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NO. 58823-1-I

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

In re the Personal Restraint Petition of:

MARK DAVID MATTSON

Petitioner.

RESPONSE OF THE  
DEPARTMENT OF  
CORRECTIONS

FILED  
COURT OF APPEALS DIV. #1  
STATE OF WASHINGTON  
2006 OCT 24 AM 10:41

Respondent, the Department of Corrections (Department or DOC), responds to Mr. Mattson's personal restraint petition pursuant to RAP 16.9. Mr. Mattson is a recidivist sex offender who was convicted of rape and indecent liberties committed against children. He claims the DOC improperly denies his proposed release addresses because it is considering referring him to civil commitment as a sexually violent predator. Mr. Mattson's claim fails because he meets sexually violent predator criteria. The DOC investigated every address he submitted but found it inadequate because of the location and/or surrounding environment of the addresses and the dangerousness Mr. Mattson poses to the community.

**I. BASIS OF CUSTODY**

Mr. Mattson is in the Department's custody pursuant to a King County conviction for indecent liberties by forcible compulsion. Exhibit 1, Declaration of Lynda K. Jones, Attachment A, Judgment and Sentence, State v. Mattson, King County Superior Court Cause No. 98-1-09413-0

SEA. The court sentenced him to 120 months confinement. Id. at 4. He is past his earned early release date of July 23, 2005. Exhibit 2, Declaration of Karen Thompson, Attachment A, Offender Based Tracking Database (OBTS) Legal Face Sheet, at 1. His sentence expires in November of 2008. Id.

## II. STATEMENT OF THE CASE

Mr. Mattson was initially sentenced to life without parole for this crime. In 2003, his sentence was overturned and he was re-sentenced to 120 months of confinement. Exhibit 2, Attachment B, Offender Chrono Report, p. 6, entry dated 7/15/2003; Exhibit 1, Attachment A. He has submitted several proposed release addresses for DOC consideration, but it denied all of them.

## III. STANDARD OF REVIEW

In order to obtain collateral relief, a petitioner has a burden of proving an alleged error caused him actual and substantial prejudice. In re Cook, 114 Wn.2d 802, 813, 792 P.2d 506 (1990); In re Rice, 118 Wn.2d 876, 884, 828 P.2d 1086, cert. denied, 506 U.S. 958 (1992). Furthermore, this is a “threshold” burden if the inmate has had a previous or alternative avenue for obtaining state judicial review of the challenged decision. In re Cashaw, 123 Wn.2d 138, 148-49 (1994).

Allegations unsupported by citation to authority, facts, or persuasive reasoning cannot sustain this burden of proof. Cook, 114 Wn.2d at 813-14; In re Gronquist, 138 Wn.2d 388, 396, 978 P.2d 1083 (1999). A petitioner must present evidence that is more than speculation, conjecture, or inadmissible hearsay. Gronquist, 138 Wn.2d at 396 (citing Rice, 118 Wn.2d at 886); see also In re Williams, 111 Wn.2d 353, 365, 759 P.2d 436 (1988).

After establishing the appropriateness of collateral review, a petitioner still has the ultimate burden of proof. The petitioner must show the existence of an error, and must show by a preponderance of the evidence that he or she was prejudiced by the asserted error. Cook, 114 Wn.2d at 814. If the petitioner fails to meet this burden, he is not entitled to relief.

#### IV. ISSUE PRESENTED

Did Department's investigation and denial of Mr. Mattson's proposed addresses amount to an error that actually and substantially prejudiced him?

#### V. ARGUMENT

##### A. **DOC INVESTIGATED AND DENIED MATTSON'S PROPOSED ADDRESSES BASED ON THE RISK HE POSES TO COMMUNITY AND HIS CRIME HISTORY.**

Mr. Mattson cannot show the Department's investigation and subsequent denial of his release addresses amounted to an error that

actually and substantially prejudiced him. The Department investigated every address Mr. Mattson proposed, but denied all of them because of their location, criminal environment and the risk to community Mr. Mattson poses as a sex offender meeting sexual violent predator criteria. The Department protects the community safety, as RCW 72.09.340 mandates, by rejecting Mr. Mattson's release addresses. No community release plan will be safe enough for an offender like Mr. Mattson. He is a dangerous sexual recidivist who, by his own admission, committed dozens of charged and uncharged sexual crimes against vulnerable children who were strangers to him. In 2003 and 2005 forensic psychologist found Mr. Mattson to be meeting sexually violent predator criteria. No community release address, absent the one with the 24/7 prison-like monitoring and lock-down would be safe enough to protect the community from Mr. Mattson. There will always be too great a risk, with any other less-restrictive placement, that Mr. Mattson would escape and rape or sexually assault yet another child.

Mr. Mattson is a recidivist sex offender. In 1985 he was convicted of raping a six-year old girl. Exhibit 1, Attachment C, Draft File Review for EPRSC, dated 11/05/2003. He was released in 1988. Exhibit 2, Attachment A, at 2 (Movement Date and Type column). In 1998 he was

convicted for an attempted rape of a 15-year old girl. Exhibit 1, Attachment C. This is the sentence he is serving now.

Mr. Mattson apparently lacks empathy to the victim of his most recent sex crime. According to the chronological records compiled by DOC staff,

Although he indicated feeling bad for previous victims, he didn't about his most recent one. He referred to her as a 'little bitch' who lied on the stand.

Exhibit 2, Attachment B, Chrono Report at 3, entry dated 6/27/2000 (emphasis added).

In 2003, the Department's End of Sentence Review Committee reviewed his sentence and designated him a level 3 (highest risk) sex offender with RMA (highest risk) classification because of his crimes against vulnerable victims who were also strangers. Id. at 6, entry dated 11/6/2003.

In 2003, DOC referred Mr. Mattson for forensic evaluation to determine whether he met sexually violent predator ("SVP") classification criteria to be referred to civil commitment. Id. at 7, entry dated 11/10/2003. Mr. Mattson refused to participate in the evaluation. Id. at 7, entry dated 11/14/03. Forensic evaluator Dr. Judd concluded Mr. Mattson met SVP criteria. Id. at 8, entry dated 11/17/2003. Exhibit 3, Declaration of Alex Kostin, Attachment A, Civil Commitment Clinical Evaluation,

dated 11/17/2003. The report concluded Mr. Mattson was convicted of a crime of sexual violence, that in addition to the two convictions he self-reported he sexually abused 50 to 60 additional victims (girls from 3 to 10); he had a history of arrests for sexual and non-sexual crimes; and he had been unsuccessfully treated twice for sexual deviancy and substance abuse. Id. at 4. Report also concluded he suffered from mental abnormality as defined in RCW 71.09.020, i.e. he met sexually violent predator criteria. Id. at 5. It also stated that, as result of this abnormality, Mr. Mattson was likely to engage in predatory acts of sexual violence if not confined to a secure facility. Id. at 8.

In 2005, Dr. Judd composed an updated forensic psychological evaluation re-affirming his opinion Mr. Mattson met SVP criteria. Id. at 11, entry dated 8/9/2005, see also, Exhibit 3, Attachment B, Civil Commitment Clinical Evaluation, dated 8/9/2005. This was a much more detailed report based on Dr. Judd's review of more than 2000 pages of discovery and Dr. Judd's conducting clinical interview with Mr. Mattson. Id. at 102. During the interview, Mr. Mattson provided chilling details about his crimes. He explained that he sexually offended 38 "young, slim, vulnerable looking females." Id. at 5. The reason he chose this age group was because it was an "opportunity to get sexual satisfaction with an age group that was less likely to know the difference between right and

wrong.” Id. He typically was hunting down “single children in residential areas.” Id. Once he had a child, he would masturbate in front of her, ejaculate, force the child to fondle him, or would force the child to fellate him. Id. He victimized strangers to minimize the probability of being caught. Id. He attacked six to seven children after being released from serving his 1985 sentence. Id. at 6. He also has a long history of exhibitionism, voyeurism, making obscene phone calls, soliciting prostitutes and occasionally forcing them to perform unwanted sexual acts. Id. at 6. He also had a long history of abusing drugs and alcohol. Id. at 7. The treatment he received was unsuccessful. Id. at 7-8. Dr. Judd concluded Mr. Mattson met sexually violent predator criteria as described in RCW 71.09.020, and that he had a history of pedophilic arousal and a high probability of recidivism. Id. at 19.

In 2005, Mr. Mattson submitted his first proposed address, Franklin Apartments in Seattle. Exhibit 2, Attachment B, at 9, entry dates 3/22/2005. DOC investigated and denied it because the address put him at the risk to reoffend, as it was a high drug and prostitution area. Id. entry dated 5/126/2005.

In June of 2005, Mr. Mattson submitted an address of Georgia Inn in Seattle. Id. at 9. The DOC investigated and denied the address because investigating officer found that the residence was in the middle of a “a

very well known prostitution area.” Approving that residence would have put Mr. Mattson into a high risk situation. Id. at 10, entry dated 7/27/2005.

In August of 2005, Mr. Mattson submitted an address of Boylston Hotel in Seattle. Id. at 11, entry dated 8/2/2005. The investigating officer observed drug buys and prostitution activity in the area around the hotel. Id. Based on these observations and Mr. Mattson’s prior history with prostitution, Department denied the address. Id. at 11, entry dated 8/25/2005.

In September of 2005, Mr. Mattson submitted an address for private residence in Duvall, Washington. Id. at 12, entry dated 9/29/2005. The investigating officer discovered the wife of the sponsor was very angry that their address was submitted because her husband did not clear it with her. Based on that, the officer denied placement. Id. at 12.

In April of 2006, Mr. Mattson submitted an address of the Mack House in Arlington. Id. at 13, entry dated 4/19/2006. It does not appear from the available record that the DOC has yet determined whether this address was disapproved. It is likely this address will be denied based on the DOC’s recent amendments to the DOC Policy 350.200.

The DOC has a policy that outlines a referral process for offenders sentenced to community placement. Exhibit 4, DOC Policy Directive

350.200. Pursuant to the policy, it is the offender who has primary responsibility to identify an appropriate residence for his community custody plan. The DOC's role is to provide information and resources to facilitate the offender's timely identification of appropriate resources in the community. Specifically, the policy provides that six months prior to an offender's early release date a facility Community Corrections Counselor (facility CCO) assesses the resources available to help the offender transition to the community. Id. at Section I.C. At this time, the CCO must ask the offender a series of questions, including whether the offender has a release address. Id. at attachment labeled "Transition Process Offender Discussion Guide."

Once the offender has selected a residence, the counselor "identifies" this residence through the referral process by completing the "Community Release Plan Packet" (CRPP). Id. at Section VII. The CCO works with an offender to develop the most appropriate release plan, taking into consideration the offender's past compliance with supervision requirements, the offender's risk management level, and all notes that are on file regarding the offender's behavior while in prison. Id. at Section VI.

The CCO documents individuals, activities, programs, services, and needed resources that will mitigate the offender's risk to do harm. Id.

at Section VI.G. The CCO also documents the proposed release address, any verified employment, and means of transportation to the release residence. Id. If the offender is a sex offender, dangerously mentally ill, or has been assessed at risk management level A, the facility CCO also will give great weight to the concerns of victim safety. Id. at Section VII.1.a, at 9. Mr. Mattson is both a sex offender and he has RM-A risk management classification.

A field CCO is then assigned to investigate the actual conditions at the address that the offender has proposed. Id. at Section VII.3. The CCO must visit the proposed residence and assesses the degree of risk for victims and potential victims of similar age or circumstances. The field CCO must inform the proposed sponsor (usually the person living at the proposed address) of the offender's criminal history and conditions of release. Id. at Section VII.3.d

In addition to identifying the residence, the inmate must identify the sponsor's relationship to the offender and the sponsor's date of birth. Id. at attachment labeled "Offender Accountability Plan with Transition Plan Procedure." This further illustrates the central role that an offender must play in relying on his own resources in the community in order to assist the counselor in identifying an appropriate residence.

In June of 2006, the Department issued new directives related, inter alia, to the investigation of release plans of sex offenders identified as sexually violent predators (SVPs). Exhibit 5, June 8, 2006, Sex Offender Directive. These directives replace a portion of DOC policy 350.200. The directives provide that when making a decision whether to approve the plan of an offender identified as sexually violent predator the DOC makes a decision based on its assessment of public safety risk. Id. at 1. DOC would not deem sufficiently safe any proposed community release plan of an inmate evaluated by an expert and determined to meet civil commitment criteria as a sexual predator. Id. at 2.

The Department's investigation and ultimate rejection of the addresses proposed by Mr. Mattson is consistent with the Washington case and statutory law.

Mr. Mattson cannot have an expectation of being released prior to the expiration of his sentence. There is no constitutional or inherent right of a convicted person to be conditionally released before the expiration of a valid sentence. Greenholtz v. Nebraska Penal and Correctional Complex, 442 U.S. 1, 7 (1979). "Decisions of the Executive Branch, however serious their impact, do not automatically invoke due process protection; there simply is no constitutional guarantee that all executive decisionmaking must comply with standards that assure error-free

determinations.” Greenholtz v. Inmates of Nebraska Penal and Correctional Complex, 442 U.S. 1, 7, 99 S. Ct. 2100, 60 L. Ed. 2d 668 (1979) (holding that no hearing is necessary when parole board interviews offender and denies parole after subjective determination of offender’s readiness for release).

Procedural due process claims require (1) a deprivation of a constitutionally protected liberty or property interest, and (2) a denial of adequate procedural protections. Hufford v. McEnaney, 249 F.3d 1142, 1150 (9th Cir. 2001). The Fourteenth Amendment’s Due Process Clause extends only to those governmental actions that deprive one of a life, liberty, or property interest of constitutional magnitude. Board of Regents v. Roth, 408 U.S. 564, 569- 70, 92 S. Ct. 2701, 33 L. Ed.2d 548 (1972). Due process “is flexible and calls for such procedural protections as the particular situation demands.” Morrissey v. Brewer, 408 U.S. 471, 481, 92 S. Ct. 2593, 33 L. Ed. 2d 484 (1972) (citations omitted). “The function of legal process, as that concept is embodied in the Constitution, and in the realm of fact-finding, is to minimize the risk of erroneous decisions. Because of the broad spectrum of concerns to which the term must apply, flexibility is necessary to gear the process to the particular need; the quantum and quality of the process due in a particular situation depend

upon the need to serve the purpose of minimizing the risk of error.”  
Greenholtz, 442 U.S. at 13.

In Greenholtz, the United States Supreme Court held that there is no constitutional or inherent right of a convicted person to be conditionally released before the expiration of a valid sentence. Greenholtz, 442 U.S. at 7. The offender in Greenholtz had been denied parole after the parole board interviewed him without a hearing. The offender claimed that the parole-determination provision in his case was similar to the Nebraska statute involved in Wolff v. McDonnell, 418 U.S. 539, 94 S. Ct. 2963, 41 L. Ed. 2d 935 (1974), that granted good-time credits to inmates. Greenholtz, 442 U.S. at 12. In Wolff, the Supreme Court held that due process protected the inmates from the arbitrary loss of the statutory right to credits because they were provided subject only to good behavior. The Court held that the statute created a liberty interest protected by due process guarantees.

In rejecting offender Greenholtz’s argument that he was entitled to a hearing like that required by the Supreme Court in Wolff, the Supreme Court began by analyzing the extent of the constitutional protections due to offenders in parole determinations. The Court found that constitutional protections were due: “We can accept respondents’ view that the expectancy of release provided in this statute is entitled to some measure

of constitutional protection.” Id., 442 U.S. at 12. However, the Court explained, “[m]erely because a statutory expectation exists cannot mean that in addition to the full panoply of due process required to convict and confine there must also be repeated, adversary hearings in order to continue the confinement.” Id., 442 U.S. at 14.

The Court then assessed whether it was wise policy to place burdensome procedural requirements on states with parole systems. The Court contrasted the fact-based determination of the disciplinary hearing in Wolff, on one hand, with the subjective prediction of future behavior in Greenholtz’s parole eligibility interview, on the other hand. Greenholtz, 442 U.S. at 13. “Like most parole statutes, it vests very broad discretion in the Board. No ideal, error-free way to make parole-release decisions has been developed; the whole question has been and will continue to be the subject of experimentation involving analysis of psychological factors combined with fact evaluation guided by the practical experience of the actual parole decision makers in predicting future behavior.” Id. The Court held that states need to have freedom to experiment with various procedures for parole determinations. Id. “If parole determinations are encumbered by procedures that states regard as burdensome and unwarranted, they may abandon or curtail parole.” Id.

Finally, the Court determined that the procedures already in place in that case provided enough protections to reduce the likelihood of errors, and a full hearing was not necessary. Id., 442 U.S. at 14-15. The parole board would interview the offender and examine the inmate's file. Id. The review would include "consideration of what the entire record shows up to the time of the sentence, including the gravity of the offense in the particular case. The behavior record of an inmate during confinement is critical in the sense that it reflects the degree to which the inmate is prepared to adjust to parole release." Id., 442 U.S. at 15. The parole board also reviewed the type of residence, neighborhood or community in which offender planned to live; the adequacy of the offender's parole plan; and the offender's family status and whether he or she had relatives who displayed an interest in him or her or whether he or she had other close and constructive associations in community. Id., 442 U.S. at 17.

At the parole board's initial interview, an inmate was permitted to "appear before the Board and present letters and statements on his own behalf." Id., 442 U.S. at 15. The Court found that the inmate was thereby "provided with an effective opportunity, first, to insure that the records before the Board are in fact the records relating to his case; and, second, to present any special considerations demonstrating why he is an appropriate candidate for parole." Id. "Since the decision is one that must be made

largely on the basis of the inmate's files, this procedure adequately safeguards against serious risks of error and thus satisfies due process.”

Id.

If the parole board denied parole, it communicated “the reason for its denial as a guide to the inmate for his future behavior.” Id. However, the parole board did not necessarily specify the particular “evidence” in the inmate's file or at his interview “on which it rested the discretionary determination that an inmate was not ready for conditional release.” Id. The Court found this acceptable: “To require the parole authority to provide a summary of the evidence would tend to convert the process into an adversary proceeding and to equate the Board's parole-release determination with a guilt determination.” The statute in that case contemplated, “and experience has shown, that the parole-release decision is, as we noted earlier, essentially an experienced prediction based on a host of variables.” Id., 442 U.S. at 15-16.

Ultimately, the Court held that the parole denial interview procedures in Greenholtz were all that due process requires: “The Nebraska procedure affords an opportunity to be heard, and when parole is denied it informs the inmate in what respects he falls short of qualifying for parole; this affords the process that is due under these circumstances. The Constitution does not require more.” Id., 442 U.S. at 16. “There is no

constitutional or inherent right of a convicted person to be conditionally released before the expiration of a valid sentence. . . . [T]he conviction, with all its procedural safeguards, has extinguished that liberty right: “[G]iven a valid conviction, the criminal defendant has been constitutionally deprived of his liberty.” Id., 442 U.S. at 7 (citations omitted).

Here, as in Greenholtz, the DOC has provided all procedural due process protections owed to Mr. Mattson. The general rule in the State of Washington is that no offender serving a sentence imposed pursuant to the Sentencing Reform Act shall be entitled to release from prison before expiration of his or her maximum sentence. Former RCW 9.94A.150 (1998)<sup>1</sup> (“No person . . . shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows . . .”). The main exception to the rule against early release is found in former RCW 9.94A.150(1) (1998),<sup>2</sup> under which the term of the offender’s sentence “may be reduced by earned early release time” in accordance with procedures that are developed and promulgated by the correctional agency having jurisdiction over the offender.

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<sup>1</sup> Currently RCW 9.94A.728

<sup>2</sup> RCW 9.94A.728(1).

Unlike other SRA offenders, offenders subject to community placement are excluded from the program allowing early release based on earned early release credits. The community placement act was unequivocal in expressing this exclusion. Laws of 1988, chapter 153, § 3, p. 617 (amending former RCW 9.94A.150(1)). In effect, a community placement offender does not actually receive earned early release credits and has no right to early release based upon good conduct or performance in prison. Id.; RCW 9.94A.728(2).

Instead of earned early release, the Legislature specified that community placement offenders may only become “eligible” for a transfer to community custody status. Id. This transfer under the second subsection of the statute was to be “in lieu of” early release under the first subsection of statute. Hence, community placement offenders are expressly exempt from the first subsection of the statute. Laws of 1988, chapter 153, § 3, p. 617 (amending former RCW 9.94A.150(1)).

The concept of “community placement” was created in 1988 when the Legislature enacted Substitute House Bill 1424. Laws of 1988, chapter 153, §§ 1-3. The Legislature created this new form of supervision for certain high risk offenders, including persons convicted of violent offenses and sex offenses. Laws of 1988, chapter 153, § 2, p. 614

(amending former RCW 9.94A.120(8)). Community placement was defined as that:

period during which the offender is subject to the conditions of community custody and/or post release supervision, which begins either upon completion of the term of confinement (post release supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely post release supervision, or a combination of the two.

Former RCW 9.94A.030(5)<sup>3</sup> (1999) (emphasis added). Hence, the community placement period need not consist of any early release time whatsoever. Such time is not an entitlement.

Thus, while the DOC is prohibited from releasing Mr. Mattson based upon earned early release credits, it does have the discretionary authority to consider him for a transfer to community custody under the community placement program that the DOC was authorized to develop by former RCW 9.94A.150(2) (1998).<sup>4</sup> See also former RCW 9.94A.120(9)(a)(ii) (1998).<sup>5</sup> As a part of this program, the offender's "residence location and living arrangements are subject to the prior approval of the department of corrections while in community placement or community custody." Exhibit 1, at 5. The DOC's program also

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<sup>3</sup> Currently RCW 9.94A.030(7).

<sup>4</sup> Currently RCW 9.94A.728(2).

<sup>5</sup> Currently RCW 9.94A.705.

provides for advance notification of release to law enforcement officials, victims and witnesses. Former RCW 9.94A.155.<sup>6</sup>

Protection of the public is the Department's paramount goal in evaluating the proposed release addresses of Mr. Mattson. RCW 72.09.340 requires DOC to make all decisions regarding release plans based on its assessment of public safety risk:

In making all discretionary decisions regarding release plans for and supervision of sex offenders, the department shall set priorities and make decisions based on an assessment of public safety risks.

(Emphasis added).

Dr. Judd, psychologist and forensic consultant evaluated Mr. Mattson twice. See above. Both times Dr. Judd concluded Mr. Mattson met sexually violent predator criteria.

Mr. Mattson currently has a highest risk classification (RMA) and Level III offender category because he was convicted of committing twice, sexual crimes against vulnerable children who were strangers to him. Exhibit 2, Attachment B, at 6, entry dated 11/6/03.

Because Mr. Mattson meets the sexually violent predator criteria, DOC considers referring him to civil commitment. Exhibit 2, Attachment B, at 8. The prosecuting attorney's office would not decide whether to

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<sup>6</sup> Currently RCW 9.94A.612.

initiate civil commitment proceedings until shortly before his sentence expires in 2008.

Department complies with this Court's decisions of In re Dutcher, 114 Wash. App. 755 (2002) and In re Liptrap, 127 Wash. App. 463 (2005). In Dutcher, this Court held the Department could not refuse to accept for investigation community release plans submitted by a sex offender who was also considered for civil commitment referral as a sexual predator. Dutcher, 114 Wash. App. at 760, 765. The Department complies with Dutcher, because it allows Mr. Mattson to submit release plans, and it investigates every plan that Mr. Mattson submits. See, e.g. Exhibit 2, Attachment B, at 9, entry dated 3/22/2005 (Department specifically noted that Mr. Mattson "can submit an address due to the Dutcher decision").

The Department also complies with In re Liptrap. In Liptrap, this Court determined the Department erred when it instructed its staff not to approve or deny the proposed released plans of sex offenders who have not undergone sexually violent predator forensic psychological evaluation. Liptrap, 127 Wash. App. at 468. This is not an issue in this case, because Mr. Mattson was first determined to meet sexually violent predator criteria for civil commitment in November of 2003. Exhibit 2, Attachment B, at

8, entry dated 11/17/2003. He started submitting his release addresses in 2005. Id. at 9, entry dated 3/22/2005.

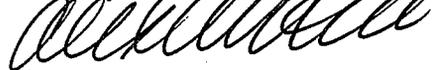
Mr. Mattson is not an ordinary sex offender. He is a repeat sex offender who committed sex crimes against children who were strangers to him. The forensic psychologist diagnosed him as meeting sexually violent predator criteria. The DOC appropriately denied, after investigation, his release addresses, because it is guided by its most important goal, protection of community. No release address Mr. Mattson submits will be sufficiently safe to satisfy the Department's community safety concerns. Therefore, the Department properly denied the addresses.

V. CONCLUSION

Based on the foregoing, the Respondent respectfully asks that the Court deny Mr. Mattson's petition and dismiss this case with prejudice.

RESPECTFULLY SUBMITTED this 23 day of October, 2006.

ROB MCKENNA  
Attorney General



ALEX A. KOSTIN – WSBA#29115  
Assistant Attorney General  
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(360) 586-1445

**CERTIFICATE OF SERVICE**

I certify that I served a copy of the RESPONSE OF THE DEPARTMENT OF CORRECTIONS on all parties or their counsel of record as follows:

- US Mail Postage Prepaid
- United Parcel Service, Next Day Air
- ABC/Legal Messenger
- State Campus Delivery
- Hand delivered by \_\_\_\_\_

TO:  
MARK DAVID MATTSON, #265524  
MONROE CORRECTIONAL COMPLEX  
P.O. BOX 888  
MONROE, WA 98272-0888

EXECUTED this 23<sup>rd</sup> day of October, 2006 at Olympia, Washington.

Karen Thompson  
KAREN THOMPSON

FILED  
COURT OF APPEALS DIV. #1  
STATE OF WASHINGTON  
2006 OCT 24 AM 10:47

**EXHIBIT 1**

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

In re the Personal Restraint Petition of:

MARK DAVID MATTSON

Petitioner.

DECLARATION OF  
LYNDA K. JONES

I, LYNDA K. JONES, declare and state:

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

2. I am employed by the Department of Corrections (DOC) at Monroe Correctional Complex in Monroe, Washington.

3. One of my duties is to assist the Attorney General's Office by locating and providing necessary documents/information as needed as it pertains to litigation of employees/defendants of the DOC.

4. Attached to this declaration are true and correct copies of the following documents:

A. Judgment and Sentence, State v. Mattson, King County Superior Court Cause No. 98-1-09413-0;

B. Draft File Review for EPRSC, dated 11/05/2003

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

EXECUTED this 23<sup>rd</sup> day of October, 2006.

  
LYNDA K. JONES

**ATTACHMENT A**

FILED  
03 DEC 22 AM 8:48  
KING COUNTY  
SUPERIOR COURT CLERK  
KENT, WA

CERTIFIED COPY TO COUNTY JAIL DEC 22 2003

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, )  
 )  
Plaintiff, ) No. 98-1-09413-0 SEA  
 )  
Vs. ) JUDGMENT AND SENTENCE  
 ) FELONY  
MARK D. MATTSON )  
 ) \*RESENTENCING\*  
Defendant, )

I. HEARING

I.1 The defendant, the defendant's lawyer, SARA DANNEN, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: \_\_\_\_\_

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 10/01/1999 by jury verdict of:

Count No.: I Crime: INDECENT LIBERTIES BY FORCIBLE COMPULSION  
RCW 9A.44.100 (1)(A) Crime Code: 00854  
Date of Crime: 11/02/1998 Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

[ ] Additional current offenses are attached in Appendix A

ATTACHMENT A

**SPECIAL VERDICT or FINDING(S):**

- (a)  While armed with a firearm in count(s) \_\_\_\_\_ RCW 9.94A.510(3).
- (b)  While armed with a deadly weapon other than a firearm in count(s) \_\_\_\_\_ RCW 9.94A.510(4).
- (c)  With a sexual motivation in count(s) \_\_\_\_\_ RCW 9.94A.835.
- (d)  A V.U.C.S.A. offense committed in a protected zone in count(s) \_\_\_\_\_ RCW 69.50.435.
- (e)  Vehicular homicide  Violent traffic offense  DUI  Reckless  Disregard.
- (f)  Vehicular homicide by DUI with \_\_\_\_\_ prior conviction(s) for offense(s) defined in RCW 41.61.5055, RCW 9.94A.510(7).
- (g)  Non-parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A.44.130.
- (h)  Domestic violence offense as defined in RCW 10.99.020 for count(s) \_\_\_\_\_.
- (i)  Current offenses encompassing the same criminal conduct in this cause are count(s) \_\_\_\_\_ RCW 9.94A.589(1)(a).

**2.2 OTHER CURRENT CONVICTION(S):** Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): \_\_\_\_\_

**2.3 CRIMINAL HISTORY:** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.525):

- Criminal history is attached in Appendix B.
- One point added for offense(s) committed while under community placement for count(s) \_\_\_\_\_

**2.4 SENTENCING DATA:**

| Sentencing Data | Offender Score | Seriousness Level | Standard Range | Enhancement | Total Standard Range | Maximum Term           |
|-----------------|----------------|-------------------|----------------|-------------|----------------------|------------------------|
| Count I         | 3              | X                 |                |             | 67 TO 89 MONTHS      | 10 YRS AND/OR \$20,000 |
| Count           |                |                   |                |             |                      |                        |
| Count           |                |                   |                |             |                      |                        |
| Count           |                |                   |                |             |                      |                        |

Additional current offense sentencing data is attached in Appendix C.

**2.5 EXCEPTIONAL SENTENCE (RCW 9.94A.535):**

Substantial and compelling reasons exist which justify a sentence ~~above~~ below the standard range for Count(s) I. Findings of Fact and Conclusions of Law are attached in Appendix D. The State  did  did not recommend a similar sentence.

Findings: Agreement of the parties

**III. JUDGMENT**

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A.

The Court DISMISSES Count(s) \_\_\_\_\_

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

4.1 RESTITUTION AND VICTIM ASSESSMENT:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
  - Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(2), sets forth those circumstances in attached Appendix E.
  - Restitution to be determined at future restitution hearing on (Date) \_\_\_\_\_ at \_\_\_\_\_ m.
  - Date to be set.
  - Defendant waives presence at future restitution hearing(s).\*
  - Restitution is not ordered.
- Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

*\* Defense asserts this should previously have been established after orig. JTS.*

4.2 OTHER FINANCIAL OBLIGATIONS:

- Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:
- (a)  \$ \_\_\_\_\_, Court costs;  Court costs are waived; (RCW 9.94A.030, 10.01.160)
  - (b)  \$100 DNA collection fee;  DNA fee waived (RCW 43.43.754)(crimes committed after 7/1/02);
  - (c)  \$ \_\_\_\_\_, Recoupment for attorney's fees to King County Public Defense Programs;  Recoupment is waived (RCW 9.94A.030);
  - (d)  \$ \_\_\_\_\_, Fine;  \$1,000, Fine for VUCSA;  \$2,000, Fine for subsequent VUCSA;  VUCSA fine waived (RCW 69.50.430);
  - (e)  \$ \_\_\_\_\_, King County Interlocal Drug Fund;  Drug Fund payment is waived; (RCW 9.94A.030)
  - (f)  \$ \_\_\_\_\_, State Crime Laboratory Fee;  Laboratory fee waived (RCW 43.43.690);
  - (g)  \$ \_\_\_\_\_, Incarceration costs;  Incarceration costs waived (RCW 9.94A.760(2));
  - (h)  \$ \_\_\_\_\_, Other costs for: \_\_\_\_\_

4.3 PAYMENT SCHEDULE:

Defendant's TOTAL FINANCIAL OBLIGATION is: \$500 + Restitution. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms:  Not less than \$ \_\_\_\_\_ per month;  On a schedule established by the defendant's Community Corrections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. The Defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from the date of sentence or release from confinement to assure payment of financial obligations.

- Court Clerk's trust fees are waived.
- Interest is waived except with respect to restitution.

4.4 CONFINEMENT OVER ONE YEAR: Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows, commencing:  immediately; [ ] (Date): \_\_\_\_\_ by \_\_\_\_\_ m.

120 months/days on count 15; \_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/day on count \_\_\_\_\_  
\_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/day on count \_\_\_\_\_

The above terms for counts \_\_\_\_\_ are consecutive / concurrent.

The above terms shall run [ ] CONSECUTIVE [ ] CONCURRENT to cause No.(s) \_\_\_\_\_

The above terms shall run [ ] CONSECUTIVE [ ] CONCURRENT to any previously imposed sentence not referred to in this order.

[ ] In addition to the above term(s) the court imposes the following mandatory terms of confinement for any special WEAPON finding(s) in section 2.1: \_\_\_\_\_

which term(s) shall run consecutive with each other and with all base term(s) above and terms in any other cause. (Use this section only for crimes committed after 6-10-98)

[ ] The enhancement term(s) for any special WEAPON findings in section 2.1 is/are included within the term(s) imposed above. (Use this section when appropriate, but for crimes before 6-11-98 only, per In Re Charles)

The TOTAL of all terms imposed in this cause is \_\_\_\_\_ months.

Credit is given for X 1866 days served [ ] days as determined by the King County Jail, solely for confinement under this cause number pursuant to RCW 9.94A.505(6).

4.5 ~~NO CONTACT~~ For the maximum term of 10 years, defendant shall have no contact with CRIM

4.6 DNA TESTING. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing, as ordered in APPENDIX G.

HIV TESTING: For sex offense, prostitution offense, drug offense associated with the use of hypodermic needles, the defendant shall submit to HIV testing as ordered in APPENDIX G.

4.7 (a) [ ] COMMUNITY PLACEMENT pursuant to RCW 9.94A.700, for qualifying crimes committed before 7-1-2000, is ordered for \_\_\_\_\_ months or for the period of earned early release awarded pursuant to RCW 9.94A.728, whichever is longer. [24 months for any serious violent offense, vehicular homicide, vehicular assault, or sex offense prior to 6-6-96; 12 months for any assault 2°, assault of a child 2°, felony violation of RCW 69.50/52, any crime against person defined in RCW 9.94A.411 not otherwise described above.] APPENDIX H for Community Placement conditions is attached and incorporated herein.

(b) ~~NO COMMUNITY CUSTODY~~ pursuant to RCW 9.94.710 for any SEX OFFENSE committed after 6-5-96 but before 7-1-2000, is ordered for a period of 36 months or for the period of earned early release awarded under RCW 9.94A.728, whichever is longer. APPENDIX H for Community Custody Conditions and APPENDIX J for sex offender registration is attached and incorporated herein.

