

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

In re the Personal Restraint Petition of:

JAMES LEE WALTERS,

Petitioner.

RESPONSE OF THE
INDETERMINATE
SENTENCE REVIEW
BOARD

I. INTRODUCTION

Respondent, the Indeterminate Sentence Review Board (ISRB or Board), responds to Walters’s personal restraint petition pursuant to RAP 16.9. After a jury found Walters guilty of kidnapping a 13-year-old neighbor as she walked home from school and committing indecent liberties on her, he received a “determinate plus” prison sentence. During the period when he was appealing his conviction, he refused to admit he had committed a sex offense, and this rendered him ineligible for the prison’s sex offender treatment program (SOTP) at that time. Prior to the expiration of Walters’s minimum term, the Board conducted a hearing under RCW 9.95.420(3) (.420 hearing) and found that he would likely reoffend if released, mainly because he is untreated. The Board added 36 months to his minimum term. Subsequently, Walters applied to the treatment program.

In his petition, Walters claims that the Board cannot consider evidence of past charges against him if a jury had acquitted him of those charges. But the applicable regulation provides that at a .420 hearing, all relevant information shall be admissible. A prior rape charge is relevant.

Walters also claims that the Board abused its discretion by denying release based on the fact that in 2012 he was found not amenable to sex offender treatment as a result of his decision to appeal his conviction. But Walters could have been found amenable to treatment if he had simply acknowledged having committed a sex offense at some point in his life, even if not the crime at issue in his appeal. It was ultimately his choice.

Finally, Walters also claims that the hearing body was not neutral and detached because one of the members of the Board indicated she would not consider releasing him before he went through sex offender treatment. But Walters's lack of sex offender treatment is a sufficient reason for the Board to deny release. The statement regarding his lack of treatment is not evidence of bias.

II. BASIS OF CUSTODY

Walters is in the Department of Corrections' (DOC) custody and under the jurisdiction of the Board pursuant to a Pierce County conviction by jury verdict for first degree kidnapping and indecent liberties, committed on March 8, 2006. Exhibit 1, Judgment and Sentence. The

superior court (the Honorable Rosanne Buckner) sentenced him to a determinate plus sentence with a minimum term of 68 months of confinement and a maximum term of life, plus community custody for any period that Walters is released prior to his maximum term. Exhibit 1, at 5-6. His parole eligibility review date is July 4, 2016.¹ Exhibit 2, OMNI Legal Face Sheet, at 1 (“ERD: 07/04/2016”).

III. STATEMENT OF THE CASE

On direct appeal, this Court summarized the facts of Walters’s crimes as follows:

On March 8, 2006, 13-year-old S.L. was abducted on her way home after school. S.L. lived in a rural area and access to her home was gained through a gate that crosses the road. The bus dropped S.L. off at 3 p.m. that day. The driver watched her enter the gated area. Access is gained by a key pad or an automatic clicker. S.L. lived approximately a mile and a half from the gated entrance. That day she had walked for about a mile. When she approached a fork in the road, she heard a branch snap. She turned and saw a man in a camouflage mask. S.L. testified that she thought it was her neighbor, Walters. She testified that she asked, “Is that you Jimmy?” but did not get a response. She recalled saying something to the effect that he should not scare her like that. She turned and started to walk down the road toward her house when she was grabbed from behind. A towel was thrown over her head and held in place by duct tape that went around her head just below her nose. Her hands were duct taped in front of her. Walters rubbed her buttocks and then lifted her and carried her over his shoulder for a few minutes.

¹ See RCW 9.95.110(1); RCW 9.95.011(1) (“Thereafter, the expiration of the minimum term set by the court minus any time credits earned under RCW 9.95.070 and 9.95.110 constitutes the parole eligibility review date . . .”).

S.L. perceived that she was being taken through the horse fence that surrounded Walter's property. She was then set down on her feet, but Walters grabbed her arm and the back of her neck as he led her through the woods. They ended up in a hole, where Walters made her sit down. He removed the duct tape from her hands, and S.L. tried to remove the towel from her head, but he stopped her and retaped her hands behind her back. He then placed duct tape in her mouth and taped over it. He licked a tear off her face. Shortly thereafter Walters' cell phone rang. S.L. testified that Walters' cell phone had a distinctive ring. She heard him flip open the phone and then close it. He then left. S.L. struggled out of the tape and went home, taking the long route rather than the shorter route through Walters' property. She arrived home to find that her parents had been frantically calling around because she was not there when they arrived home.

