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Division II
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NO. 49525-2-II

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION TWO

IN RE THE PERSONAL RESTRAINT OF:

MARK GOSSETT,
Petitioner.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR THURSTON COUNTY

Thurston County Cause No. 08-1-02102-9

The Honorable Carol A. Murphy, Judge

SUPPLEMENTAL BRIEF OF PETITIONER

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SUPPLEMENTAL ISSUES & ASSIGNMENTS OF ERROR

1. Mr. Gossett's claim challenging the prohibition on visitation with his children while he is incarcerated is properly raised in a Personal Restraint Petition under RAP 16.4(c)(6).

ISSUE 1: An incarcerated person properly challenges the "conditions or manner" of his/her restraint in a Personal Restraint Petition. Should this court reach the merits of Mr. Gossett's Personal Restraint Petition, alleging that the Department of Corrections has prohibited him from seeing his children while he is incarcerated, in violation of his right to due process?

2. The Department of Corrections has prohibited Mr. Gossett from seeing his children in violation of his Fourteenth Amendment right to due process.
3. The Department of Corrections' decision to prohibit Mr. Gossett from seeing his children is arbitrary and capricious.

ISSUE 2: Prison officials violate an inmate's right to due process by acting arbitrarily and capriciously. Did DOC act arbitrarily and capriciously by prohibiting Mr. Gossett from seeing his children – including his adult children – when the sentencing court explicitly ordered that visitation should be permitted?

4. Department of Corrections policy 450.050 creates a liberty interest under the due process clause.
5. The Department of Corrections has violated its own policy 450.050 by prohibiting Mr. Gossett from seeing his children.

ISSUE 3: A prison policy establishes a due process liberty interest when its application "imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life." Does Department of Corrections policy 450.050 create a liberty interest by clarifying that an indefinite ban on seeing one's own children is not a normal part of incarceration and was that interest violated in Mr. Gossett's case when the department failed to follow its own policy?

STATEMENT OF FACTS AND PRIOR PROCEEDINGS

Mark Gossett was convicted in 2010 of second-degree rape of a child and second-degree child molestation against his adopted daughter. CP 3. The sentencing court's Judgment & Sentence initially prohibited Mr. Gossett from having contact with any minor, including his own children. CP 7.

Two months later, however, the sentencing court entered an agreed order modifying and clarifying the Judgment & Sentence. CP 23-24. The order provided that:

... the Judgment and Sentence entered by the above entitled Court on June 2010 be and the same hereby is modified and clarified to allow for the Defendant to have visitation with his children at any Department of Correction's [sic] facility the Defendant is in;

That the children will not have visitation alone with the Defendant and such visitation shall be supervised by Department of Correction's [sic] personnel in the normal course of the visitation process followed by the Department of Correction's [sic] facility

That the normal supervision of visitation by two or more correctional officers in an open room where numerous other inmates may be exercising visitation privileges, is sufficient supervision for the Defendant to have visitation with his children. CP 26 (emphasis added).

Even after this modification, Department of Corrections (DOC) denied Mr. Gossett's request to allow his five children (not including the

alleged victim of his offenses of conviction) visit him in prison.

(Appendix A; Appendix E).

DOC provided the following reasons for the denial of visitation between Mr. Gossett and his children:

The offender's Judgment and Sentence (J&S) prohibits contact with the individual or class of individuals during or upon release.

The individual or class of individuals has been victimized by the offender.

An Order of No Contact has been rescinded or does not exist, but facility management has reason to believe that allowing contact would be counter to sound correctional practices or legitimate penological objectives
(Appendix A, p. 2)

The comments to the document also state that Mr. Gossett was not amenable to treatment and that:

His Judgment and Sentence has been amended to allow supervised visits, however supervision by the facility staff does not constitute as [sic] supervised visitation.
(Appendix A, p. 2)

DOC also wrote a letter to Mr. Gossett's wife noting that his Judgment & Sentence requires him to obtain a sex offender evaluation from a state-certified provider, complete recommended treatment, and submit to a psychosexual evaluation. (Appendix B). The letter noted that DOC does not provide those evaluations, but that the department would review the issue of visitation with the children if Mr. Gossett hired a

private provider to work with him in the prison. (Appendix B; Appendix D).

The letter also stated that:

... due to the conviction history, nature of the crime, no participation in treatment opportunities and having no evaluation completed as outlined in the Judgment and Sentence, the denial of visiting privileges with your children is being upheld. (Appendix B).

DOC informed Ms. Gossett that all appeals on the issue had been exhausted. (Appendix B).

Even now that four of Mr. Gossett's five children are legal adults, they are still prohibited from visiting their father in prison. (Appendix F; Appendix G; Appendix H). DOC relied upon the same reasoning outlined immediately above for denying his adult children the opportunity to see him. (Appendix G).

DOC wrote a letter to Mr. Gossett's adult son, Andrew Gossett, indicating that his age had nothing to do with the prohibition on visitation with his father. (Appendix H).

Mr. Gossett filed a *pro se* personal restraint petition, arguing that DOC was violating his substantive due process rights by prohibiting him from visiting with his children. *See* Personal Restraint Petition of Mark Gossett.

This Court determined that the issues raised by Mr. Gossett were not frivolous, appointed counsel, and referred the case to a panel of judges. Order Referring Petition to Panel, Appointing Counsel, and Setting Briefing Schedule (7/10/17).

ARGUMENT

I. THIS COURT SHOULD REACH THE MERITS OF MR. GOSSETT'S CLAIM REGARDING VISITATION WITH HIS CHILDREN.

A restrained petitioner may challenge the “conditions or manner” of his/her restraint in a Personal Restraint Petition (PRP) if those conditions violate the state or federal constitution or state law. RAP 16.4(c)(6); *Kozol v. Washington State Dep't of Corr.*, 185 Wn.2d 405, 409, 379 P.3d 72 (2016), *as corrected* (Aug. 1, 2016).

Restrictions on visitation with an inmate's family qualify as a “condition or manner” of restraint under RAP 16.4. *See In re Dyer*, 143 Wn.2d 384, 391, 20 P.3d 907 (2001) (reaching the merits of a PRP challenging denial of extended family visitation privileges).

Here, it is undisputed that Mr. Gossett is restrained. *See* Response of the Department of Corrections, p. 13. It is also undisputed that Mr. Gossett has exhausted all of his remedies within DOC. (Appendix B).

Mr. Gossett claims DOC's decision denying him the opportunity to visit with his children is arbitrary and capricious and violates his

constitutional right to due process. If he is correct, then the conditions of his restraint violate the state and federal constitutions or state law under RAP 16.4(c)(6). *See e.g. Dyer*, 143 Wn.2d 384.

This Court should reach the merits of Mr. Gossett's claim. RAP 16.4(c)(6).¹

II. THE DEPARTMENT OF CORRECTIONS HAS IGNORED ITS OWN POLICIES IN PROHIBITING VISITATION BETWEEN MR. GOSSETT AND HIS CHILDREN, IN VIOLATION OF MR. GOSSETT'S RIGHT TO DUE PROCESS.

A. The prohibition upon visitation between Mr. Gossett and his children violates DOC policy.

DOC is required by its own policy to "support offenders in maintaining ties with family, friends, and the community by allowing and setting reasonable criteria for personal visits." (Appendix C, p. 2).