- (c)  **COMMUNITY CUSTODY** - pursuant to RCW 9.94A.715 for qualifying crimes committed after 6-30-2000 is ordered for the following established range:
    - Sex Offense, RCW 9.94A.030(38) - 36 to 48 months—when not sentenced under RCW 9.94A.712
    - Serious Violent Offense, RCW 9.94A.030(37) - 24 to 48 months
    - Violent Offense, RCW 9.94A.030(45) - 18 to 36 months
    - Crime Against Person, RCW 9.94A.411 - 9 to 18 months
    - Felony Violation of RCW 69.50/52 - 9 to 12 months
- or for the entire period of earned early release awarded under RCW 9.94A.728, whichever is longer.  
 Sanctions and punishments for non-compliance will be imposed by the Department of Corrections pursuant to RCW 9.94A.737.
- APPENDIX H** for Community Custody conditions is attached and incorporated herein.
  - APPENDIX J** for sex offender registration is attached and incorporated herein.

4.8  **WORK ETHIC CAMP:** The court finds that the defendant is eligible for work ethic camp, is likely to qualify under RCW 9.94A.690 and recommends that the defendant serve the sentence at a work ethic camp. Upon successful completion of this program, the defendant shall be released to community custody for any remaining time of total confinement. The defendant shall comply with all mandatory statutory requirements of community custody set forth in RCW 9.94A.700. Appendix H for Community Custody Conditions is attached and incorporated herein.

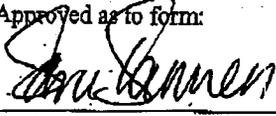
4.9  **ARMED CRIME COMPLIANCE, RCW 9.94A.475, .480.** The State's plea/sentencing agreement is  attached  as follows:

The defendant shall report to an assigned Community Corrections Officer upon release from confinement for monitoring of the remaining terms of this sentence.

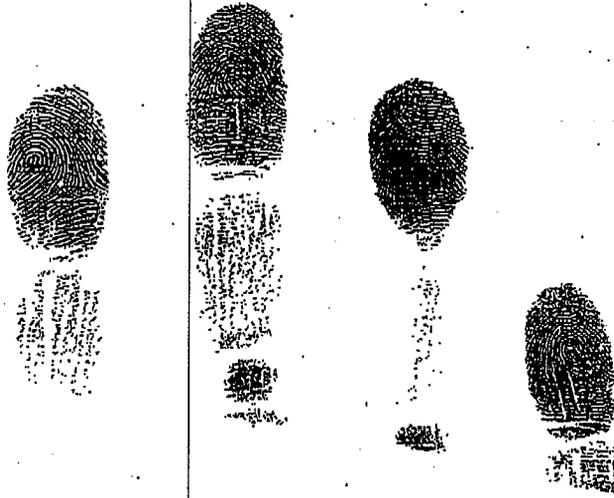
Date: 19 Dec 03

  
 JUDGE  
 Print Name: \_\_\_\_\_

Presented by:  
  
 Deputy Prosecuting Attorney, WSBA# 23362  
 Print Name: R. Rogan

Approved as to form:  
  
 Attorney for Defendant, WSBA # 3102  
 Print Name: Danner

FINGERPRINTS



RIGHT HAND  
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE: [Signature]  
DEFENDANT'S ADDRESS: DOC

MARK D MATTSO

DATED: 19 Dec 03  
[Signature]

ATTESTED BY BARBARA MINDE  
SUPERIOR COURT CLERK  
BY: [Signature]  
DEPUTY CLERK

JUDGE, KING COUNTY SUPERIOR COURT  
**RONALD KESSLER**

CERTIFICATE

OFFENDER IDENTIFICATION

I, \_\_\_\_\_,  
CLERK OF THIS COURT, CERTIFY THAT  
THE ABOVE IS A TRUE COPY OF THE  
JUDGEMENT AND SENTENCE IN THIS  
ACTION ON RECORD IN MY OFFICE.  
DATED: \_\_\_\_\_

S.I.D. NO. WA11241327  
DOB: MAY 10, 1958  
SEX: M  
RACE: W

CLERK

BY: \_\_\_\_\_  
DEPUTY CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 98-1-09413-0 KNT

vs.

JUDGMENT AND SENTENCE,  
(FELONY) - APPENDIX B,  
CRIMINAL HISTORY

MARK D. MATTSON

Defendant,

2.2 The defendant has the following criminal history used in calculating the offender score (RCW 9.94A.525):

Crime  
STATUTORY RAPE

| Sentencing Date | Adult or Juv. Crime | Cause Number | Location |
|-----------------|---------------------|--------------|----------|
| 06/18/85        | ADULT               | 851010759    | KING     |

[ ] The following prior convictions were counted as one offense in determining the offender score (RCW 9.94A.525(5)):

Date:

19 Dec 03

*David Kessler*  
JUDGE, KING COUNTY SUPERIOR COURT

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

MARK D. MATTSON

Defendant,

No. 98-1-09413-0 KNT

APPENDIX G  
ORDER FOR BIOLOGICAL TESTING  
AND COUNSELING

(1) DNA IDENTIFICATION (RCW 43.43.754):

The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.

(2)  HIV TESTING AND COUNSELING (RCW 70.24.340):

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 205-7837 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date:

19 Dec 02



JUDGE, King County Superior Court



SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

10/50  
03 DEC 22 AM 8:48  
KING COUNTY  
SUPERIOR COURT CLERK  
KENT, WA

STATE OF WASHINGTON,

PLAINTIFF,

V.

MARK D MATTSON,

DEFENDANT.

CAUSE NO. 981094130

PRESENTENCE STATEMENT OF  
KING COUNTY PROSECUTING ATTORNEY

*\* Resentencing \**

VENUE: SEATTLE

CCN: 1020587 REFERRAL: 1981110006 DOB: 05/10/1958 RACE: W SEX: M ST ID: WA11241327

| GLTY DTE DSP CNT | CHARGES            | SP | VER | FIRST RCW       | CRIME DTE  | CRIME CODE |
|------------------|--------------------|----|-----|-----------------|------------|------------|
| 10/01/1999GJ 1   | INDECENT LIBERTIES |    | *   | 9A.44.100(1)(A) | 11/02/1998 | 00854      |

COMMENTS:

DEFENSE ATTORNEY:

*LAMAR MILLS  
Sara Bannan / scup Judge Kessler*

ATTACHMENTS: THE FOLLOWING ATTACHMENTS ARE INCORPORATED BY REFERENCE INTO THIS PROSECUTOR'S STATEMENT:

- PLEA AGREEMENT
- PROSECUTOR'S STATEMENT OF DEFENDANT'S CRIMINAL HISTORY (APPENDIX B)
- RAP SHEETS
- SENTENCING REFORM ACT SCORE SHEET
- SENTENCING MEMORANDUM REAL FACTS/RESTITUTION (APPENDIX C)
- STATE'S SENTENCING RECOMMENDATION
- FACTS OF CRIME: CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE;
- INFORMATION; SENTENCING MEMORANDUM ON FACTS;

\* GUILTY DISPOSITIONS: GP = GUILTY PLEA; GJ = GUILTY JURY; GN = GUILTY NON JURY;  
 \* SPECIAL VERDICT: 1 = DEADLY WEAPON; 2 = FIREARM; 3 = BOTH 1 AND 2;

NORM MALENG, KING COUNTY PROSECUTING ATTORNEY

BY:  
DEPUTY PROSECUTING ATTORNEY

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

|                          |   |                      |
|--------------------------|---|----------------------|
| THE STATE OF WASHINGTON, | ) |                      |
|                          | ) |                      |
| Plaintiff,               | ) | No. 98-1-09413-0 SEA |
|                          | ) |                      |
| v.                       | ) |                      |
|                          | ) | INFORMATION          |
| MARK DAVID MATTSON,      | ) |                      |
|                          | ) |                      |
|                          | ) |                      |
| Defendant.               | ) |                      |

I, Norm Maleng, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse MARK DAVID MATTSON of the crime of Indecent Liberties, committed as follows:

That the defendant MARK DAVID MATTSON in King County, Washington on or about November 2, 1998, did by forcible compulsion knowingly cause Cassie Michelle Rowland, who was not the spouse of the defendant, to have intentional, sexual contact with the defendant;

Contrary to RCW 9A.44.100(1)(a), and against the peace and dignity of the State of Washington.

NORM MALENG  
Prosecuting Attorney

By: \_\_\_\_\_  
Nelson K.H. Lee, WSBA #91002  
Deputy Prosecuting Attorney

INFORMATION- 1

Norm Maleng  
Prosecuting Attorney  
W 554 King County Courthouse  
Seattle, Washington 98104-2312  
(206) 296-9000

**ATTACHMENT B**

\*\*\*\*\*  
DOC BULLETINS ARE NOT TO BE POSTED IN THE COMMUNITY OR DISTRIBUTED TO THE PUBLIC  
**DO NOT DISSEMINATE!**  
\*\*\*\*\*



WASHINGTON STATE  
DEPARTMENT OF CORRECTIONS

**DRAFT**  
**FILE REVIEW FOR EOSRC**

**NAME:** MATTSON, MARK D.      **DOC#:** 265524      **AGE:** 45  
**AKA:** MATSON, MARK D.  
**RELEASE DATE:** Probably on 11/2103.  
**PROPOSED RELEASE ADDRESS:** He has the support of his parents, Doris Mattson who live in Greenbank, WA., and his father, Morris Mattson who lives in Coupeville, WA. No proposed release address is noted.  
**COMMUNITY SUPERVISION:** Should be 36 months of Community Custody.  
**SPECIAL CONDITIONS:** Sex offender registration requirement; no contact with victim of offense. Am awaiting his re-sentencing for the Judgment and Sentence for any current conditions.

**RACE:** WHITE  
**SEX:** MALE  
**DOB:** 05/10/1958  
**HEIGHT:** 5 FT 10 IN  
**WEIGHT:** 210 LBS.  
**HAIR:** BROWN  
**EYES:** BLUE  
**SCAR/MARKS:** NONE NOTED  
**FBI #:** 149074W7  
**SSA#:** 539-66-4264      **SID#:** 11241327  
**FBI FINGERPRINT #:** 206405CO11225810CI11  
**REQUIRED TO REGISTER:** YES

**CURRENT OFFENSE:** INDECENT LIBERTIES with FORCIBLE COMPULSION  
**COUNTY AND CAUSE:** KING COUNTY #98-1-08413-0  
**SENTENCED:** TBD PENDING RE-SENTING (WAS LWOP)

**CURRENT OFFENSE:** According to official documents, on 11/2/98, Mattson sexually assaulted an unknown 15-yr-old female. The victim left a coffee shop about 10:30 PM and as she started home, she was approached by a male, later identified as Mattson, who asked her if she wanted to go smoke some marihuana. She said yeas and he told her to come with him. While they were walking he made a pipe out a beer can and she took a couple of "hits" of the marihuana. She asked him to go to a place that was out in the open where she could leave when she wanted to but he said no, he wanted to show her something cool. Mattson then took her to some apartments that were under construction, telling her he used to work there. He obtained a key which was hidden, unlocked a door, and told her they were nice places. The victim stuck her head inside at which time Matson grabbed her and put his hand over her mouth. He told her to be quick before people saw them because they were not supposed to be there. Mattson told her to go upstairs or he would kill her. He pushed her up the stairs, took about a small bottle of Tequila and wanted her to drink some of it. She took a small sip. He then asked her how old she was and she told him she was 15. The victim stated she began to become nervous and began taking to him to remain calm. He asked her if she dated and she told him she had a boyfriend and was committed to her boyfriend. Mattson then said "I'll pay you, you're going to fuck me" and if she didn't she would die. They victim told she would not and started down the stairs. He caught up with her and got next to

ATTACHMENT B

her so she couldn't leave. The victim told Mattson that he was too old for him at which time he said she was not going anywhere. He undid his pants, exposed his penis and told her she was going to fellate him. She told him no. He then held on to her and tried to force his penis in her mouth. She kept turning her head and he kept slapping her face with his penis. She told that she would if he would just open the door a little, thinking she might be able to escape. Mattson then told her to put her hand on his penis and took her hand and placed it on his penis. He kept moving her hand up and down, telling her to touch it. The victim kept trying to move away. At one point, he tried to force his hand down the front of her shirt. The victim managed to kick him in the testicles three times and escape. Once outside she started screaming and some people came outside and told her to come over there. The police were subsequently called. Some witnesses attempted to follow Mattson but they lost him. The victim told the police that Mattson had told her his name was Mark and he used to work at the construction site. Detectives were able to identify this Mark through a supervisor at the construction site. The victim was able to identify Mattson as her attacker through a photomontage. Mattson only lived a few blocks from where the sexual assault occurred. Mattson was originally sentenced to life without the possibility of release but through the appeal process he is being re-sentenced. This has yet to take place.

**SEX OFFENSE HISTORY:** 1985-Statutory Rape 1<sup>st</sup> Degree (King) on 4/1/85, Mattson sexually assaulted an unknown 6-year-old female. The victim and her 4-year-old brother were sitting on the porch of their home when Mattson approached them and asked them to help him look for his dog. The 6-year-old victim left with him and was taken to the laundry room of an apartment building. Mattson put his penis in her mouth and ejaculated. During this time the victim's father had been looking for her after his son told him that she had left with a man to look for his dog. After searching for her, he found Mattson leading the victim by the hand out of the laundry room. The victim's father asked what happened, and the victim said Mattson put his penis in her mouth. Mattson was held by the victim's father and brother until the police arrived. He admitted in a written statement that he exposed himself to the victim, put his penis in her mouth, masturbated to ejaculation and put his penis back into her mouth. Mattson was ini

**OTHER CRIMINAL HISTORY:**

**PSYCHOLOGICAL:**

**TREATMENT:** During this incarceration Mattson was not screened for possible participation in the Department of Corrections Sex Offender Treatment Program. Contact with the SOTP indicates that due to his previous sentence of life without the possibility of parole, he would not have been screened. He has completed coursework in Victim Awareness Education, Human Relations, Vocational Writing, Mathematics for the Trades, and Job Readiness.

**INFRACTIONS:** During this period of confinement he has received serious infractions for refusing a cell assignment (x's 2) and fighting.

**EMPLOYMENT HISTORY:**

**FAMILY/COMMUNITY SUPPORT:**

**RISK LEVEL SCORE:**

**OTHER NOTIFICATION RECOMMENDATIONS:**

**SOURCES OF INFORMATION:**

**DISTRIBUTION:**

If you have questions regarding this notification, contact the Department of Corrections Community Protection Unit at (360) 753-6789.

MAS, 11/05/2003 Date file set-up  
File reviewed

**EXHIBIT 2**

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

In re the Personal Restraint Petition of:

MARK DAVID MATTSON

Petitioner.

DECLARATION OF  
KAREN THOMPSON

I, KAREN THOMPSON, make the following declaration:

1. I am a legal secretary with the Criminal Justice 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 Based Tracking System (OBTS) used by the Department of Corrections (DOC). I am authorized by the DOC to retrieve information from OBTS. Among other things, information regarding an offender's location, custody, birth date, sentence, infractions and grievances are entered and tracked on OBTS.

3. Attached to this declaration are true and correct copies of the following documents which I obtained from the OBTS:

A. Offender Based Tracking Database (OBTS) Legal Sheet;  
and

EXHIBIT 2

B. Offender Chrono Report, p. 6, entry dated 7/15/2003

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 23<sup>rd</sup> day of October, 2006, at Olympia,  
Washington.

  
KAREN THOMPSON

**ATTACHMENT A**

IISO100

LEGAL FACE SHEET

TIME 13:10

DOC NO: 265524 NAME: MATTSON, MARK D. ("AD") STATUS: PAST REL. \*\*\*
BED NO: D02D6131 COUNSELOR: 0738 STYLES, KARI ATT

CURRENT LOCATION: MCC-TRCC MSC MXED: 11/08/2008 MNED:
SEX: M AGE: 48 FBI NO: 149074W7 ERD : 07/23/2005 ADJ.: 07/23/2005
RACE : WHITE SID NO: 11241327 NRD : 10/10/2006 SCORE: 67
HISP ORIG : NO CUS.: MI3 MFED: 12/22/2003
HEALTH RECORD REVIEW : OPEN COMM. CONCERN: N RMI: RMA
VICTIM WRAP AROUND: N

NAMES: MATTSON, MARK D. ("AB")
MATTSON, MARK D. ("AC")
MATTSON, MARK D. (TRUE)
MATSON, MARK D. (AKA)
LSI-R: 42 AND LSI LEVEL : HIGH
SSA NO: 539-66-4264 BIRTH: 05/10/1958

P. PREL: ENROLLED IN SOTP
P. MFED: ENROLLED IN SOTP
P U L H E S D X T DATE
2 1 2 1 1 2 2 2 1 08/24/2000
P. WTR: ENROLLED IN SOTP
P. REL: N/A
REGISTERABLE OFFENDER : Y

Table with columns: COM., COUNTY, GTL TIME START RECEIVED OC, MIN. TERM, CC CS, REL. DATE, STATUS. Row 1: \*AB\*N KING, 33, 05/10/1988, 05/18/88, 40, 3Y 5M 0D, 07/22/1988, EX. Row 2: 002 17-851010759 STATUTORY RAPE 1, Y 40 1C, 3Y 5M 0D, 0Y 0M 0D, 1144.

TOTAL MONETARY OBLIGATION: ORDERED \$\*\*\*\*250.00 ;AS OF 07/29/88 PAID \$\*\*\*\*250.00
SCHEDULE: 0 SET BY: SPECIAL CONDITIONS: NO
STAT MAX:

Table with columns: \*AC\*N KING, 33, 03/24/2000, 03/24/00, 46, LWOP, LWOP, VA. Row 2: 001 17-981084130 INDECENT LIBERTIES Y 46 1C, LWOP, VACATED, 753.

Table with columns: \*AD\*N KING, 33, 12/22/2003, 12/22/03, 46, 10Y 0M 0D, 07/23/2005, EX. Row 2: 001 17-981094130 INDECENT LIBERTIES Y 46 1C, 10Y 0M 0D, 0Y 0M 0D, 2784.

TOTAL MONETARY OBLIGATION: ORDERED \$\*\*\*\*500.00 ;AS OF 01/26/06 PAID \$\*\*\*\*\*9.02
SCHEDULE: 0 SET BY: SPECIAL CONDITIONS: YES
STAT MAX: 11/08/2008

COMMENTS: 922 SENT 7-6-88 FOR SRA REL.OF 7-28-88.SMI
RECD 9-22 SRA REL 7/28/88 VW JAIL GOOD TIME APPLIED PER
COURT ORDER DATED 7/7/88 UNDER PHELAN CREDIT.
V/W LIST COMPLETED KC981094130 SEA. 12/7/99. LEP.
SP KC981094130 COMP.121399 BH RTN, TRNF TO CBCC. 6/30/00
8/22/00 TRANSFER CBCC 8/14/00 8/30/00 6 MO RW TO CBCC WSP/ET

ATTACHMENT A

IISO100

LEGAL FACE SHEET

TIME 13:10

DOC NO: 265524 NAME: MATTSON, MARK D. ("AD") STATUS: PAST REL. \*\*\*

09954 69 12/01/00 B07 ESR PKT TO OLY 11/4/03 D01 TB  
 SEE DT37 11/17/03. KIM ACKER CP TO SEATTLE 11/19/03 D01 TB  
 STAT 99: 9 SOTP 1672 1/30/04 6/27/05 RCVD SOTP T/S D02 1684  
 08/17/05 HCSC APPROVES MI3 HCR GFW

| MOVEMENT | DATE & TYPE | DESTINATION     | REASON FOR     | ORIGIN                         |
|----------|-------------|-----------------|----------------|--------------------------------|
|          | 05/18/88    | NEW COMMITMENT  | WA COR CTR RC  | INITIAL CLASSI. KING           |
|          | 07/07/88    | TRANSFERRED TO  | WA COR CTR TC  | INITIAL CLASSI. WA COR CTR RC  |
|          | 07/22/88    | EXPIRATION      | ISLAND         | TERM. INTEREST WA COR CTR TC   |
|          | 03/24/00    | READMISSION     | WA COR CTR RC  | INITIAL CLASSI. KING           |
|          | 05/18/00    | TRANSFERRED TO  | WASH STATE PEN | INITIAL CLASSI. WA COR CTR RC  |
|          | 08/21/00    | TRANSFERRED TO  | CL.BAY COR CTR | FAC ASSN CHANGE WASH STATE PEN |
|          | 08/21/00    | IN TRANSIT AT   | WASH STATE PEN | FAC ASSN CHANGE WA COR CTR RC  |
|          | 08/23/00    | IN TRANSIT TO   | CL.BAY COR CTR | PROGRAM CHANGE WA COR CTR RC   |
|          | 12/05/00    | ESCORTED LEAVE  | CLALLAM        | MEDICAL NEEDS CL.BAY COR CTR   |
|          | 12/05/00    | RET.FM.AUTH.LV. | CL.BAY COR CTR | MEDICAL COMPLTD CLALLAM        |
|          | 12/28/00    | ESCORTED LEAVE  | CLALLAM        | MEDICAL NEEDS CL.BAY COR CTR   |
|          | 12/28/00    | RET.FM.AUTH.LV. | CL.BAY COR CTR | RET ESCORTED LV CLALLAM        |
|          | 02/03/01    | TRANSFERRED TO  | CL BAY C.C.IMU | PROTECTION CL.BAY COR CTR      |
|          | 03/21/01    | TRANSFERRED TO  | MCC-WA. STATE  | PROTECTION CL BAY C.C.IMU      |
|          | 03/21/01    | IN TRANSIT AT   | CL BAY C.C.IMU | PROTECTION WA COR CTR RC       |
|          | 03/26/01    | IN TRANSIT TO   | MCC-WA. STATE  | PROTECTION WA COR CTR RC       |
|          | 08/30/01    | ESCORTED LEAVE  | SNOHOMISH      | MEDICAL NEEDS MCC-WA. STATE    |
|          | 08/30/01    | RET.FM.AUTH.LV. | MCC-WA. STATE  | MEDICAL COMPLTD SNOHOMISH      |
|          | 09/13/01    | ESCORTED LEAVE  | SNOHOMISH      | MEDICAL NEEDS MCC-WA. STATE    |
|          | 09/13/01    | RET.FM.AUTH.LV. | MCC-WA. STATE  | MEDICAL COMPLTD SNOHOMISH      |
|          | 10/25/01    | ESCORTED LEAVE  | SNOHOMISH      | MEDICAL NEEDS MCC-WA. STATE    |
|          | 10/25/01    | RET.FM.AUTH.LV. | MCC-WA. STATE  | MEDICAL COMPLTD SNOHOMISH      |
|          | 10/20/03    | OUT TO COURT    | KING           | COURT ORDER MCC-WA. STATE      |
|          | 10/27/03    | RET.FM.COURT    | MCC-WA. STATE  | RETURN FR COURT KING           |
|          | 12/16/03    | OUT TO COURT    | KING           | COURT ORDER MCC-WA. STATE      |
|          | 12/22/03    | RET.FM.COURT    | MCC-WA. STATE  | RETURN FR COURT KING           |
|          | 03/29/04    | TRANSFERRED TO  | MCC-TRCC MSC   | PROGRAM CHANGE MCC-WA. STATE   |

| HOUSING | DATE & LOCATION | COUNSELOR     | WORK ASSIGN. | SUPERVISOR    |
|---------|-----------------|---------------|--------------|---------------|
|         | 05/18/88        | C01-2D05L     |              |               |
|         | 05/31/88        | C01-2H06U     |              |               |
|         | 07/07/88        | H01-BG04L     |              |               |
|         | 03/24/00        | C01-1C06F     |              |               |
|         | 03/28/00        | C01-1C04L     |              |               |
|         | 04/04/00        | C01-1C03U     |              |               |
|         | 05/04/00        | C01-1C03L     |              |               |
|         | 05/18/00        | E01-1A04N     |              |               |
|         | 05/19/00        | E01-6C103     |              |               |
|         |                 |               | UNASSIGNED   | POSITION BP42 |
|         |                 | POSITION BS97 |              |               |
|         |                 | POSITION BR77 |              |               |
|         |                 | POSITION BS97 |              |               |
|         |                 | POSITION BS97 |              |               |
|         |                 | POSITION BS97 |              |               |
|         |                 | POSITION GB46 |              |               |
|         |                 | POSITION 1656 |              |               |

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LEGAL FACE SHEET

TIME 13:10

DOC NO: 265524 NAME: MATTSON, MARK D. ("AD") STATUS: PAST REL. \*\*\*

| HOUSING DATE & LOCATION | COUNSELOR     | WORK ASSIGN. | SUPERVISOR |
|-------------------------|---------------|--------------|------------|
| 05/19/00 E01-1B18N      | POSITION GB46 |              |            |
| 05/25/00 E01-8D172      | POSITION BG57 |              |            |
| 05/26/00 E01-1B12N      | POSITION GB46 |              |            |
| 06/16/00 E01-4B212      | POSITION BG55 |              |            |
| 08/21/00 C01-2F05F      | POSITION BR98 |              |            |
| 08/22/00 C01-2F08L      | POSITION BR98 |              |            |
| 08/23/00 B01-AD09L      | POSITION 1401 |              |            |
| 12/01/00 B01-ED07L      | POSITION 1401 |              |            |
| 12/07/00 B01-ED07L      | POSITION 1401 |              |            |
| 12/28/00 B01-ED07L      | POSITION 1404 |              |            |
| 01/03/01 B01-ED07L      | POSITION 1404 |              |            |
| 02/03/01 B04-FA06L      | POSITION 1404 |              |            |
| 03/21/01 C01-1G09F      | POSITION BR99 |              |            |
| 03/25/01 C01-1G09L      | POSITION BR99 |              |            |
| 03/26/01 D01-3A09A      | POSITION GL32 |              |            |
| 03/28/01 D01-B429U      | POSITION GL32 |              |            |
| 07/12/01 D01-B402U      | POSITION GL32 |              |            |
| 08/28/01 D01-H014C      | POSITION GL32 |              |            |
| 08/29/01 D01-B402U      | POSITION GL32 |              |            |
| 08/29/01 D01-H014A      | POSITION GL32 |              |            |
| 08/30/01 D01-B402U      | POSITION GL32 |              |            |
| 10/23/01 D01-H005A      | POSITION GL32 |              |            |
| 10/25/01 D01-B402U      | POSITION GL32 |              |            |
| 11/12/01 D01-B104U      | POSITION GL32 |              |            |
| 11/13/01 D01-B104L      | POSITION GL32 |              |            |
| 02/12/02 D01-B332L      | POSITION GL32 |              |            |
| 11/21/02 D01-A213L      | POSITION BL41 |              |            |
| 08/17/03 D01-A330L      | POSITION BL41 |              |            |
| 10/27/03 D01-A330L      | POSITION BL41 |              |            |
| 12/22/03 D01-A330L      | POSITION BL41 |              |            |
| 03/29/04 D02-D107F      | POSITION 0624 |              |            |
| 04/10/04 D02-D1212      | POSITION 0624 |              |            |
| 04/16/04 D02-A6062      | POSITION 0721 |              |            |
| 04/23/04 D02-A5132      | POSITION 0721 |              |            |
| 05/14/04 D02-A5051      | POSITION 0743 |              |            |
| 09/30/04 D02-A5052      | POSITION 0743 |              |            |
| 12/04/04 D02-A1081      | POSITION 0736 |              |            |
| 12/13/04 D02-A6092      | POSITION 0721 |              |            |
| 12/14/04 D02-A6061      | POSITION 0721 |              |            |
| 12/17/04 D02-A6062      | POSITION 0721 |              |            |
| 03/25/05 D02-A6101      | POSITION 0721 |              |            |
| 08/11/05 D02-D5062      | POSITION 0738 |              |            |
| 10/20/05 D02-D6192      | POSITION 0738 |              |            |

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LEGAL FACE SHEET

TIME 13:10

DOC NO: 265524 NAME: MATTSON, MARK D. ("AD") STATUS: PAST REL. \*\*\*

|                         |               |              |            |
|-------------------------|---------------|--------------|------------|
| HOUSING DATE & LOCATION | COUNSELOR     | WORK ASSIGN. | SUPERVISOR |
| 01/20/06 D02-D6132      | POSITION 0738 |              |            |
| 08/08/06 D02-D6131      | STYLES, KARI  |              |            |

| DATE     | PROGRAM-POSITION        | --WEEK-- | -----DAY----- | ---TIME---  | STATUS |
|----------|-------------------------|----------|---------------|-------------|--------|
| 10/11/00 | V400K013 ELECTRONIC SY  |          |               |             | DRP    |
| 07/16/01 | V700A008 GRAPHIC ARTS   | 1 2 3 4  | M T W TH      | 07:30-10:30 | RSH    |
| 07/16/01 | V700B009 GRAPHIC ARTS   | 1 2 3 4  | M T W TH      | 12:30-15:30 | CMP    |
| 08/08/01 | B405C607 JOB READ.IND.  | 1 2 3 4  | M T W TH F    | 12:40-15:30 | RSH    |
| 08/14/01 | B405C510 JOB READ.IND.  | 1 2 3 4  | M T W TH F    | 07:40-10:30 | CMP    |
| 09/24/01 | V028A007 MATHEMATICS F. |          |               |             | CMP    |
| 02/01/02 | J616O201 MACHINE TOOL   | 1 2 3 4  | M T W TH F    | 07:30-15:30 | CMP    |
| 04/02/02 | V026A006 VOCATIONAL WR  | 1 2 3 4  | W             | 12:40-14:30 | CMP    |
| 01/07/03 | I214P026 I214           |          |               |             | CMP    |
| 01/21/03 | I514P026 CI2-MACH OPRT  | 1 2 3 4  | M T W TH F    | 07:30-15:30 | TER    |
| 10/03/05 | T306A001 CDT INT OUT-P  | 1 2 3 4  | M             | 07:30-09:30 | CMP    |
| 11/21/05 | J326D007 CUSTODIAN I    | 1 2 3 4  | T W TH F S    | 07:30-13:30 | ASG    |
| 12/12/05 | C027B005 JOB HUNTER     | 1 2 3 4  | M T W TH F    | 17:30-20:30 | CMP    |

| EARNED EARLY RELEASE DATE & TYPE | DOC   | ISRB | STATUS  | LOCATION |
|----------------------------------|-------|------|---------|----------|
| 05/10/88--07/07/88 EARNED TIME I | 6.00  | 6.00 | APPLIED | WCCTC    |
| AB                               | 6.00  | 6.00 |         |          |
| 05/10/88--07/07/88 ET NOT EARNED | 4.00  | 4.00 | APPLIED | WCCTC    |
| AB                               | 4.00  | 4.00 |         |          |
| 03/24/00--05/01/00 EARNED TIME   | 6.33  | 0.00 | PENDING | WCCRC    |
| AC                               | 6.33  | 0.00 |         |          |
| 05/01/00--08/01/00 EARNED TIME   | 15.33 | 0.00 | PENDING | WCCRC    |
| AC                               | 15.33 | 0.00 |         |          |
| 08/01/00--02/01/01 ET NOT EARNED | 30.67 | 0.00 | PENDING | WSP      |
| AC                               | 30.67 | 0.00 |         |          |
| 02/01/01--04/01/01 ET NOT EARNED | 9.83  | 0.00 | PENDING | CBCC     |
| AC                               | 9.83  | 0.00 |         |          |
| 04/01/01--04/01/02 EARNED TIME   | 60.83 | 0.00 | PENDING | MCCWSRU  |
| AC                               | 60.83 | 0.00 |         |          |
| 04/01/02--06/01/03 EARNED TIME   | 71.00 | 0.00 | PENDING | MCCWSRU  |
| AC                               | 71.00 | 0.00 |         |          |
| 06/01/03--02/01/04 EARNED TIME   | 40.83 | 0.00 | PENDING | MCCWSRU  |
| AD                               | 40.83 | 0.00 |         |          |
| 02/01/04--03/01/04 EARNED TIME   | 4.83  | 0.00 | PENDING | MCCWSRU  |
| AD                               | 4.83  | 0.00 |         |          |
| 03/01/04--03/01/05 EARNED TIME   | 60.83 | 0.00 | PENDING | MCCWSRU  |
| AD                               | 50.78 | 0.00 |         |          |
| 03/01/05--07/23/05 EARNED TIME   | 24.00 | 0.00 | PENDING | MCCTRU   |

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LEGAL FACE SHEET

TIME 13:10

DOC NO: 265524 NAME: MATTSON, MARK D. ("AD") STATUS: PAST REL. \*\*\*

INFRACTION DATE & TYPE CELL DOC ISRB STATUS SANCTIONS LOCATION  
05/19/00 724 REF. CELL ASSIGN N 0 0 APPLIED MAX SECUR. WSP

10

\* 1530 P STATED THAT HE COULDN'T LIVE IN U6 & WANTED TO GO BACK TO U1. P  
\* ALSO STATED ANOTHER P ON "C" TIER KNEW HIS CRIME & HE WOULDN'T SAY WHO IT  
\* WAS. ORDERED P TO LOCK UP, REFUSED. PLACED P IN UNIT DAYROOM & SHIFT LT.  
\* NOTIFIED.

05/26/00 724 REF. CELL ASSIGN N 0 0 APPLIED MAX SECUR. WSP

15

\* 1735 P APPROACHED CO IN U8 SALLYPORT AS HE WAS RTNG FROM MAINLINE. P SAID  
\* HE NEEDED TO TALK TO ME. STEPPED INTO LOWER DAYROOM & ASKED WHAT PPPROBLEM  
\* WAS? P REPLIED, "I'M A SEX OFFENDER & PEOPLE IN UNITKNOWABOUT IT. I WAS  
\* APPROACHED IN CHOW HALL & ASKED ABOUT MY CRIME. I'VE BEEN THINKING ABOUT  
\* IT ALL DAY & WANT TO GO TO PC." REFUSING TO L

12/01/00 505 FIGHTING N 20 20 APPLIED DENY GCT CBCC

20

MAX SECUR.

10

\* I/M WAS IN A FIGHT WITH ANOTHER I/M

| CUSTODY DATE | SCORE | TYPE     | ASSIGNED   | CUSTODY | OVERRIDE | LOCATION        |
|--------------|-------|----------|------------|---------|----------|-----------------|
| 04/11/2000   | 42    | INITIAL  | 05/09/2000 | CLOSE   | POLICY   | WA COR CTR RC   |
| 02/28/2001   | 38    | REVIEW   | 03/19/2001 | CLOSE   |          | CL BAY C.C. IMU |
| 04/12/2002   | 59    | REVIEW   | 04/22/2002 | CLOSE   | LIFE WIT | MCC-WA. STATE   |
| 06/24/2003   | 59    | REVIEW   | 06/26/2003 | CLOSE   | LIFE WIT | MCC-WA. STATE   |
| 02/05/2004   | 57    | PLAN RVW | 03/01/2004 | MINIMUM | SPECIAL  | MCC-WA. STATE   |

P WAS SEEN BY FRMT ON 2/11/04 FOR A FACILIT PLAN CHANGE. THE FOLLOWING RECOMME  
N DATIONS WERE MADE AND APPROVED THROUGH REVIEW COMMITTEE: CUSTODY PROMOTES TO  
M I3 (SOP) AND TRANSFER TO D02.

