

**COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:  
  
MARK JONATHAN GOSSETT,  
  
Petitioner.

RESPONSE OF THE  
DEPARTMENT OF  
CORRECTIONS

The Respondent, Department of Corrections (Department or DOC), through its attorneys, ROBERT W. FERGUSON, Attorney General, and AARON WILLIAMS, Assistant Attorney General, hereby responds to the Personal Restraint Petition (PRP) of Mark Jonathan Gossett.

**I. BASIS FOR INCARCERATION**

The Petitioner, Mark Jonathan Gossett, DOC #317246, is currently in the custody of DOC at the Stafford Creek Corrections Center (SCCC) pursuant to a valid judgment and sentence for two counts of second degree rape of a child and two counts of second degree child molestation. Exhibit 1, Declaration of Katrina Toal, Attachment A, Offender Management Network Information (OMNI), excerpts of Legal Face Sheet, pp. 1, 4-5. Mr. Gossett's potential early release date is September 6, 2027. Exhibit 1, Attachment A, p. 1. Mr. Gossett is not directly challenging his underlying conviction in this petition.

## II. STATEMENT OF FACTS

Mr. Gossett filed this PRP claiming the conditions or manner of his restraint are unlawful pursuant to RAP 16.4(c)(6). Brief of Petitioner at 4. Mr. Gossett's sole ground for relief is that he believes the Department is unlawfully withholding his visitation privileges with his children in violation of Department policy. Brief of Petitioner at 10.

On October 12, 2010, Ms. Liza Rohrer, then a Correctional Program Manager at Stafford Creek Corrections Center (SCCC), received an email from Pat Glebe, then Superintendent at SCCC, asking that she look into an email Mr. Glebe had received from Linda Gossett, wife to the Plaintiff in regard to a visitation issue. Exhibit 2, Declaration of Liza Rohrer, ¶ 3. Ms. Rohrer reviewed the email from Ms. Gossett and related electronic files noting that the children had been denied visitation on June 27, 2010, while Mr. Mark Gossett was housed at the Washington Corrections Center (WCC). Exhibit 2, ¶ 3.

DOC Policy 450.300 Visits for Prison Offenders. (effective 02/01/2010) (XIII.) Appeals for Visiting Privileges, states, "(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”. Exhibit 2, Attachment A, DOC Policy 450.300, effective February 1, 2010. Ms. Rohrer reviewed DOC records and did not see that Ms. Gossett had appealed the denial of visiting privileges. Exhibit 2, ¶ 4. She sent an email to the visitation coordinator Andrew Burke to ask the status of the visiting applications and whether or not the Department had received an appeal letter. Mr. Burke responded that visitation applications for the minor children had been denied at WCC and that Ms. Gossett had been informed that she needed to submit an appeal letter and a copy of any amended Judgment and Sentence. Ms. Rohrer was able to locate a copy of the amended Judgment and Sentence in the Department’s electronic database. She reviewed Mr. Gossett’s criminal history noting his conviction for Rape of a Child 2nd (2 counts) and Child Molestation 2nd, (2 Counts). She also reviewed the original Judgment and Sentence cause No. 08-1-02102-9 and the amended Judgment and Sentence dated August 4, 2010. Exhibit 2, ¶ 4; Exhibit 2, Attachment B, original judgment in cause No. 08-1-02102-9; Exhibit 2, Attachment C, Order Amending and Clarifying Judgment and Sentence in cause No. 08-1-02102-9 dated August 4, 2010.

The Judgment and Sentence indicated in section 4.4, “[a]ll conditions contained in Appendix ‘H’ are hereby incorporated by reference to this J and S and are in full force and effect. Defendant shall

complete certified sexual deviancy treatment. Defendant shall have no contact with any minor, including his own adopted or biological children”.

Exhibit 2, Attachment B at 5. The Order Amending and Clarifying Judgment and Sentence dated 08/04/2010 stated the following:

for an Order Modifying and clarifying the Judgment and Sentence to make sure the Defendant, MARK GOSSETT is allowed to have visitation with his children, as supervised by the Department of Corrections, during normal visitation in accordance with the rules and regulations of the Department of Correction’s; that the Court having reviewed the files and records contained herein and being otherwise fully advised in the premises, now, therefore, it is hereby

ORDERED that the Judgment and Sentence entered by the above entitled Court on June 10, 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 facility in which the Defendant is housed;

That the children will not have visitation alone with the Defendant and such visitation shall be supervised by the Department of Correction’s personnel in the normal course of the visitation process followed by the Department of Correction’s facility the Defendant is in;

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.

Exhibit 2, Attachment C.

Per DOC Policy 450.300 Visits for Prison Offenders (effective 02/01/2010) section (VII) Who May not Visit, states at A.3: “[p]ersons 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”. Exhibit 2, Attachment A at 8. Ms. Rohrer states, “consistent with legitimate penological objectives and the goal of protecting public safety, the Department does not generally allow visitation which requires supervision”. Exhibit 2, ¶ 7. And while, the amended Judgment and Sentence language indicates that visitation could occur in accordance with the rules and regulations of the Department, it is not typical for DOC to allow such contact that requires supervision. Exhibit 2, ¶ 7; Attachment C at 2. Accordingly, Ms. Rohrer prepared a quick report to Superintendent Glebe advising him that this case should be reviewed by the Facility Risk Management Team (FRMT) assigned to Mr. Gossett for a possible prohibited contact review. Exhibit 2, ¶ 7.

On October 14, 2010, the FRMT reviewed Mr. Gossett’s file material and criminal history as part of a Prohibited Contact Review. Exhibit 2, ¶ 8. They noted that Mr. Gossett’s Judgment and Sentence prohibits contact with the individual or class of individuals during or upon release. Exhibit 2, ¶ 8. They also noted that an order of no contact was rescinded or did not exist, but facility management has reason to believe that allowing contact would be counter to sound correctional practices or legitimate penological objectives. Exhibit 2, ¶ 8. The FRMT chaired by Correctional Unit Supervisor, Greg Jones, recommended denial of contact

between the Mr. Gossett and his adopted/biological children for the purpose of visitation. Exhibit 2, ¶ 8; Attachment D, Prohibited Contact Review regarding Mr. Gossett dated October 14, 2010.

Ms. Rohrer upheld the FRMT's recommendation stating:

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 3<sup>rd</sup> of a Child which was later pled down to an Assault 4<sup>th</sup> DV. [Pre-sentence Investigation] 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 [restriction] between this offender and minor aged children.

Exhibit 2, ¶ 9; Attachment D.

DOC Policy 450.050 Prohibited Contact, effective date (08/30/2010), Policy at I. states: "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.” Exhibit 2, ¶ 10; Attachment E, DOC Policy 450.050. DOC Policy 450.050, Directive Section I.C., states, “[a]n 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”. Exhibit 2, ¶ 11; Attachment E at 3. This section goes on to state, “[d]ocumentation 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 . . . .” Exhibit 2, Attachment E at 3.

Ms. Rohrer explains that this is a case where DOC has made the decision that restricting Mr. Gossett from visitation privileges with his children is necessary to protect the children from a specific threat of harm. Exhibit 2, ¶¶ 12, 16. The visiting room at SCCC in 2010 holds over 75 tables which can hold 75 offenders and up to 300 visitors. Exhibit 2, ¶ 12. Ms. Rohrer explains that the visitation department has a total of 4 Correctional Officers and one Correctional Sergeant assigned to monitor up to 375 people. Exhibit 2, ¶ 12. One officer is assigned the public access position located in a building separate from the visiting room. Exhibit 2, ¶

12. This officer processes in and out the visitors. Exhibit 2, ¶ 12. One officer is assigned the back strip area of the visitation building and is separated from the visitors by a door and long hallway. Exhibit 2, ¶ 12. This officer monitors the video screens and processes offenders into/out of the visitation room. Exhibit 2, ¶ 12. Two officers are assigned to monitor the offenders/visitors in the visiting room. Exhibit 2, ¶ 12. They also have responsibility to open doors, assign seating for visitors/offenders, process paperwork, and allow visitors/offenders the use of restroom facilities. Exhibit 2, ¶ 12. Based on the limited staffing and inability to directly monitor offenders/visitors at all times, the facility does not allow supervised visiting. Exhibit 2, ¶ 12. Ms. Rohrer explains that SCCC has had incidents where offenders have assaulted visitors or engaged in inappropriate sexual behaviors while in the visiting room as it is difficult to monitor so many people at one time. Exhibit 2, ¶ 12.

On March 18, 2011, Ms. Rohrer received an email from staff member Bill Tuffree in the mailroom at SCCC. Mr. Tuffree had questions regarding the prohibited contact and asked if it pertained to mail. Exhibit 2, ¶ 13. Ms. Rohrer reviewed the prohibited contact notice she signed on October 14, 2010. Exhibit 2, ¶ 13. It indicated, “[t]his notice includes a prohibition against visits, correspondence, telephone calls and use of third party to communicate. This prohibited contact decision may be appealed

to the Superintendent”. Exhibit 2, ¶ 13; Attachment F, October 14, 2010 Prohibited Contact Notice. Ms. Rohrer checked with the Superintendent’s office and was told that the offender or family had not appealed the prohibited contact. Exhibit 2, ¶ 13. Ms. Rohrer modified the Prohibited Contact Notice to remove the language prohibiting correspondence, telephone calls and the use of a third party. Exhibit 2, ¶ 13, Attachment G June 22, 2011 modified Prohibited Contact Notice regarding Mr. Gossett.

On October 26, 2011, Mr. Gossett appealed the denial of visiting to the Assistant Secretary of Prisons. Exhibit 2, ¶ 14. At that time, the DOC Family Service Department recommended that the visits be denied between Mr. Gossett and the minor children. Exhibit 2, ¶ 14. They noted in their appeal tracking sheet:

The case has been vetted with the SOTP Manager, Sally Neiland. She says: “I have reviewed the attachments as well as the J&S, Prohibitive Contact and PSI. This is a complicated case. I have a long list of concerns which include two items in the J&S. To date, Mr. Gossett has not fulfilled 1) Obtain a sex offender evaluation .... 12) Do not enter into a relationship with any person who has minors in their care or custody without approval of your assigned CCO or SOTP (this includes his wife). This alone backs up the current Prohibitive Contact.

Of concern is that Mr. Gossett all file material I have had access to indicates that he continues to deny his sexual offending and refer to the victim as a ‘liar and a bad Christian.’ In addition, even though his ERD is very far out, he has not acknowledged his behavior nor has he made attempt to apply for SOTP.

In addition to that Mr. Gossett not only has 2 ROC 2 convictions and 2 Child Molest 2 convictions as well as a DV 4 conviction. In addition file material indicates that his wife 'beat the victim with a belt and a spoon.' I do not believe that DOC visitation staff should hold the responsibility for supervision of these minor children given the circumstances, and the attention they must pay to a full visiting room. The liability for the children, the visiting staff and the DOC seems to outweigh the visit request.

A suggestion would be to allow for written correspondence to be reviewed both outgoing and incoming do he can maintain safe and observable contact with the children.

