor, the supervising community corrections officer, and the superintendent of the special commitment center; (3) housing exists in Washington that is sufficiently secure to protect the community, and the person or agency providing housing to the conditionally released person has agreed in writing to accept the person, to provide the level of security required by the court, and immediately to report to the court, the prosecutor, the supervising community corrections officer, and the superintendent of the special commitment center if the person leaves the housing to which he or she has been assigned without authorization; (4) the person is willing to comply with the treatment provider and all requirements imposed by the treatment provider and by the court; and (5) the person



will be under the supervision of the department of corrections and is willing to comply with supervision requirements imposed by the department of corrections.

<https://apps.leg.wa.gov/RCW/default.aspx?cite=71.09>

### **How many counties currently have SVPs on LRAs?**

Currently we have 7 counties providing services to LRA's to include – King, Pierce, Spokane, Walla Walla, Kitsap, Snohomish, Thurston

### **How many are capable of housing SVPs on LRAs?**

All counties that can provide adequate resources set forth by the court to include Housing and Community Sex Offender Treatment Provider's. In some cases, a county may not be identified appropriate due to current victim concerns. Additional resources in other counties are unknown at this time.

### **Why are residents being released to counties other than their county of commitment?**

### **RCW 71.09.265**

### **Transition facilities—Distribution of impact.**

(1) The department shall make reasonable efforts to distribute the impact of the employment, education, and social services needs of the residents of the secure community transition facility established pursuant to RCW 71.09.250(1) among the adjoining counties and not to concentrate the residents' use of resources in any one community.

(2) The department shall develop policies to ensure that, to the extent possible, placement of persons eligible in the future for conditional release to a setting less restrictive than the facility established pursuant to RCW 71.09.250(1) will be equitably distributed among the counties and within jurisdictions in the county.