DOC policy 450.300 provides, however, that the following people may not visit prison inmates:

1. Minor aged victims of the offender, unless they have written approval from the Children's Administration and/or sentencing court, the Superintendent, and the Deputy Director/designee.
2. Persons associated with the offender in the commission of the offense for which s/he is incarcerated. Exceptions may be granted by the Superintendent for immediate family members

¹ PRPs raising issues that have had no prior opportunity for judicial review, such as constitutional challenges to actions taken by prison officials, need not make a threshold showing of "actual prejudice" or "complete miscarriage of justice" required for other types of claims. *In re Gentry*, 170 Wn.2d 711, 715, 245 P.3d 766 (2010).

or if there is a clear demonstration the visits would benefit the offender.

3. Persons restricted per the Judgment and Sentence. While supervised visits may be allowed per the Judgment and Sentence, supervision by facility visiting staff does not constitute supervised visitation.
4. Persons prohibited from visiting per DOC 450.050 Prohibited Contact, who will be informed of denial/termination of visiting privileges on DOC 21-760 Prohibited Contact Notice.

(Appendix C, p. 8).

DOC policy 450.050, also addresses the circumstances in which an inmate may be prohibited from contact with other persons. (Appendix D).

That policy mandates prohibited or restricted contact with “specific individuals or classes of individuals” when:

1. [The offender’s] Judgment and Sentence prohibits contact with the individual or class or individuals during incarceration or upon release,
2. The individual, or parent/legal guardian of a minor being contacted, has requested in writing that the contact be stopped or restricted, and/or
3. There is an active No Contact Order with the individual.

(Appendix D, p. 2).

That same policy permits but does not require prohibition or restriction on contact when, *inter alia*:

4. The individual or class of individuals has been victimized by the offender.
5. A No Contact Order has been rescinded or does not exist, but facility management has reason to believe that allowing contact

would be counter to sound correctional practices or legitimate penological objectives.

(Appendix D, p. 2).

The subsequent subsection (subsection (I)(C)) of DOC policy 450.050 is the only policy directly addressing prohibitions on contact or visitation with an offender's own children:

- C. An offender may be prohibited from contact with his/her own children *only if* the offender's Judgment and Sentence and/or a No Contact Order prohibits such contact, or if necessary to protect the children from any specific and documented threat of harm. Documentation includes, but is not limited to:
1. The written opinions of mental health professionals or Child Protective Services, and
 2. Specific verified incidents of harm to the children resulting from contact with the offender while s/he was incarcerated in a Department facility.

(Appendix D, p. 3) (emphasis added).

Provisions of statutes and regulations governing specific circumstances control over more general provisions. *Jones v. Sisters of Providence in Washington, Inc.*, 140 Wn.2d 112, 117, 994 P.2d 838 (2000); *City of Kent v. Beigh*, 145 Wn.2d 33, 45, 32 P.3d 258 (2001) (rules of statutory construction apply with equal force to departmental rules and regulations).

Accordingly, subsection (I)(C) of policy 450.050, pertaining specifically to the only circumstances in which an offender may be

prohibited from having contact with his/her children controls over the more general provisions related to contact with people, in general. Policy 450.050(I)(C) delineates the only relevant criteria for the inquiry in Mr. Gossett's case. *Id.*

The text of subsection (I)(C) – stating that “an offender may be prohibited from contact with his/her own children only if” the listed criteria are met -- compels the same result. (Appendix D, p. 3) (emphasis added). That plain language clarifies that the subsection provides the *only* circumstances under which contact between an offender and his/her children can be restricted.

But Mr. Gossett's case does not meet the criteria of DOC policy 450.050(I)(C).

Neither Mr. Gossett's Judgment and Sentence nor a no-contact order prohibits contact between Mr. Gossett and his children. CP 3-16. Indeed, the sentencing court amended the Judgment and Sentence to specifically allow such visitation. CP 25-26; (Appendix D, p. 3).

Nor is there any documentation indicating that Mr. Gossett poses a threat of harm to his children. (Appendix D, p. 3). DOC cannot point to any written opinion of a mental health professional or any “verified

incident of harm to the children resulting from contact with [Mr. Gossett] while [he] was incarcerated.” (Appendix D, p. 3).²

Likely because the elements at DOC policy 450.050(I)(C) are not met in Mr. Gossett’s case, the DOC’s justification for prohibiting contact with his children relies, instead, on the criteria listed below, which are found either in non-applicable policies or in no policy at all:

- “Conviction history” and the “nature of the crime” of Mr. Gossett’s conviction;
- “The individual or class of individuals has been victimized by the offender”;
- Facility management’s belief that contact would be “counter to sound correctional practices or legitimate penological objectives”;
- The idea that “supervision by the facility staff does not constitute as [sic] supervised visitation”; and
- The contention that Mr. Gossett must obtain a sex-offender evaluation, complete recommended treatment, and submit to a psychosexual evaluation (which are not available where he is incarcerated) before his children can visit him.

(Appendix A, p. 2; Appendix B; Appendix I).

First, as noted above, these considerations are inapposite to the question of whether Mr. Gossett should be permitted to undergo visitation with his children because they are not included in DOC policy

² The department argues that the facts of Mr. Gossett’s offenses of conviction constitute documented instances of harm. Response of the Department of Corrections, pp. 16-17. But the plain language of the policy requires documentation of “specific verified incidents of harm to the children resulting from contact with the offender *while s/he was incarcerated...*” (Appendix D, p. 3) (emphasis added). DOC is unable to point to any instances of harm to the children after Mr. Gossett’s confinement.

450.050(I)(C). (Appendix D, p. 3). Rather, they appear to have been culled from other DOC policies. Or, in the case of the contentions that the “nature of the crime” and the fact that Mr. Gossett has not yet obtained evaluations that are not available in prison prohibit visitation, DOC’s justifications cannot be found in any relevant policy. (Appendix A, p. 2; Appendix B; Appendix C; Appendix D; Appendix I).

Additionally, even if this Court finds that DOC policy 450.300 (regarding visitation, in general) controls the question in Mr. Gossett’s case, the requirements of that policy are not met, either. *See* (Appendix C, p. 8).

Specifically, the amendment to the Judgment and Sentence in Mr. Gossett’s case does not mandate “supervised visitation.” RP 25-26. Indeed, it specifically allows for “normal supervision of visitation by two or more correctional officers in an open room where numerous other inmates may be exercising visitation privileges.” CP 26. The department’s contention that the amendment to the Judgment and Sentence requires “supervised visitation” is disingenuous.

The department’s prohibition on visitation between Mr. Gossett and his children was entered in violation of DOC’s own policies. (Appendix C; Appendix D).

- B. The prohibition on visitation between Mr. Gossett and his children in violation of DOC's own policies violates Mr. Gossett's right to due process because it is arbitrary and capricious.

Prison officials violate an inmate's right to due process by acting arbitrarily and capriciously. U.S. Const. Amend. XIV; *Dyer*, 143 Wn.2d at 395; *Matter of Reismiller*, 101 Wn.2d 291, 293, 678 P.2d 323 (1984).