Exhibit 2, ¶ 14; Attachment H, October 26, 2011 Appeal Tracking Sheet.

The Department's Deputy Director Dan Pacholke upheld the visiting denial on October 28, 2011, noting in a letter with that date:

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.

Exhibit 2, ¶ 15; Attachment I, October 28, 2011 Pacholke letter.

In summary, Ms. Rohrer explains that the denial to allow Mr. Gossett visits from minor aged children was made after review of a Pre-Sentence Investigation, Police Reports, and a review of both the original and amended Judgment and Sentence. Exhibit 2, ¶ 16. The decision took

into consideration Mr. Gossett's Rape of a Child and Child Molestation convictions as well as a previous conviction for Assault IV, Domestic Violence against a minor aged child. Exhibit 2, ¶¶ 9, 16, Attachment D. Both the sexual offenses and the assault offense involved minor aged children who were in the care of Mr. and Ms. Gossett. Exhibit 2, ¶ 16. Further, the police reports and the pre-sentencing investigation indicated that the victim of the Rape of Child offenses had indicated that Ms. Gossett had abused her physically. Exhibit 2, ¶ 16. Staff who supervise the visiting room do not have the ability to provide direct observation of the family during the entire visitation period which can place the minor children at risk for further victimization. Exhibit 2, ¶ 16.

Ms. Rohrer explains that it is common in prison for inmates with convictions for child rape, child molestation, or domestic violence against children to be restricted from visiting minor children, including their own children. Exhibit 2, ¶ 17. This is particularly true where, as here, the inmate has victimized his own adopted children. Exhibit 2, ¶ 17. This is not done for arbitrary reasons but rather because of the legitimate fear on the part of Department staff and society at large that permitting such visitation risks further victimization of children. Exhibit 2, ¶ 17. Any individual committing these offenses in Washington can expect that he or

she will likely be restricted from visiting minor children, including his own children, as an ordinary incident of prison life. Exhibit 2, ¶ 17.

### **III. STATEMENT OF ISSUES**

1. Whether Mr. Gossett's petition should be dismissed because he has failed to show that he is being unlawfully restrained?

### **IV. EVIDENCE RELIED UPON**

Exhibit 1: Declaration of Katrina Toal

Attachment A: Offender Management Network Information (OMNI), *excerpts* of Legal Face Sheet.

Exhibit 2: Declaration of Liz Rohrer

Attachment A: DOC Policy 450.300, effective February 1, 2010;

Attachment B: Original Judgment and Sentence in cause No. 08-1-02102-9;

Attachment C: Order Amending and Clarifying Judgment and Sentence in cause No. 08-1-02102-9 dated August 4, 2010;

Attachment D: Prohibited Contact Review regarding Mr. Gossett dated October 14, 2010;

Attachment E: DOC Policy 450.050;

Attachment F: October 14, 2010 Prohibited Contact Notice;

Attachment G: June 22, 2011 modified Prohibited Contact Notice regarding Mr. Gossett;

Attachment H: October 26, 2011 Appeal Tracking Sheet;  
and

Attachment I; October 28, 2011 Pacholke letter.

## V. STANDARD OF REVIEW

To prevail on a PRP alleging constitutional error, the petitioner must show he or she is under restraint and the restraint is unlawful under the provisions of RAP 16.4(c). *In re Dyer*, 143 Wn.2d 384, 391–92, 20 P.3d 907, 911 (2001). A petitioner is under a "restraint" if the petitioner has limited freedom because of a court decision in a civil or criminal proceeding, the petitioner is confined, the petitioner is subject to imminent confinement, or the petitioner is under some other disability resulting from a judgment or sentence in a criminal case. RAP 16.4(b). Mr. Gossett has been restrained; he is incarcerated. Where, as here, a petitioner contests the conditions or manner of confinement, he or she must demonstrate the unlawful nature of restraint by showing “[t]he conditions or manner of the restraint are in violation of the Constitution of the United States or the Constitution or laws of the State of Washington . . . .” RAP 16.4(c)(6). Conclusory allegations of constitutional violations are insufficient to support a personal restraint petition. *In re Cook*, 114 Wn.2d 802, 813, 792 P.2d 506 (1990).

When reviewing a PRP, such as this one, that challenges administrative decision-making in prison, review is properly limited to determining whether the action taken was arbitrary and capricious. *In re Dyer*, 143 Wn.2d at 395. A decision is arbitrary and capricious only if the agency's action is wholly unsupported. *In re Stockwell*, 28 Wn. App. 295, 302, 622 P.2d 910 (1981).

## VI. ARGUMENT

### A. Mr. Gossett Does Not Have Protected Liberty Interest In Visitation With His Children

Protected liberty interests “may arise from two sources—the Due Process Clause itself and the laws of the States.” *Ky. Dep’t of Corrections v. Thompson*, 490 U.S. 454, 460, 109 S. Ct. 1904, 104 L. Ed. 2d 506 (1989) (quoting *Hewitt v. Helms*, 459 U.S. 460, 103 S. Ct. 864, 74 L. Ed. 2d 675 (1983)). In his opening brief, Mr. Gossett affirmatively states that he is not challenging the constitutionality of DOC’s visitation policies. Brief of Petitioner at 10. Instead he states that he “is challenging the constitutionality of the Department’s disregard of its own regulatory directives in denying him visitation with any of his children, and thus denying him the 14th Amendment due process liberty interest created by those rules.” Brief of Petitioner at 10. So the operative question before the Court here is whether Mr. Gossett can establish a constitutional violation

based on a protected liberty interest created by a state policy rather than the Due Process Clause itself.

Mr. Gossett relies on *Mendoza v. Blodgett*, 960 F.2d 1425 (9th Cir. 1992) and *Thompson*, 490 U.S. at 462, for the proposition that a state law may create a liberty interest through “explicitly mandatory language” in connection with the establishment of “specified substantive predicates” to limit discretion. Petitioner’s Brief at 11. However, these cases are inapposite because, as explained by the Court in *Dyer*, they enunciate the rule of law that existed prior to *Sandin v. Conner*, 515 U.S. 472, 115 S. Ct. 2293, 132 L. Ed. 2d 418 (1995). *In re Dyer*, 143 Wn.2d at 393.

In *Sandin*, the United States Supreme Court held that liberty interests are not created by negative implications from mandatory language in prison regulations. *Sandin*, 515 U.S. at 484. Rather, to create a liberty interest, the action taken must be an atypical and significant deprivation from the normal incidents of prison life. *Id.*

Here, Mr. Gossett cannot show that the restriction on his visitation privileges with his children is “an atypical and significant deprivation from the normal incidents of prison life”. *Id.* Mr. Gossett has been convicted of and is currently serving a sentence for two counts of second degree rape of a child and two counts of second degree child molestation. Exhibit 1, Attachment A, pp. 1, 5-6. He also has a previous conviction for

Domestic Violence against one of his own minor aged children. Exhibit 2, ¶¶ 9, 16, Attachment D.

Ms. Rohrer explains that it is common in prison for inmates with convictions for child rape, child molestation, or domestic violence against children to be restricted from visiting minor children, including their own children. Exhibit 2, ¶ 17. This is particularly true where, as here, the inmate has victimized his own adopted children. Exhibit 2, ¶ 17. Any individual committing these offenses in Washington can expect that he or she will likely be restricted from visiting minor children, including his own children, as an ordinary incident of prison life. Exhibit 2, ¶ 17. So the restriction on Mr. Gossett’s ability to visit his children is not an “an atypical and significant deprivation from the normal incidents of prison life” and he does not have liberty interest in such visitation. His Petition should be denied on this ground alone. *Sandin*, 515 U.S. at 484.

**B. Even if DOC Policies Did Create A Liberty Interest, There Would Be No Constitutional Violation Because The Department Did Not Violate Its Own Policy**

Mr. Gossett claims that he is constitutionally entitled to visitation privileges with his children because the Department disregarded its own regulatory directives. Brief of Petitioner at 10. However, a close look at DOC policy reveals that it was never disregarded.

DOC Policy 450.050, Directive Section I.C., states:

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 . . . .

Exhibit 2, ¶ 11; Attachment E at 3. Exhibit 2, Attachment E at 3. The decision to deny Mr. Gossett visits with minor aged children was based on documented threats of harm to the children resulting from contact. Specifically, it was based on the Pre-Sentence Investigation, Police Reports, and a review of both the original and amended Judgment and Sentence, which documented Mr. Gossett's convictions for Rape of a Child and Child Molestation as well as a previous conviction for Assault IV, Domestic Violence against a minor aged child. Exhibit 2, ¶ 16. The decision was also based on police reports and the pre-sentencing investigation indicating that the victim of the Rape of Child offenses had claimed that Ms. Gossett had abused her physically. Exhibit 2, ¶ 16. So the decision to restrict Mr. Gossett's visitation privileges was wholly consistent with DOC policy.

In his Brief, Mr. Gossett claims, "the Superior Court that sentenced Gossett has formalized its conclusion that there is no such threat [of harm

to the children] by issuing the Order allowing the children to visit with no special supervision or restriction other than the normal supervision provided in all visits to correctional facilities by the general public”. Brief of Petitioner at 18. But as explained above there are specific verified incidents of harm to the children resulting from contact. Exhibit 2, ¶ 16. The Superior Court’s Order Amending and Clarifying Judgment and Sentence applies to Mr. Gossett, not to the Department<sup>1</sup>. Moreover, it is the Department’s decision, not the Superior Court’s amendment of Mr. Gossett’s Judgment and Sentence that is being reviewed here.

Mr. Gossett would have this Court weigh the Superior Court’s Order Amending and Clarifying Judgment and Sentence against his documented convictions for child rape, child molestation, and domestic violence against a child to reach the conclusion that prohibiting contact between Gossett and his children is not necessary to protect the children from any specific and documented threat of harm. Petitioner’s Brief at 18. But, as explained above, the Court’s review here is limited to determining whether the action taken was arbitrary and capricious. *Dyer*, 143 Wn.2d at 395. A decision is arbitrary and capricious only if the agency’s action is wholly unsupported. *Stockwell*, 28 Wn. App. at 302. Mr. Gossett’s

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<sup>1</sup> The Department was not a party to Mr. Gossett’s criminal matter and the Superior Court did not order the Department to permit Mr. Gossett to have supervised visits with minor aged children in the SCCC visitation room nor would it have had jurisdiction to do so.

visitation restrictions are supported, inter alia, by his documented convictions so the Department's decision is not "wholly unsupported" and, therefore, it is not arbitrary and capricious. Exhibit 2, ¶ 17.