S.L. testified that she thought Walters was her abductor because he was wearing clothes that she had seen him wear before and he was standing on Walters' property. S.L. was best friends with Walters' daughter. She had visited his home many times. She testified that Walters was wearing a red flannel jacket, blue jeans, and brown boots. The jacket had elastic on its sleeves. She further testified that she had seen a photograph of Walters wearing that same jacket on the refrigerator in his home.

Police recovered duct tape from the vicinity in which S.L. was held. Clothing similar to that described by S.L. was found at Walters' home. Duct tape was also discovered in the home.

Walters was supposed to pick up his son and S.L.'s brother at the time of the abduction. He did not do so. S.L.'s parents drove the Walters' son home but did not see Walters at the house, although his truck was in the garage. Police presented evidence that Walters' cell phone received a call at the time S.L. indicated hearing the telephone ring. Additional testimony from S.L.'s family and the police

indicated that Walters knew certain details of the abduction before anyone had actually told him about it.

In this second trial,¹ Walters was convicted of first degree kidnapping and indecent liberties.

State v. Walters, 156 Wn. App. 1026 (No. 64967-1-I) (2010) (unpublished).

After Walters was convicted, the superior court imposed a minimum term of 68 months of confinement and a maximum term of life. Exhibit 1. While Walters served his minimum term, he did not participate in sex offender treatment. Exhibit 3, Decisions and Reasons of August 1, 2013, at 4-5. He was found non-amendable for treatment in February 2012 because he was appealing his conviction and denied committing a sex offense. Exhibit 4, End of Sentence Review Committee Report, at 3; Exhibit 5, DOC Policy 570.000, at 3.

When Walters was about to finish serving his minimum term, excluding early release time, the Board held a .420 hearing on July 10, 2013. Exhibit 3. After the hearing, the Board determined Walters was more likely than not to commit a sex offense if released on conditions, and it added 36 months to his minimum term. Exhibit 3, at 1. The Board explained that Walters is currently in prison due to a very serious sex offense and has not yet participated in programming that would mitigate

¹ [Direct appeal opinion footnote] In 2006, Walters was tried for these crimes, but the jury was unable to agree on a verdict and the judge declared a mistrial.

his risk to reoffend. *Id.* at 4. The Board encouraged Walters to participate in SOTP. *Id.* at 5. The Board's full reasons are as follows:

Mr. Walters is currently in the Bookkeeping program and is working within the prison. He has not received any infractions and his behavior is fine within the unit. He receives extensive family support and visits.

In today's hearing, Mr. Walters indicated he did not want to talk about the index offense as he denies that he committed the sex offense and is still appealing. He also described wanting to do sexual deviancy treatment in the community, rather than in prison. The Board explained to Mr. Walters that he is currently in for a very serious sex offense and at this time has not participated in programming to mitigate that risk, so it is unlikely the Board will find him releasable at this time.

The ESRC has classified Mr. Walters as a Level III for community notification. This was an aggravation from a Level I based on "past intervention did not deter sexual re-offending and documented information that increases risk for sexual re-offense." He was assessed as a low-moderate and low risk to sexually re-offend on two different actuarials. The ESRC also referred Mr. Walters's case to the Sexually Violent Predator sub-committee who recommended a Forensic Psychological Evaluation be completed to see if he meets the criteria under RCW 71.09 if he is found releasable by the Board.

Mr. Walter's has the right to appeal his case; unfortunately, this precludes him by his own choice of fully participating in the Board hearing or the Sex Offender Treatment Program (SOTP). Mr. Walters indicates he would like to do whatever is necessary to get back to his family and is willing to do treatment. However, it is unknown if he will be accepted into treatment if he remains in denial that he committed his sex offense. Mr. Walters is currently seen as too high of a risk to release to the community. He is encouraged to participate in any programming that may be

available to him and SOTP once his appeal has been settled.

Exhibit 3, at 4-5.