06/29/2004 67 REVIEW 06/29/2004 MINIMUM SPECIAL MCC-TRCC MSC  
P REVIEWED. RETAIN ON MI3(SOP) TO CONTINUE SOTP AT TRU. RMA, LEVEL 3 RELEASE.  
O MNI UPDATED. ON JOB WAIT LISTS BUT NOT IN SCHOOL OR WORK NOW. WAIVED PRESENCE

06/28/2005 67 REVIEW 06/28/2005 MINIMUM SPECIAL MCC-TRCC MSC  
R REV., RETAIN AT TRU ON MI3(SOP).. JUST COMPLETED SOTP AND WILL HAVE A NEW FAC  
I LITY PLAN DEVELOPED SOON. HAS A CRR OUT FOR INVESTIGATION. 71.09 STATUS UNDET  
E RMINED. NOT WORKING. HAS ALL CRS PTS AND ISIN COMPLIANCE W/ F.P.

07/13/2005 67 PLAN RVW 08/17/2005 MINIMUM HCSC ASG MCC-TRCC MSC  
0 8/17/05 HCSC APPROVES MI3 HCR. GFW

10/12/2005 67 REVIEW 10/12/2005 MINIMUM SEXUALLY MCC-TRCC MSC  
P WAS SEEN TODAY BY THE FRMT FOR HIS REVIEW. HE IS ON WAITING LISTS AND IS ENC

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LEGAL FACE SHEET

TIME 13:10

DOC NO: 265524 NAME: MATTSON, MARK D. ("AD") STATUS: PAST REL. \*\*\*

CUSTODY DATE SCORE TYPE ASSIGNED CUSTODY OVERRIDE LOCATION  
O URAGED TO PARTICIPATE IN CRIME RELATED PROGRAMMING IF AVAILABLE. HE IS 71.09  
R EFERRED AND HAS AN ADDRESS OUT IN THE COMMUNITY FOR INVESTIGATION. MAINTAIN M  
I NIMUM CUSTODY, MI3 (SVP).

01/26/2006 67 REVIEW 01/26/2006 MINIMUM SEXUALLY MCC-TRCC MSC  
P WAS SEEN BY THE FRMT FOR HIS REVIEW. HE REMAINS IN COMPLIANCE WITH HIS FACIL  
I TY PLAN DATED 7-13-05. HE IS WORKING AS A UNIT PORTER. HE IS ENCOURAGED TO PA  
R TICIPATE IN CRIME RELATED PROGRAMMING IF OFFERED. HE COMPLETED THE JOB HUNTER  
COURSE RECENTLY. HE CONTINUES TO WORK ON REELASE PLANNING. MAINTAIN MINIMUM C  
U STODY, MI3 (SVP).

04/06/2006 67 REVIEW 04/06/2006 MINIMUM SEXUALLY MCC-TRCC MSC  
P WAS SEEN BY THE FRMT FOR HIS REVIEW. HE REMAINS IN COMPLIANCE WITH HIS FACIL  
I TY PLAN DATED 7-13-05. HE IS WORKING AS A UNIT PORTER. HE HAS COMPLETED THE J  
O B HUNTER PROGRAM AS WELL AS THE TRU PORTION OF THE SOTP. HE IS ENCOURAGED TO  
P ARTICIPATE IN OTHER CRIME RELATED PROGRAMMING THAT IS AVAILABLE. HE CONTINUES  
TO WORK ON RELEASE PLANNING. MAINTAIN MINIMUM CUSTODY, MI3 (SVP).

07/12/2006 67 REVIEW 07/12/2006 MINIMUM SEXUALLY MCC-TRCC MSC  
M ATTSON WAS SEEN THIS DAY FOR HIS REVIEW AND WE NOTE THAT HE IS IN COMPLIANCE  
W ITH HIS FP DATED 7-13-05. HE IS WORKING AS A TEIR PORTER FOR THE UNIT. HE HAS  
C OMPLETED THE SOTP AND IS WORKING ON RELEASE PLANNING.. HE HAS A FORENSIC PSY  
C HOLOGICAL EVALUATION THAT SUPPORTS CIVIL COMMITMENT. HE IS ENCOURAGED TO PART  
I CIPATE IN CRIME RELATED PROGRAMMING THAT IS AVAILABLE TO HIM. MAINTAIN MINIMU  
M CUSTODY, MI3 (SVP).

IISUI012 NO WARRANTS OR DETAINERS FOUND

IISUI005 NO OUT TIME FOUND

IISUI009 NO ISR BOARD INFO FOUND

IISUI015 NO HOLDS FOUND

**ATTACHMENT B**

NAME: MATTSON, MARK D

OFFICE: D02 MCC-TRCC MSC  
OFFICER: 0738 STYLES, KARI

- 01/13/99 RC 04 EXEMPLIFIED PENITENTIARY PACKET REQUESTED BY MARIA MURPHY, KING CO PROSECUTING ATTORNEY'S OFFICE, SEATTLE (206-296-9459). PACKET TO CHRIS LAINE, CRM FOR SIGNATURE 1/13/99. 01/13/99 K GARLAND
- 10/07/99 RC 04 EXEMPLIFIED PENITENTIARY PACKET REQUESTED BY THE OFFICE OF THE PROSECUTING ATTORNEY; W 554 KING COUNTY COURTHOUSE; 516 THIRD AVENUE; SEATTLE, WA 98104; ATTN MARIA MURPHY, PERSISTENT OFFENDER UNIT (206-296-9459). PACKET TO CHRIS LAINE, CRM, FOR SIGNATURE ON 10/07/99. 10/07/99 K GARLAND
- 10/07/99 RC 08 EXEMPT PACKET SENT TO KING CO PA 10/07/99 C LAINE
- 10/11/99 CM 04 PSI ASSIGNED KC98-1-09413-0 SEA., INDECENT LIBERTIES W/FORCIABLE COMPULS. SD 12/17/99. 10/11/99 L PATRICK
- 10/13/99 LC 08 ADD FILE MATERIAL REQUESTED. I SENT VICTIM'S LETTER. 10/13/99 L PATRICK
- 11/18/99 CM 04 V'S MOTHER CALLED ME BACK. SHE SAID THAT HER CONCERN WILL BE IF HE EVEN GET OUT OF PRISON BECAUSE HE HAS THREATENED TO KILL HER DAUGHTER. SHE SAID HIS DAUGHTER HAD A VERY ROUGH YEAR AND THEY ARE BOTH PLANNING TO ATTEND SENTENCING TO ADDRESS THE COURT. MS. E. INDICATED THAT NO CHILD DESERVE TO GO THROUGH WHAT HER DAUGHTER WENT THROUGH & THEY WILL DO WHAT THEY CAN TO PREVENT HIM FROM DOING IT AGAIN. MS E. TOLD ME THAT HER DAUGHTER WAS 15 AT THE TIME OF THE CRIME. 11/18/99 L PATRICK
- 11/24/99 FP 04 I WENT TO THE JAIL TO INTERVIEW HIM. HE FIRST SAID HE WASN'T GOING TO COOPERATE BECAUSE HE WAS A "TWO STRIKES". THEN HE TOLD TO COME BACK ANOTHER DAY. HE SAID HE WAS HAVING PROBLEM WITH AN OFFICER & WANTED TO GO BACK TO HIS CELL... 11/24/99 L PATRICK
- 12/06/99 FP 04 I WENT BACK TO THE JAIL TO TALK TO P. HE STATED HE WAS CONVICTED OF A CRIME HE DIDN'T COMMIT AND WONT PARTICIPATE IN THE INTERVIEW. 12/06/99 L PATRICK 12/06/99 P REFUSED TO PARTICIPATE. 12/06/99 L PATRICK
- 12/07/99 CM 04 SINCE P DIDN'T PARTICIPATE IN THE INTERVIEW NO RISK ASS WAS COMPLETED. SPECIAL PSI DICTATED TODAY KC98-1-09413-0 SEA. 12/07/99 L PATRICK
- 03/31/00 TC 04 REC'D A CALL FROM P'S MOTHER RE: PHONE CALLS P'S SISTER REC'D WHILE P WAS IN KING COUNTY JAIL. SAYS WSP & CBCC OFFENDERS EACH CALLED AND THE SISTER DIDN'T KNOW ANYONE AT THOSE FACILITIES AT THE TIME; WANTED TO KNOW IF WE COULD STOP THEM. I'VE EMAILED DON WILBRECHT REGARDING THIS ISSUE BUT ALSO ADVISED P'S MOM THE CALLS COULD HAVE BEEN MISDIALED NUMBERS IN AN UNFORTUNATE COINCIDENCE. STILL, I SAID WE'D LOOK INTO THE MATTERS AND TO CALL US BACK IMMEDIATELY IF THEY OCCUR AGAIN. 03/31/00 T BOHON
- 04/04/00 TS 04 WCC-RC TESTING. P PARTICIPATED IN RC TESTING. 02/14/01 J ALLMENDINGER
- 04/10/00 CM 04 MOTHER CALLED, SAID SHE IS GETTING CALLS RE HER SON AND HIS WHEREABOUTS FROM WSP AND CBCC. SHE DOES NOT HAVE CALLER ID SO SHE IS ANSWERING THE PHONE. SHE SAYS THE INDIVIDUALS ARE SAYING THAT THEY ARE FROM A COLLECTION AGENCY AND THAT THEY ARE INQUIRING ABOUT HIS WHEREABOUTS. SHE DOES NOT THINK THEY ARE FROM A COLLECTION AGENCY, AS COLLECTION AGENCY DO NOT USUALLY SAY THEY ARE COLLECTORS WHEN YOU ANSWER THE PHONE. SHE IS CONTACTING MR. WILBRECHT. TOLD HER IT WOULD BE DIFFICULT TO DETERMINE WHO IS ACTUALLY CALLING, BUT THAT IT IS BEING LOOKED INTO. TOLD HER NOT TO GIVE THESE PEOPLE ANY INFO. 04/10/00 M GRISHAM

ATTACHMENT B

NAME: MATTSON, MARK D

OFFICE: D02 MCC-TRCC MSC  
OFFICER: 0738 STYLES, KARI

- 04/20/00 CM 04 THE MOTHER CALLED AGAIN AND IS REQUESTING THAT MARK BE PLACED AT WSR. 04/20/00 M GRISHAM
- 05/16/00 CM 04 MATTSON'S MOTHER PHONED AGAIN TODAY SHE IS WANTING TO SPEAK TO THATCHER, TOLD HER I WOULD LOOK UP THE INFORMATION FOR HER. STILL GOING TO WSP. SHE WANTS HIM IN MONROE, SHE WILL CALL AS OFTEN AS NECESSARY TO GET THIS CHANGED. 05/16/00 M GRISHAM
- 05/19/00 TC 04 SPOKE WITH DORRIS MATTSON, P'S MOM. PROVIDED ADDRESS AND PHONE # FOR WSP AND COUNSELOR GARY SINGER. DISCUSSED LWOP AND BEING AT WSP FOR A WHILE. NEXT REVIEW IN MARCH 2001 AND TRANSFER TO WSR COULD BE CONSIDERED AT THAT TIME, BUT NOT TO BE TOO HOPEFUL THAT A MOVE WOULD HAPPEN THAT EARLY IN HIS SENTENCE. ENCOURAGED VISITING AT WSP. SHE UNDERSTOOD. 05/19/00 T WILLIAMS
- 05/31/00 AS 04 INITIAL AD SEG. P UNDERSTANDS RIGHTS. P STATES HE RECEIVED A NOTE STATING "YOU'RE DEAD M F." SAYS HE CAN'T PRODUCE IT, BUT HE ALSO WAS APPROACHED BY AN UNKNOWN INMATE WHO SAID HE NEVER FORGETS A FACE OR A CHARGE. P SAYS THIS INMATE WAS IN THE KCJ WITH HIM AND KNOWS P'S CRIME. P DEMANDED TO BE PLACED IN SHU/PC IMMEDIATELY. WHEN TALKED TO P ABOUT HIS SENTENCE (LWOP) AND HOW INAPPROPRIATE THAT PLACEMENT WAS, P BECAME MORE DEMANDING. WHEN ASKED P ABOUT ANY SEPARATEES HE HAS, HE SAYS THERE ARE SEVERAL, BUT HE WON'T GIVE THEIR NAMES OR SAY WHY HE NEEDS SEPARATION FROM THEM. P APPEARS TO BE ATTEMPTING MANIPULATE A HOUSING ASSIGNMENT (CONT) 05/31/00 R ANDRING
- 05/31/00 AS 05 TO SHU/PC. HE OFFERS NO DETAILS WHICH MIGHT CONFIRM HIS PROTECTION CONCERNS. RETAIN PENDING TRANSFER TO CBCC. R ANDRING, R BENSON 05/31/00 R ANDRING
- 06/05/00 AS 04 SUPERINTENDENT'S RECOMMENDATION ON SH INTAKE: RETAIN PENDING TRANSFER TO CBCC/GP. 06/14/00 J FORSS
- 06/09/00 AS 04 1ST AD SEG. P UNDERSTANDS RIGHTS. P OFFERED NO COMMENT. RETAIN PENDING TRANSFER TO CBCC. R ANDRING, R SCHWARZ, P BECK, C BULL 06/09/00 R ANDRING
- 06/16/00 AS 04 SUPERINTENDENT'S RECOMMENDATION ON 1ST AD SEG: RETAIN PENDING TRANSFER TO CBCC. 07/21/00 J FORSS
- 06/19/00 CM 04 LEGAL CALL APPROVED FOR 6-20-00. ERIC NIELSON, NIELSON, BROMAN & ASSOCIATES. 206-623-2373. 06/19/00 C BULL
- 06/27/00 RA 04 THE LSI-R ASSESSMENT COMPLETED; TOTAL LSI-R SCORE 30, LSI LEVEL MODERATE, % TO REOFFEND 48.1, RATER BOX 09 06/27/00 C BULL P HAS AN EXTENSIVE CRIMINAL HISTORY INVOLVING SEX OFFENSES. FOR A PRIOR OFFENSE HE WAS SENTENCE TO TREATMENT AT WESTERN STATE HOSPITAL. IN THEIR REPORT, THE INDICATED HE MADE POOR USE OF HIS TIME IN THE PROGRAM. HE HAD A SPORADIC WORK HISTORY AND WAS FIRED FROM HIS LAST JOB WORKING FOR A DRYWALL CO. HE ISN'T IN A RELATIONSHIP AT THIS TIME BUT WOULD LIKE TO GET INVOLVED IN ONE. HE FEELS HIS RELATIONSHIP WITH HIS PARENTS IS GOOD. HE HAS RECEIVED NO VISITING DURING HIS INCARCERATION BUT HE MAINTAINS 06/27/00 C BULL

NAME: MATTSON, MARK D

OFFICE: D02 MCC-TRCC MSC  
OFFICER: 0738 STYLES, KARI

- 06/27/00 RA 08 CONTACT THROUGH LETTERS AND CALLS. HE HAS A SISTER WHO HE WRITES OCCASIONALLY. HE FEELS THE ACCOMMODATIONS AT WSP ARE UNSATISFACTORY. HE FEELS SEX OFFENDERS SHOULD BE HOUSED IN A SEPERATE FACILITY AND THIS HOUSING SITUATION IS UNFAIR. HE COULD HAVE MADE BETTER USE OF HIS TIME. HE WASN'T INVOLVED IN ANY PROSOCIAL ORGANIZATIONS. HE IS ISOLATED BY OTHER INMATES AND HAS A GREAT FEAR OF BEING EXPOSED AS A SEX OFFENDER. HE FEELS IT IS UNFAIR THAT HE HAVE TO HIDE WHAT TYPE OF CRIME HE IS INCARCERATED FOR. HE SAID HE HAS HAD A DRUG AND ALCOHOL PROBLEM. HIS DRUGS OF CHOICE ARE MARIJUANA AND BEER. HE HAS BEEN FREE OF DRUG RELATED 06/27/00 C BULL
- 06/27/00 RA 12 INFRACTIONS FOR THE LAST YEAR. HE FEELS HE HAS HAD SOME MINOR MENTAL HEATH PROBLEMS. HE WAS HOSPITALIZED AT WESTERN STATE HOSPITAL FOR TREATMENT ON A PREVIOUS SEX OFFENSE. HIS ATTITUDE TOWARD HIS CRIME AND SENTENCE WERE NEGATIVE. ALTHOUGH HE INDICATED FEELING BAD FOR PREVIOUS VICTIMS, HE DIDN'T ABOUT HIS MOST RECENT ONE. HE REFERRED TO HER AS A "LITTLE BITCH" WHO LIED ON THE STAND. 06/27/00 C BULL
- 07/07/00 AS 04 IIR AD SEG. P UNDERSTANDS RIGHTS. P ASKED WHY HE WASN'T CONSIDERED FOR PLACEMENT IN UNIT 7. WAS TOLD BECAUSE THAT IS IN THE SAME QUADRANT AS THE UNIT HE HAD TROUBLE IN. P ALSO ASKED ABOUT SHU. RETAIN PENDING TRANSFER TO CBCC. P WAS PREVIOUSLY REFERRED. R ANDRING, R. SCHWARZ, P BECK 07/07/00 R ANDRING
- 07/17/00 AS 04 SUPERINTENDENT'S RECOMMENDATION ON IIR: RETAIN PENDING TRANSFER TO CBCC. 08/07/00 J FORSS
- 07/24/00 LI 04 P IS REQUESTING AN ATTORNEY CALL WITH DAVID KOCH, 320 CENTRAL BUILDING, 810 3RD AVENUE, SEATTLE, WASHINGTON 98104 PHONE 206 623 2373. THE LEGAL CALL HAS BEEN ARRANGED FOR 10:00 ON 25-JULY-00. 07/24/00 R SCHWARZ
- 07/25/00 CM 04 P WAS GRANTED AN ATTORNEY CALL AND HAD AN HOUR ATTORNEY CALL. THIS WAS WITH DAVID KOCH @ 206 623 2373. HE REFUSED TO MAKE IT ON THE TIER AND AS A RESULT THE CALL WAS PLACED IN THE UNIT ONE MULTI PURPOSE ROOM. 07/25/00 R SCHWARZ
- 07/27/00 LI 04 P IS REQUESTING AN ATTORNEY CALLWITH DAVID KOCH @ (206) 623 2373. THE CALL IS SCHEDULED FOR 7/28/2000. 07/27/00 R SCHWARZ
- 07/31/00 CM 04 P WAS GRANTED AN ATTORNEY CALL TO DAVID KOCH ON 7/28/00. PHONE (206) 623 2373. THE ATTORNEY WAS NOT AVAILABLE. 07/31/00 R SCHWARZ
- 07/31/00 LI 08 P IS REQUESTING AN ATTORNEY CALL TO DAVE KOCH. PHONE (206) 623 2373. SCHEDULED FOR AUGUST 1, 2000. 07/31/00 R SCHWARZ
- 08/03/00 LI 04 P IS REQUESTING AN ATTORNEY CALL WOTH DAVID KOCH. PHONE (206) 623 2373. SCHEDULED FOR 8/4/2000. 08/03/00 R SCHWARZ
- 08/04/00 AS 04 2ND AD SEG. P UNDERSTANDS RIGHTS. P STATED HE IS BEING TREATED UNFAIRLY BECAUSE HE IS NOT BEING TRANSFERRED YET. EXPLAINED TO P THE SYSTEM IS BACKED UP. RETAIN PENDING TRANSFER TO CBCC. R ANDRING, E TILLOTSON 08/04/00 R ANDRING
- 08/10/00 JA 04 PENDING ENROLLMENT: ENTER AND COMPLETE ANGER/STRESS MANAGEMENT PROGRAM 08/10/00 P JACKSON
- 08/10/00 JA 08 PENDING ENROLLMENT: ENTER AND COMPLETE THE VICTIM AWARENESS CLASS 08/10/00 P JACKSON
- 08/10/00 JC 12 PENDING ENROLLMENT: ENTER AND COMPLETE GED PROGRAM 08/10/00 P JACKSON
- 08/10/00 JF 16 PENDING ENROLLMENT: MAKE MH PROFESSIONAL CONTACT AS NEEDED 08/10/00 P JACKSON

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- 08/10/00 JG 20 PENDING ENROLLMENT: ENTER AND COMPLETE THE SOTP PROGRAM AT MICC  
08/10/00 P JACKSON
- 08/10/00 JH 24 PENDING ENROLLMENT: COMPLETE AN ASSESSMENT AND FOLLOW ALL  
RECOMMENDATIONS FOR COMPLETION OF CHEMICAL DEPENDENCY TREATMENT  
PROGRAM 08/10/00 P JACKSON
- 08/14/00 LI 04 P WAS GRANTED A LEGAL CALL TO DAVID KOCH ON 8/8/2000 BUT THE  
ATTORNEY WOULD NOT ACCEPT THE CALL. A LEGAL CALL WAS PLACED ON  
8/9/2000 AND P HAD A SIXTY MINUTE CONVERSATION WITH THE  
ATTORNEY. PHONE (206) 623 2373. 08/14/00 R SCHWARZ
- 08/14/00 AS 08 SUPERINTENDENT'S RECOMMENDATION ON 2ND AD SEG: RETAIN PENDING  
TRANSFER TO CBCC/GP. 08/22/00 J FORSS
- 08/16/00 LI 04 P IS REQUESTING AN ATTORNEY CALL TO DAVID KOCH. PHONE (206) 623  
2373 SCHEDULED FOR 8/17/2000. 08/16/00 R SCHWARZ
- 08/24/00 LI 04 P WAS GRANTED AN ATTORNEY CALL TO DAVID KOCH @ (206) 623 2373.  
THE ATTORNEY WAS NOT IN HIS OFFICE. 08/24/00 R SCHWARZ
- 08/28/00 JX 04 INITIAL MEETING WITH P. P IS CONCERNED THAT HIS CRIME MAY CAUSE  
HIM PROBLEMS IN THE UNIT. P STATES HE HAS HIGH SCHOOL DIPLOMA  
AND WILL HAVE MOTHER SEND IT ASAP. P MADE AN ATTORNEY CALL TO D.  
KOCK. CBCC. 08/28/00 L LONG
- 09/01/00 JX 04 CANCELLED: BASIC SKILLS, ENROLL BY 05/22/2000, PRIORITY 2B,  
STAFF: PENINSULA COLL 09/01/00 D PINARD
- 09/05/00 JX 04 REQUESTED: MAINTENANCE HELPER, ENROLL BY 09/05/2000, PRIORITY  
3A, STAFF: LONG, LOIS 09/05/00 L LONG
- 09/19/00 JX 04 REQUESTED: ELECTRONIC SYSTEMS REPAIR, ENROLL BY 09/19/2000,  
PRIORITY 2B, STAFF: LONG, LOIS 09/19/00 L LONG
- 09/27/00 JX 04 APPROVED: ELECTRONIC SYSTEMS REPAIR, ENROLL BY 09/19/2000,  
PRIORITY 2B, STAFF: PENINSULA COLL 09/27/00 D PINARD
- 10/24/00 JX 04 CLOSED: MAINTENANCE HELPER, ENROLL BY 09/05/2000, PRIORITY 3A,  
STAFF: LONG, LOIS 10/24/00 L LONG
- 10/24/00 JX 08 P IS NOT TO WORK IN MAINTENANCE AT THIS TIME PER I & I. CBCC.  
10/24/00 L LONG
- 12/01/00 AS 04 PLACED ON AD-SEG AFTER HE WAS ASSAULTED BY ANOTHER INMATE. P  
INCURRED SIGNIFICANT INJURIES THAT REQUIRED TRANSPORT TO AN  
OUTSIDE MEDICAL FACILITY FOR TREATMENT. HE HAS NOT COOPERATED  
WITH THE INVESTIGATION. RECOMMEND REMAIN ON AD-SEG PENDING THE  
OUTCOME OF AN INVESTIGATION INTO APPROPRIATE HOUSING. 12/05/00  
K BOWEN
- 01/04/01 AS 04 P PROMOTED TO LEVEL 3. WILL BE ELIGIBLE FOR ANOTHER LEVEL  
REVIEW ON 3/4/01. 01/04/01 H DONATACCI
- 01/05/01 AS 04 1ST AD SEG REVIEW COMPLETED. P WAS PLACED ON AD SEG 12/1/00  
AFTER HE WAS ASSAULTED BY ANOTHER INMATE. HIS INJURIES REQUIRED  
TREATMENT AT AN OUTSIDE MEDICAL FACILITY. P REPORTS THAT SOME  
OF HIS CRIME-RELATED PAPERWORK WAS ILLIGALLY OBTAINED BY OTHER  
INMATES IN THE LIVING UNIT. P STATED HE DOES NOT FEEL SAFE IN  
GENERAL POPULATION DUE TO THE KNOWLEDGE THE OTHER INMATES HAVE  
ABOUT HIS CRIME. UNIT STAFF REPORT THAT OTHER INMATES IN THE  
UNIT HAVE KNOWLEDGE OF P'S CRIME. P ARRIVED AT CBCC 8/23/00  
FROM WSP UNDER SIMILAR CIRCUMSTANCES. THERE ARE NO SEPARATESS  
NOTED. RECOM. MAINTAIN CLOSE. TRANSFER T MCC-WSRU. RETAIN ON AD  
SEG PENDING TRANS. 01/05/01 H DONATACCI
- 03/13/01 JX 04 \*\* IMU LEVEL REVIEW \*\* P WAS REVIEWED AND DENIED LEVEL 4 STATUS  
DUE TO INAPPROPRIATE INTERACTION WITH STAFF. HE WILL BE  
ELIGIBLE FOR A LEVEL 4 REVIEW ON 5-9-01. 03/13/01 N BRIGHT

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03/22/01 JX 04 \* SIX MONTH REVIEW \* I/M MATTSON IS TO MAINTAIN HIS CLOSE  
CUSTODY STATUS AND BE TRANSFERRED TO MCC. THIS TRANSFER WAS  
COMPLETED ON 03/21/01. CBCC 03/22/01 A MOSELEY

03/27/01 JX 04 APPROVED: FOOD SERV I WORKER, ENROLL BY 04/01/2001, PRIORITY 3A,  
STAFF: RICHARD HOLCOMB 03/27/01 R HOLCOMB

03/28/01 GV 04 OFFENDER STARTED "VICTIM AWARENESS EDUCATION THERAPY" AT MCC-WA.  
STATE REFORMATORY (D01). OFFENDER IS PARTICIPATING IN THIS  
GROUP VOLUNTARILY. 05/07/01 SYSTEM

05/15/01 JX 04 REQUESTED: JOB READ. JOB DYNAMICS, ENROLL BY 05/15/2001,  
PRIORITY 1A, STAFF: YOST, CRAIG 05/15/01 C YOST

05/15/01 JX 08 REQUESTED: JOB READ. COMP. BASICS, ENROLL BY 05/15/2001, PRIORITY  
1A, STAFF: YOST, CRAIG 05/15/01 C YOST

05/15/01 JX 12 REQUESTED: JOB READ. IND. SAFETY, ENROLL BY 05/15/2001, PRIORITY  
1A, STAFF: YOST, CRAIG 05/15/01 C YOST

05/16/01 RC 04 RECEIVED CENTRAL FILE ON 3-26-01 AT WSR RECORDS 05/16/01  
D LOWMAN

06/13/01 JX 04 CANCELLED: FOOD SERV I WORKER, ENROLL BY 04/01/2001, PRIORITY  
3A, STAFF: RICHARD HOLCOMB 06/13/01 G HOWELL

06/20/01 GV 04 OFFENDER ENDED "VICTIM AWARENESS EDUCATION THERAPY" AT MCC-WA.  
STATE REFORMATORY (D01). PROGRAM END WAS DUE TO SUCCESSFUL  
COMPLETION. OFFENDER WAS AT STEP OR MODULE 13 AND STARTED THIS  
PROGRAM ON 03/28/2001 VOLUNTARILY. 06/25/01 SYSTEM

01/11/02 JX 04 REQUESTED: CUSTODIAN I, ENROLL BY 01/11/2002, PRIORITY 1A,  
STAFF: YOST, CRAIG 01/11/02 C YOST

01/11/02 JX 08 COMPLETED: HUMAN RELATIONS, ENROLL BY 03/01/2001, PRIORITY 1A,  
STAFF: YOST, CRAIG 01/11/02 K MCCARTY

02/21/02 RC 04 I/M SENT ORIGINAL DD 214N (NAVAL DISCHARGE PAPER) TO RECORDS FOR  
USE AS ID IN OBTAINING SS CARD. HAVE PLACED DD 214N IN PROPERTY  
ENVELOPE FOR PLACEMENT IN CF. NOTIFIED I/M WITH MEMO OF  
LOCATION OF DD 214N 02/21/02 J OCONNOR

02/21/02 RC 08 SENT I/M APPLICATION TO SS ADMINISTRATION 02/21/02 J OCONNOR

03/15/02 RC 04 REC'D INMATES SS CARD, PLACED IN PROPERTY ENVELOPE IN CF,  
ADVISED I/M SAME 03/15/02 J OCONNOR

04/02/02 RA 16 THE LSI-R REASSESSMENT COMPLETED; TOTAL LSI-R SCORE: 25, LSI  
LEVEL: MODERATE, % TO REOFFEND: 48.1, RATER BOX: 17 04/02/02  
C YOST

04/02/02 RA 17 ANNUAL REV/REASS: LWOP, MEDIUM CUST, IN GRAPHIC ARTS W/HOLD  
UNTIL 6/20/02. NO INFRACTIONS. CAME HERE FROM CBCC AS A PC CASE  
DUE TO HIS RAPE BEEF. NO PROBLEMS HERE. 04/04/02 C YOST

04/02/02 RA 21 THE LSI-R REASSESSMENT COMPLETED; TOTAL LSI-R SCORE: 25, LSI  
LEVEL: MODERATE, % TO REOFFEND: 48.1, RATER BOX: 17 04/30/02  
C YOST

04/02/02 RA 25 THE LSI-R REASSESSMENT COMPLETED; TOTAL LSI-R SCORE: 24, LSI  
LEVEL: MODERATE, % TO REOFFEND: 48.1, RATER BOX: 17 05/01/02  
C YOST

01/07/03 JX 04 REQUESTED: CI2-MACH OPRT-PRINT SHOP, ENROLL BY 01/03/2003,  
PRIORITY 3A, STAFF: CLAUSSEN, DIN 01/07/03 L CHU

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- 04/15/03 TC 04 MARK HAS A COURT HEARING AND HAS A COURT HEARING ON MAY 28TH, SHE IS CONCERNED THAT THIS WILL COST THE TAXPAYERS. HE HAS A JOB IN THE PRINT SHOP SHE HATES TO SEE HIM MOVED. THEY FAMILY LIVESON WHIDBY ISLAND AND IT WOULD BE IMPOSSIBLE FOR THEM TO VISIT. THEY VISIT HIM MONTHLY. SHE IS O OXYGEN AND CANNOT TRAVEL A GREAT DISTANCE (THIS IS HIS MOTHER). THEY ARE REQUESTING THAT HE REMAIN AT MONROE. HE IS DOING WELL AT LEARNING A TRADE AND THE FAMILY WOULD LIKE HIM TO CONTINUE THIS EFFORT AT MONROE. 04/15/03 M GRISHAM
- 06/24/03 CM 08 INMATE MATTSON WILL MAINTAIN CLOSE CUSTODY THE FIRST 4 YEARS PER POLICY (LWOP) NOT (MUR) AS PREVIOUSLY MENTIONED. 06/24/03 A VOTRY
- 06/26/03 CA 04 ANNUAL REVIEW: NO ACTION IS BEING TAKEN THIS REVIEW. P WILL RETAIN CLOSE (LWP) CUSTODY AND REMAIN AT MCC/WSRU. 06/26/03 D BUSTANOBY
- 07/15/03 CM 04 RECVD EMAIL FROM DAVID HACKETT OF THE KING COUNTY PA'S SVP UNIT, INFORMING ME THAT THIS OFFENDER'S PERSISTENT OFFENDER SENTENCE HAS RECENTLY BEEN OVERTURNED. SENT EMAIL TO CC ANDREW VOTRY, LETTING HIM KNOW THAT AN ESR REFERRAL WILL NEED TO BE SENT IN ACCORDNG TO POLICY ONCE THIS OFFENDER'S SENTENCING INFORMATION HAS BEEN UPDATED. 07/16/03 K ACKER
- 09/26/03 JX 04 CANCELLED: CUSTODIAN I; ENROLL BY 01/11/2002, PRIORITY 1A, STAFF: SUNDBERG, STEVE 09/26/03 L CHU
- 10/27/03 CM 04 RECVD CALL FROM DAVID HACKETT, KC PAO. THIS OFFENDER IS CURRENTLY PENDING RE-SENTENCING FOR IND LIBS W/FORCE. SENTENCING HAS BEEN POSTPONED UNTIL 11/21/03, BUT WILL NOT BE CONTINUED BEYOND THAT DATE. THERE IS AN 80% CHANCE THAT P WILL BE SENTENCED SRA AND RELEASED W/CREDIT FOR TIME SERVED, SINCE HE HAS BEEN INCARCERATED SINCE 1998. HIS LIFE SENTENCE WAS OVERTURNED IN 7/03. SPECIAL REQUEST MADE TO MCC THIS DATE TO SEND REFERRAL IMMEDIATELY TO ESR. THE KC PAO HAS ALSO REQUESTED THAT DOC FORWARD ALL RECORDS TO THEIR OFFICE IMMEDIATELY, AS THEY INTEND TO LOOK AT P FOR POSSIBLE CIVIL COMMITMENT UNDER RCW 7109. 10/27/03 K ACKER
- 10/31/03 RC 04 SENT COPIES OF CF/MF/SLOUGH FILE TO DAVID HACKETT AT KING COUNTY PAO ON THIS DATE. WSRU RECORDS. 10/31/03 L LINDBORG
- 11/04/03 CM 04 ESR PKT MAILED TO OLY 11/4/03. NO DT07 ENTRY DUE TO DI51 INFORMATION. 11/04/03 T BRITTON
- 11/04/03 CM 08 NOTED IN CHRONO'S THAT THE ESR REFERRAL WAS JUST MAILED TODAY. REQUESTED THAT IT BE SENT TO US VIA FAX TODAY IF THIS WAS NOT SENT VIA FED EX OR OVERNIGHT MAIL. ALSO CONTACTED MARK ALLEN AT WESTERN STATE HOSPITAL AND ASKED HIM TO PROVIDE ANY WSH RECORDS RIGHT AWAY FOR ESR FILE REVIEW. 11/04/03 K ACKER
- 11/06/03 CM 04 THIS INFORMATION IS TO BE USED FOR RMI CLASSIFICATION. THIS OFFENDER HAS BEEN REVIEWED BY ESRC ON11/6/03 AN DETERMINED TO BE A LEVEL 3 NOTIFICATION. ALSO REVIEWED BY SUBCOMMITTEE AND WILL BE REFERRED FOR FORENSIC PSYCH. THE ESR PACKET SUPPORTS THE RMA CRITERIA OF VULNERABLE VICTIMS, STRANGER VIOLENCE. ANY QUESTIONS SHOULD BE DIRECTED TO KIM ACKER OF THE CPU. 11/06/03 V LOETE
- 11/06/03 CM 08 P'S LSI AND RMI WERE UPDATED TODAY. P SCORES AS STRANGER/PREDATORY/IMMINENT THREAT. 11/06/03 A VOTRY