*King County has 9 total placements.*

*County of origin:*

*3 – King*

*2 – Kitsap*

*1 – Pierce*

*1 – Snohomish*



*Kitsap County has 4 total placements.*

*County of origin:*

*1 – King*

*2 – Kitsap*

*1 – Pierce*

*Pierce County has 46 total placements.*

*County of origin:*

*1 – Chelan*

*1 – Clallam*

*1 – Grant*

*1 – Jefferson*

*14 – King*

*1 – Kittitas*

*1 – Lewis*

*1 – Mason*

*9 – Pierce*

*5 – Snohomish*

*3 – Spokane*

*3 – Thurston*

*1 – Walla Walla*

*1 – Yakima*

*1 – Wahkiakum*

*Snohomish County has 3 total placements.*

*County of origin:*

*2 – King*

*1 – Pierce*



*Spokane has 5 total placements.*

*County of origin:*

*3 – Spokane*

*1 – Thurston*

*1 – Lewis*

*Thurston has 1 total placement.*

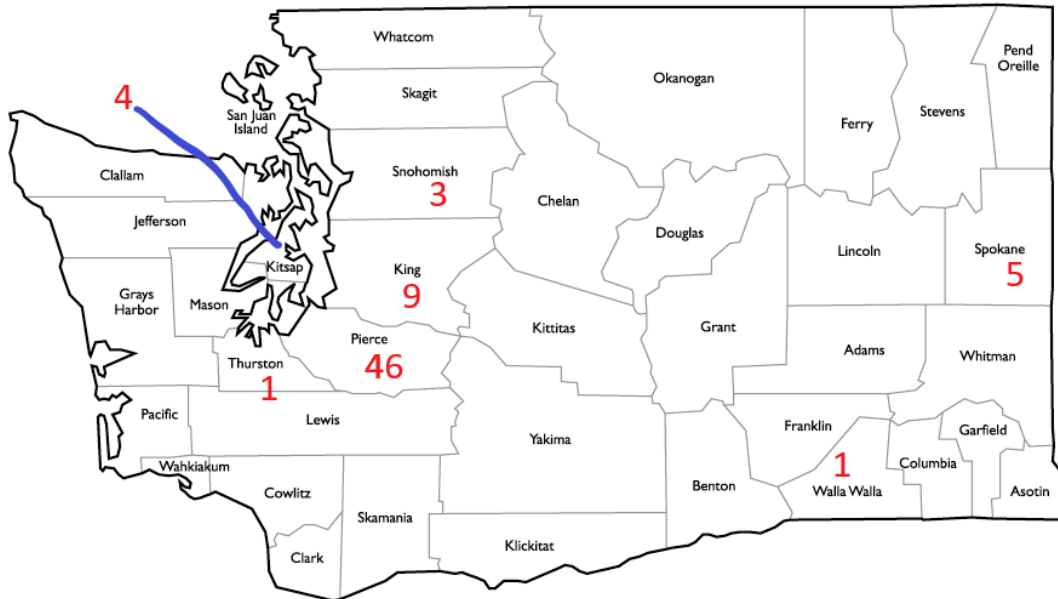
*County of origin:*

*1 – Lewis*

*Walla Walla has 1 total placement.*

*County of origin:*

*1 - King*



**How long is an SVP required to be under the conditions of an LRA? If it “depends” what is the average time?**

All LRA causes are under the jurisdiction of the court there is no time associated with the original court order to an LRA and the court makes determination based on individual circumstances. The Resident is allowed to petition the court for unconditional release annually. An average (*with large variance as to make this an unreliable number*) is about 2 -3 years.

**How many SVPs have been released into communities under LRAs?**

This data has not been tracked completely over the last 20 years, but a rough estimate is around 122. Release of residents into the community is becoming an increasing trend.

**What is the recidivism rate?**

In Washington State, our data currently shows that there have been no victim contact offenses while under a Less Restrictive Alternative. Due to intensive supervision under the LRA, discovery



of Child Pornography has occurred and those individuals involved have been referred for prosecution. Residents in LRA were immediately returned to total confinement of some sort.

### **What is the average SVP/LRA caseload per DOC Officer?**

At this time, the caseload varies depending on resources and location of the residents on LRA. At no point historically has a caseload exceeded 11 for any one CCO and that number is quickly subject to reduction at the nearest possible time dependent on agency resources.

### **How large is the area of responsibility?**

The DOC Civil Commitment program maintains responsibility for the entire State of Washington. Each individual CCO is generally assigned within the same county however, resources and geographic locations may require multiple county assignment.

### **Is there a statutory requirement to notify the public about release the release of these individuals into the community? If not, who should citizens contact to make a change?**

DSHS Special Commitment Center provides Law Enforcement Notification information to each releasing county 30 days prior to the scheduled release of the Resident. The local law enforcement holds the responsibility to make final determination on the appropriate Level of Notification to the community and determination of whether they would like to hold a Community Notification meeting. [RCW 4.24.550](#). DOC, DSHS, The local Sheriff's Department and the local Police Department are making efforts to collaborate with the intention of ensuring that the community is safe and has the appropriate information to stay informed.

### **What happens when a resident violates the conditions of supervision?**

Conditions of supervision under LRA are lengthy and comprehensive. Generally, there are upwards of 50 different conditions. Each case is managed by a Team who reviews their history and monitors their compliance. The Team has several options when addressing violation of any conditions to include; movement restriction to specific areas of the community; Restriction to the Residence other than court mandated trips (legal, medical, therapy); Therapeutic mitigation (treatment provider assigns a particular assignment or activity); increasing chaperones while in the community; return to total confinement. The severity and type of violation will dictate the response. A combination of any listed above could be utilized for a minor violation.

### **How are the residents monitored?**

Residents are required to be in contact with CCOs through varying methods including but not limited to:

- 1) Global Positioning System (24/7 monitoring).
- 2) Point to point calls.
- 3) Pre-approved Itineraries of travel to include approved routes.
- 4) All potential travel sites are surveyed by the CCO and vetted through the Transition team (CCO, Treatment Provider, Housing Provider, DSHS representative).