At the releasability hearing in July 2013, although Walters's direct appeal was not pending (it had concluded in April 2011²), his personal restraint petition was still pending. It is no longer pending, however, having concluded in December 2013.³ Walters accordingly became eligible to apply to the sex offender treatment program. Walters submitted an application in June 2014. Exhibit 6, OMNI Chrono. It is unclear whether his application was approved, and if so, what position Walters is at on the SOTP waiting list. His parole review eligibility date is in July 2016. Exhibit 2, at 1.

IV. STANDARD OF REVIEW

A petitioner who challenges a decision from which he has had "no previous or alternative avenue for obtaining state judicial review" must show that he is under restraint and the restraint is unlawful. *In re Pers. Restraint of Cashaw*, 123 Wn.2d 138, 148-49, 866 P.2d 8 (1994); RAP 16.4(a), (c). Under RAP 16.4, a petitioner may obtain relief by showing either a constitutional violation or a violation of state law. RAP 16.4(c)(2), (6); *see Cashaw*, at 148.

² See docket for Washington Supreme Court Case No. 84772-0.

³ See docket for Washington Supreme Court Case No. 88796-9.

A petitioner must set forth a statement of “the facts upon which the claim of unlawful restraint of petitioner is based and the evidence available to support the factual allegations, . . . [and] why the petitioner’s restraint is unlawful for one or more of the reasons specified in rule 16.4(c).” RAP 16.7(a)(2). However, bare assertions and conclusory allegations of constitutional violations are insufficient to support a personal restraint petition. *In re Pers. Restraint of Rice*, 118 Wn.2d 876, 886, 828 P.2d 1086 (1992).

In regard to offenders serving indeterminate sentences, inmates generally have no liberty interest in being released before serving the full maximum sentence. *In re McCarthy*, 161 Wn.2d 234, 240, ¶ 12, 164 P.3d 1283 (2007). The statutory language of RCW 9.95.420, in particular, gives offenders only a limited liberty interest in “.420” releasability hearings. *Id.* 161 Wn.2d at 245, ¶ 19. To protect offenders’ limited liberty interest, due process requires that offenders have minimum procedural protections at .420 hearings. *Id.*

An offender may seek relief by way of a personal restraint petition if he demonstrates that the Board failed to follow its own rules making minimum term determinations. *Cashaw*, 123 Wn.2d at 150. Otherwise, all Board decisions are subject to review only for an abuse of discretion. *In re Dyer*, 175 Wn.2d 186, 196, 283 P.3d 1103 (2012). An abuse of

discretion may be found where the Board fails to follow its own procedural rules for parolability hearings or where the Board bases its decision on speculation and conjecture only. *Dyer*, 175 Wn.2d at 196 (citing *In re Dyer (Dyer II)*, 164 Wn.2d 274, 286, 189 P.3d 759 (2008)). “The petitioner bears the burden to prove the ISRB abused its discretion.” *Id.* (citation omitted).

The Court must approach the Board’s decisions “with substantial deference” because “the courts are *not* a super [Board] and will not interfere with a [Board’s] determination in this area unless the [Board] is first shown to have *abused its discretion . . .*” *Dyer*, 175 Wn.2d at 196 (emphasis in original; quotation marks and citations omitted). The courts “will not substitute their discretion for that of the [Board].” *Id.* (quotation marks and citations omitted). A prisoner is “subject entirely to the discretion of the [Board], *which may parole him now or never.*” *Dyer*, 175 Wn.2d at 197 (emphasis in original; quotation marks and citations omitted).

V. ISSUES PRESENTED

1. Is the Board authorized in a .420 hearing to consider an offender’s past charges, of which a jury acquitted him, when deciding whether the offender is more likely than not to commit a sex offense if released?

2. Is the Board authorized to deny release at a .420 hearing based on the fact that the offender has not yet gone through sex offender treatment?

3. Was the hearing body at Walters's .420 hearing neutral and detached?

V. ARGUMENT

A. The Nature And Scope Of A RCW 9.95.420 Hearing

In 2001, the Washington Legislature adopted former RCW 9.94A.712 and RCW 9.95.420, authorizing “determinate-plus” sentences for certain sex offenders and assigning responsibility to the Board to implement those sentences. Laws of 2001, 2d Spec. Sess., ch. 12, §§ 303, 306.⁴ In 2008, RCW 9.94A.712 was re-codified as RCW 9.94A.507.