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- 11/06/03 CM 12 LEGAL PHONE CALL WAS SET UP FOR 11/7/03 TO SARA DANNEN FROM SCRAP, PHONE # 252-852-9460 EXT 7734, FOR 9:30AM. 11/06/03 A VOTRY
- 11/07/03 TC 04 RECEIVED CALL FROM CCO BROOKS RAYMOND. OFFENDER MAY HAVE 2ND STRIKE OVERTURNED BY COURT ON 11-21-03, WHICH MEANS HE WOULD BE RELEASED THAT DAY AS HE IS A LWOP, PAST HIS MAX. HE ALSO INDICATED THAT KC PA MAY FILE (MORE LIKELY THAN NOT) 7109, BUT WE WILL NOT KNOW ANYTHING UNTIL 11-19-03. REQUESTED AN RMS BE ASSIGNED TO THIS CASE FOR PLAN DEVELOPMENT. WILL BE ASSIGNED TO RMS OSBORNE. 11/07/03 K SKIPWORTH
- 11/07/03 TR 08 DANA OSBORNE ASSIGNED COMMUNITY RMS 11/07/03 R POWELL
- 11/10/03 CM 04 SPOKE W/BRIAN JUDD, PHD, WHO HAS AGREED TO TAKE ON THE EMERGENCY FORENSIC PSYCH EVALUATION REGARDING THIS OFFENDER. DUE DATE WILL BE 11/20/03. SENT CONSENT FORM TO P'S COUNSELOR, ANDREW VOTRY, TO REVIEW W/P AND RETURN TO BRIAN/ME IMMEDIATELY. KING COUNTY PAO WILL FEDX THE CD-ROM OF DISCOVERY MATERIALS TO DR. JUDD TODAY. THEY ARE STILL MISSING SOTP FILE AND ESRC FILE, WHICH WILL BE FEDX'D AS WELL. 11/10/03 K ACKER
- 11/10/03 CM 08 RECVD CALL FROM ANDREW VOTRY, LETTING ME KNOW P HAS SIGNED THE FPE CONSENT FORM, AGREEING TO PARTICIPATE IN THE EVALUATION WITH DR. JUDD. ANDREW WILL FAX THE SIGNED FORM DIRECTLY TO DR. JUDD PRIOR TO SENDING THE ORIGINAL TO ME. 11/10/03 K ACKER
- 11/12/03 CM 04 BECAUSE THIS OFFENDER APPEARS TO MEET SEXUALLY VIOLENT PREDATOR CRITERIA PER RCW 7109, AND DOC HAS SUPPLIED ALL AVAILABLE DOCUMENTATION TO THE KING CO PROSECUTOR'S OFFICE, A 7109 REFERRAL LETTER WAS SUBMITTED TO THE KC PA THIS DATE. IF THE FORENSIC PSYCH EVAL, WHICH HAS BEEN ASSIGNED TO BRIAN JUDD PHD, DOESN'T SUPPORT SVP CRITERIA, THE EVAL REPT WILL BE REVIEWED BYESRC FOR RECONSIDERATION. IT SHOULD BE NOTED THAT THIS OFFENDER IS PENDING RE-SENTENCING IN KING COUNTY, WA ON 11/21/03, AT WHICH TIME HE COULD POSSIBLY BE RELEASED FROM CONFINEMENT WITH CREDIT FOR TIME SERVED. 11/12/03 K ACKER
- 11/12/03 CM 08 RECVD CALL FROM CINDY PORT, KC PAO, INFORMING ME THAT P'S PREVIOUS DEFENSE ATTY FOR HIS 1998 CAUSE HAS CONTACTED HER AND STATED THAT SHE DOES NOT WANT P PARTICIPATING IN THE FORENSIC PSYCH EVALUATION. I SUGGESTED THAT CINDY HAVE THE ATTY MEET W/HER CLIENT AND REVIEW THE CONSENT FORM HE HAS ALREADY SIGNED BEFORE A FINAL DECISION IS MADE. 11/12/03 K ACKER
- 11/12/03 CM 12 SENT REFERRAL LETTER TO KING COUNTY PROSECUTORS FOR POSSIBLE 7109 CIVIL COMMITMENT. CERTIFIED MAIL: 7000-1670-0006-4458-6013. 11/17/03 K ROOD
- 11/13/03 CM 04 LEGAL PHONE CALL WAS SET UP FOR 11/14/03 @ 9AM TO MARK FLORA FOR SCRAP PHONE # 206-726-7749. 11/13/03 A VOTRY
- 11/13/03 CM 08 PHONED DR JUDD TODAY INFORMING HIM THAT SHOULD P GO THROUGH WITH THE INTERVIEW IT WILL BE HELD AT 9AM ON SATURDAY 11/15/03 IN THE ATTORNEY VISITING ROOM @ MCC-WSRU. AFTER P'S PHONE CALL TO HIS ATTORNEY I WILL KNOW IF HE WILL PARTICIPATE OR NOT AND WILL LET DR. JUDD KNOW. 11/13/03 A VOTRY
- 11/14/03 CM 04 BRIAN JUDD NOTIFIED ME THIS AM THAT P'S ATTY, MARK FLORA, CONTACTED HIM AND ADVISED THAT P HAS CHANGED HIS MIND AND IS NO LONGER WILLING TO PARTICIPATE IN THE FORENSIC PSYCH EVALUATION. AS A RESULT, DR. JUDD WILL BE COMPLETING THIS VIA RECORDS REVIEW. 11/14/03 K ACKER

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11/14/03 CM 08 CASE ASSIGNED TO CCO RAYMOND FOR EMERGENCY PLAN DEVELOPMENT IF NECESSARY. 11/14/03 T LEWIS

11/17/03 CM 04 DR. JUDD CONTACTED ME THIS DATE TO REPORT THAT HE HAS COMPLETED HIS PRELIM FPE REPORT RE: THIS OFFENDER AND OPINES THAT P DOES MEET SVP CRITERIA FOR CIVIL COMMITMENT UNDER RCW 7109. THE PRELIM REPRT WILL BE DROPPED OFF AT MY OFFICE THIS AFTERNOON. HE WILL BE CONTACTING DAVID HACKETT'S OFFICE TO REPRT THIS INFO AS WELL. 11/17/03 K ACKER

11/18/03 CM 04 RECVD CALL FROM CINDI PORT, KC PAO. APPARENTLY THE DEFENSE TEAM HAS AGREED TO A 10-YR EXCEPTIONAL SENTENCE, WHICH WOULD BRING P BACK INTO DOC IF THE COURT AGREES TO THE RECOMMENDED SENTENCE. KC PAO WILL CALL WITH UPDATE FOLLOWING OFFICIAL SENTENCING THIS FRIDAY. 11/19/03 K ACKER

11/19/03 CM 04 COMMUNITY RELEASE PLAN PACKET MAILED TO SEATTLE CCO 11/19/03. 11/19/03 T BRITTON

11/20/03 RC 04 MCC-WSR SENT CF TO M. GARVEY 1516 2ND AVE, 2ND FLR SEA, 98101 VIA MAIL ON THIS DATE. 11/20/03 K HUMBLE

11/21/03 CM 04 RECVD NOTIFICATION FROM DAVID HACKETT THAT THIS OFFENDER'S RESENTENCING HAS BEEN POSTPONED AGAIN UNTIL 12/12/03. IT IS STILL HIGHLY LIKELY THAT HE WILL BE SENTENCED TO A 10-YR EXCEPTIONAL TERM AND WILL BE REVIEWED IN THE FUTURE FOR CIVIL COMMITMENT CLOSER TO HIS ACTUAL PRISON RELEASE DATE. 11/21/03 K ACKER

11/21/03 CM 08 RESENTENCING HAS NOW BEEN MOVED TO 12/19/03. 11/21/03 K ACKER

11/26/03 RC 04 CENTRAL FILE RECEIVED 11/24/03 FROM MONROE. 11/26/03 M GARVEY

12/19/03 TC 04 SPOKE WITH DAVID HACKETT. P SENT TO 10 YRS. WILL BE RETURNED TO DOC CUSTODY. CRR DENIED AS P WILL NOT BE RELEASED. WILL NOTIFY RMS OSBORNE. 12/19/03 B RAYMOND

12/19/03 TR 08 LATE ENTRY FOR DOCUMENTATION PURPOSES. CONFIRMED W/ CCO THAT P WAS BEING RESENTENCED TO 10 YEARS. TRANSFERING P TO INACTIVE LIST TO BE REASSIGNED FOR TRANSTITION SERVICES 120 FROM NEW ERD 05/20/04 D OSBORNE

12/24/03 CM 04 RECD RESENTENCED PRISON J&S FOR KC981094130S ON 122303 AND SENT TO MONROE CORR CNTR W/CC RECORDS AT WT05 THIS DATE 12/24/03 D GERGICH

12/29/03 RC 04 CENTRAL FILE RETURNED TO MONROE THIS DATE AS P RESENTENCED AND WILL NOT BE RELEASED. 12/29/03 M GARVEY

12/31/03 JX 04 REQUESTED: TEACHER AIDE I, ENROLL BY 12/31/2003, PRIORITY 1A, STAFF: VOTRY, ANDREW 12/31/03 A VOTRY

01/02/04 RC 04 WSR RECVD CF FROM PSI INTAKE UNIT, MARDIEE GARVEY ON THIS DATE 01/02/04 K HUMBLE

01/28/04 RC 04 RECEIVED CERTIFIED J&S FOR RESENTENCING ON CAUSE #981094130. ENTERED AS "D". SENTENCED TO 10 YEARS WITH 1367 DAYS CFTS PLUS 502 DAYS ORIGINAL JAIL TIME AND 251 ORIGINAL JAIL GT PLUS 664 DAYS OF GT INCLUDES 20 DAYS LOSS OF GOOD TIME. 01/28/04 L LINDBORG

01/29/04 CM 04 SENT CHS, PSI & PSYCH EVAL TO NANCY WATTS FOR PLACEMENT CONSIDERATION @ TRU SOTP PROGRAM. 01/29/04 A VOTRY

02/02/04 CM 04 CAUSE #98-1-09413-0 J&S HAS NO APPENDIX H. 02/02/04 G DYEA

02/05/04 CA 04 P WAS SEEN BY FRMT ON 2/11/04 FOR A FACILIT PLAN CHANGE. THE FOLLOWING RECOMMENDATIONS WERE MADE AND APPROVED THROUGH REVIEW COMMITTEE: CUSTODY PROMOTES TO MI3 (SOP) AND TRANSFER TO D02. 03/12/04 T BRITTON

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02/11/04 RC 04 SENT TO PROPERTY: 1 SSN CARD; 1 DD214N ORIGINAL DISCHARGE  
02/11/04 J OCONNOR

03/29/04 RC 04 SENT CF TO TRU RECORDS THIS DATE VIA TRANSPORT 03/29/04  
J OCONNOR

04/01/04 RC 04 RECEIVED CF FROM WSRU RECORDS AT TRU RECORDS ON THIS DATE.  
04/01/04 A MELUM

04/01/04 RC 08 5990 AUDIT COMPLETED ON CAUSE D. NOT ELIGIBLE DUE TO CURRENT  
SEX OFFENSE AND RMI OF RMA. 04/01/04 A MELUM

06/28/04 JX 04 REQUESTED: STANDARDIZED STRESS/ANGER MANG, ENROLL BY 06/28/2004,  
PRIORITY 1A, STAFF: PEITZMEIER, CHE 06/28/04 C JOHNSON

06/29/04 CA 04 P REVIEWED. RETAIN ON MI3(SOP) TO CONTINUE SOTP AT TRU. RMA,  
LEVEL 3 RELEASE. OMNI UPDATED. ON JOB WAIT LISTS BUT NOT IN  
SCHOOL OR WORK NOW. WAIVED PRESENCE. 06/29/04 R TAGGART-DEFFIN

07/07/04 JX 04 REQUESTED: LIBRARY CLERK, ENROLL BY 07/07/2004, PRIORITY 3A,  
STAFF: PEITZMEIER, CHE 07/07/04 C JOHNSON

07/23/04 JX 04 REQUESTED: VICTIM AWARENESS, ENROLL BY 07/23/2004, PRIORITY 1A,  
STAFF: PEITZMEIER, CHE 07/23/04 C JOHNSON

07/23/04 JX 08 REQUESTED: JOB HUNTER, ENROLL BY 07/23/2004, PRIORITY 1A,  
STAFF: PEITZMEIER, CHE 07/23/04 C JOHNSON

10/07/04 RC 04 SS CARD HAS BEEN SENT TO PROPERTY. 10/07/04 R BODE

03/22/05 RP 04 RELEASE ADDRESS: FRANKLIN APTS 4TH AVE SEATTLE WA 98121, PHONE  
206-448-7974. SPONSOR OF THE ADDRESS IS HOWARD CLOSE. OFFENDER  
IS A AN RMIT CASE, AND IS 7109 REFERRED. P CAN SUBMIT AN  
ADDRESS DUE TO THE DUTCHER DECISION. CCO T. LEWIS IS REQUESTED  
TO BE ASSIGNED THIS CASE FOR INVESTIGATION. H.Q. NOTIFIED.  
03/22/05 C JOHNSON

04/08/05 CM 04 FORWARDED CRR TO RMS UNIT AS ERD IS BEYOND 7-10-05 AND WILL BE  
SUPERVISED FROM THE RMS UNIT. 04/08/05 T LEWIS

05/06/05 CM 04 CCO LEWIS ASSIGNED TO CASE FOR TRANSITION ASSISTANCE TO RMS  
UNIT 05/06/05 T LEWIS

05/16/05 CM 04 REC'D CRR AND ASSIGNED MAT/A TO JILL CHAMBERLIN (WC41); REQUEST  
RELEASE PACKET FROM CLINT JOHNSON. 05/16/05 S BEVERS

05/17/05 CA 04 SENT CRR PACKET TO CCO JILL CHAMBERLIN AT WC 280 RMS UNIT MAIL  
STOP TB-12A, 1550 4TH AVE SO, SEATTLE WA 98134 05/17/05 R ACREE

05/18/05 TR 04 STAFFED CASE W/ CCO LEWIS. 05/19/05 J CHAMBERLIN

05/26/05 TR 04 CRR DENIED THIS DATE. STAFFED CASE W/ CCO LEWIS. PROPOSED  
RELEASE ADDRESS PLACES P AT RISK TO RE-OFFEND, RESIDENCE KNOWN  
FOR HIGH NARCOTICS AND PROSTITUTION. SEE TP FOR MORE DETAILS.  
05/26/05 J CHAMBERLIN

06/01/05 CM 04 SENT UPDATED MATERIAL RAW DATA CD, LEGAL FACE SHEET AND CHRONOS  
TO DAVID HACKETT OF THE KING CO PROSECUTORS OFFICE. 06/01/05  
L OWEN

06/07/05 RP 04 RELEASE PLAN SUBMITTED TO WEST CENTRAL BOX FOR RMS/CCO  
ASSIGNMENT. 8801 AURORA AVE NORTH SEATTLE WA 98103,  
206-524-1004. MANAGER IS BILL HAN. OFFENDER IS 7109 REFERRED SO  
H.Q. WAS NOTIFIED, ALSO THE CRR WAS MARKED WITH P'S STATUS AS  
WELL. 06/07/05 C JOHNSON

06/15/05 TR 04 REC'D CRR AND ASSIGNED MAT TO JILL CHAMBERLIN (WC41); REQUEST  
RELEASE PACKET FROM CLINT JOHNSON. 06/15/05 S BEVERS

06/16/05 CA 04 SENT CRR PACKET TO CCO JILL CHAMBERLIN AT WC 280 RMS UNIT MAIL  
STOP TB12-A. 1550 4TH AVE SOUTH, SEATTLE, WA 98134. 06/16/05  
R ACREE

NAME: MATTSON, MARK D

OFFICE: D02 MCC-TRCC MSC  
OFFICER: 0738 STYLES, KARI

06/16/05 CM 08 CASE REMAINS ASSIGNED TO CCO LEWIS FOR TRANSITION ASSISTANCE TO RMS UNIT AND FOR CASE ASSUMPTION 60 DAYS FROM ANY RELEASE.  
07/08/05 T LEWIS

06/24/05 RC 04 BF SENT TO CENTRAL REPOSITORY FROM TRU M. GOODSON VIA CAMPUS MAIL 06/24/05 B KANNARR

06/27/05 JG 04 MARK MATTSON PARTICIPATED IN THE FACILITY PORTION OF SOTP. THE TREATMENT SUMMARY IS AVAILABLE IN THE SOTP FILE OR THE CENTRAL FILE. MR. MATTSON IS EXPECTED TO CONTINUE SOTP IN THE COMMUNITY WHILE ON SUPERVISION. HIS SOTP THERAPIST WAS L. DANDESCU. IF YOU HAVE QUESTIONS PLEASE CONTACT SOTP AT 360-794-2380.  
06/27/05 S BLACKSTOCK

06/28/05 RC 04 BF RECEIVED @ CENTRAL REPOSITORY 06/28/05 N DURANCEAU

06/28/05 CA 08 R REV., RETAIN AT TRU ON MI3 (SOP). JUST COMPLETED SOTP AND WILL HAVE A NEW FACILITY PLAN DEVELOPED SOON. HAS A CRR OUT FOR INVESTIGATION. 71.09 STATUS UNDETERMINED. NOT WORKING. HAS ALL CRS PTS AND IS IN COMPLIANCE W/ F.P. 06/28/05 R TAGGART-DEFFIN

07/05/05 CM 04 CASE TRANSFERRED FROM RMS CHAMBERLIN TO RMS GARNER. INFORMED CC JOHNSON OF NEED TO RE-SEND CRR. 07/08/05 T LEWIS

07/08/05 CM 04 UPDATED FPE ASSESSMENT WILL BE COMPLETED BY DR. JUDD, AS P CONTINUES TO SUBMIT CRR'S FOR INVESTIGATION AND ORIGINAL FPE IS OVER 1 YEAR OLD. UPDATED ASSESSMENT WILL ADDRESS WHETHER P CONTINUES TO MEET SVP CRITERIA. 07/11/05 K ACKER

07/11/05 RP 04 RELEASE PLAN RE-SUBMITTED TO WCTRANSRMSASSIGN PER CCO LEWIS. THE RMS THAT ORIGINALLY HAD THE PLAN MOVED TO ANOTHER POSITION, THE CRR CANNOT BE TRANSFERRED TO NEW STAFF. 8801 AURORA AVE N. THE GEORGIAN IN SEATTLE WA 98103 IS THE RELEASE ADDRESS. MANAGER IS BILL HAN. REMINDER: P IS A 7109 REFERRED CASE.  
07/11/05 C JOHNSON

07/11/05 CM 08 PROVIDED CLINT JOHNSON WITH A COPY OF DR. JUDD'S FPE CONSENT FORM FOR P'S REVIEW/SIGNATURE. 07/11/05 K ACKER

07/13/05 CM 04 P DOES NOT MEET CRITERION FOR HIGH NEEDS B REFERRAL TO THE P.S. W. 07/13/05 C JOHNSON

07/13/05 CM 08 LSI-R REASSESSMENT COMPLETED BY CC2 PEITZMEIER ON 6/29/04.  
07/13/05 C JOHNSON

07/13/05 CA 12 08/17/05 HCSC APPROVES MI3 HCR. GFW 08/18/05 H WITTENBERG

07/14/05 TR 04 REC'D CRR AND ASSIGNED MAT TO BRUCE GARNER (WC41); REQUEST RELEASE PACKET FROM CLINT JOHNSON. 07/14/05 S BEVERS

07/15/05 CA 04 SENT CRR PACKET TO CCO BRUCE GARNER AT MAIL STOP TB-12A. 1550 4TH ASVE SOUTH, SEATTLE, WA 98134. 07/15/05 R ACREE

07/19/05 CM 04 RECEIVED RLS PACKET THIS DATE ON P- THERE IS NOTHING IN THE FILE RELATED TO HIS LATEST INCARCERATION AND THERAPY- WILL AKS FOR THIS INFO THRU CPU. E-MAIL TO KIM ACKER THIS DATE ASKING FOR LATEST INFO. 07/25/05 B GARNER

07/19/05 CM 08 AT MS. ACKERS REQUEST PERUSED RELEVANT INFORMATION ON P IN LIBERTY. HAVE CONCERNS ABOUT PROPOSED PLACEMENT DUE TO AREA BEING KNOWN FOR PROSTITUTION. WILL CHECK OUT. 07/25/05 B GARNER

07/27/05 TR 04 WENT TO ADDRESS LISTED ON CRR-GEORGIAN MOTEL ON NORTH AURORA- FOUND IT TO BE IN THE MIDDLE OF A VERY WELL KNOWN PROSTITUTION AREA. P HAS A HX WITH PROSTITUTES AND WOULD BE PLACED IN A HIGH RISK SITUATION IF APPROVED. THEREFORE I AM DISAPPROVING THIS CRR. CRR DENIED AND FORWARDED TO CCS SKIPWORTH THIS DATE. ALSO DISCUSSED THIS WITH CCO THEO LEWIS VIA PHONE AND HE CONCURS.  
07/28/05 B GARNER

07/28/05 CM 04 CRR DENIED THIS DATE. 07/28/05 K SKIPWORTH

NAME: MATTSON, MARK D

OFFICE: D02 MCC-TRCC MSC  
OFFICER: 0738 STYLES, KARI

- 07/29/05 CA 04 FRMT, REV COMM & ASSOC SUPT CONCUR WITH, RETAIN AT TRU ON MI3 CUSTODY. REFER TO HCSD FOR HCR OVERRIDE DUE TO CHS AND COMMUNITY RISK. 07/29/05 C BOARDMAN
- 08/02/05 RP 04 RELEASE PLAN SUBMITTED: 1517 BOYLSTON AVE (BOYLSTON HOTEL) SEATTLE WA 98122, 206-325-0836. MANAGER IS DARREN DECKER. OFFENDER IS 7109 REFERRED H.Q. NOTIFIED. 08/02/05 C JOHNSON
- 08/02/05 TR 08 REC'D CRR AND ASSIGNED MAT TO BRUCE GARNER (WC41); REQUEST RELEASE PACKET FROM CLINT JOHNSON. 08/02/05 S BEVERS
- 08/03/05 CA 04 SENT CRR PACKET TO CCO BRUCE GARNER AT WC 280 KC RISK MANAGEMENT SPECIALIST. MAIL STOP TB-63. 08/03/05 R ACREE
- 08/03/05 CA 08 SENT CRIMINAL HISTORY SUMMARY TO HCSC. 08/03/05 R ACREE
- 08/09/05 CM 04 RECVD UPDATED FORENSIC PSYCHOLOGICAL EVALUATION IN WHICH DR. JUDD OPINES THAT P CONTINUES TO MEET SVP CRITERIA FOR CIVIL COMMITMENT UNDER RCW 71.09. COPY SCANNED INTO LIBERTY AND FORWARDED TO KING COUNTY PAO. 08/09/05 K ACKER
- 08/10/05 RC 04 BF SENT TO K TURNGREN @ TRCC-MCC FROM CENTRAL REPOSITORY 08/10/05 N DURANCEAU
- 08/11/05 TR 04 MET WITH OFFENDER AS WELL AS FIVE OTHER INMATES TO DISCUSS SOTP COMMUNITY TREATMENT EXPECTATIONS AND ANSWER ANY TRANSITION QUESTIONS. OFFENDER SHOWED UP AS I WAS LEAVING. DISCUSSED WITH HIM WHAT MY ROLE IN HIS TRANSITION IS AND THAT IF/WHEN HE IS RELEASED, HE WILL BE IN COMMUNITY TX WITH ME. 08/11/05 J MCCULLOUGH
- 08/24/05 TR 04 RECEIVED TC FROM FRED AT STEPHENSON APARTMENTS. OFFENDER'S FRIEND HAD CONTACTED FRED AND INFORMED HIM THAT P WAS PAST HIS ERD... APPARENTLY P WANTS TO RENT FROM HIM. TOLD FRED THAT P HAS EVERY RIGHT TO ARRANGE A PLACE TO LIVE UPON HIS RELEASE FROM PRISON, HOWEVER, HIS RELEASE DATE IS UNKNOWN AT THIS TIME. 08/24/05 J MCCULLOUGH
- 08/25/05 FC 04 CRR- INVESTIGATION--- WENT TO THE BOYLSTON APARTMENTS THIS DATE AND DISCUSSED PLACEMENT OPTIONS W/NANCY THE MANAGER. SHE INDICATES THAT THINGS WERE FAIRLY CLEAN IN THE PLACEMENT. I LEFT THE BUILDING AND HUNG AROUND THE AREA FOR ABOUT AN HOUR. I VIEWED 2 DRUG BUYS WITH IN 50 YARDS OF THE BOYLSTON AND SAW WHAT APPEARED TO BE A PROSTITUTE ON PIKE AND BROADWAY. THIS PLACEMENT HAS A LONG HX OF INVOLVEMENT IN THIS SUB CULTURE. BOTH INSIDE AND OUTSIDE THE IMMEDIATE ENVIRONS OF THE BUILDING. THEREFORE-AS P HAS A HX WITH BOTH OF THESE ISSUES I AM DENYING THIS CRR. 08/26/05 B GARNER
- 09/19/05 RP 04 RECEIVED TELEPHONE CALL FROM DAVID BAERSCHTY ABOUT A RELEASE ADDRESS FOR P. HE STATED THAT HE WAS P'S M2 SPONSOR AND WAS INTERESTED IN POSSIBLY BEING A RELEASE OPTION FOR P. STATED THAT HE LIVES JUST OUTSIDE OF DUVALL AND WANTED TO KNOW WHAT THE DETAILS WERE. EXPLAINED TO HIM ABOUT NOTIFICATION OF A LEVEL THREE AND ASKED HIM WHAT HE KNEW ABOUT P/ DAVID WAS ABLE TO TELL ME A FEW OF THE DETAIL OF P'S OFFENSE AND THAT HE WAS KNEW HE WAS BEING LOOKED AT FOR CIVIL COMMITMENT. EXPLAINED TO HIM THAT HE SHOULD CONTACT FRANCES LINDER TO SET UP A RMIT MEETING THAT WOULD ALLOW P TO DISCLOSE WITH STAFF PRESENT AND WOULD ALLOW HIM TO ASK 09/26/05 K STYLES
- 09/19/05 RP 08 (CONT) QUESTIONS NOT ONLY OF P BUT OF THE STAFF MEMEBERS HELPING WITH HIS RELEASE PLANNING. DAVID SAID THAT HE WOULD GET BACK TO ME. 09/26/05 K STYLES

NAME: MATTSON, MARK D

OFFICE: D02 MCC-TRCC MSC  
OFFICER: 0738 STYLES, KARI

- 09/23/05 RP 04 RECEIVED PHONE MESSAGE FROM PHIL RAMSEY FROM JOB THERAPY (M2) REQUESTING A RETRUN CALL. PLACED CALL AND LEFT MESSAGE FOR PHIL. 09/26/05 K STYLES
- 09/23/05 RP 08 RECEIVED A CALL FROM DAVID BAERSCHTY STATING THAT HE WAS STILL RESEARCHING HIS OPTIONS AND THAT HE HADN'T DECIDED WHAT TO DO YET. HE SAID THAT HE WOULD KEEP ME POSTED. 09/26/05 K STYLES
- 09/28/05 RP 04 RECEIVED TELEPHONE CALL FROM DAVID BAERSCHTY STATING THAT HIS ADDRESS COULD BE SUBMITTED FOR INVESTIGATION. SENT E-MAIL TO BRUCE GARNER, ASSIGNED COMMUNITY RMS AND SPOKE WITH FRANCES LINDER, FACILITY RMS. WAS TOLD BY FRANCES TO SUBMIT, AM AWAITING RESPONSE FROM BRUCE. 09/29/05 K STYLES
- 09/29/05 RP 04 GOT A RESPONSE FROM BRUCE GARNER. CRR SUBMITTED FOR P TO SPONSOR DAVID BAERSCHTY; 18715 296TH PLACE NORTHEAST; DUVALL, WA 98019 (425)788-6649. SPONSOR INDICATES THAT HIS WIFE, DONNA, RESIDES IN THE RESIDENCE AS WELL. HE ALSO STATED THAT HIS DAUGHTER AND SON-IN-LAW AND THEIR 16 MONTH OLD SON WOULD BE STAYING TEMPORARILY, BUT WOULD BE GONE MOST LIKELY BEFORE P WOULD BE RELEASED. 09/29/05 K STYLES
- 09/30/05 TR 04 ASSIGNED ANOTHER CRR/MAT TO BRUCE GARNER (WC41); 09/30/05 S BEVERS
- 10/04/05 CA 04 SENT CRR PACKET TO BRUCE GARNER, MS: TB-12A. SEATTLE. 10/04/05 S MASON
- 10/12/05 CA 04 P WAS SEEN TODAY BY THE FRMT FOR HIS REVIEW. HE IS ON WAITING LISTS AND IS ENCOURAGED TO PARTICIPATE IN CRIME RELATED PROGRAMMING IF AVAILABLE. HE IS 71.09 REFERRED AND HAS AN ADDRESS OUT IN THE COMMUNITY FOR INVESTIGATION. MAINTAIN MINIMUM CUSTODY, MI3(SVP). 10/12/05 K STYLES
- 10/14/05 FP 04 CALLED SPONSOR NUMBER LISTED ON CRR- A FEMALE ANSWERED AND AFTER A SHORT DISCUSSION, GAVE ME THE NUMBER OF MR. BAERSCHTY OF 206-655-6822. CALLED THAT NUMBER AND LEFT MESSAGE TO CALL ME. WOULD LIKE TO GOT OUT TO DUVALL ADDRESS TO INVESTIGATE NEXT FRIDAY THE 21ST. 10/14/05 B GARNER
- 10/14/05 TC 08 T/C WITH SPONSOR WHO AGREED TO MEET ME AT THE HOUSE NEXT FRIDAY THE 21ST AT 11AM. OUTLOOK TO CCO LEWIS ASKING FOR HIS COMPANY ON THE INVESTIGATION. 10/14/05 B GARNER
- 10/21/05 FC 04 CCO IRIS PETERSON AND I WENT OUT TO THE SPONSORS HOME IN DUVALL. THE PHYSICAL PLANT WAS APPROVABLE. HOWEVER, IN DIALOGUING WITH THE SPONSOR AND THE WIFE IT BECAME APPARENT THAT THE WIFE DID NOT WANT P TO LIVE WITH THEM, SHE WAS ALSO ANGRY THAT THIS HAD NOT BEEN CLEARED WITH HER BEFORE PROCEEDING. THE HUSBAN HAD NOT CONSULTED HER BEFORE GIVING HIS PLACE AS A RESIDENCE FOR P TO LIVE AT. THEREFORE I AM DENYING THIS CRR THIS DATE. 10/24/05 B GARNER
- 11/07/05 RC 04 BF SENT TO CENTRAL REPOSITORY FROM MCC/SOU 11/07/05 D DOWNS
- 11/09/05 RC 04 BF RECEIVED @ CENTRAL REPOSITORY FROM MCC 11/09/05 N DURANCEAU
- 01/26/06 CA 04 P WAS SEEN BY THE FRMT FOR HIS REVIEW. HE REMAINS IN COMPLIANCE WITH HIS FACILITY PLAN DATED 7-13-05. HE IS WORKING AS A UNIT PORTER. HE IS ENCOURAGED TO PARTICIPATE IN CRIME RELATED PROGRAMMING IF OFFERED. HE COMPLETED THE JOB HUNTER COURSE RECENTLY. HE CONTINUES TO WORK ON REELASE PLANNING. MAINTAIN MINIMUM CUSTODY, MI3(SVP). 01/26/06 A STICKNEY
- 03/02/06 RC 04 BF SCANNED ON THIS DATE, HARD COPY DESTROYED, CONTACT CENTRAL REPOSITORY FOR FILE INFORMATION 03/02/06 C O'SULLIVAN

NAME: MATTSON, MARK D

OFFICE: D02 MCC-TRCC MSC  
OFFICER: 0738 STYLES, KARI

04/06/06 CA 04 P WAS SEEN BY THE FRMT FOR HIS REVIEW. HE REMAINS IN COMPLIANCE WITH HIS FACILITY PLAN DATED 7-13-05. HE IS WORKING AS A UNIT PORTER. HE HAS COMPLETED THE JOB HUNTER PROGRAM AS WELL AS THE TRU PORTION OF THE SOTP. HE IS ENCOURAGED TO PARTICIPATE IN OTHER CRIME RELATED PROGRAMMING THAT IS AVAILABLE. HE CONTINUES TO WORK ON RELEASE PLANNING. MAINTAIN MINIMUM CUSTODY, MI3 (SVP).  
04/06/06 K STYLES

04/19/06 TR 04 P SUBMITTED A RELEASE PLAN TO THE MACK HOUSE; 18816 SMOKEY POINT BLVD; ARLINGTON, WA 98223 (360)435-3973. TELEPHONE CALL MADE TO MRS. MACK WHO CONFIRMED THAT P COULD RESIDE AT THE MACK HOUSE IF APPROVED BY DOC. CRR SUBMITTED. 04/19/06 K STYLES

04/20/06 CM 04 CRR TO MACK HOUSE ASSIGNED TO GM46 04/20/06 D CIRINO

04/24/06 CA 04 SENT CRR PACKET TO DEBORAH CIRINO, MS: TB-53 MARYSVILLE.  
04/24/06 S MASON

04/26/06 CM 04 CRR PACKET REC'D MARYSVILLE AND FORWARDED TO CCO CIRINO.  
04/26/06 D GRAVES

06/01/06 RP 04 SENT E-MAIL TO CCO DEBORAH CIRINO FOR UPDATE ON CRR STATUS.  
06/01/06 K STYLES

06/16/06 CM 04 AFTER REVIEWING THE LATEST RE SEX OFFENDER DIRECTIVES LOOKS LIKE THIS WILL BE DENIED BASED ON THAT AND WHERE" NO PLAN WILL OFFER SUFFICIENT PROTECTION FOR THE COMMUNITY" HOWEVR THIS HAS BEEN REFERRED TO THE FA/RA SO WILL WAIT TO FINALIZE. HAVE VERIFIED P MEETS CRITERIA FOR SVP REFERRAL W/ CPU 06/16/06  
D CIRINO

07/12/06 CA 04 MATTSON WAS SEEN THIS DAY FOR HIS REVIEW AND WE NOTE THAT HE IS IN COMPLIANCE WITH HIS FP DATED 7-13-05. HE IS WORKING AS A TEIR PORTER FOR THE UNIT. HE HAS COMPLETED THE SOTP AND IS WORKING ON RELEASE PLANNING.. HE HAS A FORENSIC PSYCHOLOGICAL EVALUATION THAT SUPPORTS CIVIL COMMITMENT. HE IS ENCOURAGED TO PARTICIPATE IN CRIME RELATED PROGRAMMING THAT IS AVAILABLE TO HIM. MAINTAIN MINIMUM CUSTODY, MI3 (SVP). 07/12/06 A STICKNEY

09/11/06 TC 04 SENT UP ATTORNEY PHONE CALL FOR P WITH ATTORNEY DENNIS CARROLL 1-877-241-1695 EXT 633 FOR 1:00PM TODAY. SPOKE WITH ATTORNEY AND VERIFIED PHONE NUMBER AND TIME OF CALL. 09/11/06 K STYLES

**EXHIBIT 3**

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

In re the Personal Restraint Petition of:

MARK DAVID MATTSON

Petitioner.