**C. Even If Mr. Gossett Were Challenging the Constitutionality Of The DOC Policy Which Permits His Visitation Restriction, His Claim Would Fail Under A *Turner* Analysis**

In his Brief, Mr. Gossett claims that *Stanley v. Illinois*, 405 U.S. 645, 651, 92 S. Ct. 1208, 31 L. Ed. 2d 551 (1972) stands for the proposition that the United States Supreme Court recognized a parent's fundamental right to the companionship and society of his or her child through the Due Process Clause of the Fourteenth Amendment. Petitioner's Brief at 8. But that case did not involve a prisoner; it involved a father who had his parental rights terminated simply because he was unwed. *Stanley*, 405 U.S. at 647. And the word "fundamental" appears nowhere in that opinion. Rather it states, "[t]he private interest here, that of a man in the children he has sired and raised, undeniably warrants deference and, absent a powerful countervailing interest, protection." *Id.* at 651. Here the documented evidence of child molestation, child rape, and violence against his own children obviously provides such a "powerful countervailing interest".

Moreover, applied to prisoners, relevant authority is even more definitive. As explained by the Supreme Court, "outside the prison

context, there is some discussion in our cases of a right to maintain certain familial relationships, including association among members of an immediate family and association between grandchildren and grandparents.” *Overton v. Bazzetta*, 539 U.S. 126, 131, 123 S. Ct. 2162, 2167, 156 L. Ed. 2d 162 (2003). But prison cases are not appropriate cases for further elaboration of those matters. *Id.* “The very object of imprisonment is confinement”. *Id.* Many of the liberties and privileges enjoyed by other citizens must be surrendered by the prisoner. *Id.* An inmate does not retain rights inconsistent with proper incarceration. *Id.* And Supreme Court cases have established that freedom of association is among the rights least compatible with incarceration. *Id.*

The *Overton* Court went on to apply the *Turner* factors to determine that restrictions on visitation with children “bear a rational relation to [prison administrators’] valid interests in maintaining internal security and protecting child visitors from exposure to sexual or other misconduct”. *Id.* at 133. Under *Turner*, when a prison regulation impinges on inmates’ constitutional rights, the regulation is valid if it is reasonably related to legitimate penological interests. *Turner v. Safley*, 482 U.S. 78, 89, 107 S. Ct. 2254, 2261, 96 L. Ed. 2d 64 (1987).

The *Turner* Court identified four factors for determining whether a prison regulation or practice is reasonably related to a legitimate

penological interest. *Id.* at 89–91. Accordingly, this Court should consider the following *Turner* factors: (1) whether there is a valid, rational connection between the regulation and the interest used to justify the regulation; (2) whether prisoners retain alternative means of exercising the right at issue; (3) the impact the requested accommodation will have on inmates, prison staff, and prison resources generally; and (4) whether the prisoner has identified easy alternatives to the regulation which could be implemented at a minimal cost to legitimate penological interests. *Id.*

In this case, there is a rational connection between the DOC regulation, which permits Mr. Gossett’s visitation privileges to be restricted, and legitimate penological interests. Specifically, the legitimate penological interest here is the interest the Department has in preventing the risk of further victimization of children. So the first *Turner* factor weighs in favor of the Department’s policy. Exhibit 2, ¶ 17. Mr. Gossett is still able to communicate with his children through correspondence so there is an alternative means of permitting Mr. Gossett to communicate with his children and the second *Turner* factor weighs in favor of the Department. Exhibit 2, ¶ 13.

Third, permitting Mr. Gossett visitation privileges in the visitation room at SCCC would clearly impact inmates, prison staff, and prison resources generally because there is limited staffing and consequently an

inability to directly monitor offenders/visitors at all times at SCCC. Exhibit 2, ¶ 12. SCCC has had incidents where offenders have assaulted visitors or engaged in inappropriate sexual behaviors while in the visiting room as it is difficult to monitor so many people at one time, so the third *Turner* factor weighs in favor of the Department. Exhibit 2, ¶ 12. Finally, the fourth *Turner* factor weighs in favor of the Department because Mr. Gossett has not identified easy alternatives to the regulation which could be implemented at a minimal cost to legitimate penological interests. Accordingly, under these circumstances, Mr. Gossett has no constitutional right to visit his children.

**D. Mr. Gossett's Petition Should Also Be Dismissed Because He Has Other Adequate Remedies At Law**

RAP 16.4(d) states that, "The appellate court will only grant relief by a personal restraint petition if other remedies which may be available to petitioner are inadequate under the circumstances and if such relief may be granted under RCW 10.73.090, or .100."

RCW 10.73.090 and .100 deal with the time frames within which an inmate must initiate collateral attack on his underlying conviction, one year. However, Mr. Gossett is not collaterally attacking his underlying conviction, therefore, that portion of RAP 16.4(d) is inapplicable to him.

The Department has found no cases directly on point as to what constitutes the adequacy of other remedies referred to in RAP 16.4(d).<sup>2</sup> However, it contends the personal restraint petition process was intended solely for situations where an inmate is under some form of restraint, or will be imminently restrained, therefore personal restraint petitions are designed to be decided quickly. But Mr. Gossett is not under any current or imminent unlawful restraint in this Petition, therefore the personal restraint petition process is inappropriate.

Rather, Mr. Gossett's claim raises some allegations of constitutional violations unrelated to his restraint. In this case, Mr. Gossett clearly has other adequate remedies available to him to secure the relief he seeks in the form of a 42 U.S.C. § 1983 action for violation of his due process rights. Such issues are more appropriately addressed in a civil litigation where time is needed to investigate the claims, retain experts, interview witnesses and conduct discovery. Because this matter is more appropriately litigated in a civil rights lawsuit, Mr. Gossett has another adequate legal remedy and RAP 16.4(d) mandates dismissal of his petition.

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<sup>2</sup> In *In re Arseneau*, 98 Wn. App. 368, 989 P.2d 1197 (1999), the court held the petitioner was not required to exhaust his civil remedies before filing a personal restraint petition. 98 Wn. App. at 374. Respondent is not contending RAP 16.4(d) requires exhaustion of civil remedies before filing a petition just that if a petitioner has other adequate remedies, and those remedies are better suited to petitioner's claims, he should be required to avail himself of such remedies.

## VII. CONCLUSION

For the reasons stated above, the Respondent respectfully requests that Mr. Gossett's Personal Restraint Petition be denied.

RESPECTFULLY SUBMITTED this 20th day of January, 2017.

ROBERT W. FERGUSON  
Attorney General

s/ Aaron Williams

AARON WILLIAMS, WSBA #46044

Assistant Attorney General

Corrections Division, OID #91025

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**CERTIFICATE OF SERVICE**

I certify that on the date below I caused to be electronically filed the foregoing RESPONSE OF THE DEPARTMENT OF CORRECTIONS with the Clerk of the Court using the electronic filing system and I hereby certify that I have mailed by United States Postal Service the document to the following non electronic filing participant:

MARK JONATHAN GOSSETT DOC #317246  
STAFFORD CREEK CORRECTIONS CENTER  
191 CONSTANTINE WAY  
ABERDEEN WA 98520

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED this 20th day of January, 2017, at Olympia, Washington.

s/ Katrina Toal  
KATRINA TOAL  
Legal Assistant 3  
Corrections Division  
PO Box 40116  
Olympia WA 98504-0116  
(360) 586-1445  
KatrinaT@atg.wa.gov

Exhibit 1

NO. 49525-2-II

**COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:  
  
MARK JONATHAN GOSSETT,  
  
Petitioner.

DECLARATION OF  
KATRINA TOAL

I, KATRINA TOAL, make the following declaration:

1. I am a legal secretary with the Corrections Division of the Attorney General's Office in Olympia, Washington. I have knowledge of the facts stated herein and am competent to testify.

2. I am familiar with the Offender Management Network Information system (OMNI) used by the Department of Corrections (DOC). I am authorized by the DOC to retrieve information from OMNI. Among other things, information regarding an offender's location, custody, birth date, sentence, infractions and grievances are entered and tracked in OMNI. Attached to this declaration is a true and correct copy of a document which I obtained from OMNI for Jonathan Gossett, DOC #317246:

Attachment A: OMNI Legal Face Sheet, *excerpts*

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED this 19th day of January, 2017, at Olympia, Washington.

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KATRINA TOAL

Attachment A



|                   |                      |                 |                 |           |
|-------------------|----------------------|-----------------|-----------------|-----------|
| Count Start Date: | Supervision Length:  | Length In Days: | Count End Date: | Stat Max: |
| 12/29/2019        | Life                 | Life            |                 | Life      |
| Violent Offense?  | DW / FA Enhancement? | Anticipatory:   |                 |           |
| Yes               | N                    |                 |                 |           |

**Count: 2 – RCW 9A.44.076 – Rape of a Child 2**

|                   |                      |                 |                 |           |
|-------------------|----------------------|-----------------|-----------------|-----------|
| Count Start Date: | Supervision Length:  | Length In Days: | Count End Date: | Stat Max: |
| 12/29/2019        | Life                 | Life            |                 | Life      |
| Violent Offense?  | DW / FA Enhancement? | Anticipatory:   |                 |           |
| Yes               | N                    |                 |                 |           |

**Cause: AC – 081021029 – Thurston**

|                            |                   |                     |                          |
|----------------------------|-------------------|---------------------|--------------------------|
| Convicted Name:            | Date Of Sentence: | Cause Status:       | Offense Category:        |
| Mark Gossett               | 06/10/2010        | Active              | Sex Crimes               |
| Distinct Supervision Type: | Start Date:       | Scheduled End Date: | Consecutive Supervision: |
| CCP                        | 12/29/2019        | 12/28/2022          |                          |

**Count: 3 – RCW 9A.44.086 – Child Molestation 2**

|                   |                      |                 |                 |            |
|-------------------|----------------------|-----------------|-----------------|------------|
| Count Start Date: | Supervision Length:  | Length In Days: | Count End Date: | Stat Max:  |
| 12/29/2019        | 0Y, 36M, 0D          | 1,095           | 12/28/2022      | 01/06/2028 |
| Violent Offense?  | DW / FA Enhancement? | Anticipatory:   |                 |            |
| No                | N                    |                 |                 |            |

**Count: 4 – RCW 9A.44.086 – Child Molestation 2**

|                   |                      |                 |                 |            |
|-------------------|----------------------|-----------------|-----------------|------------|
| Count Start Date: | Supervision Length:  | Length In Days: | Count End Date: | Stat Max:  |
| 12/29/2019        | 0Y, 36M, 0D          | 1,095           | 12/28/2022      | 01/06/2028 |
| Violent Offense?  | DW / FA Enhancement? | Anticipatory:   |                 |            |
| No                | N                    |                 |                 |            |

**Sentence Structure (Inmate)**

**Cause: AB – 081021029 – Thurston**

|                  |                     |                      |                    |
|------------------|---------------------|----------------------|--------------------|
| State:           | Convicted Name:     | Date Of Sentence:    | Consecutive Cause: |
| Washington       | Mark Gossett        | 06/10/2010           |                    |
| Time Start Date: | Confinement Length: | Earned Release Date: |                    |
| 06/11/2010       | 0Y, 245M, 0D        | 09/06/2027           |                    |