*\*Draft example of conditions of supervision*

**RESIDENTIAL CONDITIONS:**

1. Mr. \_\_\_\_\_ shall be conditionally released to a private residence located at \_\_\_\_\_ . He shall not change his residence without further order from the Court and in compliance with RCW 71.09.140 for notification to ensure community safety.
2. Mr. \_\_\_\_\_ shall register as a sex offender with the Snohomish County Sheriff’s Office on the day of his release and pursuant to RCW 9A.44.130 thereafter until otherwise relieved of that duty. Prior to this release, Mr. \_\_\_\_\_ shall have DNA test results on file with the Washington State Patrol in concurrence with RCW 43.43.754.3.
3. Mr. \_\_\_\_\_ shall not be at large alone in the community. He shall not leave the confines of his residence except for activities pre-approved by the Court or his Transition Team, and then only with providing telephonic notification to his CCO to advise him/her of his departure and return times. During any such approved outing, he must be accompanied at all times and be under the direct supervision of an “approved monitoring adult” who must supervise him closely and maintain close proximity pursuant to RCW 71.09.305(1)(b). Staff employed by the SCC, the supervising CCO (or designee) and the designated SOTP are automatically approved monitoring adults. Additional individuals may be designated as approved monitoring adults by the Transition Team or by the Court. **Any additional person agreeing to provide monitoring services may be compelled to testify and any privilege with regard to such person’s testimony is deemed waived pursuant to RCW 71.09.096(3).**
4. For all approved trips in the community, Mr. \_\_\_\_\_ will abide by the following protocol: 1) Have a fully charged GPS upon his departure and keep his GPS on his person at all times; 2) Follow pre-approved routes; 3) Log the date and time of each trip; and 4) Make point to point telephonic contact with his CCO or designee as directed. At all times, Respondent shall possess a charged and functioning cell phone which has been previously approved by the Transition Team. The State of Washington is not responsible for purchasing the phone, or paying for the monthly bill, other than through generally available resources for the indigent. Note: Mr. \_\_\_\_\_ will not access the assigned cell phone’s photo taking, picture storage or internet capability without the approval of his Transition Team.
5. Mr. \_\_\_\_\_ will permit home and property visits by any member of the Transition Team or designee for visual inspection of the residence, garage, and other structures on the property to insure compliance with his Court Order. To maintain compliance with the





conditions of the LRA Court Order, Mr. \_\_\_\_\_ shall submit to searches of his person, computer, residence or property at the discretion of the supervising CCO.

6. Mr. \_\_\_\_\_ shall maintain a dedicated phone line (landline) at his residence for global positioning system (GPS) monitoring.
7. Mr. \_\_\_\_\_ shall not stay overnight at any residence, room or public lodging facility other than his approved residence/room without the prior approval of his Transition Team.
8. Mr. \_\_\_\_\_ may only have visitors at his residence who have been pre-approved by his Transition Team. Mr. \_\_\_\_\_ will maintain an accurate log of all visitors, which shall be provided at the request of any member of his Transition Team. No visitors shall sleep or stay overnight at Mr. \_\_\_\_\_'s residence without the prior approval of his Transition Team.
9. Mr. \_\_\_\_\_ must follow all residency rules, as outlined by John Mack for all persons residing there. Mr. \_\_\_\_\_ will sign these rules, and any amendments, and provide a copy to the members of his Transition Team.
10. Mr. \_\_\_\_\_ shall comply with a curfew by remaining at his residence between the hours of 8 p.m. and 6 a.m. unless otherwise approved by his Transition Team.