An action or decision is arbitrary and capricious if it is made "in disregard of facts or circumstances." *Dyer*, 143 Wn.2d at 395. The *Dyer* Court held that DOC's decision regarding extended visitation privileges in that case was not arbitrary and capricious because it complied with DOC's own policies. *Id.* at 396.

As outlined above, however, DOC's action prohibiting Mr. Gossett from seeing his children – even his adult children – directly violates that department's own policies.

Furthermore, DOC's prohibition on visitation between Mr. Gossett and his children directly violates the sentencing court's order that such visitation be permitted and that supervision in the normal course of prison visitation is adequate to protect the children from any harm. CP 26.

Finally, DOC's purported interest in protecting minor children from sexual predation is inapposite to whether Mr. Gossett should be permitted visitation with his *adult* children, one of whom is thirty years old.

DOC's decision in Mr. Gossett's case is arbitrary and capricious and must be reversed by this Court. *Id.*; *Reismiller*, 101 Wn.2d at 293.

C. The DOC policies regarding visitation between and inmate and his/her children create a substantive due process liberty interest, which has been violated in Mr. Gossett's case.

Prison-related policies and regulations can create a liberty interest, protected by the due process clause, even where no such interest would otherwise attach. *Sandin v. Conner*, 515 U.S. 472, 485, 115 S.Ct. 2293, 132 L.Ed.2d 418 (1995); U.S. Const. Amend. XIV.

Incarcerated individuals “do not shed all constitutional rights at the prison gate,” though their rights and privileges are limited in some contexts. *Sandin*, 515 U.S. at 485.

The Ninth Circuit has recognized that “[t]he relationship between a father or mother and her child, even in prison, merits some degree of protection.” *Dunn v. Castro*, 621 F.3d 1196, 1205 (9th Cir. 2010).³

A prison policy establishes a due process liberty interest when its application “imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.” *Sandin*, 515 U.S. at 483-84.

³ The *Dunn* Court held that qualified immunity barred the federal civil rights claim raised in that case. *Dunn*, 621 F.3d 1196. Qualified immunity is not at issue, however, in Mr. Gossett's Personal Restraint Petition.

A condition of confinement presents an “atypical and significant deprivation” if it “present[s] a dramatic departure from the basic conditions of the inmate’s sentence.” *Wilkinson v. Austin*, 545 U.S. 209, 223, 125 S.Ct. 2384, 162 L.Ed.2d 174 (2005) (citing *Sandin*, 515 U.S. at 484).

The indefinite prohibition on visitation between Mr. Gossett and his children – even once the children become adults – imposes an “atypical and significant” hardship upon Mr. Gossett, in violation of his right to substantive due process. *Id.*; *Sandin*, 515 U.S. at 483-84.

First, DOC policy clarifies the extent to which prohibition on visitation with one’s own children is not an “ordinary incident[] of prison life” but an exceptional condition, implemented only in atypical situations. *Sandin*, 515 U.S. at 483-84; (Appendix D). Indeed, the policy explicitly requires documented instances of harm to the children *during the parent’s incarceration* or a written opinion from a mental health professional in order to demonstrate that visitation with the parent would harm the child (in cases in which a no-contact order is not in place)⁴. (Appendix D, p. 3).

⁴ DOC argues that inmates convicted of sexual offenses against children are often restricted from visiting with minors, including their own children. Response of Department of Corrections, p. 16. But Mr. Gossett is prohibited from visiting with his children even *after* they are no longer minors. (Appendix F; Appendix G; Appendix H). Additionally, many offenders with such convictions likely have an order prohibiting such contact in their Judgment and Sentence. But Mr. Gossett’s Judgment and Sentence has been amended

(Continued)

The very high burden placed upon the proponent of a prohibition on contact between an inmate and his/her children (including minor children) demonstrates the extent to which such a prohibition is not a normal part of incarceration.

In *Dyer*, the Supreme Court found that deprivation of “extended family visits” in prison did not present a significant hardship upon an inmate because Dyer “still [had] regular visitation rights to spend time with his wife and children.” *Dyer*, 143 Wn.2d at 392–93. Mr. Gossett, on the other hand, has not been permitted to see his children in over seven years, even though four of them are now legal adults.

Additionally, the prohibition on seeing his children represents a “dramatic departure from the basic conditions of the inmate’s sentence” in Mr. Gossett’s case because the sentencing court has clarified that a ban on visitation between him and his children is not part of the intent of his sentence. CP 25-26; *Wilkinson*, 545 U.S. at 223. By amending the Judgment & Sentence to explicitly permit Mr. Gossett’s children to visit him in the regular course of prison visitation, the sentencing court unambiguously detailed that cutting Mr. Gossett off from seeing his children should not be a condition of his sentence. CP 25-26.

specifically in order to permit him to visit with his own children. CP 26. DOC’s argument is misplaced.

Finally, a prison condition is more likely to impose an “atypical and significant hardship” if it is indefinite in duration. *Wilkinson*, 545 U.S. at 224.

Mr. Gossett is prohibited from visiting with his children indefinitely. (Appendix A; Appendix B; Appendix E). Even once the children reach the age of majority (as four out of the five of the children have), they are still barred from visiting him. (Appendix F; Appendix G; Appendix H). Mr. Gossett was sentenced to 245 months in prison, so he could be precluded from seeing his children until his oldest daughter is in her forties. CP 7; (Appendix F).

In this way, Mr. Gossett’s situation stands in sharp contrast to the two-year and eighteen-month suspensions on visitation, which have been found not to implicate due process in prior cases. *See e.g. Overton v. Bazzetta*, 539 U.S. 126, 137, 123 S.Ct. 2162, 156 L.Ed.2d 162 (2003) (“If the withdrawal of all visitation privileges were permanent or for a much longer period [than two years], or if it were applied in an arbitrary manner to a particular inmate, the case would present different considerations”); *Dunn*, 621 F.3d at 1203–04. (“We note that Dunn is no longer under a permanent restriction on his right to receive visits from his children. Since July 28, 2005, Dunn has been aware of his entitlement to receive visits from his children. Thus, Dunn is essentially challenging an 18–month

suspension of his visitation privileges. Our conclusion might be different if Dunn were presently subject to a blanket ban on his visitation privileges”).

The DOC policies regarding visitation and contact between and inmate and his/her children create a substantive due process liberty interest because cutting off such contact “imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.” *Sandin*, 515 U.S. at 483-84. DOC violated that right in Mr. Gossett’s case by imposing that hardship in violation of its own written policies. DOC’s decision prohibiting Mr. Gossett’s children from visiting him must be reversed. *Id.*

CONCLUSION

DOC’s decision prohibiting Mr. Gossett from visiting with his children violates his right to due process because it is arbitrary and capricious and violates the liberty interest created by DOC’s policies on visitation with one’s own children. DOC’s decision barring Mr. Gossett’s children from visiting him in custody must be reversed and this court must order DOC to permit such visitation.

Respectfully submitted on December 15, 2017,



Skylar T. Brett, WSBA No. 45475
Attorney for Petitioner

CERTIFICATE OF SERVICE

I certify that on today's date:

I mailed a copy of Petitioner's Supplemental Brief, postage prepaid, to:

Mark Gossett/DOC#317246
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA 98520

With the permission of the recipient(s), I delivered an electronic version of the brief, using the Court's filing portal, to:

Office of the Attorney General
aaronw@atg.wa.gov

I filed the Petitioner's Supplemental Brief electronically with the Court of Appeals, Division II, through the Court's online filing system.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed at Seattle, Washington on December 15, 2017.