Under the determinate-plus sentencing scheme, before the end of an offender's minimum term, the Board holds a “.420 hearing” and decides whether it is more likely than not that an offender will engage in sex offenses if released on conditions set by the Board. RCW 9.95.420(3)(a). The statute provides that the Board shall release the offender to community custody with appropriate conditions, “unless the board determines by a preponderance of the evidence that, despite such

⁴ The Board is also responsible for indeterminate sentences imposed for crimes committed prior to the July 1, 1984, effective date of the Sentencing Reform Act. *See* RCW 9.95.011 and RCW 9.95.100.

conditions, it is more likely than not that the offender will commit sex offenses if released.” RCW 9.95.420(3)(a) (emphasis added); *see also* RCW 9.94A.704(10) (general authority for the DOC to recommend conditions related to community custody for an offender sentenced under RCW 9.94A.507).

The nature of the offender’s interest in a .420 hearing is limited. The offender is still within the term of his or her criminal sentence. Unconditional release is never at stake in a .420 hearing, as RCW 9.95.420(2) contemplates only a possibility of conditional release to community custody. Neither the statute nor Board policy allow for counsel at a .420 hearing. *McCarthy*, 161 Wn.2d at 245.

After the .420 hearing, if the Board does not order an offender released, it establishes a new minimum term not to exceed an additional five years in duration. RCW 9.95.011(2)(b). The Board makes a release decision by evaluating the offender and the information provided to the Board.

B. The Board Did Not Abuse Its Discretion When It Determined That Walters Was Not Releasable

1. The Board’s Decision Was Properly Based On A Preponderance Of The Evidence

Walters claims that the Board cannot consider evidence of past charges against him if a jury acquitted him of those charges. Petition of

Walters, at 9. But the Board’s standard of proof is lower than that required to convict. A criminal conviction cannot be based on anything less than evidence beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 316, 61 L. Ed.2d 560, 99 S. Ct. 2781 (1979). But a decision to extend a previously convicted offender’s minimum term must be based on only a preponderance of the evidence. RCW 9.95.420(3)(a) (“The board shall order the offender released . . . unless the board determines by a preponderance of the evidence that . . . it is more likely than not that the offender will commit sex offenses if released.”); *cf. Alabama v. Shelton*, 535 U.S. 654, 665, 122 S. Ct. 1764, 152 L. Ed. 2d 888 (2002) (“Once guilt has been established . . . sentencing courts may take into account not only ‘a defendant’s prior convictions, but ... also [his] past criminal behavior, even if no conviction resulted from that behavior.’”).

Accordingly, the Board may consider evidence of uncharged crimes, or evidence of crimes of which an offender was acquitted. *See In re Haynes*, 100 Wn. App. 366, 371, 996 P.2d 637 (2000) (“Any fact or consideration demonstrating that an inmate is not “a fit subject for release is sufficient [for a finding of non-parolability].”).

Walters claims that WAC 381-60-150 controls the evidence the Board may consider, and that under that regulation, the Board cannot consider evidence unless it can verify its trustworthiness. Petition at 11.

However, Walters submits nothing to show that the evidence of the 1983 charges was untrustworthy. But more importantly, that is not the applicable regulation in his case. With respect to a .420 hearing, the applicable regulation is WAC 381-90-140, which has language that is far broader than that of WAC 381-60-150. The applicable regulation simply states, "All relevant information shall be admissible." WAC 381-90-140. Thus, the Board was well within its discretion to consider 1983 charges that resulted in a jury acquittal.

In any case, the Board's decision to extend Walters's minimum term was based primarily on factors other than the 1983 charges of which he was acquitted. The Board did not even mention those charges in its list of reasons for extending his minimum term. Exhibit 3, at 4-5. It mentioned only the End of Sentence Review Committee's leveling decision. It is *that* decision which was based in part upon Walters's 1983 charges. Exhibit 4 at 2-3.

Walters has failed to show that the Board abused its discretion. The Court should dismiss his petition.