#### **SUPERVISION CONDITIONS:**

1. The Department of Corrections shall supervise Mr. \_\_\_\_\_. He will initially report to the supervising CCO at the \_\_\_\_\_ DOC Office on the day of his conditional release from the SCC, and weekly or as otherwise directed thereafter.
2. Mr. \_\_\_\_\_ will comply with all DOC verbal and written instructions.
3. The assigned CCO shall report to the Court, Assistant Attorney General, defense attorney, SCC representative, the SCC CEO, and the SOTP any violations of this Order. The CCO shall notify the Assistant Attorney General by email at the following email address: \_\_\_\_\_. Copies to the Attorney for Respondent shall be emailed to \_\_\_\_\_.
4. Pursuant to RCW 71.09.098, if the assigned CCO reasonably believes that Mr. \_\_\_\_\_ is not complying with the terms and conditions of his conditional release order, the CCO may order that he be taken into custody until such time as a hearing can be scheduled to determine the facts and whether Mr. \_\_\_\_\_'s LRA should be revoked or modified. The Court, prosecuting agency and defense counsel shall be notified before the close of the next judicial day of Mr. \_\_\_\_\_'s detention.



5. Mr. \_\_\_\_\_ will submit a travel request log to his CCO at least one week in advance of proposed travel. The travel log will include the date, time, and any contacts he may have during each proposed outing, as well as the approved chaperone who will accompany him.

**TREATMENT CONDITIONS:**

1. Mr. \_\_\_\_\_ shall engage in sex offender treatment with \_\_\_\_\_, a certified Sex offender Treatment Provider. He shall not change treatment providers without permission of the Court.
2. Mr. \_\_\_\_\_ shall sign and comply with Mr. \_\_\_\_\_ treatment plan and treatment contract, both written and verbal. Any proposed modification of the treatment contract or plan must be provided to the other Transition Team members. If the members of the Transition Team disagree on a proposed modification, the Court shall decide. Mr. \_\_\_\_\_ must sign any modified treatment contract or plan, and the SOTP must immediately provide a signed copy to the SCC, Assistant Attorney General, defense attorney, and the CCO.
3. Mr. \_\_\_\_\_ shall participate in any treatment, including but not limited to sex offender treatment, domestic violence, couples therapy, chemical dependency, Alcoholics/Narcotics Anonymous, and any other treatment or therapy as recommended by the Transition Team.
4. Mr. \_\_\_\_\_ shall submit a written monthly report to the Court, addressing Mr. \_\_\_\_\_ treatment progress and compliance with the Court Order, with copies to the Assistant Attorney General, defense attorney, and each member of the Transition Team. Copies to the Assistant Attorney General shall be sent by email to the following email address: \_\_\_\_\_ or by mail to the following address: \_\_\_\_\_. Copies to the Attorney for the Respondent shall be emailed to \_\_\_\_\_ or mailed to \_\_\_\_\_.
5. Mr. \_\_\_\_\_ will immediately report to the Court, Assistant Attorney General, CCO, SCC representative, and SCC CEO any violations or possible violations of Mr. \_\_\_\_\_'s Court Order or treatment conditions.
6. If Mr. \_\_\_\_\_ is terminated from treatment with Mr. \_\_\_\_\_, he shall, consistent with RCW 71.09.098(2), immediately be taken into custody and a hearing will be scheduled to determine whether his LRA will be revoked pursuant to RCW 71.09.098(3).
7. If Mr. Nelson decides to discontinue treatment for any r \_\_\_\_\_ other than non-compliance or lack of progress, s/he must give forty-five (45) days written notice to the



Court, Assistant Attorney General, defense attorney, CCO, SCC representative, and SCC Chief Executive Officer . Treatment with this provider shall continue until such time that the Court may conduct a hearing to consider approval of an alternative provider pursuant to RCW 71.09.092.