Skylar T. Brett, WSBA No. 45475
Attorney for Petitioner

APPENDIX A



PROHIBITED CONTACT REVIEW

Name GOSSETT, Mark Jonathan	DOC Number 317246	J & S Number 081021029
--------------------------------	----------------------	---------------------------

GOSSETT, Mark Jonathan should not be allowed contact with A [redacted] G [redacted], C [redacted] J [redacted] T [redacted]
G [redacted] and L [redacted] E G [redacted]
Offender Name Visitor Name

per DOC 450.050 Prohibited Contact for the reason(s) checked below:

- The offender's Judgement and Sentence (J&S) prohibits contact with the individual or class of individuals during or upon release.
- The individual, or parent/legal guardian of a minor being contacted, has requested in writing that the contact be stopped or restricted.
- There is an active Order of No Contact with the individual.
- A current Pre-Sentence Investigation (PSI) recommends no contact.
- The person was a participant in a crime of conviction with the offender.
- The nature of a specific treatment program requires prohibited contact with the individual or class of individuals.
- The individual or class of individuals has been victimized by the offender.
- An Order of No Contact has been rescinded or does not exist, but facility management has reason to believe that allowing contact would be counter to sound correctional practices or legitimate penological objectives.

Comments: Per the Presentence Report, Offender Gossett blames the victim (which is also one of his children) and that he is not amenable to treatment. He has a 245 month to LIFE CCB sentence. His first CCB hearing will not heard until 9/8/27.

E. S. Ord
Counselor/CCO

10-14-10
Date

CUS Comments: His Judgment and Sentence has been amended to allow supervised visits, however supervision by the facility visiting staff does not constitute as supervised visitation.

Approval Denial See 7/10/10 CUS
CUS

10-14-10
Date

Mental Health/SOTP (if applicable) Comments: _____

Approval Denial _____
Mental Health

_____ Date

CPM/CCS Comments: See Electronic form Comments

Approval Denial Lisa Peter
CPM

10-14-10
Date

Approval Denial _____
CCS

_____ Date



PROHIBITED CONTACT REVIEW

Name GOSSETT, Mark Jonathan	DOC Number 317246	J & S Number 081021029
--------------------------------	----------------------	---------------------------

GOSSETT, Mark Jonathan should not be allowed contact with A [REDACTED] G [REDACTED], C [REDACTED] J [REDACTED] T [REDACTED]
G [REDACTED] and L [REDACTED] E G [REDACTED]

Offender Name

Visitor Name

per DOC 450.050 Prohibited Contact for the reason(s) checked below:

- The offender's Judgement and Sentence (J&S) prohibits contact with the individual or class of individuals during or upon release.
- The individual, or parent/legal guardian of a minor being contacted, has requested in writing that the contact be stopped or restricted.
- There is an active Order of No Contact with the individual.
- A current Pre-Sentence Investigation (PSI) recommends no contact.
- The person was a participant in a crime of conviction with the offender.
- The nature of a specific treatment program requires prohibited contact with the individual or class of individuals.
- The individual or class of individuals has been victimized by the offender.
- An Order of No Contact has been rescinded or does not exist, but facility management has reason to believe that allowing contact would be counter to sound correctional practices or legitimate penological objectives.

Comments: Per the Presentence Report, Offender Gossett blames the victim (which is also one of his children) and that he is not amenable to treatment. He has a 245 month to LIFE CCB sentence. His first CCB hearing will not heard until 9/8/27.

Counselor/CCO

Date

CUS Comments: His Judgment and Sentence has been amended to allow supervised visits, however supervision by the facility visiting staff does not constitute as supervised visitation."

Approval Denial CUS

Date

Mental Health/SOTP (if applicable) Comments: _____

Approval Denial Mental Health

Date

CPM/CCS Comments: Victim of offender Gossett's current conviction is the minor aged adopted daughter of the offender. Previous criminal history also shows that offender Gossett was original charged with an Assault 3rd of a child which was later pled down to an Assault 4th DV. PSI notes that the victim of this was crime was Gossett's 10 year old foster son.

Offender has displayed a history of victimizing both sexually and physically minor aged children, both male and female. Original J/S noted Defendant shall have no contact with any minor, including his own adopted or biological children. J/S modified months later to read that the offender may have contact with his children as supervised by the DOC personnel in the normal course of the visitation process followed by the DOC facility that the offender is located in and that the normal supervision of visitation by two or more C/O in an open room is sufficient. However, DOC Policy 450.300 VII. Who May Not Visit: A. 3. Persons restricted per the Judgment and Sentence. While supervised visits may be allowed per the J/S, supervision by facility visiting staff does not constitute supervised visitation.

Based on criminal history noting two separate convictions for crimes against children and the recent modification of a no contact provision I am approving a prohibited contact between this offender and minor aged children.

Approval

Denial

Liza Rohrer
CPM



10/14/10
Date

Approval

Denial

CCS

Date

APPENDIX B

BRIEF OF PETITIONER

EXHIBIT 5



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1100

October 23, 2012

Mrs. Linda Gossett
6058 – 61st Ave SE
Lacey, Washington 98513

Dear Ms. Gossett:

Thank you for your letter requesting that visiting privileges be authorized for your children.

In your letter, you point out that there was a modification to the original Judgment and Sentence that allows you to participate in visiting with your children. The modification does not mandate visitation.

Further, the Judgment and Sentence in this case mandates that Mr. Gossett must obtain a sex offender evaluation from a state certified provider and complete recommended treatment, as well as submit to a psychosexual evaluation. The Sex Offender Treatment Program does not provide these kinds of evaluations. Should you or Mr. Gossett choose to hire a private provider, we would be willing to review the denial of visiting privileges with documentation from the provider.

At this time, due to the conviction history, nature of the crime, no participation in treatment opportunities and having no evaluation completed as outlined in the Judgment and Sentence, the denial of visiting privileges with your children is being upheld. All of your appeal opportunities have been exhausted.

Respectfully,

A handwritten signature in black ink, appearing to read "Dan Pacholke".

Dan Pacholke, Assistant Secretary
Prisons Division

DP:bs:ew:nd: DEP-19368

cc: Pat Glebe, Superintendent
Gynger Steele, Sex Offender Treatment Program Manager
Kendra Wakefield, Classification Counselor
Visit Program
Mr. Mark Gossett, DOC 317246, Stafford Creek Corrections Center, H6 / H611U
191 Constantine Way, Aberdeen, WA 98520
Offender File

"Working Together for SAFE Communities"

APPENDIX C



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY

PRISON

OFFENDER/SPANISH MANUALS

REVISION DATE

2/1/10

PAGE NUMBER

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NUMBER

DOC 450.300

POLICY

TITLE

VISITS FOR PRISON OFFENDERS

REVIEW/REVISION HISTORY:

Effective: 1/7/00
 Revised: 2/20/03
 Revised: 11/15/06
 Revised: 4/18/07 AB 07-012
 Revised: 2/20/09
 Revised: 2/1/10

SUMMARY OF REVISION/REVIEW:

Policy III. - Adjusted to include status as a state registered domestic partner
 II.B. - Added that professional visitors do not need to be on the offender's visitor list
 V.D.1. - Adjusted that an immediate family member may be placed on more than one offender's visitor list with approval of each facility's Superintendent
 V.E. - Adjusted that when transferred to another facility, the offender's visitor list when remain and be available in Info Port
 Attachment 1 - Several adjustments to dress standards and adjusted that money/debit cards may be used by both offenders and visitors during visits at minimum security facilities

APPROVED:

ELDON VAIL, Secretary
Department of Corrections

1/3/10

Date Signed



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REFERENCES:

DOC 100.100 is hereby incorporated into this policy; ACA 4-4156; ACA 4-4498; ACA 4-4499-1; ACA 4-4500; ACA 4-4503; ACA 4-4504; DOC 420.340 Searching and Detaining Facility Visitors; DOC 450.050 Prohibited Contact; DOC 850.030 Employee Relationships/Contacts With Offenders

POLICY:

- I. The Department will support offenders in maintaining ties with family, friends, and the community by allowing and setting reasonable criteria for personal visits.
- II. The Department recognizes the need to engage community stakeholders, partners, and offender families in the re-entry initiative.
- III. For the purposes of this policy, immediate family will be defined as spouse/state registered domestic partner, parent, stepparent, sibling, stepbrother, stepsister, half brother, half sister, child, stepchild, grandparent, grandchild, and as documented in the offender's central file, person(s) acting in place of a parent and/or foster children.

DIRECTIVE:

- I. General Guidelines
 - A. The Department will provide visiting opportunities, visit programs, and a secure and welcoming space for offenders and their families by:
 1. Providing sufficient and safe space for regular visiting which is consistent with the required level of custody supervision. Designated visit areas should include a section that has a child-friendly environment. Visiting areas and programs should provide as normal a family experience as possible.
 - a. Visit rooms will provide toys and games suitable for interaction by family members of all ages.
 - b. Reasonable accommodation will be provided for visitors with disabilities. Depending on the nature of the accommodation, advance notice may be required.
 - c. Appropriate seating for all ages should be provided.
 2. Informing all visit staff of the importance of visiting to maintain ties with family and friends, and in some cases reunite with families and significant others. Rule enforcement will be sensitive to visitors, particularly children.



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3. Actively encouraging a collaborative working relationship with social service and other private community based organizations providing transportation, housing, food, clothing, and other similar forms of assistance to the offender and his/her family.
- B. Visitors and offenders will be treated courteously. Reasonable efforts will be made to ensure that the visiting facility is comfortable, pleasant, and permits informal communication and limited, appropriate physical contact. [4-4499-1]
 - C. The Superintendent will establish the following:
 1. Process to ensure the Visit Guidelines (Attachment 1) are implemented,
 2. Hours and days for personal visits, to include appropriate arrival,
 3. Approval process for adding names to visitor lists,
 4. Check in process for visitors, [4-4503]
 5. Procedures for no contact visiting in cases of substantiated security risk, and [4-4499-1]
 6. Other processes and information deemed necessary for pleasant, positive visits, taking into account safety and security issues.
 - D. The Visiting Guidelines will be provided to the offender in the orientation packet the day of his/her arrival.
 - E. Visitors will only bring limited items into the facility visiting room, as outlined in Attachment 1.
 1. Copies of the Visit Guidelines (Attachment 1) will be available to all visitors at the facility and at <http://www.doc.wa.gov>. Information will also be provided concerning transportation to the facility. [4-4504]
 2. Requests for exceptions to the Visit Guidelines (Attachment 1) will be submitted to the Deputy Director for approval.
 - F. [4-4498] The number of visitors an offender may receive and the length of visits may be limited only by facility schedule, space, and personnel constraints, or when there are substantial reasons to justify the limitations.
 - G. Visitors aged 16 and older must present current photo identification per the Visit Guidelines (Attachment 1).
 - H. Persons who are not United States (U.S.) citizens must provide proof of legal entry into the U.S. Aliens require documentation to visit. Acceptable documentation includes:



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VISITS FOR PRISON OFFENDERS

1. Work permits,
2. Passports,
3. Travel permits/tourist visas, or
4. Any other documentation that can be validated by the U.S. Department of Justice, U.S. Immigration and Immigration Customs Enforcement, U.S. Customs and Border Protection, and/or the alien's consulate.

- I. [4-4156] Space is provided for a visiting room or area for contact visiting and, if necessary, non-contact visiting. There is adequately designed space to permit screening and searching of both offenders and visitors. Space may be provided for the proper storage of visitors' coats, handbags, and other personal items not allowed into the visiting area.

II. Special Visits

- A. [4-4500] Special visits may be permitted for:

1. Persons who have come long distances (i.e., 300 miles or more),
2. Offenders who are in disciplinary status or are hospitalized, and
3. Professional visits between offenders and their attorneys, clergy, social service agency representatives, etc.

- B. [4-4500] Except for professional visitors, special visits will only be approved for individuals who are on the offender's approved visitor list.

1. Special visits must be requested on DOC 21-787 Special Visit Request and submitted to the offender's Counselor. For professional visits, either the offender or the professional may complete the form.
2. Superintendent/designee (e.g., Visit Program Supervisor) will coordinate adjustments to established times and days for individuals on the approved visitor list to accommodate special requests.
3. The Superintendent/designee may grant exceptions for special visits by individuals not on the offender's approved visitor list.

- C. Special visits will be subject to regular Visit Guidelines (Attachment 1).

III. Video Visits for Out-of-State Offenders

A. Scheduling

1. Visit requests should be received at least 2 weeks prior to the requested visit date, when possible. If the date and session time requested is



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unavailable, the visitor(s) will be notified via electronic mail and/or telephone.

2. Visits will be scheduled on a first come, first served basis. Visitors will be notified via electronic mail and/or telephone of the scheduled visit date and time. Video visits will be 20 minutes in length.
3. Visitors who do not appear for a scheduled video visit must re-apply for a new visit date and time. After 3 missed appointments, the visitor will not be scheduled for further video visits.

- B. Offenders may have up to 6 approved visitors involved in each video visit. Visitors will not be allowed to enter and exit the video visiting site and/or change places with another approved visitor.
- C. Visitors will comply with the Visit Guidelines (Attachment 1). Visits will be monitored.
- D. Offenders in segregation will not be allowed video visitation. Upon returning to general population, video visits may be scheduled with the offender if all other qualifying conditions are met.

IV. Approval Process

- A. The approval process must be completed before a name is placed on an offender's approved visitor list.
- B. Each prospective adult visitor, and the non-incarcerated parent/legal guardian of each prospective visitor under 18 years of age, must complete DOC 20-060 Visitor's Questionnaire. The form may be accessed at <http://www.doc.wa.gov/facilities/docs/DOCVisitingForm.pdf>, or mailed to the adult or non-incarcerated parent/legal guardian at the offender's expense. Questionnaires will be processed within 10 business days of receipt.
- C. The non-incarcerated parent/legal guardian of all individuals under 18 years of age must complete the Parent or Legal Guardian Consent portion of the form. This portion must be notarized.
 1. Parentage of all individuals under 18 years of age must be verified by providing a certified copy of the minor's birth certificate. A copy from the Department of Social and Health Services (DSHS) Children's Administration will also be acceptable.