**Count: 1 – RCW 9A.44.076 – Rape of a Child 2**

|                   |                     |                    |            |                     |        |            |                  |             |                  |
|-------------------|---------------------|--------------------|------------|---------------------|--------|------------|------------------|-------------|------------------|
| Anticipatory:     | Modifier:           | Enhancement:       | Mandatory: | Confinement Length: | ERT %: | ERD:       | MaxEx:           | Stat Max:   | Violent Offense? |
|                   |                     |                    |            | 0Y, 245M, 0D        | 15.00% | 09/06/2027 | Life             | Life        | Yes              |
| Supervision Type: | Supervision Length: | Consecutive Count: |            |                     |        |            | Hold To Stat Max | Expiration: |                  |
| CCB               | Life                |                    |            |                     |        |            |                  |             |                  |

**Count: 2 – RCW 9A.44.076 – Rape of a Child 2**

|               |           |              |            |                     |        |      |        |           |                  |
|---------------|-----------|--------------|------------|---------------------|--------|------|--------|-----------|------------------|
| Anticipatory: | Modifier: | Enhancement: | Mandatory: | Confinement Length: | ERT %: | ERD: | MaxEx: | Stat Max: | Violent Offense? |
|---------------|-----------|--------------|------------|---------------------|--------|------|--------|-----------|------------------|

Supervision Type: CCB  
 Supervision Length: Life  
 Consecutive Count: 0Y, 245M, 0D  
 Hold To Stat Max Expiration: 15.00% 09/06/2027 Life Life Yes

**Cause: AC – 081021029 – Thurston**

State: Washington  
 Convicted Name: Mark Gossett  
 Date Of Sentence: 06/10/2010  
 Consecutive Cause:  
 Time Start Date: 06/11/2010  
 Confinement Length: 0Y, 116M, 0D  
 Earned Release Date: 10/17/2016

**Count: 3 – RCW 9A.44.086 – Child Molestation 2**

Anticipatory: Modifier: Enhancement: Mandatory: Confinement Length: 0Y, 116M, 0D  
 ERT %: 33.33%  
 ERD: 10/17/2016  
 MaxEx: 12/29/2019  
 Stat Max: 01/06/2028  
 Violent Offense? No  
 Supervision Type: CCP  
 Supervision Length: 0Y, 36M, 0D  
 Consecutive Count:  
 Hold To Stat Max Expiration:

**Count: 4 – RCW 9A.44.086 – Child Molestation 2**

Anticipatory: Modifier: Enhancement: Mandatory: Confinement Length: 0Y, 116M, 0D  
 ERT %: 33.33%  
 ERD: 10/17/2016  
 MaxEx: 12/29/2019  
 Stat Max: 01/06/2028  
 Violent Offense? No  
 Supervision Type: CCP  
 Supervision Length: 0Y, 36M, 0D  
 Consecutive Count:  
 Hold To Stat Max Expiration:

**Conditions**

**Cause: AB – 081021029 – Thurston**

| Condition Name               | Narrative | Imposing Authority | Effective Date | End Date |
|------------------------------|-----------|--------------------|----------------|----------|
| Advise CCO-Change/Address    |           | Court Ordered      | 06/11/2010     |          |
| Advise CCO-Change/Employment |           | Court Ordered      | 06/11/2010     |          |
| Advise CCO-Prescribed Meds   |           | Court Ordered      | 06/11/2010     |          |
| Alcohol-Consume              |           | Court Ordered      | 06/11/2010     |          |
| Alcohol-Possession           |           | Court Ordered      | 06/11/2010     |          |
| Alcohol-Use                  |           | Court Ordered      | 06/11/2010     |          |
| Breathalyzer                 |           | Court Ordered      | 06/11/2010     |          |
| CCO-Report                   |           | Court Ordered      | 06/11/2010     |          |
| Comply-Affirmative Acts      |           | Court Ordered      | 06/11/2010     |          |
| Controlled Substance-Consume |           | Court Ordered      | 06/11/2010     |          |
| Controlled Substance-Possess |           | Court Ordered      | 06/11/2010     |          |
| DNA Testing                  |           | Court Ordered      | 06/11/2010     |          |
| Evaluation/Mental Health     |           | Court Ordered      | 06/11/2010     |          |
| Geographic Boundary          |           | Court Ordered      | 06/11/2010     |          |
| HIV Testing                  |           | Court Ordered      | 06/11/2010     |          |
| Home Visit                   |           | Court Ordered      | 06/11/2010     |          |
| Location-No Sex Related      |           | Court Ordered      | 06/11/2010     |          |
| Location-Parks/Playgrnd/Schl |           | Court Ordered      | 06/11/2010     |          |

Exhibit 2

**COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

MARK JONATHAN GOSSETT,

Petitioner.

DECLARATION OF  
LIZA ROHRER

I, LIZA ROHRER, make the following declaration:

1. I have knowledge of the facts herein, am over eighteen years of age, and am competent to testify to such facts. I am not a party to this lawsuit.

2. I am currently employed by the Department of Corrections (DOC) as a Community Corrections Supervisor. My current duties involve providing oversight for Grays Harbor Two and Pacific County Community Corrections Field Offices. In October 2010, my title was Correctional Program Manager and my work location was Stafford Creek Corrections Center (SCCC). In that role I provided oversight for the management of four housing units with capacity of housing 272 inmates in each unit, the Visitation Department, the Extended Family Visit (EFV) Program, the Law Library and the Records Department. I directly supervised 9 staff members and indirectly supervised 84 custody and non-custody staff. I was

custody staff. I was responsible for the classification and management of up to 1088 convicted felons.

3. On October 12, 2010, I received an email from Pat Glebe, Superintendent at SCCC, asking that I look into an email he had received from a Linda Gossett, wife to offender Mark Gossett, DOC #317246, in regard to a visitation issue. I reviewed the email from Ms. Gossett and our electronic files noting that the children had been denied visitation on June 27, 2010, while Mr. Mark Gossett was housed at the Washington Corrections Center (WCC).

4. Per DOC Policy 450.300 Visits for Prison Offenders. (effective 02/01/2010) (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”. Attachment A is a true and correct copy of DOC Policy 450.300, effective February 1, 2010. I reviewed our records and did not see that Ms. Gossett had appealed the denial of visiting privileges. I sent an email to the visitation coordinator Andrew Burke to ask the status of the visiting applications and if we had received an appeal letter. Mr. Burke responded that visitation applications for the minor

children had been denied at WCC and that Ms. Gossett had been informed to submit an appeal letter and a copy of any amended Judgment and Sentence. I was able to locate a copy of the amended Judgment and Sentence in our electronic database. I reviewed Mr. Gossett's criminal history noting his conviction for Rape of a Child 2nd (2 counts) and Child Molestation 2nd, (2 Counts). I reviewed the original Judgment and Sentence cause No. 08-1-02102-9 and the amended Judgment and Sentence dated August 4, 2010. Attachment B is a true and correct copy of the original judgment in cause No. 08-1-02102-9. Attachment C is true and correct copy of the Order Amending and Clarifying Judgment and Sentence in cause No. 08-1-02102-9 dated August 4, 2010.

5. The Judgment and Sentence indicated the following section 4.4, “[a]ll conditions contained in Appendix ‘H’ are hereby incorporated by reference to this J and S and are in full force and effect. Defendant shall complete certified sexual deviancy treatment. Defendant shall have no contact with any minor, including his own adopted or biological children”. Attachment B at 5. The Order Amending and Clarifying Judgment and Sentence dated 08/04/2010 stated the following:

for an Order Modifying and clarifying the Judgment and Sentence to make sure the Defendant, MARK GOSSETT is allowed to have visitation with his children, as supervised by the Department of Corrections, during normal visitation in accordance with the rules and regulations of the

Department of Correction's; that the Court having reviewed the files and records contained herein and being otherwise fully advised in the premises, now, therefore, it is hereby

ORDERED that the Judgment and Sentence entered by the above entitled Court on June 10, 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 facility in which the Defendant is housed;

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

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.

Attachment C.

6. Per DOC Policy 450.300 Visits for Prison Offenders (effective 02/01/2010) section (VII) Who May not Visit, A.3: "[p]ersons 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". Attachment A at 8.

7. Consistent with legitimate penological objectives and the goal of protecting public safety, the Department does not generally allow visitation which requires supervision. The amended Judgment and

and regulations of the Department. Attachment C at 2. However, it is not typical for DOC to allow such contact that requires supervision. Accordingly, I prepared a quick report to Superintendent Glebe advising him that this case should be reviewed by the Facility Risk Management Team (FRMT) assigned to Mr. Gossett for possible prohibited contact review.

8. On October 14, 2010, the FRMT reviewed Mr. Gossett's file material and criminal history as part of a Prohibited Contact Review. They noted that the Offender's Judgment and Sentence prohibits contact with the individual or class of individuals during or upon release. They also noted that an order of no contact was rescinded or did not exist, but facility management has reason to believe that allowing contact would be counter to sound correctional practices or legitimate penological objectives. The FRMT chaired by Correctional Unit Supervisor, Greg Jones, recommended denial of contact between the offender and his adopted/biological children for the purpose of visitation. Attachment D is a true and correct copy of the Prohibited Contact Review regarding Mr. Gossett dated October 14, 2010.

9. I upheld the FRMT's recommendation stating:

9. I upheld the FRMT's recommendation stating:

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 3<sup>rd</sup> of a Child which was later pled down to an Assault 4<sup>th</sup> DV. [Pre-sentence Investigation] 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 [restriction] between this offender and minor aged children.

Attachment D.

10. DOC Policy 450.050 Prohibited Contact, effective date (08/30/2010), Policy at I. states: "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." Attachment E is a true and correct copy of DOC Policy 450.050.

11. DOC Policy 450.050, Directive Section I.C., states, “[a]n 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”. Attachment E at 3.

12. The visiting room at SCCC in 2010 held over 75 tables which could hold 75 offenders and up to 300 visitors. The visitation department had a total of 4 Correctional Officers and one Correctional Sergeant assigned to monitor up to 375 people. One officer was assigned the public access position located in a building separate from the visiting room. This officer processed in and out the visitors. One officer was assigned the back strip area of the visitation building and was separated from the visitors by a door and long hallway. This officer monitored the video screens and processed offenders into/out of the visitation room. Two officers were assigned to monitor the offenders/visitors in the visiting room. They also have responsibility to open doors, assign seating for visitors/offenders, process paperwork, and allow visitors/offenders the use of restroom facilities. Based on the limited staffing and inability to directly monitor offenders/visitors at all times, the facility does not allow supervised visiting. Stafford Creek has had incidents where offenders have

assaulted visitors or engaged in inappropriate sexual behaviors while in the visiting room as it is difficult to monitor so many people at one time.

13. On March 18, 2011, I received an email from staff member Bill Tuffree in the mailroom at SCCC. Mr. Tuffree had questions regarding the prohibited contact and asked if it pertained to mail. A review of the prohibited contact notice signed by me on 10/14/2010, which indicated, “[t]his notice includes a prohibition against visits, correspondence, telephone calls and use of third party to communicate. This prohibited contact decision may be appealed to the Superintendent”. Attachment F is a true and correct copy of the October 14, 2010 Prohibited Contact Notice. I checked with the Superintendent’s office and was told that the offender or family had not appealed the prohibited contact. I modified the Prohibited Contact Notice to remove the language prohibiting correspondence, telephone calls and the use of a third party dated 06/22/2011. Attachment G is a true and correct copy of the June 22, 2011 modified Prohibited Contact Notice regarding Mr. Gossett.