**STANDARD CONDITIONS:**

1. Mr. \_\_\_\_\_ shall comply with all verbal and written instructions of the Court, the SOTP, the Department of Corrections, and SCC representatives.
2. Mr. \_\_\_\_\_ shall be subject to electronic home monitoring at all times. The electronic monitoring devices shall employ global positioning system (GPS) technology and /or such monitoring devices as may become technologically advanced.
3. Mr. \_\_\_\_\_ shall obtain approval from the Transition Team prior to acquiring or participating in employment, education, social or volunteer opportunities in the community.
4. Mr. \_\_\_\_\_ shall have no intentional direct or indirect contact with any prior victims or their families without the express written consent of the Court. For purposes of this condition, “victim” is defined as anyone with whom he has had unwanted or illegal sexual contact in the past, regardless of whether the contact resulted in a conviction or legal action. The Transition Team will resolve any questions as to what constitutes a “victim.” If there is a question as to whether an individual is a prior victim, he shall have no contact with that individual.
5. Mr. \_\_\_\_\_ shall not have intentional direct or indirect contact with minor children under the age of eighteen (18) without the express written consent of the Court, and then only in the presence of an approved adult monitor.
6. Mr. \_\_\_\_\_ shall not loiter outside of or frequent establishments where minor children are commonly known to be present without the express written permission of the Transition Team and then only in the presence of an approved adult monitor. This includes but is not limited to the premises of any school, daycare, park, arcade, zoo, aquarium, recreation area, or other public or private facility normally frequented by minors.
7. Mr. \_\_\_\_\_ shall not have intentional regular contact with any individual who has not previously been approved by his Transition Team.



8. Mr. \_\_\_\_\_ shall not have intentional contact with any female who has not previously been approved by his Transition Team. This condition does not affect the ability for SCC and DOC staff, treatment providers, or attorneys to be assigned.
9. Mr. \_\_\_\_\_ shall not initiate or engage in a physical or romantic relationship with another person without the express written approval of that person and his Transition Team. Any such relationship will require the individual's consent.
10. Mr. \_\_\_\_\_ is prohibited from having contact with known convicted felons or persons with any type of sex crime conviction, with the exception of individuals participating in his treatment groups or residing at the Mack House located at 15424 51<sup>st</sup> Avenue NE, Marysville, WA. The Transition Team may review and modify this condition in writing with respect to specific individuals.
11. Mr. \_\_\_\_\_ shall not own, possess, receive, ship, or transport any firearm, ammunition, incendiary device, or explosive, nor shall he have any parts thereof.
12. Mr. \_\_\_\_\_ shall not purchase, possess, or view any pornographic materials, as defined by his SOTP, including but not limited to materials depicting consensual sex, sex with violence, or force, sex with non-consenting adults, or sexual activity with children. The SOTP may make exceptions to specifically identified pornographic materials upon written notification to the CCO and SCC representative.
13. Mr. \_\_\_\_\_ shall not purchase, possess, view movies or play video games depicting sexual themes, children's themes, or excessive violence. The Transition Team will resolve any questions as to what constitutes sexual themes, children's themes, or excessive violence.
14. Mr. \_\_\_\_\_ shall not use or have access to the internet, including via computer, cellular phone, iPad, tablet, Play Station/Xbox, or any other computer modem or communications software without the prior written permission of the RCTT or the Court. If permission is granted to use or possess the above noted devices, the Court/Transition Team may impose limitations and controls over the use of these devices, including but not limited to his not possessing a personal computer at his residence or in his room.
15. Mr. \_\_\_\_\_ shall not enter into an adult entertainment center where nudity or erotic entertainment or literature/magazines are the primary source of income.
16. Mr. \_\_\_\_\_ shall not purchase, possess or consume alcohol, marijuana/THC, or any controlled substances, except pursuant to a lawfully issued prescription made out for him by a licensed physician. He shall immediately provide written verification of any prescription medication to the Transition Team.