DECLARATION OF  
ALEX A. KOSTIN

I, ALEX A. KOSTIN, declare and state:

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

2. I am an Assistant Attorney General assigned to represent Defendants in this matter.

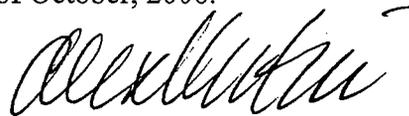
3. On October 16, 2006, I received the following documents via email from the DOC's Office of End of Sentence Review:

A. Civil Commitment Clinical Evaluation, dated 11/17/2003;

B. Civil Commitment Clinical Evaluation, dated 8/9/2005

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

EXECUTED this 23 day of October, 2006.



ALEX A. KOSTIN

**ATTACHMENT A**

Brian W. Judd, Ph.D., P.C.  
917 Pacific Avenue, Suite 303  
Tacoma, WA 98402  
(206) 914-6409

**JOINT FORENSIC UNIT**

**CIVIL COMMITMENT CLINICAL EVALUATION**

**NAME:** Mark David Mattson  
**DOB:** 05/10/1958  
**EDUCATION:** One Year of College  
**OCCUPATION:** Construction  
**JURISDICTION:** King County Superior Court  
**CAUSE NO.:** 98-1-08413-0 SEA  
**DATE OF EVALUATION:** 11/15/03  
**EVALUATOR:** Brian W. Judd, Ph.D.  
**DATE OF REPORT:** 11/17/03

**REASON FOR REFERRAL:**

Mr. Dwayne Mattson is a 45-year old Caucasian male with a history of sexual offending against minor males and females. He was referred by the Joint Forensic Unit for consideration of filing under the Revised Code of Washington (RCW) Chapter 71.09. The following report is based solely on review of 1297 pages of discovery. While Mr. Mattson initially agreed to be interviewed, Mr. Mattson's attorney, Mr. Mark Flora informed me on 11/14/03, that Mr. Mattson had rescinded his agreement of 11/10/03.

Due to the limited time permitted for completion, I have chosen to issue a preliminary report addressing the core issues of predicate offenses, mental abnormality and probability of recidivism. I intend to issue a more extensive report detailing the sources of information relied upon in reaching my conclusions in the near future.

**PROCEDURES:**

As noted above, 1297 pages of discovery were reviewed in the preparation of this report. I will explicitly identify the records relied upon in the formulation of my opinions in a report to be issued in the near future.

**PSYCHOLOGICAL TESTING:**

Due to Mr. Mattson's decision to not participate in the evaluation, no psychological testing was conducted.

*A Professional Corporation  
Licensed Psychologist  
Clinical & Forensic Consultation & Assessment*

**ATTACHMENT** 

**RISK ASSESSMENT:**

Mr. Mattson was assessed using the Hare Psychopathy Checklist-Revised 2<sup>nd</sup> Edition (PCL-R)<sup>1</sup>, the Sex Offender Risk Appraisal Guide (SORAG), and the Static-99.

**LEGAL STANDARD:**

RCW 71.09.020 defines a “sexually violent predator” as “any person who has been convicted of or charged with a crime of sexual violence, and who suffers a mental abnormality or personality disorder, which makes a person likely to engage in predatory acts of sexual violence if not confined to a secure facility.”

The evaluator’s opinion with respect to the questions: “Does Mr. Mattson meet the statutory criteria to be committed as a sexually violent predator as defined in RCW 71.09.020?” is organized around three questions: A) Has Mr. Mattson been “convicted of or charged with a crime of sexual violence?”; B) Does Mr. Mattson “suffer from a mental abnormality or personality disorder?”; C) Is Mr. Mattson, as a result of a mental abnormality or personality disorder, “likely to engage in predatory acts of sexual violence if not confined to a secure facility?”.

**FINDINGS:**

**A) Has Mr. Mattson been “convicted of or charged with a crime of sexual violence?”**

Yes.

Pursuant to RCW 71.09 “a crime of sexual violence” is defined as an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first or second degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9A.4A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.”

<sup>1</sup> Hare, R.D. (2003). *Manual for the Psychopathy Checklist – Revised, 2<sup>nd</sup> Edition*. Toronto: Multi-Health Systems.

Mr. Mattson has been convicted of two sexually violent offenses involving minor females. Mr. Mattson has been convicted of the following eligible offenses:

| Charge                                      | Date of Conviction | Jurisdiction    |
|---|--------------------|-----------------|
| Indecent Liberties with forcible compulsion | 9/30/99            | King County, WA |
| Statutory Rape                              | 4/30/85            | King County, WA |

Review of available documentation indicates that the victims of the predicate offenses were minor females, previously unknown to Mr. Mattson. In reference to Cause # 85-1-01075-9 review of Bates Stamp 0248 indicates that Mr. Mattson saw the victim and her brother sitting on the steps of an apartment building in the vicinity of Pike and Union. Mr. Mattson requested help in finding his lost dog. He subsequently took the 6 y/o female victim of the assault into the laundry room of a building where, "the suspect exposed himself and put his penis in her mouth three times and ejaculated in her mouth" (Bates 0248). Mr. Mattson was discovered by the victim's father as they were departing the building. He was detained and immediately taken into custody. As a result of this offense, Mr. Mattson was initially charged with Statutory Rape in the 1<sup>st</sup> Degree and Kidnapping in the 1<sup>st</sup> Degree. He pled guilty to Statutory Rape on 4/30/85 and remanded to Western State Hospital for treatment on 6/17/85.

Mr. Mattson's second predicate offense occurred on 11/2/98 when he attempted to sexually assault a 15 y/o female, CR at 11:00 at night in an uninhabited building at 9007 Stone Avenue North. Mr. Mattson met this female as he was walking in the 8900 block of Aurora Avenue North. He invited her to smoke marijuana and she agreed to accompany him. Mr. Mattson took her to an uninhabited building where he had been previously subcontracted by Artistic Drywall. Due to his recent termination by Artistic Drywall on 10/24/98, Mr. Mattson was aware of where the access key to the building was hidden. Once inside the building Mr. Mattson began making sexual advances towards CR, groped her breasts and threatened to kill her if she did not perform fellatio on him. Bates 0210 indicates that Mr. Mattson slapped his penis across her face. As a ploy, she agreed to provide fellatio if he would open the door to the residence, "a little". Once Mr. Mattson did, CR reportedly, "managed to kick him in the balls three times and get outside" (Bates 0210). She ran next door to an occupied residence and the police were contacted. Mr. Mattson was interviewed and taken into custody on 11/6/98. He denied culpability for the incident alleging the belief that she was a prostitute and asserting impaired mentation pursuant to acute intoxication with alcohol and marijuana. He was convicted following a 3 day jury trial on 9/30/99 and sentenced to life without parole. On appeal, the conviction was upheld but the sentence was vacated and it was remanded to a lower court for resentencing on 7/7/03 (Bates Stamp 0478). Mr. Mattson has continued to assert his innocence and attributed his conviction to, "the little bitch who lied on the stand" (Bates Stamp 0370) and a corrupt judiciary (Bates Stamp 1082-1102). He has remained continuously in custody since 11/6/98.

Mr. Mattson has prior sexual convictions for Public Indecency in Island County, WA on 1/3/78 and Indecent Exposure in Redwood City, California on 7/7/80.

**NON-ADJUDICATED VICTIMS:**

Review of Bates Stamp 0280 and 0341 indicate that Mr. Mattson has an extensive history of non-adjudicated victims. In their termination report to the Court, Mr. Allen, Ms. Saylor and Dr. Vitols reported, "Mr. Mattson entered our treatment program having an extensive history of acting out in society both in [sic] deviant sexual manner as well as a variety of other antisocial and criminal activities. He had a well-established 11-year history of indecent exposure, voyeurism, and sexual contact with prepubescent girls beginning as early as age 15. By his own self-report, it is clear that this man has had 50 or 60 victims, and the number is likely to be much higher. There is a clear pattern of escalation in the predatory nature of his sexual offending which culminated in his arrest for the instant offense. He has also engaged in homosexual acting out with both consensual males as well as men who were under the influence of drugs and/or alcohol, and who were the unwilling victims of sexual acting out. He has also admitted that he has been rough with consensual adult females in a sexual manner which he finds sexually stimulating. He has had a total of four arrests for sex-related crimes, starting in 1979, and had two prior attempts at treatment to address both his sexual deviancy and substance abuse problems prior to entering our treatment program." (Bates Stamp 0281). Review of Bates Stamp 0341 indicates that as of 1985 he had perhaps 50 to 60 female victims between the ages of 3 and 10. Mr. Mattson also reported an extensive history of non-adjudicated public exposure (Bates Stamp 0341).

Review of Bates Stamp 0256-0263 indicates that Mr. Mattson was investigated for luring a 6 y/o Hispanic male on 5/24/94. While Mr. Mattson was implicated in luring of a minor male (Incident 94-233609) the charge was deemed "legally insufficient" as the victim was lured into a sheltered area at the back of an abandoned residence and not into a structure. (Bates 0256). The victim fled to his older sister and departed the scene when their ride arrived.

**NON-SEXUAL ADJUDICATION HISTORY:**

Mr. Matson has a history of nonsexual misdemeanor offenses which are summarized in the Presentence Investigation Report for Cause # 98-1-08413-0 SEA (Bates Stamp 0301). Mr. Matson has charges/convictions for Reckless Driving (12/25/77), No Valid Drivers License (5/27/92), Physical Control (3/27/93), possession of marijuana (VUCSA; 3/27/93), Driving Under the Influence (11/27/93), and No Valid Operators License (3/31/96). In addition he was investigated for Assault DV (Incident # 98-282840: Bates Stamp 0264-0265) on 7/8/98.

Review of Bates Stamp 0280 suggests that Mr. Mattson has an extensive history of nonadjudicated, nonsexual offending. Mr. Allen, Ms. Saylor and Dr. Vitols noted that, "Mr. Mattson engaged in a variety of other illegal behaviors which included burglaries, theft, writing bad checks, and credit card forgery. In appears that this man has moved

from state to state in an attempt to avoid prosecution or apprehension for his multiple antisocial and criminal behaviors." (Bates 0280). I am unclear as to the evidentiary basis for this statement in the absence of primary source material.

**B) Does Mr. Mattson "suffer from a mental abnormality or personality disorder?"**

Yes.

RCW 71.09.020 defines "mental abnormality" as "a congenital or acquired condition affecting the emotional or volitional capacity which predisposes a person to the commission of criminal sexual acts in a degree of constituting such person a menace to the health and safety of others." In addressing the standard I relied upon file review and interview information.

**TREATMENT HISTORY:**

Mr. Mattson has participated in sexual deviancy treatment on at least two prior occasions. Review of records from Western State Hospital (Bates Stamp 0340) indicates that Mr. Mattson participated in approximately 4 months of treatment with Northwest Treatment Associates in Seattle, WA pursuant to a 6/18/78 charge of Public Indecency. In his statements to Mr. Mike Shepherd of the Western State Hospital Program, Mr. Mattson reported that he did not complete treatment as his probation officer permitted him to move to California.

Review of the same document suggests that he was subsequently convicted on one or two charges of Indecent Exposure on 7/7/80 in California with subsequent treatment in the Menlo Park Veterans Administration Hospital. It is unclear if treatment consisted of drug and alcohol treatment and/or sexual deviancy treatment.

In reference to Cause # 85-1-01075-9, Mr. Mattson was remanded to the Sexual Psychopath Program at Western State Hospital on 5/6/85. In a report to the court dated 6/14/85 (Bates Stamp 0344-0348), Mr. Mattson was deemed amenable to treatment. Per Bates Stamp 0279-0287 Mr. Mattson was terminated from the Western State Hospital Program on 5/18/88. In their letter to the Court, Mr. Allen, Ms. Saylor and Dr. Vitols reported, "During Mr. Mattson's 33 months of inpatient treatment at Western State Hospital, he has made limited progress; he achieved Step seven of the Ten Steps of Progress [sic]. However, he has had ongoing problems which have ultimately resulted in his being removed from our specialized treatment program. These problems include the following issues: (1) His limited impulse control, particularly when it pertains to his need for inappropriate or unacceptable sexual stimulation; (2) His need to present himself in an always adequate "I'm in control" self-presentation; (3) His not utilizing his group and therapy environment to establish a new and effective support system, but rather, continuing to present himself in a withdrawal/lonerism pattern; and (4) His inappropriate expression of his anger and emotions by using passive-aggressive and/or hostile intimidation." (Bates Stamp 0280). Based on his failure to progress, compulsive sexuality

and poor impulse control, they concluded "Mr. Mattson is at extreme risk to reoffend in the community in a variety of ways, due to his lack of adequate controls over his deviant sexual behaviors, his antisocial personality disorder, and his need for control over others in his environment. It is quite evident that Mr. Mattson is not safe to be at large in the community. His gratification of his own immediate needs, regardless of the physical pain, psychological trauma, or social ramifications he cause his multiple victims, support the fact that he is unable to control his impulses for serious acting out behavior in the future. When Mr. Mattson is returned to the community, there is every indication that he will continue to act out his uncontrollable, sexual violent desires, toward both minors and adults, whether they be male or female." (Bates Stamp 0286).

Pursuant to dismissal from the program, Mr. Mattson was returned to court, reincarcerated and released to Island County on 7/22/88.

Mr. Mattson has not participated in treatment during the current incarceration. Bates Stamp 0506 and 0508 reference inquiries about depo-provera due to, "heterosexual paraphilic fantasies" (Bates Stamp 0508). Bates Stamp 0507 dated 8/14/03 notes a request for assistance in applying for the SOTP program at Twin Rivers Correctional Center.

#### **INCARCERATION HISTORY:**

Review of Bates Stamp 0371 indicates that Mr. Mattson has been relatively infraction free during his most recent incarceration. Mr. Mattson was sanctioned on 5/19 and 5/26/2000 for refusing to return to his cell. It appears he was also infringed on 12/01/2000 for fighting. No other infractions are noted in available records.

#### **DIAGNOSIS:**

In a letter to the Honorable Frank L. Sullivan of King County Superior Court (Bates Stamp 0344-0348) authored by Mr. Mike Shepherd, Ms. Lynda Anderson, Gordon Hall, Ph.D., and M. M. Vitols, MD, Mr. Mattson was previously diagnosed with, "Paraphilia, Pedophilia, Antisocial Personality" (Bates Stamp 0347).

On consultation with Jon Berner, MD in 9/02 Mr. Mattson complained of continued, "heterosexual paraphilic fantasies without hypersexuality" leading Dr. Berner to give a diagnostic impression of "Paraphilia" (Bates Stamp 0508).

Due to an absence of contact with treatment professionals during his most recent incarceration, no additional information regarding previous diagnostic formulations is found in available records.

Review of the DSM-IV-TR<sup>2</sup> criteria defines Paraphilia as, "*recurrent, intense sexually arousing fantasies, sexual urges, or behaviors generally involving 1) non-human*

<sup>2</sup> American Psychiatric Association (2000). *Diagnostic and Statistical Manual of Mental Disorders (4<sup>th</sup> ed. Text Revision)*. Washington DC: Author.

*objects, 2) the suffering or humiliation of oneself or one's partner, or 3) children or other non-consenting persons that occur over a period of at least 6 months (Criterion A)."* The DSM-IV-TR continues by stating, *"For Pedophilia, Voyeurism, Exhibitionism and Frotteurism, the diagnosis is made if a person has acted on these urges or the urges or sexual fantasies cause marked distress or interpersonal difficulty."* (p. 566)

The DSM-IV-TR defines Pedophilia as a disorder which occurs over a period of at least 6 months during which the individual experiences, *"recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger)"* (p. 572). In addition, the criterion entails that the individual has, *"acted on these sexual urges or the sexual urges or fantasies caused marked distress or interpersonal difficulty."* In addition to the durational requirement, a diagnosis of Pedophilia entails an age requirement in so far as the individual must be at least 16 years of age and at least 5 years older than the child or children.

Review of Bates Stamp 0341 indicates that Mr. Mattson has an extensive history of nonadjudicated offending, predominantly against minor females. Onset of this behavior appeared to be during his early to middle teenage years, with a typical victim age range between 3 and 10 years of age. Based upon Mr. Mattson's lengthy history of offending against unknown and unrelated minor females, two convictions (Indecent Liberties with Forcible Compulsion; 9/30/99; Statutory Rape, 6/17/85) as well long history of non-adjudicated offenses entailing in excess of 60 victims, I believe that Mr. Mattson clearly qualifies for a diagnosis of Pedophilia, Sexually Attracted to Females, Nonexclusive Type (302.2). Based on "heterosexual paraphilic fantasies" (Bates Stamp 0508) in 2002, I believe there is current evidence supportive of this diagnosis.

Review of Bates Stamp 0281, 0301, and self-report (Bates Stamp 0267, 0340, 0342) indicates that Mr. Mattson had a range of deviancy in excess of his pedophilic focus. Based on an adjudicated history of exposure (Bates Stamp 0301) in Washington and California, Mr. Mattson appears to qualify for a provisional diagnosis of Exhibitionism (302.4). Bates 0281 references a history of Voyeurism (302.82) although evidentiary findings are insufficient for the purpose of substantiating the diagnosis.

Mr. Mattson has a reported history of substance abuse and dependence as late as 1998. Review of Bates Stamp 0214 and 0217 in reference to Cause # 98-1-08413-0 SEA, indicates that Mr. Mattson was intoxicated with both alcohol and marijuana. Investigation of a non-charged Assault (DV) involving Mr. Mattson's girlfriend in 1998 (Incident # 98-282840: Bates Stamp 0264-0265) refers to Mr. Mattson being intoxicated. This roughly coincides with a summarized statement of Ms. Stacy Tran in reference to Cause # 98-1-08413-0 SEA, in which she reported that, "Mark started drinking again in August" (Bates Stamp 0198). Mr. Mattson had multiple prior adjudications for possession of marijuana (VUCSA; 3/27/93) and Driving while Under the Influence (11/27/93). In a handwritten statement in reference to Cause # 85-1-01075-9, Mr. Mattson attributed the prior convictions for Indecent Exposure to use of drugs and alcohol (Bates Stamp 0267) consistent with the assertions of Western State Hospital. While utilizing a variety of

drugs, Mr. Mattson appears to have had the greatest difficulty with marijuana and alcohol. As such, I believe the evidence supports diagnoses of Cannabis Dependence (304.30) and Alcohol Dependence (303.90). In the absence of a clinical interview, I cannot comment on remission status.

In the absence of a clinical interview, there are no additional diagnoses on Axis I.

The DSM-IV-TR defines a personality disorder as, "*an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture. This pattern is manifested in two (or more) of the following areas: 1) Cognition (i.e., ways of perceiving and interpreting self, other people, and events); 2) Affectivity (i.e., the range, intensity, lability, and appropriateness of emotional response); 3) Interpersonal Functioning; 4) Impulse Control: B) Then enduring pattern is inflexible and pervasive across a broad range of personal and social situations. C) The enduring pattern leads to clinically significant distress or impairment in social, occupational, or other important areas of functioning. D) The pattern is stable and of long duration, and its onset can be traced back at least to adolescent or early adulthood (p. 689).*" In addition to the above, the diagnosis of a personality disorder entails that the enduring pattern is not better accounted for as a manifestation of another mental disorder or the physiological effects of a substance.

Mr. Mattson appears to qualify for a diagnosis of Personality Disorder NOS with Antisocial Traits (301.9) rule out Antisocial Personality Disorder (301.7). Bates 0281 references a variety of nonadjudicated, nonsexual antisocial behavior including, "...burglaries, theft, writing bad checks and credit card forgery." It appears that onset of antisocial conduct occurred in Mr. Mattson's teenage years and has clearly persisted into adulthood. Multiple references to impaired impulse control are noted in available documentation (Bates Stamp 0283-0284), such that Mr. Mattson was accessing banned sexually explicit material while in a treatment program for sexual deviancy (Bates 0282). He also demonstrated a range of antisocial conduct broader than is typically encompassed by paraphilias (Bates Stamp 0301). Callousness and lack of empathy are noted in offender chronos (Bates Stamp 0370) and in filings to the court in reference to Cause # 98-1-08413-0 SEA (Bates Stamp 1082-1102). In the absence of sufficient evidence to diagnose a Conduct Disorder (312.89) prior to age 15, a diagnosis of Personality Disorder NOS with Antisocial Traits (301.9) appears warranted by available evidence.

**C) Is Mr. Mattson as a result of a mental abnormality or personality disorder "likely to engage in predatory acts of sexual violence if not confined to a secure facility?"**

**Yes.**

This question refers to the risk and likelihood of a person reoffending in a sexually violent fashion. A number of actuarial measures have been developed to assist evaluators in determining the offender's level of risk if returned to the community. Likelihood of recidivism is usually presented as a percentage in a given time frame, such

as 7 to 10 years. It should be remembered that for purposes of RCW 71.09 no such time limit exists. In addition, the probabilities derived from the studies upon which these instruments were developed are considered to be low boundary estimates of actual recidivism due to the fact that in all such studies some recidivism was undetected. Estimates derived from actuarial instruments may also underestimate the likelihood of recidivism due to limited follow up periods and continuing failure rates for new charges of between 1 to 2% per year after the first 5 years.

Mr. Mattson was assessed with the PCL-R, 2<sup>nd</sup> Edition. Factor analysis of the PCL-R has yielded 2 main factors and 4 facets. Broadly, factor 1 is comprised of 8 items which load on interpersonal traits broadly described as selfishness, callousness, lack of empathy, and remorseless use of others. Factor 2 is comprised of 10 items pertaining to an unstable, antisocial lifestyle and social deviance. Scores on the PCL-R range from 0 to 40. Categorically, individuals obtaining scores of 30 and above are regarded as being psychopathic and therefore at a significantly higher risk for violent and antisocial recidivism. In addition, scores on the PCL-R can be viewed dimensionally such that individuals obtaining higher scores on the measure are at an absolutely higher risk of violent recidivism compared to individuals obtaining lower scores.

Mr. Mattson obtained a prorated score of 22.2 on the PCL-R with two items omitted. In the absence of collateral sources, I chose not to evaluate him on an item assessing early behavioral problems. Additionally, I chose not to rate him on long-term plans pursuant to the absence of a clinical interview. The PCL-R score places Mr. Mattson at the 48<sup>th</sup> percentile compared to male prison inmates. The obtained score is below the designated cut-off for psychopathy.

Mr. Mattson obtained a Static 99 score of 6 to 9, contingent upon item scoring. All obtained scores place him in the high risk category for reconviction for a sexually violent offense. Some ambiguity in scoring this measure occurred due to the absence of a clinical interview and Mr. Mattson's decision to not participate in presentence investigation interview in reference to Cause # 98-1-08413-0 SEA. (Bates Stamp 0300-0302). In addition, Bates Stamp 0267, 0340, 0342 suggest that Mr. Mattson may have been convicted on two counts of Indecent Exposure while residing in California. Bates 0281 suggests nonadjudicated victimization of males. As such, I was unable to conclusively determine whether Mr. Mattson had ever lived with a lover for 2 years, the number of convictions for prior sex offenses, and whether he had nonadjudicated male victims. Individuals with similar scores in the standardization sample were convicted for sexual reoffense at .36, .44, and .51 at 5, 10, and 15 years, respectively. Factors associated with increased risk on this measure included number of charges for prior sexual offenses, convictions for non-contact sex offenses, and the presence of unrelated and stranger victims.

Due to Mr. Mattson's advancing age (45) I also chose to assess him with the Sex Offender Risk Appraisal Guide (SORAG). A recent cross validation study demonstrated that the SORAG was equally predictive of sexual and violent recidivism as the Static-99 and was less sensitive to the effects of advancing age. A recently published study also

found this instrument effective in assessing sexual recidivism in child molesters with somewhat greater predictive efficacy than the Static-99<sup>3</sup>. Mr. Mattson obtained a score of 20 placing him in Bin 7. Individuals with similar scores recidivated at between .58 and .80 at 7 and 10 years, respectively.

In summary, assessment with two actuarial measures of recidivism suggest that Mr. Mattson is likely to reoffend on a more probable than not basis.

#### SUMMARY AND CONCLUSIONS:

Mr. Dwayne Mattson was referred for evaluation by the End of Sentence Review Committee to assess whether he meets the statutory criteria as a "sexually violent predator" as defined by RCW 71.09.020. Under 71.09.020, a "sexually violent predator" is defined as *"any person who has been convicted or charged with a crime of sexual violence, and who suffers from a mental abnormality or personality disorder, which makes a person likely to engage in predatory acts of sexual violence if not confined to a secure facility."*

Mr. Mattson has been convicted on two predicate charges of Indecent Liberties with Forcible Compulsion (Cause # 98-1-08413-0 SEA) and Statutory Rape (Cause # 85-1-01075-9). Both identified victims were strangers and ranged in age from 6 to 15 years old. In addition to the two identified victims, review of records from Western State Hospital in reference to Cause # 85-1-01075-9 suggest that Mr. Mattson may have as many as 50 to 60 victims of hands-on offenses, the youngest victim being approximately 3 years of age. In addition to hands-on offenses, Bates 0281 describes Mr. Mattson range of deviancy as including, "...indecent exposure, voyeurism, and sexual contact with prepubescent girls beginning as early as age 15." Bates 0281 continues by noting, "He has also engaged in homosexual acting out with both consensual males as well as men who were under the influence of drugs and/or alcohol, and who were the unwilling victims of sexual acting out. He has also admitted that he has been rough with consensual adult females in a sexual manner which he finds sexually stimulating." Mr. Mattson's range of deviancy is supported by prior charges and convictions of Public Indecency in Island County, WA (6/18/78) and Indecent Exposure (7/7/80) in Redwood City, CA.

Mr. Mattson described himself as being most active between the ages of 21 and 26 (Bates 0341) when he was taken into custody for Cause # 85-1-01075-9. Pursuant to termination from treatment at Western State Hospital, Mr. Mattson has continued to actively offend. In addition to a conviction for Indecent Liberties with Forcible Compulsion (Cause # 98-1-08413-0 SEA), Mr. Mattson was implicated in luring of a minor male (Incident 94-233609) on 5/24/94, although the charge was deemed "legally insufficient" (Bates Stamp 0256) as the victim was lured into a sheltered area at the back of an abandoned residence and not into a structure. As such, it is clear that Mr. Mattson continued to be actively seek out strange victims into the 1990s. There is no clear

<sup>3</sup> Harris, G.T., Rice, M.E., Quinsey, V.L., Lalumiere, M.L., Boer, D., & Lang, C. (2003). A multisite comparison of actuarial risk instruments for sex offenders. *Psychological Assessment*, 15, 3, 413-425.

-evidence as to the number of additional victims pursuant to 50 or 60 described in 1985 (Bates 0341).

Mr. Mattson has not been amenable to treatment. Bates 0286 noted that prior to 33 months of treatment at Western State Hospital, Mr. Mattson had participated in six months of inpatient treatment at the Veterans Administration Hospital in California and four months of sexual deviancy treatment at Northwest Treatment Associates in Seattle, WA. The latter occurred pursuant to a conviction of Public Indecency in Island County, WA. While Bates 0280 noted multiple grounds for discharge from treatment, in their report to Judge Sullivan (Bates 0279-0287) the authors demonstrated marked concern around Mr. Mattson's continued sexually compulsive behavior. They wrote, "While in treatment, we have attempted to have Mr. Mattson learn to control and regulate his sexual impulses, as well as orient his sexual fantasies to healthy adult sexual stimulation. Mr. Mattson has struggled with deviant sexual fantasies that have intruded on his appropriate fantasies on an ongoing basis....However, Mr. Mattson has also developed a problem of seeking out deviant sexual stimulation in the limited ways that were available to him in our highly structured environment. For example, he has sought sexual stimulation by viewing videos in a secretive manner, tried to find discarded sexual material that was thrown away, and has looked for other sexually stimulating material in magazines and books that were accessible on the ward.....In Mr. Mattson's case, he has had problems each of the three years he has been in our program and, most recently, in March and April of 1988 again was involved with attempting to obtain unauthorized sexual stimulating [sic] material to enhance his sexual lifestyle." They continued by noting, "...it is of considerable concern that Mr. Mattson persists in his compulsive need for unacceptable sexually stimulating materials. It is apparent, at this time, that Mr. Mattson does not have his sexual fantasies in control, much less setting appropriate limits on himself to minimize his deviant sexual fantasies." (Bates Stamp 0282). Mr. Allen, Ms. Saylor and Dr. Vitols concluded by noting, "Mr. Mattson is at extreme risk to reoffend in the community in a variety of ways, due to his lack of adequate controls over his deviant sexual behaviors, his antisocial personality disorder, and his need for control over others in his environment. It is quite evident that Mr. Mattson is not safe to be at large in the community. His gratification of his own immediate needs, regardless of the physical pain, psychological trauma, or social ramifications he caused his multiple victims, support the fact that he is unable to control his impulses for serious acting out behavior in the future. When Mr. Mattson is returned to the community, there is every indication that he will continue to act out his uncontrollable, sexual violent desires, toward both minors and adults, whether they be male or female." (Bates Stamp 0286).

That Mr. Mattson has continued to struggle with sexually deviant arousal is noted in recent entries from August and September of 2002 when Mr. Mattson made inquiries as to a possible prescription of depo-provera. Notes from 8/12/02 described Mr. Mattson as "...very vague and guarded about reasons he wants to take meds." (Bates Stamp 0506). He was subsequently referred to Jon Berner, MD who noted on 9/6/02 that, "Inmate complains of heterosexual paraphilic fantasies without hypersexuality." (Bates Stamp 0508).

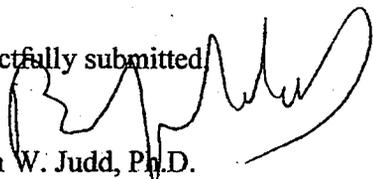
Current diagnostic formulations include Pedophilia, Sexually Attracted to Females, Nonexclusive Type (302.2) and Exhibitionism (302.4). While prior records indicates a history of Voyeurism (302.82) there is insufficient information with which to make the diagnosis at the present time. In addition, Mr. Mattson was diagnosed with Cannabis Dependence by history (304.30) and Alcohol Dependence by history (303.90). Due to persistence of antisocial conduct into adulthood, Mr. Mattson also qualifies for a diagnosis of Personality Disorder NOS with Antisocial Traits (301.9) rule-out Antisocial Personality Disorder (301.7). Of note in the latter regard is Mr. Mattson's lack of empathy, feelings of grandiosity and entitlement prominent in his statements to the sentencing judge in reference to Cause # 98-1-08413-0 SEA (Bates Stamp 1082-1102). Mr. Mattson continued to deny the 1998 offense as late as 6/2000 referring to the victim as a "little bitch who lied on the stand" (Bates Stamp 0370). He viewed the conviction as a result of a "rogue detective and a conspiring corrupt public defender" (Bates Stamp 1084) and accused his defense attorney of conspiring with the prosecutor and judge (Bates Stamp 1084).

Assessment with the Static 99 and SORAG suggest that Mr. Mattson is at a high risk for reoffense. There appears to be no attenuation in risk due to participation in treatment. While at Western State Hospital Mr. Mattson was described as demonstrating sexually compulsive behavior and poor impulse control. He was described as suffering from continued heterosexual paraphilic fantasies in September, 2002. Inquiries into pharmacological control in 8/2002 did not appear to be out of a genuine desire for treatment but to, "help his court case." (Bates Stamp 0506). As such, all available evidence suggests that Mr. Mattson remains at high risk for recidivism if released.

**OPINION:**

Based upon the presence of predicate offenses, a history of pedophilic arousal, and a high probability of recidivism, I believe that Mr. Mattson meets the criteria as a sexually violent predator as described in Chapter 71.09.020 of the Revised Code of Washington.

Respectfully submitted,



Brian W. Judd, Ph.D.  
Licensed Psychologist  
Washington License 1522

Certified Sex Offender Treatment Provider 171

**ATTACHMENT B**



Brian W. Judd, Ph.D., P.C.  
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JOINT FORENSIC UNIT

CIVIL COMMITMENT CLINICAL EVALUATION

ADDENDUM

NAME: Mark David Mattson  
DOB: 05/10/1958  
EDUCATION: One Year of College  
OCCUPATION: Construction  
JURISDICTION: King County Superior Court  
CAUSE NO.: 98-1-08413-0 SEA  
DATE OF EVALUATION: 7/27/05  
EVALUATOR: Brian W. Judd, Ph.D.  
DATE OF REPORT: 8/9/05

REASON FOR REFERRAL:

Mr. Mark David Mattson is a 47-year old Caucasian male with a history of sexual offending against minor females, exhibitionism, voyeurism and scatological phone calls. He was referred by the Joint Forensic Unit for consideration of filing under the Revised Code of Washington (RCW) Chapter 71.09. I issued an initial report on 11/17/03 pursuant to review of 1297 pages of discovery following Mr. Mattson's decision to decline participation in the evaluation. Pursuant to review of available discovery, I opined that Mr. Mattson met the criteria as a "sexually violent predator" under RCW 71.09 due to the existence of predicate offenses (Statutory Rape; Cause # 85-1-01075-9: Indecent Liberties with Forcible Compulsion; Cause # 98-1-08413-0 SEA), the presence of a DSM-IV-TR<sup>1</sup> paraphilic disorder which qualified as a mental abnormality under the statute (Pedophilia, Sexually Attracted to Females, Nonexclusive Type), and a high risk of reoffense based upon actuarial assessment with the Static-99<sup>2</sup> and the Sex Offender Risk Appraisal Guide (SORAG)<sup>3</sup>. Due to the limited time available for completion, the 11/17/03 report was identified as a "preliminary report" with the expectation of distributing a more comprehensive report in the future.