14. On October 26, 2011, Offender Gossett appealed the denial of visiting to the Assistant Secretary of Prisons. At that time, the DOC Family Service Department recommended that the visits be denied between Mr. Gossett and the minor children. They noted in their appeal tracking sheet:

The case has been vetted with the SOTP Manager, Sally Neiland. She says: "I have reviewed the attachments as well as the J&S, Prohibitive Contact and PSI. This is a complicated case. I have a long list of concerns which include two items in the J&S. To date, Mr. Gossett has not fulfilled 1) Obtain a sex offender evaluation .... 12) Do not enter into a relationship with any person who has minors in their care or custody without approval of your assigned CCO or SOTP (this includes his wife). This alone backs up the current Prohibitive Contact.

Of concern is that Mr. Gossett all file material I have had access to indicates that he continues to deny his sexual offending and refer to the victim as a 'liar and a bad Christian.' In addition, even though his ERD is very far out, he has not acknowledged his behavior nor has he made attempt to apply for SOTP.

In addition to that Mr. Gossett not only has 2 ROC 2 convictions and 2 Child Molest 2 convictions as well as a DV 4 conviction. In addition file material indicates that his wife 'beat the victim with a belt and a spoon.' I do not believe that DOC visitation staff should hold the responsibility for supervision of these minor children given the circumstances, and the attention they must pay to a full visiting room. The liability for the children, the visiting staff and the DOC seems to outweigh the visit request.

A suggestion would be to allow for written correspondence to be reviewed both outgoing and incoming do he can maintain safe and observable contact with the children.

Attachment H is a true and correct copy of the October 26, 2011 Appeal Tracking Sheet.

15. The Deputy Director Dan Pacholke upheld the visiting denial on October 28, 2011, noting in a letter with that date:

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.

Attachment I is a true and correct copy of the October 28, 2011 Pacholke letter.

16. In summary, the denial to allow Mr. Gossett visits from Minor aged children was made after review of a Pre-Sentence Investigation, Police Reports, and a review of both the original and amended Judgment and Sentence. The decision took into consideration Mr. Gossett's Rape of a Child and Child Molestation convictions as well as a previous conviction for Assault IV, Domestic Violence against a minor aged child. Both the sexual offenses and the assault offense involved minor aged children who were in the care of Mr. and Ms. Gossett. Further, the police reports and the pre-sentencing investigation indicated that the victim of the Rape of Child offenses had indicated that Ms. Gossett had abused her physically. Staff who supervise the visiting room do not have the ability to provide direct observation of the family

during the entire visitation period which can place the minor children at risk for further victimization.

17. It is common in prison for inmates with convictions for child rape, child molestation, or domestic violence against children to be restricted from visiting minor children, including their own children. This is particularly true where, as here, the inmate has victimized his own adopted children. This is not done for arbitrary reasons but rather because of the legitimate fear on the part of Department staff and society at large that permitting such visitation risks further victimization of children. Any individual committing these offenses in Washington can expect that he or she will likely be restricted from visiting minor children, including his own children, as an ordinary incident of prison life.

EXECUTED this 17 day of January, 2017 at Aberdeen, Washington.

  
LIZA ROHRER

Attachment A



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY

**PRISON**

OFFENDER/SPANISH MANUALS

REVISION DATE

2/1/10

PAGE NUMBER

1 of 12

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



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY

**PRISON**

OFFENDER/SPANISH MANUALS

REVISION DATE

2/1/10

PAGE NUMBER

2 of 12

NUMBER

**DOC 450.300**

**POLICY**

TITLE

**VISITS FOR PRISON OFFENDERS**

**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.



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY

**PRISON**

OFFENDER/SPANISH MANUALS

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**DOC 450.300**

**POLICY**

TITLE

**VISITS FOR PRISON OFFENDERS**

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:



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY

**PRISON**

OFFENDER/SPANISH MANUALS

REVISION DATE

2/1/10

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**DOC 450.300**

**POLICY**

TITLE

**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



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY

**PRISON**

OFFENDER/SPANISH MANUALS

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**DOC 450.300**

**POLICY**

TITLE

**VISITS FOR PRISON OFFENDERS**

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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**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

# **VISIT GUIDELINES**

## **WELCOME STATEMENT**

The Department of Corrections welcomes you to facility specific. We wish to provide a family friendly environment. To do this, there are some security measures we must take to ensure your visit is safe and pleasant. The number of visitors allowed at one time may vary from one facility to another. All facilities are chewing gum and tobacco free. Please read these guidelines carefully so you may have an enjoyable visit.

## **WHO CAN VISIT**

Each offender may have up to facility specific approved visitors per visit. NOTE: The offender may not be available for a visit. Visitors may avoid making an unnecessary trip, or being turned away, by pre-arranging visits with the offender.

**Visitor Reminder: If you wish to be removed from an approved visitor list, please submit a written request for removal to the Superintendent/designee.**

Children under the age of 18 may visit with a parent/guardian or an approved escort only.

## **WHEN YOU CAN VISIT**

### Visiting Times

| Where | Days | Check In Time | Check Out Time |
|-------|------|---------------|----------------|
|       |      |               |                |
|       |      |               |                |
|       |      |               |                |
|       |      |               |                |
|       |      |               |                |
|       |      |               |                |

Offenders may request arrangements for special situations such as friends or family traveling from extended distances.

Visitors who leave during any visit period may be allowed to return during the next authorized visit period.

## **HOW YOU GET THERE**

### Facility Information (provided by facility)

- Written directions from north, south, east, or west, and a map, as appropriate.
- A contact number if visitor gets lost.
- Written instruction from parking lot to visitor entrance for check-in.
- Physically Challenged – Any issues regarding special accommodations, parking, and entrance for check in.

# VISIT GUIDELINES

## WHAT TO DO WHEN YOU ARRIVE

### Vehicles/Parking

The speed limit on facility grounds is 15 mph. Thank you for not speeding.

Vehicles should be secured.

Pets and persons not visiting may not wait in vehicles.

### Visitor Check-In

Visitors are welcome to arrive facility specific minutes prior to visits. Please check in at the visitor entrance.

Please inform staff in advance if you intend to share difficult news during your visit. Staff will attempt to make a suitable seating arrangement for your visit.

### Identification

All visitors 16 years of age and older will be asked to show current photo identification (e.g., driver's license, passport, military or government identification, tribal identification, alien registration, student identification). Expired or non-photo identification will not be accepted.

### Searches

Visitors will be required to sign a search permission form before visiting. Pat, vehicle, personal property, and/or canine searches may be conducted.

You may bring the following items in a clear plastic coin purse or plastic bag:

- Money – At facilities where cash is required for vending machine purchases, each visitor will be allowed \$15.00 in change or bills in denominations of \$5.00 or less. At facilities with debit vending machines, each visitor will be allowed a vending machine debit card. Debit card limits are established by the facility based on vendor resources. For facility specific, the debit card limit is \$facility specific.
- Keys – Drivers may keep one manual car key on a single ring key chain. **Each facility will determine where keys may be secured.**
- Identification – All visitors will be allowed to have one form of identification with them in the visiting area.
- Medical – Visitors are allowed life sustaining medications or medical equipment that is needed during the visiting period, if the visitor provides proof of prescription of medically authorized need.
- Small comb or brush.

## **VISIT GUIDELINES**

### Items for Infants and Toddlers

Infant and toddler items must be stored in a clear plastic bag or container. The following items are allowed:

- Two clear plastic bottles containing water, juice, milk, or liquid formula.
- One plastic Tupperware type child's cup with lid.
- Two unopened plastic containers of baby food in their original packaging with one plastic baby spoon.
- Two bibs.
- Two pacifiers or teething objects.
- One non-quilted child's blanket.
- One change of baby clothing.
- One disposable diaper per hour of visit.
- Baby wipes that have been transferred to a zip lock plastic bag prior to visit.

### **HOW TO ENJOY YOUR VISIT**

**The following guidelines are in place to ensure a safe and pleasant visit.**

Continuation of your visit and visiting privileges will depend on:

- Visitors arriving without having consumed alcohol and/or an illegal substance, or being in possession of contraband.
- Visitors and/or offender following the Visit Guidelines, policy, and procedures.
- Compliance with search procedures.
- No disturbances or emergency situations within the facility.
- No clear and/or immediate danger or suspicion of criminal conduct that threatens the health or safety of any visitor, offender, or staff.

Weapons of any kind are not permitted.

Families are encouraged to be considerate of other visitors. Please avoid loud, excessively emotional, or disruptive behavior.

Dress standards are necessary to ensure the safety and security of visitors and offenders, to promote a non-offensive, family oriented environment, and to provide efficient processing of visitors. The Visiting Sergeant/designee will make the final determination regarding the

## VISIT GUIDELINES

appropriateness of any clothing, footwear, or accessories allowed. The following guidelines apply to visitors 8 years and older:

### Clothing

Appropriate, modest clothing should be worn by all visitors. Buttons or closures should be fastened to the degree necessary to maintain modesty. All clothing must be clean and in good repair, free of holes, rips, or tears. Undergarments must be worn, to include briefs and brassieres for females, and briefs, boxers, or long underwear for males. Examples of inappropriate clothing include:

- Clothing that might expose undergarments, cleavage, stomach/midriff, bare back when arms are raised, or bare chest.
- Tight fitting clothing
- Low cut tops or bottoms
- Clothing that is sheer, see through, or mesh (other than hosiery)
- Fish net stockings
- Camisole type/halter or tank tops, not worn under other clothing
- Camouflage, bibbed attire, cargo or painter pants, or any clothing that might be considered difficult to search (e.g., excessive pockets, padding, or layering of one outer garment over another)
- Clothing referring to obscenity, alcohol, drugs, gang references, or sex in any form
- Wraparound clothing with full length openings

Dresses, skirts, shorts, capris, skorts, and slits in clothing must not fall more than 3 inches above the knee.

Visitors may be prohibited from bringing hooded or heavy, parka style coats into the visit room. Such items may need to be hung on coat racks in the lobby area.

### Footwear

- Shoes, sandals, flip flops, and boots must be in good repair. Slippers and quilted or fur lined snow boots will not be allowed.

### Accessories

- Jewelry that hides other items (e.g., broaches, locket, pins) or jewelry that looks like a key is not allowed.

## **VISIT GUIDELINES**

- The following items are permitted:
  - Four pieces of jewelry in piercings (e.g., one nose, one lip, 2 ears, or the combination of 4 pieces of pierced jewelry).
  - One watch.
  - Wedding ring set and one ring.
  - Two necklaces.
  - Two bracelets.
- Two pairs of eyeglasses, to include one non-reflective pair of sunglasses for outside visits only.
- Belts may be worn, excluding money belts or belts with compartments.
- Religious and medically necessary head coverings may be allowed with written verification.