17. Mr. \_\_\_\_\_ shall submit to drug screens, Breathalyzer alcohol assessments or other methods of detecting the use or presence of alcohol, marijuana/THC, and controlled substances at the discretion of any member of the Transition Team.
18. Mr. \_\_\_\_\_ shall abide by any medications/therapy prescribed by his medical and psychological treatment providers.
19. Mr. \_\_\_\_\_ shall not frequent bars, taverns, casinos or any establishment where the primary source of income is the sale of alcoholic beverages or marijuana/THC.
20. Mr. \_\_\_\_\_ shall obey all state, county, federal, tribal and municipal laws.
21. Mr. \_\_\_\_\_ shall not leave the State of Washington without an Order from the Court.
22. Mr. \_\_\_\_\_ shall not leave his county of residence without the prior written approval of his Transition Team and written authorization from his CCO.
23. Mr. \_\_\_\_\_ shall participate in periodic polygraph testing at the discretion of any member of the Transition Team. Polygraph assessments can assess sex offender specific compliance issues or any other general compliance issues. He shall submit to plethysmography assessment at the discretion of the SOTP.
24. Mr. \_\_\_\_\_ shall make no effort to thwart, disable, or limit the effectiveness of any monitoring mechanism imposed upon him, including but not limited to polygraphs, plethysmographs, GPS, and other forms of electronic monitoring. He shall strictly comply with all monitoring protocols required. Mr. \_\_\_\_\_ shall be required to pay for any damages to monitoring equipment that caused by negligent actions on his part.
25. Mr. \_\_\_\_\_ shall not drive any motor vehicle or possess a driver's license without the prior written permission of his Transition Team. In the event that Mr. \_\_\_\_\_ obtains a legal, Washington State driver's license, he shall provide proof of valid insurance as well as the make, model and year of any vehicle he drives. Mr. \_\_\_\_\_ shall not provide rides to anyone without permission from his Transition Team.
26. Mr. \_\_\_\_\_ shall previously report the make, model, and year of any private vehicle he rides in, as well as the driver's contact information, to the Transition Team.
27. Mr. \_\_\_\_\_ shall make regular monetary payments toward any outstanding Court-ordered Legal Financial Obligations (LFOs) or any other financial commitments.
28. Mr. \_\_\_\_\_ must provide a copy of his monthly bank and/or credit card statements to the Transition Team upon request.



29. Mr. \_\_\_\_\_ shall maintain an accurate phone log of his phone calls and provide a copy to the Transition Team upon request.
30. DSHS shall be responsible for treatment costs pursuant to RCW 71.09.110. DSHS may obtain reimbursement for the cost of care and treatment pursuant to RCW 71.09.110 and the applicable Washington Administrative Code.
31. If Mr. \_\_\_\_\_ is not in compliance with the terms and conditions of his LRA Order, he may, consistent with RCW 71.09.098(2), immediately be apprehended and taken into custody until such time as a hearing can be scheduled to determine the facts and whether or not the conditional release should be revoked or modified. The revocation or modification hearing shall be scheduled with the Court pursuant to RCW 71.09.098.
32. Law enforcement and/or peace officers are authorized to arrest Mr. \_\_\_\_\_ for any violations of the LRA order as described in RCW 71.09.098.
33. Mr. \_\_\_\_\_ shall comply with all provisions of the LRA Order and any subsequent modifications thereof. He shall, within twenty-four (24) hours, notify his treatment provider, his CCO, and SCC representative if he has violated, or arguably violated, any provision of the LRA Order.
34. The conditions required of Mr. \_\_\_\_\_ by his Transition Team and imposed upon him by the Court Order, should, where possible, be read together and in harmony with one another. However, there may be a situation in which they conflict. If this occurs, the SOTP, CCO, and the SCC representative shall consult with one another to resolve the conflict. If the Transition Team is unable to do so, the Court will determine the matter. Until such time as any conflict is determined, Mr. \_\_\_\_\_ shall follow the strictest rule applicable, consistent with ensuring public safety.