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2. The Superintendent/designee may consider alternate forms of parental documentation in exceptional cases where an original birth certificate is not available for a minor born outside of the U.S. (e.g., children of adults who have been granted asylum in the U.S. or who are immigrants from countries where complete record systems may not exist).
 - a. An adult whose country of origin maintains a consulate/embassy/station in the U.S. must provide a certified or notarized letter on official consulate stationary stating the original, certified birth certificate is not available. A copy of the birth certificate, if available, and a form of alternate documentation should accompany this.
 - b. An adult whose country of origin does not maintain a consulate/embassy/station in the U.S. and cannot obtain proof from an official source that the original birth certificate is not available may use an alternate form of documentation.
 - c. Alternate documentation must be accompanied by a sworn affidavit from the parent stating the minor's birth date and place and that the minor is in fact his/her child. Documentation may include:
 - 1) Orders entered by U.S. Immigration and Customs Enforcement recognizing that the minor is allowed in the U.S. as a result of his/her relationship to the refugee parent,
 - 2) DSHS records showing family identity for the purposes of calculating support and entitlement payments, or
 - 3) A certified copy of an asylum or refugee application bearing the minor's name.
 - d. The Assistant Secretary for Prisons/designee must approve any exceptions to these requirements.
3. Legal guardianship of all individuals under 18 years of age must be verified by providing a copy of the filed court order establishing legal guardianship. If there is no legal guardian or non-incarcerated parent, the Superintendent may accept a notarized Power of Attorney signed by the incarcerated parent and the individual granted custody of the minor.

V. Approved Visitor List



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- A. There is no limit to the number of visitors an offender may have on his/her approved visitor list, except at Washington Corrections Center (WCC) - Reception Diagnostic Center, which will have a limit of 5 persons. All individuals must be approved by the facility for visiting.
- B. Each facility will identify the maximum number of visitors each offender is allowed during visiting hours.
- C. All National Crime Information Center (NCIC), Washington State Crime Information Center (WACIC), and District and Municipal Court Information Center (DISCIS) checks will be made to verify the individual's identity and ensure the accuracy of DOC 20-060 Visitor's Questionnaire. Information on an offender's approved visitor list is confidential.
- D. Individuals may only be on one offender's approved visitor list, with the exception of immediate family members of more than one offender.
 1. To be added to more than one approved visitor list, the immediate family member must be approved for visitation by the Superintendent of each facility using DOC 20-438 Approval for Visitation with Multiple Offenders.
- E. When an offender is transferred to another facility, his/her approved visitor list will remain and be available in Info Port.
 1. Offenders will be responsible for notifying their visitors of transfers.
 2. The receiving facility may conduct a review of each individual listed for updated law enforcement and intelligence data.
 - a. If new information is discovered, the visit approval may be denied.
 - b. If there is no new information, the individual will be approved.
 3. When the receiving Superintendent believes visiting should be denied, the matter will be referred to the Deputy Director prior to making the final decision.
- F. When an offender is released from confinement, his/her approved visitor list will be deleted. If an offender is re-incarcerated, s/he must go through the approval process to create a new visitor list.

VI. Minors

- A. Persons under 18 years of age must be accompanied during the entire visit by their non-incarcerated parent/legal guardian or a designated escort (i.e., an adult approved by the Appointing Authority/designee who is on the offender's



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approved visitor list or is a volunteer sponsor or sponsoring organization staff, and who has notarized written approval from the non-incarcerated parent/guardian). At the Superintendent's discretion, exceptions may be granted authorizing a minor to be accompanied by an adult other than the parent/legal guardian/designated escort if:

1. The non-incarcerated parent/legal guardian requests the exception in writing,
2. The individual accompanying the minor is on the offender's approved visitor list and the minor is the offender's immediate family member, or
3. There is no legal guardian or non-incarcerated parent.

B. Visitors with minors are responsible for supervising the minors at all times.

C. In addition to brief, appropriate contact at the beginning of each visit, an offender may have physical contact with his/her child(ren) up to age 8 per the Visit Guidelines (Attachment 1).

VII. Who May Not Visit

A. The following may not visit Prison offenders:

1. Minor aged victims of the offender, unless they have written approval from the Children's Administration and/or sentencing court, the Superintendent, and the Deputy Director/designee.
2. Persons associated with the offender in the commission of the offense for which s/he is incarcerated. Exceptions may be granted by the Superintendent for immediate family members or if there is a clear demonstration the visits would benefit the offender.
3. Persons restricted per the Judgment and Sentence. While supervised visits may be allowed per the Judgment and Sentence, supervision by facility visiting staff does not constitute supervised visitation.
4. Persons prohibited from visiting per DOC 450.050 Prohibited Contact, who will be informed of denial/termination of visiting privileges on DOC 21-760 Prohibited Contact Notice.

B. Persons with criminal records will not automatically be excluded from visiting. In determining whether to approve a person with criminal records, the nature and extent of his/her total criminal record, including recent criminal activity, will be weighed carefully against the benefits of visitation. The Superintendent/



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designee will retain final authority to review, assess, and approve/deny applications. Failure to list previous criminal convictions on DOC 20-060 Visitor's Questionnaire may result in denial of visiting privileges.

- C. Generally, offenders on community supervision or persons having pending charges will not be granted permission to visit during service of sentence. Exceptions may be made for immediate family members, who may be allowed to visit once a month by special approval from the Superintendent. It will be the responsibility of the immediate family member to provide a letter from his/her Community Corrections Officer recommending visiting privileges along with the completed DOC 20-060 Visitor's Questionnaire.
 - 1. Offenders only owing Legal Financial Obligation are not subject to these guidelines.
- D. Ex-felons will not be granted permission to visit for 3 years after expiration of sentence, except immediate family members, who may be considered after one year. Ex-misdemeanants will not be granted permission to visit for 6 months after expiration of sentence, except immediate family members, who may be considered after 3 months.

VIII. Current and Former Employees

- A. Generally, Department employees, contract staff, and volunteers will not be approved to visit unless they have written approval from the Superintendent and the employee's Appointing Authority per DOC 850.030 Employee Relationships/Contacts With Offenders.
- B. Former Department employees, volunteers, or contract staff will not be approved to visit unless they have written approval from the Superintendent and there is clear demonstration that the visits would benefit the offender. This exception includes immediate family members. If possible, such visits should not occur at the facility where the former employee, volunteer, or contract staff worked.
 - 1. A former Department staff will not be permitted to visit if there is evidence that s/he was involved in any inappropriate behavior with the offender before leaving the Department.

IX. Denial of Placement on an Offender's Approved Visitor List

- A. Visiting privileges will not be denied on the basis of race, religion, sex, national origin, or physical disability.



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B. Persons denied placement on an offender's approved visitor list will be informed, in writing, of the reasons for denial.

X. Denial or Termination of Visits

A. Visiting will only be denied, terminated, or restricted for offenders as a sanction for visiting related infractions, or for behavior that presents a security or safety threat.