### **COURTESY DURING VISITS**

The Department intends to maintain visiting programs which help offenders preserve positive ties with family and friends. Cooperation by all participants is encouraged. The following visit room guidelines will help to ensure that visits are a pleasant experience for all participants:

- A brief hug and kiss (i.e., 4-5 seconds in length) are permitted at the beginning and conclusion of visits.
- In addition to brief, appropriate contact at the beginning and conclusion of each visit, an offender may have physical contact with his/her child(ren) up to age 8 in a manner that respects the child's feelings and physical boundaries. Facility visiting staff will monitor the child(ren) for signs of disengagement (e.g., pulling away, crying, screaming, etc.) and will, if appropriate, instruct the offender to discontinue the physical contact or return the child to the guardian.
  - The child may sit on the offender's lap.
  - The offender may show affection toward the child (i.e., hugs or kisses).
- During the visit, the only physical contact allowed between offenders and adult visitors is holding hands with hands in plain view on or above the table top. As visiting areas are family friendly environments, caressing of any kind will not be allowed.
- Conversations should remain quiet, without harsh language or swearing, encouraging pleasant and caring family interaction.
- Visit areas are provided for all visitors. Please use furnishings for their intended use.
- Because time is limited, the focus and interaction must remain between the offender and his/her own visitors and family. Speaking to other visitors or offenders will not be permitted.

## VISIT GUIDELINES

- During visitation, money or debit cards may be used for vending machine purchases by visitors. At minimum security facilities, both offenders and visitors may use money or debit cards for vending machine purchases. Visitors are reminded to take all unspent money and debit cards with them when they leave.
- Children must be under direct supervision and within sight of the visiting parent or guardian at all times, including children using the restroom. Offenders may supervise their visiting children while the adult visitor uses the restroom. Roughhousing and horseplay will be stopped immediately by the visiting parent.
- Verbal corrections and time-outs are the only allowable forms of discipline during visits.
- Showing affection, holding, and playing with visiting children promotes positive family interaction. Please remember to be considerate of other visitors and your public surroundings.
- Grooming of children's hair may be done during visits, unless visits occur in dining areas.
- When changing children's soiled garments, please use the provided changing areas.
- Visits may become emotional at times. If this happens, staff will check in with you and are available to assist as needed.
- Please put away all items used during visits (i.e., games, toys, books). Please throw trash and recyclables in provided containers at the end of your visit.

Suggestion/Comment forms are available in the visit room.

Attachment B

SUPERIOR COURT OF WASHINGTON  
COUNTY OF THURSTON

10 JUN 10 10:51

STATE OF WASHINGTON, Plaintiff,

No. 08-1-02102-9

vs.

**FELONY JUDGMENT AND SENTENCE (FJS)**

MARK JONATHAN GOSSETT,

Defendant.

Prison  RCW 9.94A.712 Prison Confinement

Jail One Year or Less  RCW 9.94A.712 Prison Confinement

First-Time Offender

Special Sexual Offender Sentencing Alternative

Special Drug Offender Sentencing Alternative

Clerk's Action Required, para 4.5 (SDOSA), 4.15.2, 5.3, 5.6 and 5.8

SID: WA24064146

If no SID, use DOB: [REDACTED]

PCN: 766981062 BOOKING NO. C0154740

**I. HEARING**

1.1 A sentencing hearing was held on June 10, 2010 and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

**II. FINDINGS**

There being no reason why judgment should not be pronounced, the court FINDS:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on ~~June 10, 2010~~ *April 19, 2010* by  plea  jury-verdict  bench trial of:

| COUNT | CRIME                                  | RCW       | DATE OF CRIME                 |
|-------|----------------------------------------|-----------|-------------------------------|
| I     | RAPE OF A CHILD IN THE SECOND DEGREE   | 9A.44.076 | JANUARY 1, 2003-NOV. 25, 2003 |
| II    | RAPE OF A CHILD IN THE SECOND DEGREE   | 9A.44.076 | JANUARY 1, 2003-NOV. 25, 2003 |
| III   | CHILD MOLESTATION IN THE SECOND DEGREE | 9A.44.086 | JANUARY 1, 2003-NOV. 25, 2003 |
| IV    | CHILD MOLESTATION IN THE SECOND DEGREE | 9A.44.086 | JANUARY 1, 2003-NOV. 25, 2003 |

(If the crime is a drug offense, include the type of drug in the second column.) as charged in the (SECOND AMENDED) Information.

Additional current offenses are attached in Appendix 2.1.

A special verdict/finding that the offense was predatory was returned on Count(s) \_\_\_\_\_ RCW 9.94A. \_\_\_\_\_

A special verdict/finding that the victim was under 15 years of age at the time of the offense was returned on Count(s) \_\_\_\_\_ RCW 9.94A. \_\_\_\_\_

A special verdict/finding that the victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense was returned on Count(s) \_\_\_\_\_ RCW 9.94A. \_\_\_\_\_, 9A.44.010.

A special verdict/finding of sexual motivation was returned on Count(s) \_\_\_\_\_ RCW 9.94A.835.

COPY SENT OFF

- This case involves **kidnapping** in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- The court finds that the defendant is subject to sentencing under **RCW 9.94A.712**.
- A special verdict/finding for use of **firearm** was returned on Count(s) \_\_\_\_\_ . RCW 9.94A.602, 9.94A.533.
- A special verdict/finding for use of **deadly weapon other than a firearm** was returned on Count(s) \_\_\_\_\_ . RCW 9.94A.602, 9.94A.533.
- A special verdict/finding for **Violation of the Uniform Controlled Substances Act** was returned on Count(s) \_\_\_\_\_ , RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, **when a juvenile was present in or upon the premises of manufacture** was returned on Count(s) \_\_\_\_\_ . RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- The defendant was convicted of **vehicular homicide** which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030.
- This case involves **kidnapping** in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- The court finds that the offender has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.
- The crime charged in Count(s) \_\_\_\_\_ involve(s) **domestic violence**.
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- None of the current offenses constitute same criminal conduct.
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

| CRIME                          | DATE OF SENTENCE | SENTENCING COURT (County & State) | DATE OF CRIME | A or J Adult, Juv. | TYPE OF CRIME |
|--------------------------------|------------------|-----------------------------------|---------------|--------------------|---------------|
| 1 ASSAULT 4 <sup>TH</sup> / DV | 4/2/08           | THURSTON                          | 5/5/07        | A                  | GM            |
| 2.                             |                  |                                   |               |                    |               |
| 3                              |                  |                                   |               |                    |               |
| 4                              |                  |                                   |               |                    |               |
| 5                              |                  |                                   |               |                    |               |

- Additional criminal history is attached in Appendix 2.2.
- The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.
- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):
- None of the prior convictions constitutes same criminal conduct.
- The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

2.3 SENTENCING DATA:

| COUNT NO. | OFFENDER SCORE | SERIOUSNESS LEVEL | STANDARD RANGE (not including enhancements) | PLUS ENHANCEMENTS* | TOTAL STANDARD RANGE (including enhancements) | MAXIMUM TERM  |
|-----------|----------------|-------------------|---------------------------------------------|--------------------|-----------------------------------------------|---------------|
| I         | 9              | XI                | 210-280 MO.                                 | ---                | 210-280 MO.                                   | LIFE \$50,000 |
| II        | 9              | XI                | 210-280 MO.                                 | ---                | 210-280 MO.                                   | LIFE \$50,000 |
| III       | 9              | XI                | <del>210-280 MO.</del><br>87-116            | ---                | <del>210-280 MO.</del><br>87-116              | LIFE \$50,000 |
| IV        | 9              | XI                | <del>210-280 MO.</del><br>87-116            | ---                | <del>210-280 MO.</del><br>87-116              | LIFE \$50,000 |

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present. (SM) Sexual motivation, RCW 9.94A.533(8).

Additional current offense sentencing data is attached in Appendix 2.3.

2.4  EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:

within  below the standard range for Count(s) \_\_\_\_\_

above the standard range for Count(s) \_\_\_\_\_

The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

Aggravating factors were  stipulated by the defendant,  found by the court after the defendant waived jury trial,  found by jury by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4.  Jury's special interrogatory is attached. The Prosecuting Attorney  did  did not recommend a similar sentence.

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are  attached  as follows: \_\_\_\_\_

III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

3.2  The court DISMISSES Counts \_\_\_\_\_  The defendant is found NOT GUILTY of Counts \_\_\_\_\_

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court:

JASS CODE

\$ RESERVED Restitution to: A            R. G.            CONF. ADDRESS ON FILE W/ PAO

RTN/RJN

\$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

\$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

(Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)

PCV \$ 500.00 Victim assessment RCW 7.68.035

\$ \_\_\_\_\_ Domestic Violence assessment RCW 10.99.080

CRC \$ 200.00 Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190

Criminal filing fee \$ 200 FRC

Witness costs \$ \_\_\_\_\_ WFR

Sheriff service fees \$ \_\_\_\_\_ SFR/SFS/SFW/WRF

Jury demand fee \$ \_\_\_\_\_ JFR

Extradition costs \$ \_\_\_\_\_ EXT

Other \$ \_\_\_\_\_

PUB \$ \_\_\_\_\_ Fees for court appointed attorney RCW 9.94A.760

WFR \$ \_\_\_\_\_ Court appointed defense expert and other defense costs RCW 9.94A.760

FCM/MTH \$ \_\_\_\_\_ Fine RCW 9A.20.021; [ ] VUCSA chapter 69.50 RCW, [ ] VUCSA additional fine deferred due to indigency RCW 69.50.430

CDF/LDI/FCD \$ \_\_\_\_\_ Drug enforcement fund of \_\_\_\_\_ RCW 9.94A.760

CLF \$ \_\_\_\_\_ Crime lab fee [ ] suspended due to indigency RCW 43.43.690

\$ 100.00 Felony DNA collection fee [ ] not imposed due to hardship RCW 43.43.7541

RTN/RJN \$ \_\_\_\_\_ Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum) RCW 38.52.430

\$ 6361.10 Other costs for: JURY COSTS (\$5305.10-JURORS/ \$1056-BAILIFF)

\$ 1033.55 WITNESS COSTS- DAVID GLIDEWELL FROM MONTANA

\$ 800 - TOTAL RCW 9.94A.760

[X] The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[X] shall be set by the prosecutor.

[ ] is scheduled for \_\_\_\_\_

[ ] RESTITUTION. Schedule attached.

[ ] Restitution ordered above shall be paid jointly and severally with:

NAME of other defendant                      CAUSE NUMBER                      (Victim's name)                      (Amount-\$)

RJN \_\_\_\_\_  
\_\_\_\_\_

[X] The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

[X] All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ \_\_\_\_\_ per month commencing \_\_\_\_\_ RCW 9.94A.760.



\_\_\_\_\_ days of jail are suspended on Count \_\_\_\_\_

All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, or sexual motivation, UVCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: \_\_\_\_\_

The sentence herein shall run consecutively with the sentence in cause number(s) \_\_\_\_\_

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589.