The current report is based upon review of 2032 pages of indexed discovery plus an additional 56 pages of treatment and monthly progress notes made available by the Twin Rivers Sex Offender Treatment Program. In addition Mr. Mattson participated in a

<sup>1</sup> American Psychiatric Association (2000). *Diagnostic and Statistical Manual of Mental Disorders (4<sup>th</sup> ed Text Revision)*. Washington DC: Author.

<sup>2</sup> Harris, A., Phenix, A., Hanson, R.K., & Thornton, D. (2003). *Static-99 Coding Rules Revised - 2003*. Ottawa: Canada. Department of the Solicitor General of Canada.

<sup>3</sup> Quinsey, V.L., Harris, G.T., Rice, M.E., & Cormier, C.A. (1998). *Violent Offenders: Appraising and managing risk*. Washington, DC: American Psychological Association.

*A Professional Corporation  
Licensed Psychologist  
Clinical & Forensic Consultation & Assessment*

~~ATTACHMENT~~ **B**

4 hour clinical interview on 7/27/05 at the Twin Rivers Corrections Center. This addendum will focus upon clarification of diagnostic formulations based upon the additional sources of information relied upon and updating Mr. Mattson's assessed risk.

**PROCEDURES:****Record Review:**

The following documentation was relied upon by the undersigned in the preparation of the initial report and the current addendum:

- 1) United States Department of Justice Federal Bureau of Investigation Criminal Justice Information Services Division dated 7/2/2000, Bates Stamp 0014-0016.
- 2) *State of Washington v. Mark D. Mattson*, Judgment and Sentence for Cause # 98-1-08413-0 SEA dated 2/18/00, Bates Stamp 0019-0021. Mr. Mattson was sentenced to life in prison pursuant to being found guilty by jury verdict of Indecent Liberties by Forcible Compulsion on 9/30/99.
- 3) *State of Washington v. Mark D. Mattson*, Judgment and Sentence for Cause # 85-1-01075-9 dated 6/17/85, Bates Stamp 0063-0065. Mr. Mattson was sentenced to 41 months in custody following a finding of guilt by plea. He was remanded to the Western State Hospital Sexual Psychopath Program for the duration of his sentence.
- 4) State of Washington Department of Corrections Office of Correctional Operations note from Ms. Naomi Lieurance, General Manager of Correctional Industries, dated 7/18/03, Bates Stamp 0129.
- 5) State of Washington Department of Corrections certificate of completion of Victim Awareness Education, dated 6/20/01, Bates Stamp 0144.
- 6) Transcript of a telephonic interview of Mr. Andy Bradshaw in reference to Incident # 98-465258 conducted by Detective Vinette Tichi of the Seattle Police Department, dated 11/12/98, Bates Stamp 0191-0194.
- 7) Seattle Police Department Continuation Sheet in reference to Incident # 98-465258 authored by Detective Vinette Tichi, Bates Stamp 197-199.
- 8) Seattle Police Department Incident Report for Incident # 98-465258, dated 11/2/98, Bates Stamp 0200-0201.
- 9) Seattle Police Department Follow-Up Report for Incident # 98-465258 authored by Detective Vinette Tichi, Bates Stamp 0204-0215.
- 10) Transcript of an interview of Mr. Mark Mattson in reference to Incident # 98-465258 conducted by Detective Vinette Tichi of the Seattle Police Department, dated 11/6/98, Bates Stamp 0217-0225.
- 11) Seattle Police Department Incident Report for Incident # 85-138124 authored by Officer K. Ashurst, dated 4/1/85, Bates Stamp 0245-0247.
- 12) Seattle Police Department Follow-Up Report for Incident # 85-138124 authored undetermined, dated 4/2/85, Bates Stamp 0248-0250.
- 13) Seattle Police Department Explanation and Waiver of Constitutional Rights for Incident # 85-138124, handwritten statement of Mr. Mark Mattson, dated 4/1/85, Bates Stamp 0251-0252.

- 14) Seattle Police Department Follow-Up and Incident Reports for Incident # 94-233609 dated 5/24/94, Bates Stamp 0256-0263. While Mr. Mattson was investigated for luring of a male child, charges were dropped due to legal insufficiency.
- 15) Seattle Police Department Incident Report for Incident # 98-282840 charging Mr. Mattson with Assault (DV) authored by Officer TC Smith, dated 7/7/98, Bates Stamp 0264-0266.
- 16) Seattle Police Department Explanation of Rights/Waiver of Constitutional Rights for Incident # 85-138124, dated 4/2/85, Bates Stamp 0267-0268.
- 17) Letter to the Honorable Frank L. Sullivan authored by Mr. Mark Allen M.A., Ms. Maureen Saylor, R.N., M.A., and M. M. Vitols, MD in reference to Cause # 85-1-01075-9, dated 5/3/88, Bates Stamp 0279-0287.
- 18) *State of Washington v. Mark David Mattson* Information for Cause # 85-1-01075-9 authored by King County Senior Deputy Prosecuting Attorney Rebecca J. Roe, undated, Bates Stamp 0292. Mr. Mattson was charged with Statutory Rape in the 1<sup>st</sup> Degree and Kidnapping in the 1<sup>st</sup> Degree.
- 19) Certification For Determination of Probable Cause for Cause # 85-1-01075-9 authored by King County Senior Deputy Prosecuting Attorney Rebecca J. Roe, undated, Bates Stamp 0293.
- 20) State of Washington Department of Corrections Office of Correctional Operations Presentence Investigation Report for Cause # 98-1-09413-0 SEA authored by Leda E. Patrick, CCO-II, dated 12/8/99, Bates Stamp 0300-0302.
- 21) Certificate for Determination of Probable Cause for Incident # 98-465258 authored by Detective Vinette Tichi of the Seattle Police Department, dated 11/10/98, Bates Stamp 0303-0304.
- 22) Western State Hospital Psychosocial Assessment Database authored by Mr. Mike Shepherd B.S. dated 6/3/85, Bates Stamp 0338-0343.
- 23) Letter to the Honorable Frank L. Sullivan authored by Mr. Mike Shepherd, B.S., Ms. Lynda R. Anderson M.C., N.C.C., Gordon C. N. Hall, Ph.D. and M. M. Vitols, M.D. in reference to Cause # 85-1-01075-9, dated 6/14/85, Bates Stamp 0344-0348.
- 24) *State of Washington v. Mark D. Mattson* Order of Commitment For Observation and Transportation for Cause # 85-1-01075-9, dated 5/1/85, Bates Stamp 0380.
- 25) Department of Corrections Division of Community Services Presentence and Intake Report for Cause # 85-1-01075-9 authored by Ms. Carol Nantwi dated 5/13/85, Bates Stamp 0383-0386.
- 26) *State of Washington v. Mark David Mattson* Statement of Defendant on Plea of Guilty for Cause # 85-1-01075-9, dated 11/30/85 bates Stamp 0407-0412.
- 27) *State of Washington v. Mark David Mattson* Information for Cause # 98-1-09413-0 SEA, authored by King County Deputy Prosecuting Attorney Nelson K. H. Lee, undated, Bates Stamp 0466.
- 28) In the Court of Appeals of the State of Washington, *State of Washington v. Mark Mattson*, Unpublished Opinion for Cause # 46188-5-1, Bates Stamp 0478-0486.
- 29) State of Washington Department of Corrections Primary Encounter Report authored by C. Miller MSW, dated 8/12/02, Bates Stamp 0506.

- 30) Washington State Reformatory Psychiatric Medication Review authored by Jon Berner MD, dated 9/6/02, Bates Stamp 0508.
- 31) Polygraph examination by Mr. Norman Matzke, dated 2/7/88, Bates Stamp 1299.
- 32) Polygraph examination by Mr. Norman Matzke, dated 7/14/86, Bates Stamp 1300.
- 33) Polygraph examination by Mr. Norman Matzke, dated 1/12/87, Bates Stamp 1303.
- 34) Western State Hospital Progress Notes from 9/30/85 through 4/20/88, Bates Stamp 1344-1484, non-contiguous.
- 35) Western State Hospital Plethysmography Assessment authored by Mr. Lael Zylstra, FT III, dated 1/7/87, Bates Stamp 1488-1491.
- 36) Offender Chrono Report, various authors, 1/13/99 through 11/12/03 inclusive, Bates Stamp 1497-1503.
- 37) *State of Washington v. Mark D. Mattson* Judgment and Sentencing, Resentencing, for Cause # 98-1-09413-0 SEA dated 12/19/03, Bates Stamp 1615-1619. On resentencing, Mr. Mattson was sentenced to 120 months on Count 1 and credited with 1866 days for time served.
- 38) Washington State Department of Corrections Twin Rivers Sex Offender Treatment Program Treatment Summary authored by Ms. Lisa Dandescu, MS and Ms. Robin Murphy, dated 6/27/05, Bates Stamp 1702-1712.
- 39) Sex Offender Treatment Program Weekly Progress Notes from 3/14/05 through 6/17/05 authored by Ms. Lisa Dandescu, MS, non Bates Stamped.
- 40) Sex Offender Monthly Progress Notes from 5/04 through 2/05 authored by Ms. Lisa Dandescu, MS, non Bates Stamped.
- 41) Washington Department of Corrections Twin Rivers Sex Offender Treatment Program, Plethysmograph Assessment Summary authored by Mr. Rick Minnich, dated 5/4/04. Review of this document indicates that Mr. Mattson was absolutely paraphilic with his highest recorded arousal (33%) to a slide depicting a 7 to 9 year old female. Moderate to low levels of arousal were demonstrated to a slide depicting a 4 to 6 y/o male (29%) and females 14 to 17 y/o (14%). All other recorded arousal to slides was below 10% and not clinically significant. Mr. Mattson demonstrated moderate levels of arousal to an auditory scenario depicting genital intercourse with an adult female (24%) and compliant sex with a minor female (19%). All other recorded arousal to auditory stimuli was below 10% and not clinically significant. While Mr. Mattson did not demonstrate high levels of arousal, 80% (4/5) of clinically interpretable arousal on the plethysmograph was paraphilic.

**Psychological Testing:**

Due to the nature of the questions posed, no psychological testing was conducted.

**Clinical Interview:**

Mr. Mattson was interviewed for approximately 4 hours at the Twin Rivers Corrections Center in Monroe, WA on 7/27/05. Mr. Mattson responded to questions in a

clear, coherent and goal-directed fashion. He established and maintained good rapport with the undersigned throughout the duration of the interview. Mr. Mattson's grooming and hygiene was good.

On interview, there was no evidence to suggest disruption of mentation. Mr. Mattson was grossly oriented and did not demonstrate limitations in short-term memory or attention and concentration. Mr. Mattson provided adequately abstract interpretations of common proverbs. Overall, he appeared to be of high average intelligence.

On query, Mr. Mattson denied disruption of mood, appetite energy or libido. Mr. Mattson reported that he masturbates approximately 3 times per week to fantasies of consensual intercourse with adult females. Suicidal and homicidal ideation was denied as were auditory and visual hallucinations. Mr. Mattson denied any difficulties with undue anxiety. Overall, he described his health as excellent and denied using any medications at the time of the interview.

Mr. Mattson reported upon entering treatment at the Sex Offender Treatment Program he principally experienced a paraphilic pattern of arousal. Despite 13 months of treatment, Mr. Mattson reported continued arousal to minor females. However, Mr. Mattson described dramatic reductions in paraphilic arousal. Mr. Mattson attributed diminished paraphilic arousal to the effects of current treatment, in particular, minimal arousal conditioning. He reported a commensurate increase in arousal to age appropriate females, although his primary therapist at the Sex Offender Treatment Program regarded his continued arousal and fixation to adult females 25 and under as problematic (Bates Stamp 1707

When interviewed, Mr. Mattson readily acknowledged a broad range of deviancy. Consistent with prior reports (Bates Stamp 0341; 1705) Mr. Mattson estimated that he had sexually offended against 38 "...*young, slim, vulnerable looking females*" (7/27/05 Interview) beginning in his early 20s. However, Mr. Mattson's estimate of the number of hands-on victims deviates significantly with the higher number of estimated victims as noted in the 5/3/88 termination letter from Western State Hospital pursuant to Cause # 85-1-01075-9 (Bates Stamp 0279-0287; in particular please see Bates Stamp 0281). Mr. Mattson acknowledged that he intentionally victimized, "...*young, slim, vulnerable looking females*" because, it was an "*opportunity to get sexual satisfaction with an age group that was less likely to know the difference between right and wrong*" (7/27/05 Interview). Mr. Mattson also acknowledged arousal to the power and control cues engendered in the offending. Mr. Mattson stated that he would typically, "*Look around for single children in residential areas*" and would isolate them by asking them to assist him in finding a lost puppy. (7/27/05 Interview). Mr. Mattson stated that the offending would typically consist of masturbating in front of the child, ejaculating, and departing the area. Mr. Mattson stated that he forced an unspecified number of the victims to fondle him. He also reported fondling some of his minor victims but denied vaginal and anal penetration. He stated that he forced "a few" of his minor victims to fellate him. Mr. Mattson stated that he victimized strangers in order to minimize the probability of detection.

Mr. Mattson reported persistence of victimization following discharge from the Western State Hospital program in 1988. Although not detected or adjudicated, Mr. Mattson reported fondling 6 to 7 additional minor female victims between 1988 and 1998. He stated that he justified the continued victimizing by stating that the molestations were not "*as bad as back in 1985*" (7/27/05 Interview).

Concurrent with the sexual assaults, Mr. Mattson also reported a history of exhibitionism. He estimated that he exposed to 50 to 100 females between the ages of 6 to 7 up to age 20. As a result, he incurred two misdemeanor convictions for Indecent Exposure (9/15/80) in California and Public Indecency in Washington State (6/18/80).

Mr. Mattson also reported a history of voyeurism pursuant to his history of employment in health clubs. He stated that he victimized 50 to 60 (presumably adult) females in the course of his employment. Mr. Mattson stated that he would typically peep on unclothed females in locker rooms or tanning beds.

Mr. Mattson reported the onset of paraphilic exhibitionism and voyeurism during his middle teenage years. He attributed the genesis of his paraphilic fixation to frequent withdrawal to his room pursuant to his father's alcoholism and domestic instability. Mr. Mattson traced his interest in exhibitionism to teenage experiences of exposing to a 6 or 7 y/o female during these periods of withdrawal and isolation from his family.

Mr. Mattson reported a history of scatological phone calls following discharge from Western State Hospital. He stated that when bored in the course of automobile sales he would engage in obscene phone calls. Specifically, he stated that when a "young girl would answer the phone and it would turn into an obscene phone call. (Not with adults?) *"No with younger girls who wouldn't know better or feel offended by the language that they were hearing"* (7/27/05 Interview).

Mr. Mattson also reported ejaculating into the coffee of female car sales customers on 3 occasions. He reported some sexual contact with adult males in his early 20s but specifically denied sexual interest in or victimization of minor males.

Mr. Mattson also reported a history of soliciting prostitutes and reported forcing unwanted anal intercourse on a prostitute on one occasion.

Mr. Mattson stated that offending was principally triggered through "*access and opportunity*" (7/27/05 Interview) and denied specific linkage to negative emotional precursors. Mr. Mattson justified his offending principally through minimization. Specifically, given the relative youth of most of his victims, his principle distortion enabling offending was, "*...they probably thought it was a game*" (7/27/05 Interview). Mr. Mattson reported that if the children demonstrated fear or fright he would stop. He confirmed the assertions by Western State Hospital (Bates Stamp 0279-0286) that he had little empathy or remorse for his victims and felt strong feelings of entitlement. These feelings persisted throughout 33 months of treatment at Western State Hospital (Bates Stamp 0286).

Mr. Mattson stated that he made multiple unsuccessful efforts to stop acting on his paraphilic arousal while at liberty in the community. He noted that his principle efforts to cease offending occurred during the 90's. Mr. Mattson reported that he attempted to stop continuing molestations of minor females through attending a Sexaholic's Anonymous meeting at a Foursquare Church in Bellevue. Mr. Mattson participated in several months of "informal treatment" and discontinued attending following relocation to Everett, WA. Mr. Mattson also reported investigating treatment with a Seattle provider in the late 90s at the behest of his health club supervisor following complaints about his sexual behavior.

Mr. Mattson regarded his offending as ego-dystonic. When interviewed he reported recurrent thoughts of "*My god why did you do that, why can't you live a normal life*" following sexual assaults and molestations of minor females (7/27/05 Interview).

Complicit in Mr. Mattson's offending history was use of alcohol and drugs. In addition to a history of paternal alcoholism (Bates Stamp 0339; 7/27/05 Interview), Mr. Mattson reported onset of alcohol use at the age of 15. However, he stated that drinking and smoking marijuana did not become an everyday event until graduation from high school. He stated, "*Whenever at liberty in the community there were very few opportunities when I didn't drink or didn't use*" (7/27/05 Interview). Mr. Mattson stated that he maintained sobriety for 13 months in the community in 1989 following participation in one of three outpatient treatment programs in 1989, 1992, and 1994. He also reported maintaining sobriety while institutionalized in 1980, 1985-1988 and pursuant to his current incarceration in 1998. Consistent with available records alcohol and marijuana use were implicated in Mr. Mattson's index offense (Bates Stamp 0214; 0217-0225; 1705; 7/27/05 Interview), and prior non-adjudicated offending (Bates Stamp 0264-0265). While unable to recall if he was intoxicated at the time he committed the Statutory Rape in 1985 (Cause # 85-1-01075-9) Mr. Mattson's self-report at the time (Bates Stamp 0278-0279) does not suggest intoxication. However, Mr. Mattson generally described a pattern of alcohol and drug use in prior offending and stated, "*Ordinarily, if out cruising I am smoking pot and drinking beer or tequila*" and noted "*Pancho Villa was easier to carry than beer.*" (7/27/05 Interview).

Review of available records indicates that Mr. Mattson participated in sexual deviancy treatment on 4 occasions. He stated that he was first exposed to sexual deviancy treatment in 1978 with Mr. Roger Wolfe of Northwest Treatment Associates in Seattle, WA. Mr. Mattson was adjudicated and referred for treatment pursuant to a 1978 misdemeanor charge of Public Indecency. Mr. Mattson denied accruing significant benefit from treatment and discontinued following 6 months following relocation to California.

Mr. Mattson was next mandated to participate in substance abuse and sexual deviancy treatment at the Menlo Park Veterans Administration Hospital in 1980 following a 9/15/80 conviction on two counts for Indecent Exposure. Mr. Mattson stated that he participated in approximately 3 months of treatment. He remained in treatment until the probation requirements were satisfied.

Mr. Mattson next participated in 35 months of treatment at Western State Hospital between 5/6/85 and 4/20/88 when he was terminated. Records from the treatment program indicated that he was terminated principally due to a *"....compulsive need for sexual stimulation. As it has been identified, Mr. Mattson is an individual who has acted out sexually in a variety of ways prior to entering our treatment program. While in treatment, we have attempted to have Mr. Mattson learn to control and regulate his sexual impulses, as well as orient his sexual fantasies to healthy adult sexual stimulation. Mr. Mattson has struggled with deviant sexual fantasies that have intruded on his appropriate fantasies on an ongoing basis. To his credit, he has talked openly about this ongoing problem and has sought assistance from his treatment group and therapist. However, Mr. Mattson has also developed a problem of seeking out deviant sexual stimulation in the limited ways that were available to him in our highly structured environment. For example, he has sought sexual stimulation by viewing videos in a secretive manner, tried to find discarded sexual material that was thrown away, and has looked for other sexually stimulating material in magazines and books that were accessible on the ward. While it is not unusual for residents in our program to have desires for sexual stimulation, it is the expectation as they progress in the Steps of Progress, the longer they are in our treatment program, the more they develop the desire to control themselves and disrupt these impulses. In Mr. Mattson's case, he has had problems each of the three years he has been in our program and, most recently, in March and April of 1988 again was involved with attempting to obtain unauthorized sexual stimulating [sic] material to enhance his sexual lifestyle."* (Bates Stamp 0282) The authors concluded *"...it is of considerable concern that Mr. Mattson persists in his compulsive need for unacceptable sexually stimulating materials. It is apparent, at this time, that Mr. Mattson does not have his sexual fantasies in control, much less setting appropriate limits on himself to minimize his deviant sexual fantasies."* (Bates Stamp 0283).

Therapists at the Western State Hospital Program also noted that, *"Since Mr. Mattson was sent to the Sex Offender Program with the "determinate" sentence of 41 months, he has been quite cognizant of his anticipated release date at the end of August, 1988. During the first two years of treatment, it appears that Mr. Mattson attempted to conform just enough so that his treatment group and therapist would not have the justified reasons for returning him to court as no longer amenable and recommending that he serve the remainder portion of his sentence in prison. Beginning in the Fall of 1987, Mr. Mattson began talking about leaving the program and not having to follow our rules and regulations. It was clear that this individual recognized that there was little sanction that this program could take towards him if he chose not to comply with our rules and regulations."* (Bates Stamp 0283)

When interviewed on 7/27/05, Mr. Mattson stated that he felt that treatment program at Western State Hospital was, *"more of an intellectual game"* and *"therefore did not put it to use"* while in the community. He subtly deflected the lack of benefit from the program to the fact that *"my legal situation was not the same as everyone else, I had a set date"* and felt that he would have been more amenable to treatment if he had been

placed under a deferred prosecution. Rather than accepting responsibility for his failure in the program, Mr. Mattson stated that he was terminated from treatment, "...once the head therapist found out that he would be released on a given date..." a sentiment noted elsewhere in available discovery (Bates Stamp 0284; 1099).

Mr. Mattson felt that he benefited from the 13 months of programming between 5/04 and 6/05 at the Twin Rivers Sex Offender Treatment Program. He stated that in addition to minimal arousal conditioning that the program's focus on relapse prevention was helpful. Mr. Mattson also stated that he benefited from being "17 years older - a bit more matured." He acknowledged that, "Halfway through treatment I was having a real problem with my anger. I was thinking about saying, "To hell with it". I had to do it day to day. It was humbling." He stated he realized, "I do not have to give in to my anger. The issues that I have problems with - assuming, expectations, and entitlement" (7/27/05 Interview).

Upon discharge from Cause # 98-1-09413-0 SEA Mr. Mattson will have either 36 months of community custody or the period of earned early release, whichever is longer. With regard to discharge, Mr. Mattson stated that he intends to discharge to Seattle, WA and hopes to obtain employment as a printing press operator. He described his parents as supportive and stated that they will initially provide him with financial support to establish a residence. Mr. Mattson also identified other community resources he has established a connection with through the Man-to-Man Program and prison ministries. When I inquired as to how Mr. Mattson intended to keep himself safe in the community he responded "Stay away from kids. I want to stay away from areas where kids are present." He elaborated and stated more generally, "Hold myself accountable, maintain a log as to locations, have support people either present or being in contact at all times. Have a church that is supportive in terms of "tough love" and attend AA meetings." Mr. Mattson stated that he will use public transportation initially due to his prior history of using a vehicle for cruising. Mr. Mattson stated that he intends to attend Phase 3 treatment through the Sex Offender Treatment Program.

#### DIAGNOSES:

In a 1985 letter to the Honorable Frank L. Sullivan of King County Superior Court (Bates Stamp 0344-0348) Mr. Mike Shepherd, Ms. Lynda Anderson, Gordon Hall, Ph.D., and M. M. Vitols, M.D., diagnosed Mr. Mattson with, "Paraphilia, Pedophilia, Antisocial Personality" (Bates Stamp 0347).

On consultation with Jon Berner, MD in 9/02 Mr. Mattson complained of continued, "heterosexual paraphilic fantasies without hypersexuality" leading Dr. Berner to give a diagnostic impression of "Paraphilia" (Bates Stamp 0508).

Although participating in 13 months of treatment at the Twin Rivers Corrections Center Sex Offender Treatment Program, no diagnostic formulations were provided. However, prior to initiation of treatment, Mr. Mattson participated in a plethysmograph assessment with Mr. Rick Minnich of Minnich Polygraph Service. Mr. Minnich provided

a range of visual and auditory stimuli. Results of the assessment documented that Mr. Mattson was absolutely paraphilic with his highest recorded arousal (33%) to a slide depicting a 7 to 9 year old female. Moderate to low levels of arousal were demonstrated to a slide depicting a 4 to 6 y/o male (29%) and females 14 to 17 y/o (14%). All other recorded arousal to slides was below 10% and not clinically significant. Mr. Mattson demonstrated moderate levels of arousal to an auditory scenario depicting genital intercourse with an adult female (24%) and compliant sex with a minor female (19%). All other recorded arousal to auditory stimuli was below 10% and not clinically significant. While Mr. Mattson did not demonstrate high levels of arousal, 80% (4/5) of clinically interpretable arousal on the plethysmograph was paraphilic. Sex Offender Treatment Program treatment records provide convergent validation and indicate that "... *through most of the treatment program, Mr. Mattson has been demonstrating a high level of sexual preoccupation and objectification of females (minors and adults)* (Bates Stamp 1707). This comports with Mr. Mattson's self-report of continued need to manage arousal to female minors (7/27/05 Interview).

The DSM-IV-TR defines Paraphilia as, "*recurrent, intense sexually arousing fantasies, sexual urges, or behaviors generally involving 1) non-human objects, 2) the suffering or humiliation of oneself or one's partner, or 3) children or other non-consenting persons that occur over a period of at least 6 months (Criterion A).*" The DSM-IV-TR continues by stating, "*For Pedophilia, Voyeurism, Exhibitionism and Frotteurism, the diagnosis is made if a person has acted on these urges or the urges or sexual fantasies cause marked distress or interpersonal difficulty.*" (p. 566)

The DSM-IV-TR defines Pedophilia as a disorder which occurs over a period of at least 6 months during which the individual experiences, "*recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger)*" (p. 572). In addition, the criterion entails that the individual has, "*acted on these sexual urges or the sexual urges or fantasies caused marked distress or interpersonal difficulty.*" In addition to the durational requirement, a diagnosis of Pedophilia entails an age requirement in so far as the individual must be at least 16 years of age and at least 5 years older than the child or children.

Review of Bates Stamp 0341 indicates that Mr. Mattson has an extensive history of nonadjudicated offending, predominantly against minor females. Onset of this behavior appeared to be during his early to middle teenage years, with a typical victim range between 3 and 10 years of age. Based upon Mr. Mattson's lengthy history of offending against unknown and unrelated minor females, two convictions (Indecent Liberties with Forcible Compulsion; 9/30/99; Statutory Rape, 6/17/85), as well as a long history of non-adjudicated offenses entailing sexual assaults against previously unknown, vulnerable female minors, both prior to and subsequent to 33 months of treatment at Western State Hospital, I believe that Mr. Mattson clearly qualifies for a diagnosis of Pedophilia, Sexually Attracted to Females, Nonexclusive Type (302.2). Based upon Mr. Mattson acknowledged duration of offending, self-described preferential attraction to 6 to 7 y/o females, and recent plethysmography demonstrating preferential attraction to a

visual depiction of a 7 to 9 y/o female, I believe the diagnosis of Pedophilia, Sexually Attracted to Females, Nonexclusive Type (302.2) remains current. This disorder qualifies as a *mental abnormality* under RCW 71.09.020.

The DSM-IV-TR defines Exhibitionism as, "*the exposure of one's genitals to a stranger.*" (p. 569). The capsular definition for the disorder entails that over 6 months the individual experiences, "*... recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving the exposure of one's genitals to an unsuspecting stranger.*" In addition, "*The person has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.*" (p. 569).

Voyeurism is defined as, "*the act of observing unsuspecting individuals, usually strangers, who are naked, in the process of disrobing, or engaging in sexual activity* (p. 575). The capsular definition for the disorder entails that over 6 months, the individual experiences, "*...recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving the act of observing an unsuspecting person who is naked, in the process of disrobing, or engaging in sexual activity.*" In addition, "*The person has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.*" (p. 575).

Bates Stamp 0281, 0301, 1705-1706 and self-report (Bates Stamp 0267, 0340, 0342) indicates that Mr. Mattson had a range of deviancy in excess of his pedophilic focus. Based on an adjudicated history of exposure in Washington and California (Bates Stamp 0301; 1704), referral to two treatment programs, and a self-report of 50 to 100 victims of exposure (7/27/05 Interview) Mr. Mattson qualifies for a diagnosis of Exhibitionism (302.4).

Treatment records (Bates Stamp 0281; 1706) indicates a history of voyeurism which was confirmed during the 7/27/05 Interview. Mr. Mattson indicated that he peeped on at least 50 to 60 females in the context of his employment at various health clubs (7/27/05 Interview). The compulsive nature of the behavior resulted in at least one referral for treatment in the late 90's by a manager (7/27/05 Interview). In light of the chronicity and persistence of the behavior, Mr. Mattson clearly meets the diagnostic criteria for Voyeurism (302.82).

Bates Stamp 0281 suggested a history of adult male and female rape. Specifically, the authors noted, "*He has also engaged in homosexual acting out with both consensual males as well as men who were under the influence of drugs and/or alcohol, and who were the unwilling victim of sexual acting out. He has also admitted that he has been rough with consensual adult females in a sexual manner which he finds sexually stimulating.*" Likewise, in the Sex Offender Treatment Program Treatment Summary, Ms. Dandescu noted, "*He has engaged in molestation of minor females, raping adult females, peeping and exposing (minor and adult females).*" (Bates Stamp 1705). Later, she noted "*Mr. Mattson has indicated that he had fantasized about using tape on the adult prostitute victims (and actually had it in his van), but never did. He indicates that it was exciting in his fantasies, when he would masturbate, but that the thought never*

entered his mind while he was offending. He reports that he found the control and doing things "my way" was the exciting part of his behavior/fantasy for him." (Bates Stamp 1707). While a diagnosis of Paraphilia NOS (Nonconsent) appears probable based upon available treatment documents and the 11/2/98 assault on 15 y/o CR, the absence of additional clearly specified instances of rape meeting the 6 month durational criteria weakens the evidentiary basis for the diagnosis. As such, Mr. Mattson is diagnosed with Paraphilia NOS (Nonconsent) (302.9) on a provisional basis.

Treatment records (Bates Stamp 1706) and self-report (7/27/05 Interview) indicate a history of telephone scatologia. Mr. Mattson's self-report suggests that this predominantly occurred while at liberty between 1988 and 1998. While we have no clear evidence of duration, the apparent persistence of this behavior while at liberty suggests that he qualifies for an additional diagnosis of Paraphilia NOS (Telephone Scatologia) (302.9).

In summary Mr. Mattson is multiply paraphilic. He qualifies for diagnoses of Pedophilia, Sexually Attracted to Females, Nonexclusive Type (302.2) (primary), Exhibitionism (302.4), and Voyeurism (302.82). I believe there is evidence for provisional diagnoses of Paraphilia NOS (Nonconsent) (302.9), Paraphilia NOS (Telephone Scatologia) (302.9).

Records also support the presence of multiple substance abuse/substance dependence disorders on Axis I. The DSM-IV-TR defines substance abuse as, "A maladaptive pattern of substance use leading to clinically significant impairment or distress, as manifested by one (or more) of the following, occurring within a 12-month period: 1) recurrent substance use resulting in a failure to fulfill major role obligations at work, school, or home (e.g., repeated absences or poor work performance related to substance use; substance-related absences, suspensions, or expulsions from school; neglect of children or household); 2) recurrent substance use in situations in which it is physically hazardous (e.g., driving an automobile or operating a machine when impaired by substance use); 3) recurrent substance-related legal problems (e.g., arrests for substance-related disorderly conduct); 4) continued substance use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of the substance (e.g., arguments with spouse about consequences of intoxication, physical fights)." (p. 199). Substance dependence is defined as, "A maladaptive pattern of substance use, leading to clinically significant impairment or distress, as manifested by three (or more) of the following, occurring at any time in the same 12-month period: 1) tolerance, as defined by either of the following: a) a need for markedly increased amounts of the substance to achieve intoxication or desired effect; b) markedly diminished effect with continued use of the same amount of the substance; 2) withdrawal, as manifested by either of the following: a) the characteristic withdrawal syndrome for the substance (refer to Criteria A and B of the criteria sets for Withdrawal from the specific substances); b) the same (or a closely related) substance is taken to relieve or avoid withdrawal symptoms. 3) the substance is often taken in larger amounts or over a longer period than was intended; 4) there is a persistent desire or unsuccessful efforts to cut down or control substance use; 5) a great deal of time is spent in activities necessary

*to obtain the substance (e.g., visiting multiple doctors or driving long distances), use the substance (e.g., chain smoking), or recover from its effects; 6) important social, occupational, or recreational activities are given up or reduced because of substance use; 7) the substance use is continued despite knowledge of having a persistent or recurrent physical or psychological problems that is likely to have been caused or exacerbated by the substance (e.g., current cocaine use despite recognition of cocaine-induced depression, or continued drinking despite recognition that an ulcer was made worse by alcohol consumption)" (p. 197).*

Mr. Mattson reported onset of alcohol use at the age of 15. When interviewed on 7/27/05 he stated, "Whenever at liberty in the community there were very few opportunities when I didn't drink or didn't use." Mr. Mattson stated that was unable to maintain sobriety despite participation in one residential program (1980) and three outpatient treatment programs in 1989, 1992, and 1994. Consistent with available records alcohol and marijuana use were implicated in Mr. Mattson's index offense (Bates Stamp 0214; 0217-0225; 1705; 7/27/05 Interview), and prior non-adjudicated offending (Bates Stamp 0264-0265). Mr. Mattson has a reported history of substance abuse and dependence as late as 1998. Review of Bates Stamp 0214 and 0217 in reference to Cause # 98-1-08413-0 SEA, indicates that Mr. Mattson was intoxicated with both alcohol and marijuana. Investigation of a non-charged Assault (DV) involving Mr. Mattson's girlfriend in 1998 (Incident # 98-282840: Bates Stamp 0264-0265) noted that Mr. Mattson was intoxicated. Prior to being taken into custody for his index offense, Mr. Mattson had prior adjudications for possession of marijuana (VUCSA; 3/27/93) and Driving While Under the Influence (11/27/93). In a handwritten statement in reference to Cause # 85-1-01075-9, Mr. Mattson partially attributed prior convictions for Indecent Exposure to use of drugs and alcohol (Bates Stamp 0267). While utilizing a variety of drugs, Mr. Mattson appears to have had the greatest difficulty controlling his use of both marijuana and alcohol. As such, I believe the evidence supports diagnoses of Cannabis Dependence, Physiological Dependence Unspecified, Sustained Full Remission, In a Controlled Environment (304.30) and Alcohol Dependence, Physiological Dependence Unspecified, Sustained Full Remission, In a Controlled Environment (303.90).