2. The Board Can Deny Release Based On Walters Not Having Participated Yet In Sex Offender Treatment

Walters claims that the Board abused its discretion by withholding release because he was found not amenable to sex offender treatment in

2012 as a result of his decision to appeal his conviction. Petition at 17. But Walters could have been found amenable to treatment at that time despite his appeal if he had simply acknowledged having committed a sex offense at some point in his life, even if he was unwilling to admit to having committed the crime he was appealing. *See* Exhibit 5, at 3 (“The offender must acknowledge/recall having committed a sex offense(s) and a belief that treatment will reduce his/her risk to re-offend.”). It was ultimately his choice to not only deny the current offense, but to also deny having committed any prior offense. For example, he could have admitted to the 1983 rape without negative consequences, given that double jeopardy prevents him from being retried on that crime, and given that the facts of those charges are already used by law enforcement for purposes of his registration requirement, his civil commitment potential, and his sex offender level. *See, e.g.*, Exhibit 4.

Furthermore, members of his family who apparently still believe he is innocent of his current crime would not be told if he admitted to the 1983 crime for purposes of SOTP, in light of confidentiality rules. He had no good reason to deny he has committed any sex offense at all. If he truly had wanted to do sex offender treatment in 2012, he could have made the decision to do so.

Regardless, a similar claim was rejected in *In re Dyer*, 175 Wn.2d 186. In that case, the Court held that the Board did not abuse its discretion when it denied Dyer parole based on Dyer's refusal to participate in sex offender treatment, where Dyer maintained that he did not commit the sex offenses for which he was convicted. *See Dyer*, 175 Wn.2d at 205-06. The Court held that it was irrefutable that Dyer remained an untreated sex offender. *Dyer*, 175 Wn.2d at 199. The Court noted that while sex offender treatment is not a cure for sex offenders, the Board determined that Dyer, "without treatment, remains unable to identify or mitigate the behaviors that directly resulted in his incarceration and remains at risk to reoffend if he is released in the community." *Id.* The Court reiterated that it was not improper for the Board to deny parole partly based on the fact that the offender's denial of guilt made him ineligible for the sex offender treatment program. *Dyer*, 175 Wn.2d at 198-99; *see also In re Dyer*, 164 Wn.2d 274, 288, 189 P.3d 759 (2008).

Unlike the inmate in *Dyer*, Walters came before the Board in 2013 for a releaseability hearing under RCW 9.95.420, rather than a parole hearing under RCW 9.95.100. RCW 9.95.100 includes a presumption against parole release, while RCW 9.95.420 includes a presumption in favor of release. Despite that distinction, *Dyer* nevertheless is applicable to Walters because it involves the same simple fact at issue here: a sex

offender, without treatment, remains unable to identify or mitigate the behaviors that directly resulted in his incarceration and remains at risk to reoffend if he is released in the community. *Dyer*, 175 Wn.2d at 199. The Board does not require any sex offender under its jurisdiction to complete sex offender treatment. The Board encourages sex offenders to participate in treatment as a means of mitigating their risk of re-offense. The choice whether to participate in the treatment program is the offender's alone.

It is true that Walters may very well be admitted into the sex offender treatment program at some point soon. But given the circumstances existing in July 2013, the Board did not abuse its discretion in finding that Walters was not releasable in part due to his lack of prior participation in the treatment program. The Court should deny his petition.

C. The Board Was Neutral And Detached At The .420 Hearing

Walters claims that the Board violated his right to procedural due process when one of the members of the Board indicated during his releasability hearing that she would not consider releasing him before he went through sex offender treatment. Petition at 19. Walters claims this is evidence that the hearing body was not neutral and detached. But as discussed above, Walters's lack of sex offender treatment is a sufficient reason for the Board to deny release. Simply stating that fact during the

hearing does not indicate bias by the Board. Therefore, Walters's procedural due process claim fails.

VI. CONCLUSION

Respondent respectfully requests that this Court deny Walters's petition and dismiss this case with prejudice.

RESPECTFULLY SUBMITTED this 23rd day of October, 2014.