Confinement shall commence immediately unless otherwise set forth here: \_\_\_\_\_

- (b) CONFINEMENT. RCW 9.94A.712 (Sex Offenses only): The defendant is sentenced to the following term of confinement in the custody of the DOC:

Count 1, 2 minimum term 245 MO. maximum term LIFE  
Count 3,4 minimum term 116 MO. maximum term LIFE

- (c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: \_\_\_\_\_

4.6  **COMMUNITY PLACEMENT** is ordered as follows: Count \_\_\_\_\_ for \_\_\_\_\_ months; Count \_\_\_\_\_ for \_\_\_\_\_ months; Count \_\_\_\_\_ for \_\_\_\_\_ months.

**COMMUNITY CUSTODY** for count(s) I, II, III, IV, sentenced under RCW 9.94A.712, is ordered for any period of time the defendant is released from total confinement before the expiration of the maximum sentence.

**COMMUNITY CUSTODY** is ordered as follows:

Count I, II for a range from 36-48 MO. to LIFE months;

Count III, IV for a range from 36-38 MO. to LIFE months;

Count \_\_\_\_\_ for a range from \_\_\_\_\_ to \_\_\_\_\_ months;

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.] **STATUTORY LIMIT ON SENTENCE.** Notwithstanding the length of confinement plus any community custody imposed on any individual charge, in no event will the combined confinement and community custody exceed the statutory maximum for that charge. Those maximums are: Class A felony--life in prison; Class B felony--ten (10) years in prison; Class C felony--5 (5) years in prison.

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

|                                                                                                                                                |                     |                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------------------------------|
| a) the defendant committed a current or prior:                                                                                                 |                     |                                             |
| i) Sex offense                                                                                                                                 | ii) Violent offense | iii) Crime against a person (RCW 9.94A.411) |
| iv) Domestic violence offense (RCW 10.99.020)                                                                                                  |                     | v) Residential burglary offense             |
| vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers, |                     |                                             |
| vii) Offense for delivery of a controlled substance to a minor; or attempt, solicitation or conspiracy (vi, vii)                               |                     |                                             |



2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime: RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

- 5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.
- 5.4 **RESTITUTION HEARING.**  
[ ] Defendant waives any right to be present at any restitution hearing (sign initials): \_\_\_\_\_.
- 5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634.
- 5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

**Cross off if not applicable:**

**5.7 SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200.

1. General Applicability and Requirements: Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.130, you are required to register with the sheriff of the county of the state of Washington where you reside.

If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.

2. Offenders Who Leave the State and Return: If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within three business days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three business days after starting school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

3. Change of Residence Within State and Leaving the State: If you change your residence within a county, you must send signed written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send signed written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving, register with that sheriff within 24 hours of moving. You must also give signed written notice of your change of address to the sheriff of the county where last registered within 10 days of moving.

4. Additional Requirements Upon Moving to Another State: If you move out of Washington State, you must also send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination. (Effective September 1, 2006) If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40

RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. If you are enrolled on September 1, 2006, you must notify the sheriff immediately. The sheriff shall promptly notify the principal of the school.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if you do not have a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within 48 hours excluding weekends and holidays after losing your residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You may be required to provide a list the locations where you have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State

7. Reporting Requirements for Persons Who Are Risk Level II or III: If you have a fixed residence and you are designated as a risk level II or III, you must report, in person, every 90 days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If you comply with the 90-day reporting requirement with no violations for at least five years in the community, you may petition the superior court to be relieved of the duty to report every 90 days.

8. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

- 5.8  The court finds that Count \_\_\_\_\_ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.
- 5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.
- 5.10 OTHER: Bail previously posted, if any, is hereby exonerated and shall be returned to the posting party.

DONE in Open Court and in the presence of the defendant this date: 6/10/10

Carol Murphy  
Judge/Print name:

[Signature]  
Deputy Prosecuting Attorney  
WSBA No. 28293  
Print name: DOMINIQUE JINHONG

[Signature]  
Attorney for Defendant  
WSBA No5582  
Print name: RICK CORDES

[Signature]  
Defendant  
Print name: MARK JONATHAN GOSSETT

**VOTING RIGHTS STATEMENT:** RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.060.

Defendant's signature: *Mark J. Howard*

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the \_\_\_\_\_ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.

Interpreter signature/Print name: \_\_\_\_\_

I, \_\_\_\_\_, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: \_\_\_\_\_

Clerk of the Court of said county and state, by: \_\_\_\_\_, Deputy Clerk

**IDENTIFICATION OF DEFENDANT**

SID No. WA24064146  
(If no SID take fingerprint card for State Patrol)

Date of Birth ██████████

FBI No. \_\_\_\_\_

Local ID No. \_\_\_\_\_

PCN No. 766981062

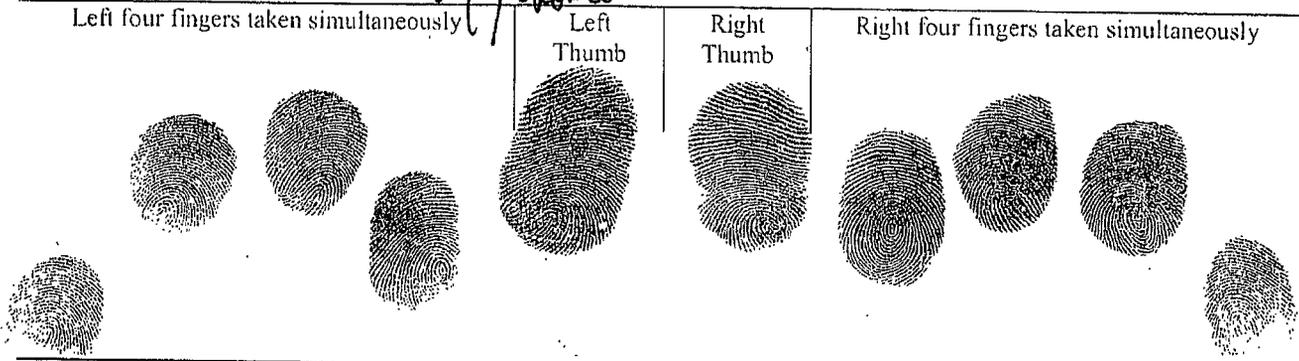
Other \_\_\_\_\_

Alias name, DOB: \_\_\_\_\_

**Race:**  
 Asian/Pacific Islander       Black/African-American       Caucasian  
 Native American       Other: \_\_\_\_\_  
**Ethnicity:**       Hispanic       Non-Hispanic  
**Sex:**       Male       Female

**FINGERPRINTS:** I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, *Shirley Williams* Dated: 6/10/10

DEFENDANT'S SIGNATURE: *Mark J. Howard*



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF THURSTON

STATE OF WASHINGTON

NO. 08-1-02102-9

Plaintiff,

vs.

WARRANT OF COMMITMENT ATTACHMENT TO  
JUDGMENT AND SENTENCE (PRISON)

MARK JONATHAN GOSSETT,

Defendant.

DOB: [REDACTED]  
SID: WA24064146 FBI:  
PCN: 766981062  
RACE: W  
SEX: M  
BOOKING NO: C0154740

THE STATE OF WASHINGTON TO:

The Sheriff of Thurston County and to the proper officer of the Department of Corrections.

The defendant MARK JONATHAN GOSSETT has been convicted in the Superior Court of the State of Washington for the crime(s) of:

**RAPE OF A CHILD IN THE SECOND DEGREE (2 CNTS.)**

**CHILD MOLESTATION IN THE SECOND DEGREE (2 CNTS.)**

and the court has ordered that the defendant be sentenced to a term of imprisonment as set forth in the Judgment and Sentence.

YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

By direction of the Honorable:

**CAROL MURPHY**

BETTY J. GOULD

CLERK

By:   
DEPUTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF THURSTON

STATE OF WASHINGTON

]

Cause No.: 08-1-002102-9

]

Plaintiff

]

JUDGEMENT AND SENTENCE (FELONY)

v.

]

APPENDIX H

Mark J. Gossett

COMMUNITY CUSTODY

Defendant

]

]

DOC No.: 317246

]

---

The court having found the defendant guilty of offense(s) qualifying for community custody under the Offender Accountability Act, it is further ordered as set forth below.

**COMMUNITY CUSTODY:**

Community custody is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

- (a) **MANDATORY CONDITIONS:** Defendant shall comply with the following conditions during the term of community custody:
- (1) Report to and be available for contact with the assigned community corrections officer as directed;
  - (2) Work at Department of Corrections' approved education, employment, and/or community service;
  - (3) Defendant shall not consume controlled substances except pursuant to lawfully issued prescriptions;
  - (4) Defendant shall not unlawfully possess controlled substances;
  - (5) Pay supervision fees as determined by the Department of Corrections;
  - (6) Perform affirmative acts necessary to monitor compliance with the orders of the Court as required by the Department of Corrections;

05/27/2010  
Page 1 of 2

- (7) Residence location and living arrangements are subject to the prior approval of the Department of Corrections;
- (8) Notify community corrections officer in advance of any change in address or employment;
- (9) Remain within geographic boundary, as set forth in writing by the community corrections officer.
- (10) Not own, use, or possess a firearm or ammunition while under supervision with the Department of Corrections; and
- (11) Comply with the instructions, rules and regulations of the Department of Corrections and any other conditions imposed by the Court or the Department of Corrections during community custody.
- (12) Do not reside in a community protection zone: the area within eight hundred and eighty (880') feet of the facilities and grounds of a public or private school.

**WAIVER:** The following above-listed mandatory conditions are waived by the Court: None

- (b) **OTHER CONDITIONS:** Defendant shall comply with the following other conditions during the term of community placement / custody:

Obtain a mental health evaluation from a state certified provider and complete all recommended treatment;

- 1) Obtain a sex offender evaluation from a state certified provider and complete all recommended treatment; submit to Psychosexual Evaluation.
- 2) Obey all municipal, county, state, tribal, and federal laws;
- 3) Obey all rules of the Department of Corrections;
- 4) Submit to random urinalysis as directed by assigned community corrections officer;
- 5) Mandatory HIV test;
- 6) Mandatory DNA test;
- 7) Maintain lawful Sex Offender Registration;
- 8) Pay legal financial obligations to the court clerk's office as directed by assigned community corrections officer;
- 9) Abide by any other conditions imposed by the Court and your assigned community corrections officer;
- 10) Do not initiate or prolong physical contact with minor children unless supervised by an adult who has been approved by assigned community corrections officer and treatment provider;
- 11) Do not have access to a computer/internet unless approved by CCO and/or Therapist.
- 12) Do not enter into a relationship with any person who has minors in their care or custody without approval of your assigned community corrections officer and sex offender treatment provider;
- 13) Hold no position of authority or trust involving minors or participate in any youth programs;
- 14) Do not purchase, consume or possess alcohol;
- 15) Submit to random breath testing as required by assigned community corrections officer;
- 16) Submit to polygraph and/or plethysmograph as requested by sex offender treatment provider and/or assigned community corrections officer;
- 17) Avoid places where minors are known to congregate without the prior specific permission of the assigned community corrections officer;
- 18) Do not possess or peruse pornographic materials unless given prior approval by your sexual deviancy treatment specialist and/or community corrections officer. Pornographic materials are to be defined by the therapist and/or assigned community corrections officer;

- 19) Do not attend X-rated movies, peep show or adult bookstores without the prior approval of the sexual deviancy treatment specialist or assigned community corrections officer;
- 20) Do not change therapist without prior approval of your assigned community corrections officer and certified provider.
- 21) Abide by any conditions suggested by sex offender treatment provider.
- 24) Must consent to DOC home visits to monitor compliance with supervision. Home visits include access for the purposes of visual inspection of all areas of residence in which the offender lives or has exclusive/joint control/access.