B. The Superintendent/designee may deny entrance to visitors or terminate a visit in progress if:

1. There is prior knowledge leading to evidence that a visitor is attempting to smuggle illegal or contraband items in or out of the facility. Local law enforcement officers will be contacted and allowed to handle visitor search procedures if there is sufficient information and time to coordinate efforts.
2. There is a disturbance or emergency situation within the facility.
3. There is clear and present or imminent danger to the health or safety of any visitor, offender, or staff.
4. There is reasonable suspicion to believe that criminal conduct will result if entrance is allowed.
5. The offender or visitor fails to abide by the facility rules, policy, or Visit Guidelines (Attachment 1).

C. The Superintendent may terminate the visiting privileges of an offender's visitor for a serious violation of the Visit Guidelines (Attachment 1) or serious abuse of visiting on the part of the visitor or offender.

XI. Suspension of Visiting Privileges

A. A visitor's visiting privileges may be suspended for a violation of the Visit Guidelines (Attachment 1) or abuse of visiting on the part of the visitor or offender.

B. An offender's visiting privileges with all visitors may be suspended only after a finding of guilt pursuant to a regular disciplinary hearing for violation of the Visit Guidelines (Attachment 1).

C. The Superintendent may prolong a suspension if there remains a:



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1. Clear and present or imminent danger to the health or safety of any visitor, offender, or staff, or
2. Risk to facility security.

XII. No Contact Provisions

- A. The Superintendent may impose no contact visitation provisions for inappropriate or security threat related behavior displayed by the offender and/or visitor.

XIII. Appeals for Visiting Privileges

- A. A visitor may appeal visiting privilege restrictions, in writing, to the facility Superintendent. The letter should state the circumstances surrounding the suspension, denial, termination, or no contact provision, and state why visiting privileges should be restored.
- B. The Superintendent has final approval on visiting privilege appeals.

XIV. Removal of Names from the Approved Visitor List

- A. An offender who wishes to remove someone from his/her approved visitor list must submit a written request for removal to the Superintendent/designee.
- B. An individual who wishes to be removed from an offender's approved visitor list must submit a written request for removal to the Superintendent/designee.
- C. An individual removed from an approved visitor list must wait 90 days before applying to visit the same or another offender.

XV. Search of Visitors

- A. [4-4503] All visitors are subject to pat, electronic, and canine searches. Lockers used by visitors, as well as visitors' vehicles, purses, packages, briefcases, or similar containers which are brought onto the facility grounds may be searched per DOC 420.340 Searching and Detaining Facility Visitors.
- B. All visitors should read DOC 420.340 Searching and Detaining Facility Visitors and are required to sign DOC 21-575 Acknowledgment of Visitor Search Requirements prior to taking part in the first visit with an offender.
- C. Local law enforcement will be notified of criminal activity if a visitor is found in possession of contraband that is an illegal item and may be detained and/or searched per DOC 420.340 Searching and Detaining Facility Visitors.

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	TITLE VISITS FOR PRISON OFFENDERS		

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

Visit Guidelines (Attachment 1)

DOC FORMS:

- DOC 20-060 Visitor's Questionnaire
- DOC 20-438 Approval for Visitation with Multiple Offenders
- DOC 21-575 Acknowledgment of Visitor Search Requirements
- DOC 21-760 Prohibited Contact Notice
- DOC 21-787 Special Visit Request

APPENDIX D



STATE OF WASHINGTON
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DOC 460.050

POLICY

TITLE

PROHIBITED CONTACT

REVIEW/REVISION HISTORY:

Effective: 6/30/96
 Revised: 4/21/97
 Revised: 12/1/99
 Revised: 12/2/02
 Revised: 4/27/07
 Revised: 5/9/08
 Revised: 4/30/09
 Revised: 8/30/10

SUMMARY OF REVISION/REVIEW:

II.B. - Added that the offender may appeal a no contact provision at the facility which initiated the order or the current facility

APPROVED:

ELDON VAIL, Secretary
Department of Corrections

7/26/10
Date Signed



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POLICY

TITLE

PROHIBITED CONTACT

REFERENCES:

DOC 100.100 is hereby incorporated into this policy; WAC 137-48

POLICY:

- I. Consistent with legitimate penological objectives and public safety, the Department will restrict incarcerated offender contact in any form (i.e., visits, correspondence, telephone) with specific individuals or classes of individuals.

DIRECTIVE:

I. Criteria

- A. An offender's contact with specific individuals or classes of individuals will be restricted or prohibited when:
 1. His/her Judgment and Sentence prohibits contact with the individual or class of individuals during incarceration or upon release,
 2. The individual, or parent/legal guardian of a minor being contacted, has requested in writing that the contact be stopped or restricted, and/or
 3. There is an active No Contact Order with the individual.
- B. An offender's contact with specific individuals or classes of individuals may be denied or restricted for reasons including, but not limited to:
 1. The person was a participant in a crime of conviction with the offender.
 2. A current Pre-Sentence Investigation recommends no contact.
 3. The nature of a specific treatment program requires prohibited contact with the individual or class of individuals.
 4. The individual or class of individuals has been victimized by the offender.
 - a. Offenders under 18 will not be placed in multiple occupancy cells, not including dormitories, where one of the occupants is over 18.
 5. A No Contact Order has been rescinded or does not exist, but facility management has reason to believe that allowing contact would be counter to sound correctional practices or legitimate penological objectives.



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C. An offender may be prohibited from contact with his/her own children only if the offender's Judgment and Sentence and/or a No Contact Order prohibits such contact, or if necessary to protect the children from any specific and documented threat of harm. Documentation includes, but is not limited to:

1. The written opinions of mental health professionals or Child Protective Services, and
2. Specific verified incidents of harm to the children resulting from contact with the offender while s/he was incarcerated in a Department facility.

II. Process

A. Recommendations for no contact that are not a condition of the Judgment and Sentence will be submitted to the Correctional Program Manager/Community Corrections Supervisor for approval.

1. The Counselor/Community Corrections Officer will initiate DOC 21-761 Prohibited Contact Review.
2. If the offender is receiving mental health treatment or participating in a sex offender treatment program, the provider will review DOC 21-761 Prohibited Contact Review.
3. If contact is prohibited, the Correctional Program Manager/Community Corrections Supervisor will ensure the DOC 21-761 Prohibited Contact Review is distributed to inform the offender and staff.
4. Appropriate staff will document prohibited contact information in the offender's electronic file using the no contact (NC) code.
5. In Prisons, staff responsible for documenting offender visiting information will input prohibited contact information in the Public Access System.

B. Unless the no contact provision was ordered by the court, the offender may appeal in writing to the Superintendent/Community Corrections Supervisor at the facility which initiated the order or the current facility, stating the circumstances surrounding the provision and why contact privileges should be restored.

C. If the offender is transferred to another facility, reinstatement of contact will not occur until the Superintendent/Community Corrections Supervisor of both facilities agree.

1. In the absence of concurrence, a referral may be made to the appropriate Deputy Director/Field Administrator.



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PROHIBITED CONTACT

DEFINITIONS:

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Mental Health Professional. Other words/terms appearing in this policy may also be defined in the glossary.

ATTACHMENTS:

None

DOC FORMS:

DOC 21-761 Prohibited Contact Review

APPENDIX E

modified version



RECEIVED
JUN 23 2011
SCCC Records

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF CORRECTIONAL OPERATIONS
STAFFORD CREEK CORRECTIONS CENTER
191 Constanune Way • MS: WA-39 • Aberdeen, Washington 98520 • (360) 537-1800
FAX (360) 537-1807

RE: **Prohibited Contact Notice**

Dear Ms. Gossett

Our records show that you are a visitor or the parent/guardian of Mark Gossett.