ROBERT W. FERGUSON
Attorney General

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CERTIFICATE OF SERVICE

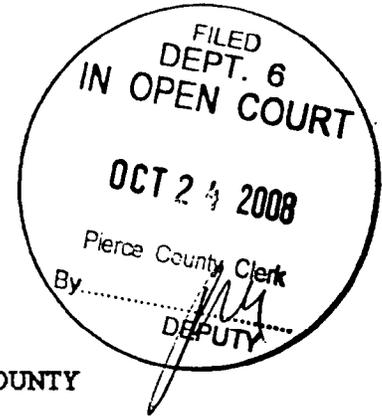
I certify that on the date below I caused to be electronically filed the foregoing document with the Clerk of the Court using the electronic filing system and I hereby certify that I have mailed by United States Postal Service the document to the following non electronic filing participant:

JAMES LEE WALTERS DOC #755724
STAFFORD CREEK CORRECTIONS CENTER
191 CONSTANTINE WAY
ABERDEEN WA 98520

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

EXECUTED this 23rd day of October, 2014, at Olympia, WA.

s/ Hilary Sotomish
HILARY SOTOMISH
Legal Assistant



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

OCT 27 2008

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 06-1-01320-6

NCO

vs

JUDGMENT AND SENTENCE (FJS)

JAMES LEE WALTERS

Defendant.

- Prison RCW 9.94A.712 Prison Confinement
- Jail One Year or Less
- First-Time Offender
- Special Sexual Offender Sentencing Alternative
- Special Drug Offender Sentencing Alternative
- Breaking The Cycle (BTC)
- Clerk's Action Required, para 4.5 (SDOSA), 4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8

SID: WA12318157
DOB: [REDACTED]

I. HEARING

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

II. FINDINGS

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

2.1 CURRENT OFFENSE(S): The defendant was found guilty on September 26, 2008 by plea jury-verdict bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
I	KIDNAPPING IN THE FIRST DEGREE (F4)	9A.40.020(1)(b) 9A.40.020(1)(d) 9.94A.030	SM	03/08/06	PCSO 060670914
II	INDECENT LIBERTIES (I12)	9A.44.100(1)(a)	NONE	03/08/06	PCSO 060670914

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Horn, See RCW 46.61.520, (JP) Juvenile present, (SM) Sexual Motivation, (SCF) Sexual Conduct with a Child for a Fee. See RCW 9.94A.533(8). (If the crime is a drug offense, include the type of drug in the second column.)

as charged in the ORIGINAL Information

08-9-13446-7

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7
- A special verdict/finding of sexual motivation was returned on Count(s) I RCW 9.94A.835.
- This case involves kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

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9
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22

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	ASLT 3	06/30/82	Pierce Co., WA	03/17/82	J	NV
2	UPCS	08/21/96	Pierce Co., WA	05/31/95	A	NV
3	UPFA2	07/02/97	Pierce Co., WA	11/21/96	A	NV
4	RECKLESS ENDANGERMENT	07/23/82	Pierce Co., WA	07/01/82	J	NV
5	THEFT 2	10/20/82	Pierce Co., WA	09/26/82	J	NV
6	VEH PROWL	10/20/82	Pierce Co., WA	09/26/82	J	NV
7	DWLS		Seattle Muni., WA	12/07/88	A	NV
8	THEFT 3		Pierce Co Dist Ct, WA	12/30/90	A	NV
9	POSS/CONSUME LIQUOR		Tacoma Muni., WA	04/20/91	A	NV
10	NVOL		Pierce Co Dist Ct, WA	04/22/91	A	NV
11	NVOL		Pierce Co Dist Ct, WA	05/02/91	A	NV
12	LICENSE NONTRANSFER		Yakima Dist Ct, WA	11/05/91	A	NV
13	OVER BAG LIMIT		Yakima Dist Ct, WA	11/05/91	A	NV
14	NVOL		Tacoma Muni., WA	04/12/93	A	NV
15	DWLS 3		Grays Harbor Dist Ct, WA	12/11/94	A	NV
16	DWLS 3		Thurston Co Dist Ct, WA	06/13/96	A	NV
17	ALST 4		Pierce Co Dist Ct, WA	11/21/96	A	NV

- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

- The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

23
24
25
26
27
28

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	0	X	51-68 MONTHS	NONE	51-68 MONTHS	LIFE/ \$50,000
II	0	X	51-68 MONTHS	NONE	51-68 MONTHS	LIFE/ \$50,000

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

[] within [] below the standard range for Count(s) _____.