25 Comply w/ GPS if ordered by CCO.

6/10/10

Carol Murphy

DATE

JUDGE

THURSTON COUNTY SUPERIOR COURT

MAY 27 2010  
 10:58 AM  
 CLERK OF COURT  
 THURSTON COUNTY SUPERIOR COURT  
 1000 WEST 10TH AVENUE  
 OLYMPIA, WA 98501

05/27/2010  
Page 3 of 2

Attachment C

FILED  
SUPERIOR COURT  
THURSTON COUNTY, WASH  
10 AUG -4 PM 3: 27  
BETTY J. GOULD, CLERK  
BY \_\_\_\_\_  
DEPUTY

SUPERIOR COURT OF WASHINGTON  
COUNTY OF THURSTON

STATE OF WASHINGTON,

Plaintiff,  
vs.

MARK JONATHAN GOSSETT

Defendant.

NO. 08-1-02102-9

ORDER AMENDING AND  
CLARIFYING JUDGMENT AND  
SENTENCE

THIS MATTER having come on regularly on the agreement of the parties, the Defendant, MARK J. GOSSETT, appearing by and through his attorney, RICK CORDES of CORDES BRANDT, PLLC, and the State appearing by and through Thurston County Deputy Prosecuting Attorney, DOMINIQUE JINHONG, for an Order modifying and clarifying the Judgment and Sentence to make sure the Defendant, MARK GOSSETT is allowed to have visitation with his children, as supervised by the Department of Corrections, during normal visitation in accordance with the rules and regulations of the Department of Correction's; that the Court having reviewed the files and records contained herein and being otherwise fully advised in the premises, now, therefore, it is hereby

////

RECEIVED  
Copy of  
8/15/2010  
original  
VISIT COORDINATOR  
*[Signature]*

CORDES BRANDT, PLLC  
ATTORNEYS AT LAW  
2625 B PARKMONT LANE SW  
OLYMPIA WASHINGTON 98502  
FACSIMILE (360) 753-7075  
(360) 357-7783

ORDER AMENDING AND CLARIFYING  
JUDGMENT AND SENTENCE - 1

Attachment C

ORIGINAL  
23  
24  
25  
26

1 ORDERED that the Judgment and Sentence entered by the above entitled Court on June 10.  
2 2010 be and the same hereby is modified and clarified to allow for the Defendant to have visitation with  
3 his children at any Department of Correction's facility in which the Defendant is housed;

4 That the children will not have visitation alone with the Defendant and such visitation shall be  
5 supervised by Department of Correction's personnel in the normal course of the visitation process  
6 followed by the Department of Correction's facility the Defendant is in;

7 That the normal supervision of visitation by two or more correctional officers in an open room  
8 where numerous other inmates may be exercising visitation privileges, is sufficient supervision for the  
9 Defendant to have visitation with his children.

10  
11 DATED this 4<sup>th</sup> August day of July, 2010, at Olympia, Washington.

12  
13 Carol Murphy  
JUDGE

14 Presented by:

15 Rick Cordes  
16 RICK CORDES WSBA #5582  
17 Attorney for Defendant

18 Approved as to form and for Entry:

19  
20 Dominique Jinhong  
21 DOMINIQUE JINHONG, WSBA#28293  
22 Deputy Prosecuting Attorney

23 STATE OF WASHINGTON  
24 County of Thurston  
25 I, Betty J. Gould, County Clerk and Ex-officio Clerk of  
26 the Superior Court of the State of Washington, for  
Thurston County holding session at Olympia, do  
hereby certify that the foregoing is a true and correct  
copy of the original as the same appears on  
file and of record in my office containing 7 pages,  
IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of said court  
DATED: Aug 4, 2010

BETTY J. GOULD  
County Clerk, Thurston County, State of Washington  
by [Signature] Deputy

23 RECEIVED  
24 Copy of  
25 CUI 15 2010  
26 original  
VISIT COORDINATOR

Attachment D



PROHIBITED CONTACT REVIEW

|                                |                      |                           |
|--------------------------------|----------------------|---------------------------|
| Name<br>GOSSETT, Mark Jonathan | DOC Number<br>317246 | J & S Number<br>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<br>GOSSETT, Mark Jonathan | DOC Number<br>317246 | J & S Number<br>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

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 3<sup>rd</sup> of a child which was later pled down to an Assault 4<sup>th</sup> DV. PSI notes that the victim of this was crime was Gossett's 10 year old foster son.

CPM/CCS Comments:

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

Attachment E



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY  
**PRISON/WORK RELEASE**  
OFFENDER MANUAL

REVISION DATE  
8/30/10

PAGE NUMBER  
1 of 4

NUMBER  
**DOC 450.050**

**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

|                                                                                                                                                                 |                                                                |                       |                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-----------------------|------------------------------|
|  <p>STATE OF WASHINGTON<br/>DEPARTMENT OF CORRECTIONS</p> <p><b>POLICY</b></p> | APPLICABILITY<br><b>PRISON/WORK RELEASE</b><br>OFFENDER MANUAL |                       |                              |
|                                                                                                                                                                 | REVISION DATE<br>8/30/10                                       | PAGE NUMBER<br>2 of 4 | NUMBER<br><b>DOC 450.050</b> |
|                                                                                                                                                                 | TITLE<br><b>PROHIBITED CONTACT</b>                             |                       |                              |

**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.



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY  
**PRISON/WORK RELEASE**  
OFFENDER MANUAL

REVISION DATE  
8/30/10

PAGE NUMBER  
3 of 4

NUMBER  
**DOC 450.050**

**POLICY**

TITLE

**PROHIBITED CONTACT**

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.



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY

**PRISON/WORK RELEASE**

OFFENDER MANUAL

REVISION DATE

8/30/10

PAGE NUMBER

4 of 4

NUMBER

**DOC 450.050**

**POLICY**

TITLE

**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

Attachment F



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

**RE: Prohibited Contact Notice**

Dear Ms. Gossett

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

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           , C            G            and L             
 G            Name of Visitor(s)

permission to visit Mark Gossett #317246 Offender Name/ DOC Number

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.

This notice includes a prohibition against visits, correspondence, telephone calls, and use of third party to communicate. This prohibited contact decision may be appealed to the Superintendent.

*Rene Poler*  
 Correctional Program Manager

10-14-10  
 Date

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



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

Attachment G

modified version



RECEIVED  
JUN 23 2011  
SCCC Records

STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
**OFFICE OF CORRECTIONAL OPERATIONS**  
**STAFFORD CREEK CORRECTIONS CENTER**  
191 Constance 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.
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- 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"

Attachment H

## REGULAR VISITING Appeal Tracking Sheet

Name/DOC#:

Gossett 317246

Log Number:

SEC10098

| Routing                             |                 | Appeal Approved          | Appeal Denied                       |
|-------------------------------------|-----------------|--------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> | Facility        | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | Family Services | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input type="checkbox"/>            | Deputy Director | <input type="checkbox"/> | <input type="checkbox"/>            |

| Summary         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Facility        | <p>Denied based on the crime of conviction – Rape of a Child 2 (2 counts) and Child Molestation 2 (2 counts) – he also has a previous misd-simple assault. The visitors are the children of the offender – the victim was the adopted child of the offender.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Family Services | <p>I RECOMMEND UPHOLDING THE DENIAL OF VISITATION</p> <p>The offender PSI, the offender “denies the offense...blames his victim for falsely accusing him.” – he has no interest in SOTP. The assault victim was the offender’s foster son.</p> <p>The original J&amp;S says “...defendant shall complete certified sexual deviancy treatment, defendant shall have no contact with any minor, including his own adopted or biological children.”</p> <p>The offender requests that the EFV denial be overturned since the J&amp;S has been modified to allow visitation. The order amending &amp; clarifying judgment &amp; sentence is dated August 10, 2004. It says “Mark Gossett is allowed to have visitation with his children, as supervised by the Department of Corrections, during normal visitation in accordance with the rules and regulations of the Department...”</p> <p>The modified J&amp;S does not mandate visitation. It “allows” visitation.</p> <p>This case has been vetted with the SOTP manager, Sally Neiland. She says:</p> <p>“I have reviewed the attachments as well as the J &amp; S, Prohibitive Contact and PSI. This is a complicated case. I have a long list of concerns which include two items in the J &amp; S. To date, Mr. Gossett has not fulfilled 1) Obtain a sex offender evaluation..... 12) Do not enter into a relationship with any person who has minors in their care or custody without approval of your assigned CCO or SOTP (this includes his wife). This alone backs up the current Prohibitive</p> |

October 26, 2011

Attachment H

## REGULAR VISITING Appeal Tracking Sheet

|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                 | <p>Contact.</p> <p>Of concern is that Mr. Gosset all file material I have had access to indicates that he continues to deny his sexual offending and refer to the victim as a "liar and a bad Christian." In addition, even though his ERD is very far out, he has not acknowledged his behavior nor has he made attempt to apply for SOTP.</p> <p>In addition to that Mr. Gossett not only has 2 ROC 2 convictions and 2 Child Molest 2 convictions as well as a DV 4 conviction. In addition file material indicates that his wife "beat the victim with a belt and a spoon." I do not believe that DOC visitation staff should hold the responsibility for supervision of these minor children given the circumstances, and the attention they must pay to a full visiting room. The liability for the children, the visiting staff and the DOC seems to outweigh the visit request.</p> <p>A suggestion would be to allow for written correspondence to be reviewed both outgoing and incoming so he can maintain safe and observable contact with the children.</p> <p>Please let me know if I can help further. At this point I believe we should uphold the Prohibitive Contact."</p> |
| Deputy Director | I concur with the decision to deny the offenders appeal to participate in the visiting program with his children at SCCC.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

Attachment 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.

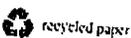
Respectfully,

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"*



# WASHINGTON STATE ATTORNEY GENERAL

January 20, 2017 - 2:04 PM

## Transmittal Letter

Document Uploaded: 3-prp2-495252-Response.pdf

Case Name: PRP of Mark Gossett

Court of Appeals Case Number: 49525-2

**Is this a Personal Restraint Petition?**  Yes  No

### The document being Filed is:

Designation of Clerk's Papers  Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion:

Answer/Reply to Motion:

Brief:

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes:

Hearing Date(s):

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other:

### Comments:

No Comments were entered.

Sender Name: Katrina Toal - Email: [katrinat@atg.wa.gov](mailto:katrinat@atg.wa.gov)