The DSM-IV-TR defines a personality disorder as, "*an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture. This pattern is manifested in two (or more) of the following areas: 1) Cognition (i.e., ways of perceiving and interpreting self, other people, and events); 2) Affectivity (i.e., the range, intensity, lability, and appropriateness of emotional response); 3) Interpersonal Functioning; 4) Impulse Control: B) The enduring pattern is inflexible and pervasive across a broad range of personal and social situations. C) The enduring pattern leads to clinically significant distress or impairment in social, occupational, or other important areas of functioning. D) The pattern is stable and of long duration, and its onset can be traced back at least to adolescent or early adulthood (p. 689).*" In addition to the above, the diagnosis of a personality disorder entails that the enduring pattern is not better accounted for as a manifestation of another mental disorder or the physiological effects of a substance.

DSM-IV-TR encapsulates Antisocial Personality Disorder as, "A pervasive pattern of disregard for, and violation of, the rights of others that begins in childhood or early adolescence and continues into adulthood" (p. 701). Antisocial Personality Disorder is defined as a " ...pervasive pattern of disregard for and violation of the rights of others occurring since age 15 years, as indicated by three (or more) of the following: 1) failure to conform to social norms with respect to lawful behaviors as indicated by repeatedly performing acts that are grounds for arrest; 2) deceitfulness, as indicated by repeated lying, use of aliases, or conning others for personal profit or pleasure; 3) impulsivity or failure to plan ahead; 4) irritability and aggressiveness, as indicated by repeated physical fights or assaults; 5) reckless disregard for the safety of self or others; 6) consistent irresponsibility, as indicated by repeated failure to sustain consistent work behavior or honor financial obligations; 7) lack of remorse, as indicated by being indifferent to or rationalizing having hurt, mistreated, or stolen from another." (p. 706). Moreover, the disorder entails that the individual is at least 18 years of age and that there is evidence of a Conduct Disorder prior to the age of 15.

Mr. Mattson appears to qualify for a diagnosis of Personality Disorder NOS with Antisocial Traits (301.9) rule out Antisocial Personality Disorder (301.7). Bates 0281 references a variety of nonadjudicated, nonsexual antisocial behavior including, "...burglaries, theft, writing bad checks and credit card forgery." While Mr. Mattson contested the veracity of the Western State Hospital report (7/27/05 Interview) it is clear that he has repeatedly performed acts that are grounds for arrest, specifically paraphilic victimization of numerous minor and adult females. It appears that onset of antisocial conduct occurred in Mr. Mattson's teenage years and has clearly persisted into adulthood. Multiple references to impaired impulse control are noted in available documentation (Bates Stamp 0280; 0283-0284; 0286), such that Mr. Mattson was accessing banned sexually explicit material while in a treatment program for sexual deviancy (Bates 0282). He also demonstrated a range of antisocial conduct broader than is typically encompassed by paraphilias (Bates Stamp 0301). Callousness and lack of empathy are noted in Offender Chronos in particular as it pertained to his last victim (Bates Stamp 1499 – entry on 6/27/00) and in filings to the court in reference to Cause # 98-1-08413-0 SEA (Bates Stamp 1082-1102). Mr. Mattson has also demonstrated disregard for the safety of self or others both in his pattern of offending as well as driving while intoxicated (11/27/93 conviction; 7/27/05 Interview). In the absence of substantial evidence for a Conduct Disorder prior to age 15, a diagnosis of Personality Disorder NOS with Antisocial Traits (301.9) rule/out Antisocial Personality Disorder (301.7) appears warranted by available evidence.

In summary, Mr. Mattson qualifies for multiple DSM-IV-TR diagnostic formulations. He qualifies for diagnoses of Pedophilia, Sexually Attracted to Females, Nonexclusive Type (302.2) (primary), Exhibitionism (302.4), and Voyeurism (302.82). I believe there is evidence for provisional diagnoses of Paraphilia NOS (Nonconsent) (302.9), Paraphilia NOS (Telephone Scatalogia) (302.9), Cannabis Dependence, Physiological Dependence Unspecified, Sustained Full Remission, In a Controlled Environment (304.30) and Alcohol Dependence, Physiological Dependence Unspecified, Sustained Full Remission, In a Controlled Environment (303.90), and Personality

Disorder NOS with Antisocial Traits (301.9) rule/out Antisocial Personality Disorder (301.7). Clinical interview did not yield evidence for a current Axis I affective disorder.

### RISK ASSESSMENT:

Mr. Mattson was assessed using the Hare Psychopathy Checklist-Revised 2<sup>nd</sup> Edition (PCL-R)<sup>4</sup> the Static-99 and the Sex Offender Risk Appraisal Guide (SORAG). Some modification of prior scoring was performed based upon additional information contained in the 791 pages of discovery and the clinical interview.

The question of risk refers to the likelihood of a person re-offending in a sexually violent fashion. As required by statute, an individual does not meet criteria as a "sexually violent predator" unless they suffer from a "...*mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.*" (RCW 71.09.020) A number of actuarial measures have been developed to assist evaluators in determining the offender's level of risk or likelihood if returned to the community. Likelihood of recidivism is usually presented as a percentage in a given time frame, such as 7 or 10 years. It should be remembered that for the purposes of RCW 71.09 no such time limit exists. In addition, the probabilities derived from the studies upon which these instruments were developed are considered to be low boundary estimates of actual recidivism due to the fact that in all such studies some recidivism was undetected. Estimates derived from actuarial instruments may also underestimate the likelihood of recidivism due to limited follow-up periods and continuing failure rates for new charges of between 1 to 2% after the first 5 years<sup>5</sup>

Mr. Mattson was assessed with the PCL-R, 2<sup>nd</sup> Edition. Factor analysis of the PCL-R has yielded 2 main factors and 4 facets. Broadly, factor 1 is comprised of 8 items which load on interpersonal traits broadly described as selfishness, callousness, lack of empathy, and remorseless use of others. Factor 2 is comprised of 10 items pertaining to an unstable, antisocial lifestyle and social deviance. Scores on the PCL-R range from 0 to 40. Categorically, individuals obtaining scores of 30 and above are regarded as being psychopathic and therefore at a significantly higher risk for violent and antisocial recidivism. In addition, scores on the PCL-R can be viewed dimensionally such that individuals obtaining higher scores on the measure are at an absolutely higher risk of violent recidivism compared to individuals obtaining lower scores.

Mr. Mattson obtained a prorated score of 20 on the PCL-R - a slight, but nonsignificant decline from the prior rating. The change in scoring on this measure largely reflected the realistic discharge plans that Mr. Mattson articulated in the course of the 7/27/05 interview and the absence of early behavioral problems. The revised PCL-R score places Mr. Mattson at the 40<sup>th</sup> percentile compared to male prison inmates and at

<sup>4</sup> Hare, R.D. (2003). *Manual for the Psychopathy Checklist - Revised, 2<sup>nd</sup> Edition*. Toronto: Multi-Health Systems.

<sup>5</sup> Prentky, R.A., Lee, A.F.S., Knight, R.A., & Cerce, D. (1997). Recidivism rates among child molesters and rapists: A methodological analysis. *Law and Human Behavior*, 21, 635-659.

the 42<sup>nd</sup> percentile compared to male forensic psychiatric patients. The obtained score is below the designated cut-off for psychopathy.

Mr. Mattson obtained a Static 99 score of 7 placing him in the high risk category. Individuals with similar scores were reconvicted on a new sexual offense at .43, .43, and .53 at 5, 10, and 15 years, respectively. Factors associated with increased risk on this measure included number of convictions for prior sexual offenses, convictions for non-contact sex offenses, the number of prior sentencing dates and the presence of unrelated and stranger victims.

Due to Mr. Mattson's advancing age (47) I also chose to assess him with the Sex Offender Risk Appraisal Guide (SORAG). Although designed to detect violent (including sexual) recidivism in sexual offenders, a recent meta-analysis found the SORAG to be as effective in predicting sexual recidivism as those instruments specifically designed to predict sexual recidivism<sup>6</sup>. Other studies have demonstrated either equal predictive validity in predicting sexual recidivism<sup>7,8</sup> or supported slightly better predictive validity of the SORAG (albeit non-significant)<sup>9</sup>. Despite providing risk estimates for a more general outcome measure (violent recidivism) the authors of the instrument continue to support use of the SORAG for detection of sexual recidivism. In a recently presented preliminary study Rice et al. found that a percentage of sexual offenses are coded as non-sexual violent offenses. As such, strictly using the individual's history of sexual offending risks underestimating their actual risk for sexual reoffense<sup>10</sup>. Based upon their findings, the authors support use of the SORAG for assessing risk of sexual recidivism.

Review of additional documentation resulted in a slight downward modification of Mr. Mattson's score, principally due to his self-report of two sustained relationships in excess of 6 months and the presence of paraphilic arousal as measured by the 5/4/04 plethysmograph. The revised SORAG score of 18 places Mr. Mattson in Bin 6 with an associated recidivism rate (as measured by arrest or charge) of .58 to .76 at 7 and 10 years, respectively.

In summary, assessment with two actuarial measures of recidivism suggest that Mr. Mattson is likely to reoffend on a more probable than not basis.

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<sup>6</sup> Hanson, R.K., & Morton-Bourgon, K. (2004). *Predictors of Sexual Recidivism: An Updated Meta-Analysis*. (Research Report No. 2004-02). Ottawa: Canada. Department of the Solicitor General of Canada.

<sup>7</sup> Barbaree, H.E., Seto, M.C., Langton, C.M., & Peacock, E.J. (2001). Evaluating the predictive accuracy of six risk assessment instruments for adult sex offenders. *Criminal Justice and Behavior*, 28, 4, 490-521.

<sup>8</sup> Bartosh, D.L., Garby, T., Lewis, D., & Gray, S. (2003). Differences in predictive validity of actuarial risk assessments in relation to sex offender type. *International Journal of Offender Therapy and Comparative Criminology* 47, 4, 422-438.

<sup>9</sup> Harris, G., T., Rice, M.E., Quinsey, V.L., Lalumiere, M.L., Boer, D., & Lang, C. (2003) A multi-site comparison of actuarial risk instruments for sex offenders. *Psychological Assessment*, 15(3), 413-425.

<sup>10</sup> Rice, M.E., Harris, G.T., Lang, C., & Cormier, C. (October, 2004). *Developing Actuarial Tools to Predict Sexual Recidivism: What is the Best Criminal Outcome Measure?* Platform presentation to the Association for the Treatment of Sexual Abusers:

**SUMMARY AND CONCLUSIONS:**

Mr. Mark David Mattson was referred for evaluation by the End of Sentence Review Committee to assess whether he meets the statutory criteria as a "sexually violent predator" as defined by RCW 71.09.020. Under 71.09.020, a "sexually violent predator" is defined as *"any person who has been convicted or charged with a crime of sexual violence, and who suffers from a mental abnormality or personality disorder, which makes a person likely to engage in predatory acts of sexual violence if not confined to a secure facility."*

Mr. Mattson has been convicted on the predicate offenses of Indecent Liberties with Forcible Compulsion (Cause # 98-1-08413-0 SEA) and Statutory Rape (Cause # 85-1-01075-9). Both identified victims were strangers and ranged in age from 6 to 15 years old. In addition to the two identified victims, review of records from Western State Hospital (Bates Stamp 0279-0286) in reference to Cause # 85-1-01075-9, the Twin Rivers Correction Center Sex Offender Treatment Program Treatment Summary (Bates Stamp 1702-1712) and the 7/27/05 interview suggests that Mr. Mattson has at least 38 to 40 hands-on stranger victims with an additional 6 to 7 victims following termination of treatment at Western State Hospital on 4/20/88. In addition, Mr. Mattson was multiply paraphilic with numerous non-contact victims of voyeurism, exhibitionism and telephone scatalogia. Due to the chronicity and strength of Mr. Mattson's paraphilic disorders, prior sexual deviancy treatment in 1978, 1980, and from 6/5/85 through 4/20/88 was unsuccessful. Indeed, throughout his course of treatment at Western State Hospital, Mr. Mattson demonstrated a, *"...compulsive need for unacceptable sexually stimulating materials"* (Bates Stamp 0283). Prior attempts at intervening in paraphilic behavior were unsuccessful and characterized by post-offense thoughts of *"My god why did you do that, why can't you live a normal life."* (7/27/05 Interview). Paraphilic behaviors persisted despite 35 months of intensive treatment at Western State Hospital between 6/5/85 and 4/20/88.

Recent physiological testing conducted on 5/4/04 at the Twin Rivers Corrections Center denotes a paraphilic pattern of arousal. When interviewed on 7/27/05 Mr. Mattson characterized his primary pattern of arousal as paraphilic upon entering the program on 5/21/04. While he appears to have made impressive gains in managing arousal, principally through minimal arousal conditioning, effective arousal management has only occurred in past several months. This contrasts with a chronic, intense pattern of paraphilic arousal which has characterized the preceding 32 years of Mr. Mattson's life and has been refractory to prior treatment. Moreover, a non-published study of outcome in the Twin Rivers Sex Offender Treatment Program<sup>11</sup> suggests poor generalizability of institutional treatment to community settings (non-significant differences in detected recidivism based solely upon institutional treatment with a fixed 4 year follow-up).

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<sup>11</sup> Gordon, A. & Packard, R. (2001). *Does community treatment increase the impact of prison treatment?* Paper presented at the 20<sup>th</sup> Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, San Antonio, TX.

Current diagnostic formulations include Pedophilia, Sexually Attracted to Females, Nonexclusive Type (302.2) (primary), Exhibitionism (302.4), and Voyeurism (302.82). I believe there is evidence for provisional diagnoses of Paraphilia NOS (Nonconsent) (302.9), Paraphilia NOS (Telephone Scatology) (302.9), Cannabis Dependence, Physiological Dependence Unspecified, Sustained Full Remission, In a Controlled Environment (304.30) and Alcohol Dependence, Physiological Dependence Unspecified, Sustained Full Remission, In a Controlled Environment (303.90), and Personality Disorder NOS with Antisocial Traits (301.9) rule/out Antisocial Personality Disorder (301.7). For purposes of RCW 71.09 Pedophilia, Sexually Attracted to Females, Nonexclusive Type (302.2) constitutes the mental abnormality which predisposes Mr. Mattson to engage in predatory acts of sexual violence and attenuates his volitional control. Assessment with the Static-99 and SORAG suggests that Mr. Mattson is likely to reoffend.

Current research literature is mixed with regard to the efficacy of sex offender treatment in reducing recidivism. Hanson et al.<sup>12</sup> noted a 40 percent reduction in detected recidivism as a result of treatment while other authors either reported a relationship between psychopathy and recidivism in treated offenders<sup>13</sup> or a small but statistically non-significant increase in recidivism in treated offenders<sup>9</sup>. Recent well controlled studies in which offenders were randomly assigned to treatment and non-treatment groups<sup>14,15</sup> demonstrated no difference in recidivism. Based upon the inconsistencies in current data, Harris et al. has argued against modification of actuarially determined levels of risk as a result of treatment participation<sup>9</sup>. As such, despite completion of the Sex Offender Treatment Program, I do not believe there is a clear empirical basis for modification of actuarially determined levels of risk.

Mr. Mattson has at least 3 years of community supervision pursuant to his conviction and 12/19/03 resentencing on Cause # 98-1-09413-0 SEA. As such, he would likely be subject to supervision past the age of 50. While recent research has demonstrated mitigation of the likelihood of recidivism in middle aged and elderly offenders<sup>16,17,18</sup> stratification into Low, Moderate and High risk categories<sup>18</sup> (utilizing

<sup>12</sup> Hanson, R.K., Gordon, A., Harris, A.J.R., Marques, J.K., Murphy, W., Quinsey, V.L., & Seto, M.C. (2002). First report of the Collaborative Outcome Data Project on the effectiveness of psychological treatment for sexual offenders. *Sexual Abuse: A Journal of Research and Treatment*, 14(2), 169-194

<sup>13</sup> Seto, M.C., & Barbaree, H.E. (1999). Psychopathy, treatment behavior, and sex offender recidivism. *Journal of Interpersonal Violence*, 14, 1235-1248.

<sup>14</sup> Marques, J. K., Wiederanders, M., Day, D. M., Nelson, C., & van Ommeren, A. (2005). Effects of a relapse prevention program on sexual recidivism: Final results from California's Sex Offender Treatment and Evaluation Project (SOTEP). *Sexual Abuse: A Journal of Research and Treatment*, 17(1) 79-107.

<sup>15</sup> Hanson, R.K., Broom, I., & Stephenson, M (2004). Evaluating community sex offender treatment programs: A 12-year follow-up of 724 offenders. *Canadian Journal of Behavioural Science* 36, 2, 87-96.

<sup>16</sup> Hanson, R.K. (2001). *Age and sexual recidivism: A comparison of rapists and child molesters* (User report 2001-01). Ottawa: Department of the Solicitor General of Canada.

<sup>17</sup> Barbaree, H.E., Blanchard, R., & Langton, C. M. (2003). The development of sexual aggression through the life span: The effect of age on sexual arousal and recidivism among sex offenders. *Ann. N.Y. Acad. Sci.* 989: 59-71.

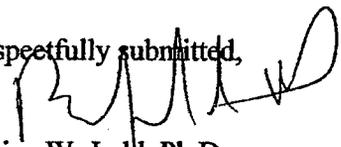
<sup>18</sup> Thornton, D. & Doren, D. (November, 2002). *How much safer are older offenders?* Platform Presentation at the Association for the Treatment of Sexual Abusers: Montreal, Canada.

Static-99 risk levels) suggests selective attenuation of risk during middle age. Progressive declines in risk with advancing age are appreciated in the Low and Moderate risk offenders. However, high risk offenders, such as Mr. Mattson, appear to demonstrate persisting levels of risk throughout their middle years without significant attenuation until after age 60. As such, Mr. Mattson's duration of time at risk exceeds the duration of time that he would be subject to community supervision. Therefore, modification of actuarially determined levels of risk as a result of advancing age is not empirically supported in high risk individuals such as Mr. Mattson.

**OPINION:**

Based upon the presence of predicate offenses, a history of pedophilic arousal, and a high probability of recidivism, I continue to believe that Mr. Mattson meets the criteria as a sexually violent predator as described in Chapter 71.09.020 of the Revised Code of Washington. My opinion articulated in the original report of 11/17/03 is therefore affirmed.

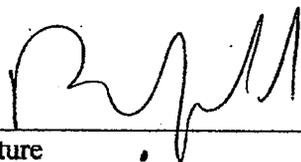
Respectfully submitted,



Brian W. Judd, Ph.D.  
Licensed Psychologist  
Washington License 1522  
Certified Sex Offender Treatment Provider 171

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

8/9/05 Olympia, WA  
Date and Place

  
Signature

**EXHIBIT 4**

|   |   |                                      |
|---|---|--------------------------------------|
|  <p>STATE OF WASHINGTON<br/>DEPARTMENT OF CORRECTIONS</p> <p><b>POLICY<br/>DIRECTIVE</b></p> <p><input checked="" type="checkbox"/> Offender Manual   <input type="checkbox"/> Spanish</p> | <p><b>PRISON/PRE-RELEASE/<br/>WORK RELEASE/FIELD</b></p>  | <p>NUMBER<br/><b>DOC 350.200</b></p> |
|   | <p>SIGNATURE</p>  | <p>DATE</p> <p>6/25/02</p>           |
|   | <p>JOSEPH D. LEHMAN, SECRETARY</p>  | <p>PAGE NUMBER</p> <p>1 of 17</p>    |
| <p>TITLE</p> <p><b>RISK BASED TRANSITION FOR OFFENDERS</b></p>  |   |                                      |

**SUPERSESSION:**

DOC 350.200 effective 5/4/01; DOC 320.430 effective 12/11/00; DOC 350.280 effective 8/31/99; DCC 300.320 effective 2/28/95

**REFERENCES:**

DOC 100.100 is hereby incorporated into this Policy Directive; RCW 9.94A; RCW 71.05; RCW 71.09; RCW 72.02.100; RCW 72.09; WAC 137-28; WAC 137-56; DOC 200.730 Risk Management Transition Funds; DOC 310.100 Intake; DOC 320.410 Offender Risk Management; DOC 320.420 Offender Accountability Plans; DOC 320.430 Identification and Transition of Risk Management-A (RM-A) Offenders; DOC 350.240 Ten Day Release Denial; DOC 350.250 Order of Release and/or Transfer to Community Custody; DOC 350.255 Registration Notification; DOC 350.550 Reporting Abuse and Sex Offender Contact; DOC 350.600 Teletype Notification of Release of Offenders; DOC 380.250 Use of GENIE/Kiosk In Offender Supervision; DOC 380.550 Driver's License/Washington State Identification Cards for Offenders; DOC 390.300 Victim/Witness Notification; DOC 390.600 Imposed Conditions; DOC 530.200 Guardians; DOC 790.100 Work Ethic Program

**POLICY:**

- I. The Department shall use risk based offender management principles to transition offenders from the facility to the community. Those principles include:
  - A. An offender's risk to re-offend and commit violent acts shall be identified through assessment, using tools adopted by the Department.
  - B. Risk assessment shall result in an assigned risk management (RM) classification level as defined in DOC 320.410 Offender Risk Management.
  - C. Risk factors shall be targeted and intervention strategies developed based on the offender's assessed risk to do harm and the availability of resources. Intervention strategies shall include:
    1. The conditions with which the offender must comply;
    2. A verification plan to determine if the offender is in compliance; and

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3. Documentation of the offender's level of compliance with the conditions and intervention strategy.
  - D. The offender's requirement for supervision upon release shall be based on the offender's assessed level of risk to the community and the Judgement and Sentence (J&S).
  - E. The content requirements for the Offender Accountability Plan (OAP) and the OAP with Transition Plan (OAP w/TP) shall be based on the offender's assigned RM classification level.
- II. The transition process shall include:
1. Document Search;
  2. Risk (re)assessment;
  3. Use of RM Teams;
  4. Creation of an OAP;
  5. Creating an OAP w/TP;
  6. Investigation of the TP and development and approval of the release OAP;
  7. Notifications and release; and
  8. Field intake.
- III. The Department shall use the OAP w/TP to develop and communicate the transition plan for offenders releasing from Department total and partial confinement facilities.
- IV. The Department shall utilize RM Team(s) to manage the transition of high-risk offenders from Department total and partial confinement facilities to the community.

**DIRECTIVE:**

- I. Transition Timelines
- A. At the time of the offender's regularly scheduled classification review prior to 18 months from the offender's Earned Release Date (ERD), the document search shall be initiated by the assigned facility Counselor/Community Corrections Officer (CCO).
    1. The following timelines shall be followed for offenders who are sentenced to and arrive at the Washington Corrections Center - Reception Center (WCC-RC) or the Washington Corrections Center for Women (WCCW) Reception Center.
      - a. If 18 to 6 months to his/her ERD:
        - 1) The document search, Level of Service Inventory Revised (LSI-R) and Risk Management Identification (RMI) (re)assessment, assignment of an RM classification level, and Community Protection Unit (CPU) End of Sentence

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Review (ESR) referral shall be done no later than 30 days after arrival at the initial placement from the Reception Center.

b. If 6 to 4 months to his/her ERD, prior to the offender's transfer from the Reception Center, the assigned Counselor shall:

- 1) Initiate the document search;
- 2) Document the Criminal History Summary (CHS) using DOC 21-148 Criminal History Summary;
- 3) Complete the LSI-R (re)assessment;
- 4) Complete the RMI classification process;
- 5) Assign the RM classification level; and
- 6) Complete the CPU ESR referral, if one is required.

c. If 4 months or less to his/her ERD, prior to the offender's transfer from the Reception Center, the assigned Counselor shall:

- 1) Initiate the document search;
- 2) Document the CHS using DOC 21-148 Criminal History Summary;
- 3) Conduct the LSI-R (re)assessment;
- 4) Complete the RMI classification process;
- 5) Assign the RM classification level;
- 6) Complete the CPU ESR referral, if one is required;
- 7) Complete an OAP w/TP; and
- 8) Initiate a Risk Management Intensive Transition (RMIT) Team, if required per DOC 320.410 Offender Risk Management.

a) After these steps are completed, the offender may be transferred upon completion of the initial classification process. The initial placement shall be based on the offender's RMI classification and proposed residence location in the OAP w/TP.

d. If less than 30 days to Actual Release Date (ARD), the offender shall remain at WCC-RC or WCCW until release.

- 1) If more than 15 days to serve, the document search shall be started immediately.
- 2) If less than 15 days to serve, the field shall be responsible for the document search.

B. 18 Months Prior to the ERD

1. The assigned facility CCO/Counselor shall:

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- a. Request a completed DOC 13-380 Transfer/Transition of Offender from medical staff;
  - b. Assign an RMI classification level;
  - c. Develop an OAP; and
  - d. Refer the case to CPU ESR if required.
2. Once assigned an RMI classification, the offender shall be placed on a time-driven review schedule as follows:
    - a. RM-A – quarterly reviews;
    - b. RM-B – semi-annual reviews;
    - c. RM-C – annual reviews; and
    - d. RM-D – annual reviews.
  3. Activities shall occur at each review based on Risk Management A - D Timelines (attached) or Risk Management Intensive Transition Timeline (attached) for each RM classification level.
  4. Significant actions by the offender or new information received that would result in a change to the OAP are also grounds for a plan review. When a plan review occurs, the time frames for the regularly scheduled review start over.
- C. 6 Months Prior to the ERD, at a Regular Review
1. The assigned facility CCO/Counselor shall assess the availability of resources to assist the offender in the transition process. This process shall include the discussion with the offender to address issues to assist in the development of the OAP w/TP. Suggested questions are included in the Transition Process Offender Discussion Guide (attached).
- D. 4 Months Prior to the ERD
1. Facility CCO/Counselors shall initiate the OAP w/TP.
    - a. If the offender is required by law to have an approved plan and does not have one, s/he may be held until his/her maximum expiration (Max Ex) date.
      - 1) If the offender will "max out":
        - a) The RMIT Team shall develop a TP that shall be used as a Community Protection Plan on all high-need RM-B offenders and RM-A offenders classified RM-A due to:
          - (1) An LSI-R score of 41 or more and one or more convictions for violent offenses;

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- (2) Dangerously Mentally Ill Offenders (DMIO);
- (3) Level III sex offenders; and/or
- (4) Imminent and unremitting threat.

b) All other RM-A offenders released on their Max Ex date shall have their TP developed by the Risk Management Transition Team Other (RMTO). The TP will be used as a Community Protection Plan and forwarded to the Assignment Officer in the county of release.

- (1) To mitigate the offender's risk to do harm upon release, the Assignment Officer may share the Community Protection Plan with other agencies that have an interest in monitoring or surveillance of the offender in the community.

b. All offenders who need a plan developed, and are eligible for transition assistance from an RMIT Team, shall have the OAP w/TP assigned immediately to a field CCO for plan development/ investigation through the Community Risk Management Specialist.

c. When an OAP w/TP for other than RMIT Team cases is submitted for investigation, the plan shall be investigated as required, based on the offender's assigned RM classification level. The investigation shall be completed within 30 days after receipt of the *Community Release Plan Packet (CRPP)*.

E. Prior to the ARD, facility Records staff shall complete CPU Victim/Witness notifications per DOC 390.300 Victim/Witness Notification and Law Enforcement notifications, as legally required.

F. On the ARD, the offender shall be released. If there is a 48-hour plan developed and approved by the RMIT Team, it is put into effect.

G. Within 30 days after release, the supervising field CCO shall conduct an intake when one is required based on the offender's assigned RM classification level and DOC 310.100 Intake.

H. Offenders transitioned with assistance from an RMIT Team shall have a 60-day post-release review.

## II. Document Search

A. Not later than the offender's regularly scheduled review prior to 18 months from his/her ERD, the assigned facility CCO/Counselor shall initiate a document search in order to complete the Risk Management Identification classification

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and/or End of Sentence Review process. The document search will be conducted per the Document Search Procedure (attached.)

### III. Risk (re)assessment

- A. At 18 months from the offender's ERD, the assigned facility CCO/Counselor shall:
1. Request a completed DOC 13-380 Transfer/Transition of Offender from medical staff.
  2. (Re)assess the offender using the LSI-R. Offender Based Tracking System (OBTS) DT55 LSI-R subcomponent narratives with information to support any change in a subcomponent score shall be updated.
  3. Complete the RMI assessment. The assessment shall be documented using DOC 02-191 Risk Management Identification Worksheet and OBTS DT55 Description of Violence and Victim and Community Concerns narrative components.
    - a. Staff shall consider the offender's criminal history, including arrest and offense behavior patterns, when assigning an RM classification level.
  4. Additional risk assessment tools (e.g., Minnesota Sex Offender Screening Tool (MNSOST), Rapid Risk Assessment for Sex Offender Risk (RRASOR), Violence Risk Appraisal Guide (VRAG), Washington State Risk Level Classification (RLC)), as adopted and approved by the Department, may be used by trained, authorized staff to assist in assessing offender risk.
    - a. Assessment results shall be documented on OBTS DT37.
    - b. The assessment documents shall be filed in the offender's central or medical file as appropriate.

### IV. Risk Management Teams

- A. RM Teams shall be used to assist in the development of the offender's OAP and OAP w/TP. RM Teams and their roles are defined in DOC 320.410 Offender Risk Management. The teams include:
1. Facility Risk Management Team (FRMT);
  2. Risk Management Intensive Transition (RMIT) Team;
  3. Risk Management Transition Team Other (RMTO); and
  4. Community Risk Management Team (CRMT).

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V. Offender Accountability Plan Without Transition Plan

- A. At 18 months prior to the offender's ERD, or immediately for those offenders with less than 18 months to serve, the facility CCO/Counselor shall create an OAP w/oTP per DOC 320.420 Offender Accountability Plans.
  - 1. An RM classification level must be assigned in order to create an OAP w/o TP.
  - 2. For all RM classification levels, the OAP shall include OBTS DT55 LSI-R and RMI assessment narratives and the Risk Narrative section.
- B. The assigned facility CCO/Counselor shall, as approved by the FRMT, complete the OAP and forward it for review and approval through the facility Classification Review/ Approval process within 30 days of the date it is initiated.

VI. Offender Accountability Plan With Transition Plan

- A. At 4 months prior to the offender's ERD, the facility CCO/Counselor shall initiate the OAP w/TP and complete the TP component of the OAP w/TP per the procedures outlined in Offender Accountability Plan with Transition Plan Procedures (attached).
- B. In determining the appropriateness of a TP, the offender's risk, past compliance with supervision requirements, all OBTS DT37 "CC" chrono entries, and *End of Sentence Review Committee (ESRC)* decisions shall be considered. Additional chrono entries may also be considered (e.g., "LE," "RA," etc.).
- C. The TP component of the OAP w/TP shall be completed, with assistance from:
  - 1. An RMIT Team, on all offenders who meet the criteria:
    - a. RM-A offenders classified RM-A due to:
      - 1) An LSI-R score of 41 or more and one or more convictions for violent offenses;
      - 2) DMIOs;
      - 3) Level III sex offenders; and/or
      - 4) Imminent risk.
    - b. High-need RM-B offenders as defined in DOC 320.410 Offender Risk Management.
  - 2. An RMTO:
    - a. May be convened by the assigned CCO after consultation with the facility CCO/Counselor for RM-A offenders who do not meet the criteria for RMIT Team.

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- b. Will be convened by the field CCO when a plan is denied on an RM-A or RM-B offender per DOC 320.410 Offender risk Management.
    - 3. The FRMT for all other offenders who are not being released on the Max Ex date of an indeterminate cause.
  - D. Staff shall not complete or forward a TP for investigation if:
    - 1. They know it will place the offender in a situation where s/he is likely to re-offend;
    - 2. It will place the offender in violation of the J&S and/or Department conditions;
    - 3. The sponsor withdraws; or
    - 4. The *ESRC* has determined that the offender meets the criteria for referral as a sexually violent predator under RCW 71.09.
  - E. The reason for not referring the plan shall be entered on OBTS DT37 using the "CA" chrono code.
  - F. Only one TP at a time shall be submitted for investigation per offender.
    - 1. For offenders being transitioned with the assistance of an RMIT Team, more than one potential residence may be investigated for a plan (e.g., an Out Of State (OOS) and a county of conviction on a "to be developed" (TBD) plan).
  - G. The TP component shall be used by facility staff to:
    - 1. Document individuals, activities, programs, services, and needed resources, including additional financial resources for necessary personal or living expenses, which shall contribute to the mitigation of the offender's risk to do harm and the offender's successful transition from a Department total or partial confinement facility to the community; and
    - 2. Document the offender's release address, any verified employment, and means of transportation to the release residence.
- VII. Offender Accountability Plan With Transition Plan Investigation
  - A. For RM-A, RM-B, and RM-C offenders releasing to *community custody* for supervision in the community, a review and investigation of the OAP w/TP by the field CCO is required.

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1. When a CCO is assigned as a member of an RMIT Team, s/he will assist in the development and investigation of an OAP w/TP.
  - a. If a proposed residence is developed for DMIO's, sex offender's, and offenders assigned to RM-A's, due to imminent/unremitting threat cases, a Community Release Referral (CRR) shall be sent to the CPU Victim/Witness section.
    - 1) CPU will address the referral per DOC 390.300 Victim/Witness Notification.
    - 2) Concerns related to victim's safety will be given great weight, and may result in a development Victim/Witness Wrap Around Plan per DOC 390.300 Victim/Witness Notification.
  - b. An OAP w/TP for all other RM-A, RM-B, and RM-C offenders shall be referred for investigation through the Assignment Officer in the county of release.
    - 1) Facility staff shall submit a CRR to the Assignment Officer.
    - 2) The Assignment Officer shall assign the case for investigation to a field CCO.
    - 3) Facility staff shall forward the OAP w/TP to the assigned field CCO for investigation.
    - 4) The CCO assigned the investigation shall be responsible for coordinating the offender's transition with the assigned facility CCO/Counselor and other members of the RMTO or CRMT.
2. A *CRPP* shall be forwarded by the facility CCO/Counselor to the field CCO assigned the investigation.
  - a. The *CRPP* content requirements are based on the offender's RM classification level and case specifics. *CRPP* content requirements are listed on DOC 20-047 Community Release Plan Packet Checklist.
  - b. The investigating CCO may request copies of any available file material through the assigned facility CCO/Counselor in addition to the documents that the facility provides in the *CRPP*.
3. The investigating CCO shall visit the proposed residence as part of the investigation.