DOC 450.050 Prohibited Contact limits contact by offenders with certain individuals or classes of individuals to further legitimate penological objectives and to ensure that public safety is maintained. The Judgment and Sentence and related file material have been reviewed. Based on this review, A G Cody C and L

permission to visit Mark Gossett 317246

has been denied/terminated for the reason(s) checked below:

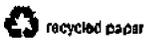
- The Judgment and Sentence prohibits contact with an individual or class of individuals during or upon release from incarceration.
- The person, or parent/legal guardian of the person is a minor, has requested in writing that the contact be stopped or restricted.
- There is an active No Contact order with an individual.
- The person is/was a participant in a crime of conviction with the offender.
- A current Pre-Sentence Investigation (PSI) recommends no contact.
- The nature of a specific treatment program requires prohibiting contact with an individual or class of individuals.
- The individual or class of individuals has/have been victimized by the offender.
- A No Contact order has been rescinded or does not exist, but facility management has reason to believe that allowing contact would be counter to sound correctional practices or legitimate penological objectives.

[Signature]
Correctional Program Manager

06/22/11
Date

cc: Offender, Central File, Visit Sergeant, Counselor, Mail Room

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14



"Working Together for SAFE Communities"
"Working Together for SAFE Communities"

DOC 450.050 (Rev. 12/10/08)

DOC 450.300

Attachment G

APPENDIX F

Samantha Gossett have both attempted to obtain permission to visit me after their eighteenth birthdays but I have not been permitted to add them to my visitation list. Upon learning this, my other adult children concluded that it was pointless to even try to gain permission to visit me because they would be denied.

4. DOC has given the following reason for denying my children the opportunity to visit me even after they reach the age of eighteen:

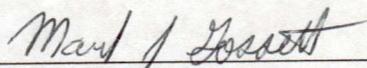
Andrew Taylor's denial was summarized by Dan Pacholke, Assistant Secretary of Prison, dated October 23, 2012:

In your letter you point out that there was a modification to the original Judgement and Sentence that allows you to participate in visiting with your children. The modification does not mandate visitation.

Samantha Anne's denial was stated in Prohibited Contact review. (See attached)

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed November 8, 2017 Aberdeen, Washington.
(date) (city)



Mark Gossett
Petitioner

APPENDIX G



RECEIVED

SEP 10 2013

Support Service CPM Office PROHIBITED CONTACT REVIEW

Name Gossett, Mark	DOC Number 317246	J & S Number 081021029
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Gossett, Mark should not be allowed contact with Samantha Gossett
Offender Name Visitor Name

per DOC 450.050 Prohibited Contact for the reason(s) checked below:

- The offender's Judgement and Sentence (J&S) prohibits contact with the individual or class of individuals during or upon release.
- The individual, or parent/legal guardian of a minor being contacted, has requested in writing that the contact be stopped or restricted.
- There is an active Order of No Contact with the individual.
- A current Pre-Sentence Investigation (PSI) recommends no contact.
- The person was a participant in a crime of conviction with the offender.
- The nature of a specific treatment program requires prohibited contact with the individual or class of individuals.
- The individual or class of individuals has been victimized by the offender.
- An Order of No Contact has been rescinded or does not exist, but facility management has reason to believe that allowing contact would be counter to sound correctional practices or legitimate penological objectives.

Comments: Offender Gossett was recently denied visitation with his Son which is described in attached documents. Daughter Samantha was approved prior to amended J&S. She has not visited since 2010.

Attachments: Amended J&S, Prohibited contact reviews, and visit record.

Weber
Counselor/CCO

9/9/13
Date

CUS Comments:

Recommend Approval
 Recommend Denial CUS Karlson

9/9/13
Date

Mental Health/SOTP (if applicable) Comments:

Recommend Approval
 Recommend Denial

Mental Health

Date

CPM/CCS Comments:

Approved

Denied

A. Shan
CPM

9-12-13
Date

Approved

Denied

CCS

Date

APPENDIX H



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF CORRECTIONAL OPERATIONS
STAFFORD CREEK CORRECTIONS CENTER

191 Constantine Way • MS: WA-39 • Aberdeen, Washington 98520 • (360) 537-1800
FAX (360) 537-1807

April 18, 2013

Mr. Andrew Gossett
6058 61st Avenue S. E.
Lacey, WA 98513

Subject: Visit Privileges – Mark Gossett, DOC #317246

Dear Mr. Gossett:

You have appealed the denial of your visit privileges with your father.

I have reviewed the file materials and note Assistant Secretary Pacholke previously denied you visit privileges and specified several specific criteria that your father must meet before he is willing to reconsider his decision. None of the issues he mentioned included your age, so the conditions he set are still applicable. At this point, your father has not yet met those criteria; therefore, I have no choice but to uphold your most recent denial.

I'm sorry this is not the answer you obviously wanted to receive; but, at this time, I cannot support your visit privileges.

Sincerely,

Pat Glebe
Superintendent

PG/gbg

cc: CPM Bohon
Visit Department
Counselor Wakefield, H-6
Central File
File

“ Working Together for SAFE Communities ”

APPENDIX I



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1100

October 28, 2011

Mark J. Gossett, DOC 317246
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, Washington 98520

Dear Mr. Gossett:

Thank you for your letter requesting visiting privileges being authorized for your children.

In your letter, you point out that there was a modification to the original Judgment and Sentence that allows you to participate in visiting with your children. The modification does not mandate visitation. Due to your conviction history and nature of the crime, I am upholding the denial of visiting privileges with your children. If you choose to submit to a sexual deviancy evaluation and participate in Sex Offender Treatment Program during your incarceration, this issue may be reconsidered. Unless this provision is met, all of your appeal opportunities have been exhausted.

Respectfully,

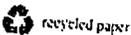
A handwritten signature in black ink, appearing to read "Dan Pacholke".

Dan Pacholke, Director
Prisons Division

DP:ew:SEC10098

cc Pat Glebe, Superintendent
Sally Neiland, Sex Offender Treatment Program Manager
Liza Rohrer, Visiting
Denise Brewer, Classification Counselor 2
Offender File

"Working Together for SAFE Communities"



Attachment I

LAW OFFICE OF SKYLAR BRETT

December 15, 2017 - 11:33 AM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 49525-2
Appellate Court Case Title: Personal Restraint Petition of Mark Gossett
Superior Court Case Number: 08-1-02102-9

The following documents have been uploaded:

- 495252_Briefs_20171215113056D2232537_6514.pdf
This File Contains:
Briefs - Petitioners
The Original File Name was Gossett Supplemental Brief.pdf

A copy of the uploaded files will be sent to:

- Liseellnerlaw@comcast.net
- aaronw@atg.wa.gov

Comments:

Sender Name: Valerie Greenup - Email: valerie.skylarbrett@gmail.com

Filing on Behalf of: Skylar Texas Brett - Email: skylarbrettlawoffice@gmail.com (Alternate Email: valerie.skylarbrett@gmail.com)

Address:
PO Box 18084
Seattle, WA, 98118
Phone: (206) 494-0098

Note: The Filing Id is 20171215113056D2232537