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- a. The CCO shall assess the degree of risk for victims and potential victims of similar age or circumstances when investigating the TP for sex offenders.
  - b. The CCO shall collaborate with the Child Protective Services/Adult Protective Services (CPS/APS) per DOC 350.550 Reporting Abuse and Sex Offender Contact.
  - c. Plans with victimization concerns requiring mandatory reporting require approval by the Office/Unit Supervisor.
    - 1) Sex offenders shall not return to a residence where minor victim(s) or other children of similar age are present unless:
      - a) A family reunification plan is in effect by order of the Court or Department guidelines;
      - b) The Court is aware the offender will be returning to the home; and
      - c) CPS/APS is involved in the case.
  - d. The proposed sponsor shall be informed of:
    - 1) The offender's criminal history;
    - 2) Recommended level of sex offender notification and that local law enforcement may conduct community notification if the offender is a sex or *kidnapping* offender, if applicable; and
    - 3) Conditions of release.
  - e. When the offender will reside in an apartment complex, the apartment manager shall be informed of the possibility of public notification.
  - f. This action shall be noted on OBTS DT37 using an "FC" chrono code.
4. All other sections noted on the offender's TP shall be reviewed, the investigating CCO shall update the OAP w/TP and make recommendations to mitigate risk and enhance the offender's opportunity for a successful transition. Recommendations may include approval for up to an additional \$60, as authorized in RCW 72.02.100, for offenders being paroled to an Indeterminate Sentence Review Board (IRSB) approved plan. Other sections may include:

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- a. Treatment needs and availability;
  - b. Community concerns/access to potential victims;
  - c. Support system;
  - d. Available resources; and
  - e. Employment.
5. For all RM-A and RM-B cases, the investigating CCO shall update the OAP components of the OAP w/TP per DOC 320.420 Offender Accountability Plans.
  6. For all RM-C cases where the investigating CCO has evidence that the offender's criminal behavior and/or the offender's access to and/or control of victims or potential victims warrants targeting specific risk factors:
    - a. Intervention strategies for the targeted risk factor shall be developed using Court-ordered or Department-imposed conditions.
    - b. Imposing a Department condition in an RM-C case requires the approval of the Field Administrator (FA). In the event a Department-imposed condition is approved by the FA, conditions may include:
      - 1) Prohibitions that will interrupt the offender's criminal behavior and/or access to and control of victims and potential victims;
      - 2) Affirmative acts intended to result in long-term mitigation of the offender's assessed risk to cause harm; and
      - 3) Reparations to the community for the harm done.
    - c. A verification plan to assess the extent of the offender's compliance with the conditions imposed in the intervention strategy is required.
      - 1) At a minimum, compliance entries shall be made at the time of the offender's regularly scheduled review and may also occur when the offender's non-compliance results in an updated OAP.
  7. All OAPs require the review and approval of the investigating CCO's Supervisor. The approval should occur after the TP has been approved.
  8. The approved OAP component of the OAP w/TP shall address, at a minimum, the plan for management of the offender from the point of release through the point of intake in the CCO's office after the offender is released.

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- B. The procedures in RM-D OMMU Referral and Release Procedure (attached) will be used to transition RM-D offenders releasing to *community custody* for supervision in the community.
- C. For all RM classification levels:
1. Staff shall not complete a referral/investigation for an offender with an in-state hold/detainer if the potential sentence is longer than 4 months or if release to detainers, Immigration and Naturalization Services (INS), or other jurisdictions has been confirmed by the CRM/designee.
  2. The offender may be released to the detainer up to 10 days prior to his/her ERD as authorized per DOC 350.240 Ten Day Release Denial.
  3. Staff shall complete the referral/investigation on an offender with an in-state hold/detainer when the potential confinement on the detainer is 4 months or less.
    - a. If the plan is approved:
      - 1) The offender may be released to the detainer up to 10 days prior to his/her ERD per DOC 350.240 Ten Day Release Denial;
      - 2) The investigating CCO shall telephone the Assignment Officer in the county of layover/detention and request an intake assignment;
      - 3) The layover office shall check-date the jail release on OBTS DT07, complete intake per DOC 310.100 Intake, and ensure the transfer on the day of release; and
      - 4) DOC 20-311 Order of Release shall be sent to the county of approved residence per DOC 350.250 Order of Release and/or Transfer to Community Custody.
    - b. If the plan is denied, the offender shall remain in custody until s/he develops a TP that is approved or to within 10 days of the Max Ex date of his/her sentence.
  4. For all offenders requesting consideration for OOS placement/release and who require an approved release plan, the facility CCO/Counselor shall forward the OAP w/TP and 3 copies (2 for Oregon) of the core CRPP requirements plus interstate and ESRC attachments, if applicable, to the Headquarters Interstate Compact Unit (ICU) 105 days prior to the ERD.

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VIII. Monetary Releases

- A. Monetary releases will be conducted per Monetary Release Procedures (attached).

IX. Notifications and Release

- A. For all RM-A, RM-B, and RM-C cases referred for investigation to a field CCO, the CCO shall complete the community release investigation within 30 days of receipt of the *CRPP*. Completion of the investigation shall be documented as follows:
1. The approved address shall be entered on OBTS DT24. The name(s) and age(s) of the person(s) approved to reside with the offender, any potential victim-aged children if the offender is a sex offender, and any other appropriate information shall be entered on OBTS DT37.
  2. The OAP and TP investigation sections shall be updated based on the offender's assigned RM classification level.
    - a. Review and approval of the investigated OAP w/TP by the investigating CCO's Supervisor is required for all sex offender plans and any plan being recommended for denial.
    - b. The investigating CCO shall review all *close proximity* issues with his/her immediate Supervisor prior to recommending approval or denial of the residence.
  3. For offenders assigned the classification level of RM-A, RM-B, or RM-C when an approved release plan is required, the investigating CCO shall deny release plans:
    - a. When the offender's plan is to return to a residence where there is a victim(s) that the CCO believes is at risk; or
    - b. If the *ESRC* has determined that the offender appears to meet the definition of a sexually violent predator and s/he has been referred for Civil Commitment under RCW 71.09.
    - c. If the *ESRC* has determined that the offender meets the criteria of and has been referred for civil commitment under RCW 71.05.
  4. The investigating CCO shall telephone/E-mail the assigned facility CCO/Counselor to determine if there is/are alternate residence(s) when the initial plan is denied because the address:
    - a. Is not available;
    - b. Will place the offender in violation of Court-imposed conditions;

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- c. Will place the offender at a likely risk to re-offend; and/or
  - d. Will place a sex offender in the same house or in *close proximity* to the minor victim(s), school, child care center, playground, or other facility where children of similar age and circumstances surrounding the conviction are present and who may be put at substantial risk of harm by the offender residing at that location.
- 5. If an alternative residence/plan is developed between the facility CCO/Counselor, the offender, and the field CCO, the new plan shall be re-submitted as a new TP and a new CRR shall be sent.
- 6. CCOs assigned as members of an RMIT Team to assist in developing a TP for an offender shall remain assigned and actively involved in developing a plan until the RMIT Team determines no plan is available.
- B. If the plan is denied and there is no alternate plan:
  - 1. The TP component of the OAP w/TP shall be recommended for denial by the CCO and forwarded to the CCO's Supervisor for review;
  - 2. The CCO's Supervisor shall review the denial;
  - 3. The *CRPP* shall be forwarded to the Records unit of the facility where the offender is located; and
  - 4. The CCO shall enter the denial on OBTS DT07 and DT37 with reasons for denial.
    - a. If the Supervisor denies the plan, the plan status shall be set to "Denied" and the TP forwarded to the facility CRM/designee who shall notify the assigned facility CCO/Counselor.
    - b. If the Supervisor does not concur with denial, s/he may approve it and forward it to the assigned facility CCO/Counselor, or return it to a field CCO for additional action/investigation.
- C. When a previously approved plan is denied based on additional information, the CCO shall immediately notify:
  - 1. The Victim/Witness Program at "V/W2" E-mail mailbox;
  - 2. *ESRC* at "EOSR" E-mail mailbox;
  - 3. The facility Records Manager where the offender is assigned;
  - 4. The field Records Manager where the offender was initially approved; and
  - 5. The assigned facility CCO/Counselor.
- D. Offenders who are required to have an approved release address in order to be released on or about their ERD and do not have an acceptable plan, regardless

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of their assigned RM classification level, shall be managed through the following process:

1. Work Ethic Camp (WEC) cases shall be referred to the WEC Transition Specialist. The WEC Transition Specialist shall develop a release plan per DOC 790.100 Work Ethic Program.
  2. All others shall remain in total/partial confinement until an acceptable address is established or they reach their Max Ex date (i.e., *post release supervision (PRS)* or *Community Custody Past Maximum Expiration Date (CCM)*).
- E. For all releases, CRMs/designees shall, upon receipt of the approved plan or prior to the Max Ex date if there is no approved plan, notify law enforcement and the Victim/Witness Unit as outlined in DOC 350.250 Order of Release and/or Transfer to Community Custody, DOC 350.600 Teletype Notification of Release of Offenders, and DOC 390.300 Victim/Witness Notification.
- F. An alternate plan to the same county where notifications were previously made will not delay the offender's release. This will not re-start the time frames for notification. CRMs shall:
1. Complete notifications of an alternate plan to the Victim/Witness Unit using OBTS DT22, and to law enforcement as a re-notification; and
  2. Re-register sex and kidnapping offenders.
- G. The CRM/designee of the facility where the offender is housed shall send E-mail notification of the offender's release per DOC 350.250 Order of Release and/or Transfer to Community Custody.
- H. CRMs/designees and Work Release CCOs shall transfer/release offenders per DOC 350.250 Order of Release and/or Transfer to Community Custody.
- I. The status transfer date shall be suspended for an offender who receives a Category A infraction prior to transfer to *community custody*, provided that earned release credits remain on the sentence. The offender cannot be held past his/her Maximum Expiration date.
- J. 2 weeks prior to the transfer/release, the CRM/designee or Work Release CCO shall:
1. Prepare DOC 20-311 Order of Release;
  2. Obtain the offender's signature; and
  3. Attach a photo of the offender to the order and forward it to the assigned supervising CCO.
    - a. The original document shall be retained in the central file.



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1. A field intake shall be scheduled and completed within 30 days of the offender's release per DOC 310.100 Intake.

**DEFINITIONS:**

The following words/terms are important to this Policy Directive and are italicized and defined in the Glossary section of the Policy Directive Manual: Close Proximity, Community Custody, Community Custody Past Maximum Expiration Date (CCM), Community Release Plan Packet (CRPP), End of Sentence Review Committee (ESRC), Kidnapping, Post Release Supervision (PRS). Other words/terms appearing in this Policy Directive may also be defined in the Glossary.

**ATTACHMENTS:**

Document Search Procedure  
P194 LSI-R RM-D Transition Reassessment  
Monetary Release Procedure  
Offender Accountability Plan with Transition Plan Procedure  
Risk Management A - D Timelines  
Risk Management Intensive Transition Timeline  
RM-D OMMU Referral and Release Procedure  
Transition Process Offender Discussion Guide

**DOC FORMS (See Appendix):**

DOC 02-191 Risk Management Identification Worksheet  
DOC 05-529 OMMU Conditions, Requirements and Instructions  
DOC 13-380 Transfer / Transition of Offender  
DOC 20-047 Community Release Plan Packet Checklist  
DOC 20-306 Risk Management Sponsor Form  
DOC 20-311 Order of Release  
DOC 21-148 Criminal History Summary

## DOCUMENT SEARCH PROCEDURE

- I. Not later than the offender's regularly scheduled review prior to 24 months from his/her ERD, the assigned Counselor/CCO shall perform a criminal history record check. The check shall include, at a minimum, a review of National Crime Information Center (NCIC), Washington Crime Information Center (WACIC), District Statewide Court Information Center (DISCIS), and Superior Court Management Information Center (SCOMIS) reports, not older than 6 months, and all offense behavior information available in the offender's facility file (i.e., pre-sentence investigations (PSI), CHS, Prosecuting Attorney Statements of Probable Cause, etc.).
  - A. The assigned Counselor/CCO shall request offense behavior information and documentation for all serious violent and violent arrests and all felony level convictions regardless of date of offense for which there is no offense behavior information currently available.
  - B. The assigned Counselor/CCO shall request offense behavior information and documentation available for the last cumulative 5-year period in the community if no information is currently for:
    1. Any domestic violence or assault; and
    2. Violation of restraining order arrests.
  - C. The document search/request process for facility staff is:
    1. Counselor/CCO reviews the offender's file for offense behavior information (i.e., PSI reports, Statements of Probable Cause, Police reports, etc.) related to the offenses identified from the criminal history records check. If no offense behavior information is available, the Counselor/CCO shall request the facility Correctional Records Manager (CRM)/designee to review available information that may not yet have been filed to determine if the requested information is available.
    2. The CRM/designee shall review information that has not yet been filed to locate the requested information. If the information is located, the Counselor/CCO shall be notified and completes the review. If the information is not located, the CRM/designee shall forward the request(s) each week to the Office of Correctional Operations (OCO) Classification Unit imaging file room (OCO imaging file room). Requests shall be documented on OBTS DT07, using the code 659.

## DOCUMENT SEARCH PROCEDURE

3. OCO imaging file room staff shall review the imaged file for the requested information. If the requested information is available, it shall be forwarded to the CRM/designee at the facility where the offender is assigned. If the information is not available, the OCO imaging file room staff shall request offense behavior information from the source agency and maintain a record of the request and any subsequent follow-up requests.
    - a. Upon receipt of the requested information from the source agency, the OCO imaging file room shall scan the document(s) into the imaged file and forward the documents to the CRM/designee at the facility where the offender is assigned.
  4. Upon receipt of the information from the OCO imaging file room, the CRM/designee shall notify the assigned Counselor that the requested information has been received and is available for review to update the offender's CHS.
- II. Upon receipt of the criminal history and criminal behavior information, the Counselor/CCO shall initiate or update the existing criminal history and criminal behavior summary information for use in the assessment process.
- A. The information shall be documented on DOC 21-148 Criminal History Summary per the content and format directions in Criminal History Format –Recommended (attached).
  - B. The DT07 659 entry will be closed.

### EMOTIONAL/PERSONAL

Use assessment criteria established in the LSI-R Scoring Guide.

**NOTE: If item #47 is scored "YES," offender meets criteria for the High Need RM-B classification.**

### ATTITUDE/ORIENTATION

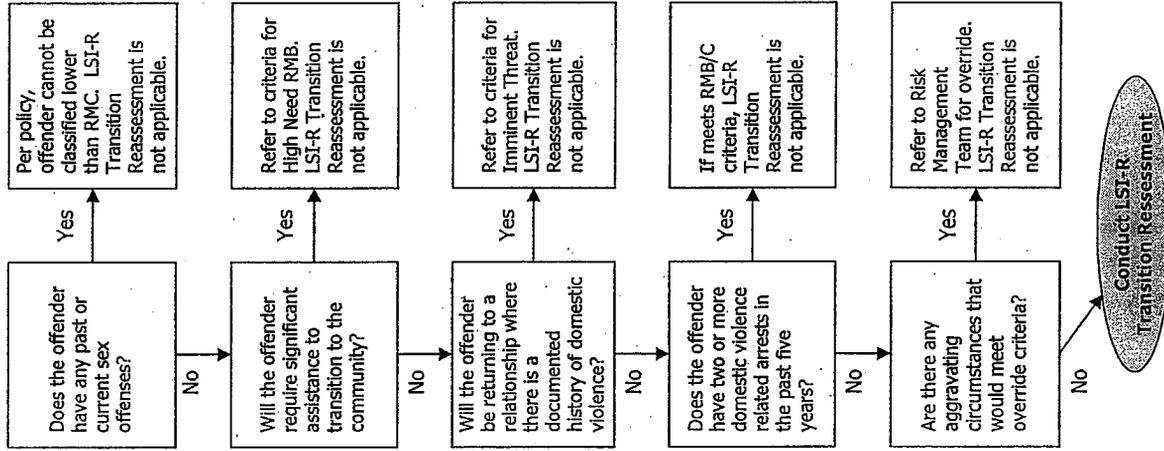
Use assessment criteria established in the LSI-R Scoring Guide.

- Determine if effort has been made by the offender while incarcerated to address dynamic risk factors.
- Assess attitude towards financial obligations, restitution, child support, work release debts, etc.
- Assess attitude towards release planning, pending supervision, reparation plan.

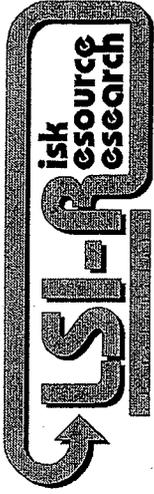
### POLICY DOC 350.200 (Summary)

At 4 months prior to the offender's ERD, the CC, CCO, or CMHC shall complete an LSI-R Transition Reassessment per the criteria stated herein. The transition reassessments shall be based on verified status elements of the offender's transition plan (employment, residence, treatment, etc.)

### RMD DECISION TREE



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DOC P194 (Rev. 3/02)



"Working Together for SAFE Communities"

## RMD TRANSITION REASSESSMENT

The purpose of the LSI-R RMD Transition Reassessment is to assess those factors that, upon release, pose increased risk through invitation (companions or family with pro-criminal influence), temptation (place and circumstances providing opportunity, e.g., access to drugs or alcohol) and provocation (imminent situation). The offender's attitude and capacity to resist or respond appropriately to these factors is also evaluated. The resulting LSI-R score will determine the level of supervision upon release.

### LSI-R Team

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## **CRIMINAL HISTORY**

Review Criminal History, NCIC, WACIC, DISCIS, and DI46 to ensure all criminal history, infractions, and violent behavior scored. Use assessment criteria established in the LSI-R Scoring Guide.

## **EMPLOYMENT/EDUCATION**

**Item #11 can score "NO" if:**

- Upon release, offender will have verified employment of at least 20 hours per week. Verification includes a letter from the prospective employer with the business's name and address, supervisor's name and business phone number, start date, pay range, schedule of days and hours per week, and job description.
- **Self-employed:** Assess history of viable support through own business. Business license is current, with accurate information. Taxes paid when working.
- **Pensioners:** Verified retirement or disability benefits are sufficient to support.
- **Homemaker:** Determine if this is a choice as a productive, pro-social "unpaid job," with other means of financial support available.
- **Seasonal Worker:** If released during "on season," verification is required. If released during "off season," it is verified that financial provisions have been made for period of non-employment prior to returning to verified employment.

**Items #18, 19, 20**

- Automatically score 0 - cannot rate rewards until after employment begins.

## **FINANCIAL**

**Item #21 can score "0-1" if:**

- Offender plans to rely on friends or family for support;
- Offender has no financial plan to meet financial obligations.

**Item #21 can score "2-3" if:**

- Offender is releasing to spouse, who can adequately support and meet all financial obligations.
- Offender has verified employment (see Item #11); with sufficient income to meet financial obligations.

**Item #22 scores "YES" if:**

- Release plan includes obtaining social assistance.

## **FAMILY/MARITAL**

Use assessment criteria established in the LSI-R Scoring Guide.

## **ACCOMMODATION**

**Item #27 and 29**

- Score Item #27 "0-1" and Item #29 "YES" if offender has no established address, or address provided places offender at risk for continued criminal behavior.
- Score Item #27 "2-3" and Item #29 "NO" if address is verified and will NOT allow opportunity for or place offender at risk for continued criminal behavior.
- Use assessment criteria established in the LSI-R Scoring Guide. Community Corrections, police or other collaterals can assist in assessing the accommodation and/or neighborhood.

## **LEISURE/RECREATION**

Use assessment criteria established in the LSI-R Scoring Guide.

## **COMPANIONS**

**Item #35**

- If previously scored "YES," it can only be changed to a "NO" if, while incarcerated, the offender developed a pro-social relationship (sponsor, clergy, mentor, etc.) and is verified through that collateral that the relationship will continue after release.

## **ALCOHOL/DRUG PROBLEMS**

**Items #37-45**

- If the initial LSI-R was completed prior to incarceration, or at initial placement (so the assessment period included community behavior), use those scores for Items #37-45.
- If no LSI-R was completed that assessed community behaviors, review criminal behavior to determine if alcohol or drug usage played a role in the offender's criminal behavior patterns. If so, score Items #39 and/or #40 "0-1." Use criminal history information, offender self report, and collateral information to assess which of Items #41-45 were impacted by the alcohol and/or drug usage, and score according to the established rules and guidelines in the LSI-R Scoring Guide.

### EMOTIONAL/PERSONAL

Use assessment criteria established in the LSI-R Scoring Guide.

**NOTE: If item #47 is scored "YES," offender meets criteria for the High Need RM-B classification.**

### ATTITUDE/ORIENTATION

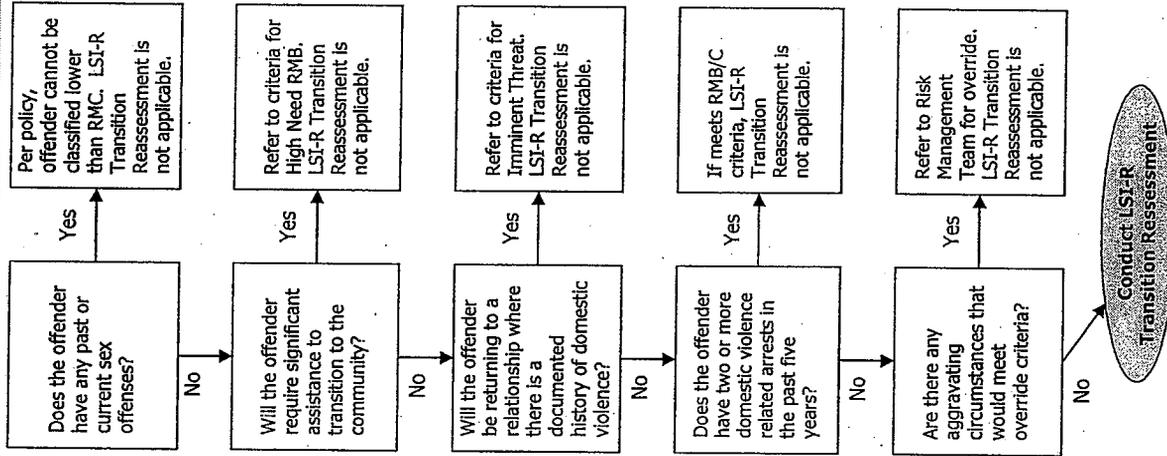
Use assessment criteria established in the LSI-R Scoring Guide.

- Determine if effort has been made by the offender while incarcerated to address dynamic risk factors.
- Assess attitude towards financial obligations, restitution, child support, work release debts, etc.
- Assess attitude towards release planning, pending supervision, reparation plan.

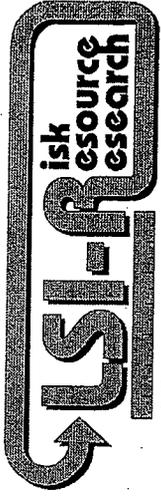
### POLICY DOC 350.200 (Summary)

At 4 months prior to the offender's ERD, the CC, CCO, or CMHC shall complete an LSI-R Transition Reassessment per the criteria stated herein. The transition reassessment shall be based on verified status elements of the offender's transition plan (employment, residence, treatment, etc.).

### RMD DECISION TREE



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DOC P194 (Rev. 3/02)



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## RMD TRANSITION REASSESSMENT

The purpose of the LSI-R RMD Transition Reassessment is to assess those factors that, upon release, pose increased risk through invitation (companions or family with pro-criminal influence), temptation (place and circumstances providing opportunity, e.g., access to drugs or alcohol) and provocation (imminent situation). The offender's attitude and capacity to resist or respond appropriately to these factors is also evaluated. The resulting LSI-R score will determine the level of supervision upon release.

### LSI-R Team

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## **CRIMINAL HISTORY**

Review Criminal History, NCIC, WACIC, DISCIS, and DI46 to ensure all criminal history, infractions, and violent behavior scored. Use assessment criteria established in the LSI-R Scoring Guide.

## **EMPLOYMENT/EDUCATION**

### **Item #11 can score "NO" if:**

- Upon release, offender will have verified employment of at least 20 hours per week. Verification includes a letter from the prospective employer with the business's name and address, supervisor's name and business phone number, start date, pay range, schedule of days and hours per week, and job description.
- **Self-employed:** Assess history of viable support through own business. Business license is current, with accurate information. Taxes paid when working.
- **Pensioners:** Verified retirement or disability benefits are sufficient to support.
- **Homemaker:** Determine if this is a choice as a productive, pro-social "unpaid job," with other means of financial support available.
- **Seasonal Worker:** If released during "on season," verification is required. If released during "off season," it is verified that financial provisions have been made for period of non-employment prior to returning to verified employment.

### **Items #18, 19, 20**

- Automatically score 0 - cannot rate rewards until after employment begins.

## **FINANCIAL**

### **Item #21 can score "0-1" if:**

- Offender plans to rely on friends or family for support;
- Offender has no financial plan to meet financial obligations.

### **Item #21 can score "2-3" if:**

- Offender is releasing to spouse, who can adequately support and meet all financial obligations.
- Offender has verified employment (see Item #11); with sufficient income to meet financial obligations.

### **Item #22 scores "YES" if:**

- Release plan includes obtaining social assistance.

## **FAMILY/MARITAL**

Use assessment criteria established in the LSI-R Scoring Guide.

## **ACCOMMODATION**

### **Item #27 and 29**

- Score Item #27 "0-1" and Item #29 "YES" if offender has no established address, or address provided places offender at risk for continued criminal behavior.
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## MONETARY RELEASE PROCEDURE

- I. For RM-A and high need RM-B cases, the CCO/Counselor shall complete the TP component of the OAP w/TP as a Community Protection Plan and forward it electronically to the OMMU Assignment Officer in or nearest to the offender's county of release.
- II. For all other RM-B, RM-C, and RM-D offenders, the CCO/Counselor shall complete the residence section of the TP if the offender has provided an address.
  - A. If the offender does not provide an address, enter "Offender has provided no address" in the address line one field of the residence section.
- III. For all offenders:
  - A. A CRR is forwarded to the OMMU Assignment Officer in or nearest to the county of release: NOTE: A list of OMMU Officers can be found on the DOC Mail Bulletin Board.
  - B. The Assignment Officer will determine the appropriate Community Corrections Assistant or community corrections Officer and forward the CRR to the staff member.
  - C. Facility staff will forward the OAP w/TP to the designed staff as assigned by the OMMU Assignment Officer.
- IV. The assigned CCA shall request all inactive field files on the offender and any J&S needed to complete the intake process.
- V. When it has been determined the offender will be releasing as monetary only, the assigned OMMU CCA shall prepare all intake paperwork and forward the prepared intake packet to the CRM at the facility where the offender is assigned.
  - A. Staff designated by the facility Superintendent/Supervisor shall review the intake packet with the offender and shall:
    1. Instruct the offender to comply with all conditions of supervision imposed by the Court;
    2. Have the offender sign DOC 05-529 OMMU Conditions, Requirements and Instructions; and
    3. Send the completed intake packet to the OMMU CCA.
  - B. The offender shall:
    1. Report telephonically when changes occur in his/her address, phone number, employment, contact person and contact person's phone number, or if they are arrested; and
    2. Be assigned to Behavioral Interventions (BI) Telephonic Reporting and given the 900 number, personal identification number (PIN), and password.





STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
**OFFICE OF CORRECTIONAL OPERATIONS**  
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 FAX (360) 688-6582

June 8, 2006

**TO:** All Department of Corrections Staff

**FROM:** Ruben L. Cedeño, Deputy Secretary  
 Mary V. Leftridge Byrd, Deputy Secretary  
 Department of Corrections

**SUBJECT:** Sex Offender Directives

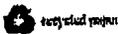
Included in this memo are two important, yet different Department of Corrections Directives regarding sex offenders. These directives are detailed below and are effective immediately.

**Investigation of Community Release Plans (CRR/ORP) for Offenders Identified as a Sexually Violent Predator per RCW 71.09**

Effective immediately: this Directive replaces DOC Policy 350.200 - Risk Based Transition for Offenders, page 8, section D, number 4. The following information will be incorporated into DOC Policy 350.200 upon the policy's next review.

- For offenders identified as a Sexually Violent Predator (SVP) per RCW 71.09: the Department of Corrections shall make decisions per RCW 72.09.340 which states, in making all discretionary decisions regarding release plans for and supervision of sex offenders, the Department of Corrections shall set priorities and make decisions based on assessment of public safety risks. In order to review release plans for offenders considered for civil commitment, the Field Administrator and the End of Sentence Review/Civil Commitment Program Manager will work collaboratively to reach a decision regarding the pending CRR/ORP. The Field Administrator will make the final decision regarding the submitted CRR/ORP. The Field Administrator will also ensure that the Regional Administrator is informed on all decisions made on the release plans of these offenders. This collaboration will be in writing.
- At the time the offender's release plan is assigned to a Community Corrections Officer (CCO) for investigation of plan development or for a specific release address, the CCO must complete the assignment within appropriate time frames. The CCO will review OBTS screen DT07 to confirm whether the offender is being considered for civil commitment as a sexually violent predator under Chapter 71.09 RCW. The following codes identify an offender being considered for civil commitment: 414 (Referred to End of Sentence Review Subcommittee), 415 (SVP evaluation recommended), 433 (Referred to Attorney General/Prosecuting

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EXHIBIT 5

Attorneys Office for SVP consideration), 434 (Attorney General/Prosecuting Attorneys Office filed SVP petition), and 437 (SVP evaluation assigned).

- If the End of Sentence Review Committee has identified an offender for civil commitment consideration, the CCO must review and consider all relevant information, to include static and dynamic factors relating to the offender's risk within the larger community, before the proposed plan can be approved or denied. The CCO must contact their Field Administrator for assistance. The Field Administrator will in turn contact the End of Sentence Review/Civil Commitment Program Manager to ensure that all relevant information is available to them prior to the completion of the assignment.
- For those cases where a forensic evaluation has been completed and an expert has concluded that the offender does meet the criteria for civil commitment as defined under RCW 71.09.020, no proposed community release plan will be deemed sufficiently safe to ensure community protection.
- For those cases where a forensic evaluation is pending a professional assessment of public safety risks, the assigned CCO and Field Administrator must carefully review all available file material to determine whether a proposed plan should be approved when the level of protection necessary to ensure community safety is not fully known.

**Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.070)**

On March 20, 2006, Second Substitute Senate Bill 6172 was signed by Governor Christine Gregoire, which includes increased penalties for the crime of Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct. Effective June 7, 2006, a person who is guilty of knowingly possessing visual or printed matter depicting a minor engaged in sexually explicit conduct is subject to a class B felony sex offense that requires registration under RCW 9A.44.130, as outlined below. Amendments will be reflected in RCW 9.68A.070, RCW 9.94A.030, Chapter 9A.44 RCW, and RCW 9.94A.515.

**Prisons Division Impact**

- OBTS/OMNI updates have been requested. Until changes are implemented, the OBTS DI57 screen is not programmed to recognize RCW 9.68A.070, Possession of Depictions of a Minor as a crime requiring sex offender registration. In the interim, batch reports will be provided to the End of Sentence Review (ESR) Program, and ESR records staff will update the DI57 screen by entering a "D" under the Sexual Motivation column, indicating that registration is required. A chronological record will also be entered on the OBTS DT37 screen to reflect that this has been done. All manual updates will be tracked, and once the

DI57 screen has been programed to accept the registration flag for this RCW, ESR records staff will remove the hand-entered "D" code from the DI57 screen.

- For those offenders who are incarcerated in a Department of Corrections facility with a current or prior conviction for Possession of Depictions of Minors, an End of Sentence Review referral must be submitted 18-24 months prior to the Earned Release Date, in accordance with DOC Policy 350.500. If a referral has already been submitted to and received by the ESR Program during the current incarceration period, another referral should not be submitted unless otherwise requested.

**Community Corrections Division Impact:**

- Offenders under the supervision of or who are released from Department of Corrections confinement after June 7, 2006, and have a conviction(s) of Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct, are required to register as a sex offender if one of the following criteria is met:
  - The offender was convicted on or after June 28, 1991, for the Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct (offense committed on or after February 28, 1990).
  - The offender was in Washington state custody or under the state's supervision on or after July 28, 1991, for the Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct (offense committed before, on, or after February 28, 1990).
- A current OBTS batch report listing those offenders under supervision in each region who meet registration criteria above, will be distributed. Please note that this list includes only those offenders with the RCW 9.68A.070 crime code entered on the OBTS DT02 screen. If an offender is currently under community supervision for another offense but has a prior juvenile conviction or an out of state conviction for a crime that equates to the Possession of Depictions of a Minor, they must register in accordance with the above criteria.
- DOC Policy 350.255 Registration Notification is in the revision process in order to incorporate the recent legislative changes; however the policy will not be updated by the effective date of this legislation (June 7, 2006). The following information will provide direction to staff during the interim of the legislative effective date and the updated policy:
  - **CRR/ORP investigations:** Per DOC policy 350.200, page 10 (d), "The proposed sponsor shall be informed of: 1) The offender's criminal history; 2) Recommended level of sex offender notification and that local law enforcement may conduct community notification if the offender is a sex or kidnapping offender..."; the CCO will not approve release plans for offenders with registration requirements until the ESRC has determined a sex offender notification level; In the event a CRR/ORP has been assigned for investigation and the sex offender notification level has not been assigned, the CCO will contact Dianne Ashlock, Program Manager to inquire when a level will be determined.
  - **Offenders currently under supervision:** the CCO will have the offender review and sign the DOC 20-312 Registration Notification Form (revised June 2006) and direct the offender to report to the County Sheriff's office for registration purposes;

the CCO will confirm with the County Sheriff's Office that the offender complied with the direction to register as a sex offender within seven working days after giving the instruction to register.

- In the event that the offender fails to register, the CCO will work collaboratively with law enforcement to bring the offender into compliance or to bring forward new charges of failure to register.

In summary, the above listed information will be included in the department's upcoming policy revisions.

Please contact the following staff with any questions or concerns:

Offender Registration, Dianne Ashlock 360-725-8659

End of Sentence Review and Civil Commitment, Kimberly Acker 360-725-8651

CRR/ORP Investigations, contact your supervisor.