[] above the standard range for Count(s) _____.

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

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

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

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

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

[] The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:

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

III. JUDGMENT

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

3.2 [] The court **DISMISSES** Counts _____ [] The defendant is found **NOT GUILTY** of Counts _____

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

JASS CODE

- RTN/RJN \$ _____ Restitution to: _____
- \$ _____ Restitution to: _____
(Name and Address--address may be withheld and provided confidentially to Clerk's Office).
- PCV \$ 500.00 Crime Victim assessment
- DNA \$ 100.00 DNA Database Fee
- PUB \$ 1000 Court-Appointed Attorney Fees and Defense Costs
- FRC \$ 200.00 Criminal Filing Fee
- FCM \$ _____ Fine

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ _____ Other Costs for: _____

\$ _____ Other Costs for: _____

\$ 2800 TOTAL

The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

shall be set by the prosecutor. Δ waives right to be present @ restitution hearing

is scheduled for _____

RESTITUTION. Order Attached

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

All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than \$ _____ per month commencing _____ RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b)

COSTS OF INCARCERATION. In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate. RCW 10.01.160.

COLLECTION COSTS The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

INTEREST The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

COSTS ON APPEAL An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW. 10.73.160.

4.1b **ELECTRONIC MONITORING REIMBURSEMENT.** The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____ for the cost of pretrial electronic monitoring in the amount of \$ _____.

4.2 **DNA TESTING.** The defendant shall have a blood/biological sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

HIV TESTING. The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

4.3 **NO CONTACT**
The defendant shall not have contact with S.L. DOB [REDACTED] (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for Life years (not to exceed the maximum statutory sentence).

Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

4.4 OTHER:

<i>No contact with victim's family members.</i>

4.4a BOND IS HEREBY EXONERATED

4.5 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

(a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

_____ months on Count	<u>II</u>	_____ months on Count	_____
_____ months on Count	<u>I</u>	_____ months on Count	_____
_____ months on Count	_____	_____ months on Count	_____

CONFINEMENT. RCW 9.94A.712. Defendant is sentenced to the following term of confinement in the custody of the Department of Corrections (DOC):

Count <u>I</u>	Minimum Term: <u>68</u>	Months	Maximum Term: <u>Life</u>
Count <u>II</u>	Minimum Term: <u>68</u>	Months	Maximum Term: <u>Life</u>
Count _____	Minimum Term _____	Months	Maximum Term: _____

The Indeterminate Sentencing Review Board may increase the minimum term of confinement.

Actual number of months of total confinement ordered is: _____

(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

[] The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____.

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9.94A.589. All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, sexual motivation, VUCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

The sentence herein shall run consecutively to all felony sentences in other cause numbers imposed prior to the commission of the crime(s) being sentenced. The sentence herein shall run concurrently with felony sentences in other cause numbers imposed after the commission of the crime(s) being sentenced except for the following cause numbers. RCW 9.94A.589: _____

Confinement shall commence immediately unless otherwise set forth here: _____

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 40 days

4.6 [] COMMUNITY PLACEMENT (pre 7/1/00 offenses) is ordered as follows:

Count _____ for _____ months,

Count _____ for _____ months,

Count _____ for _____ months,

[] COMMUNITY CUSTODY is ordered as follows:

Count _____ for a range from: _____ to _____ Months,

Count _____ for a range from: _____ to _____ Months,

Count _____ for a range from: _____ to _____ Months,

COMMUNITY CUSTODY is Ordered for counts sentenced under RCW 9.94A.712, from time of release from total confinement until the expiration of the maximum sentence:

Count I until _____ years from today's date for the remainder of the Defendant's life.

Count II until _____ years from today's date for the remainder of the Defendant's life.

Count _____ until _____ years from today's date [] for the remainder of the Defendant's life.

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offense not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Community custody follows a term for a sex offense -- RCW 9.94A. Use paragraph 4.7 to impose community custody following work ethic camp.]

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

a) the defendant committed a current or prior:		
i) Sex offense	ii) Violent offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)		v) Residential burglary offense
vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers,		
vii) Offense for delivery of a controlled substance to a minor, or attempt, solicitation or conspiracy (vi, vii)		
b) the conditions of community placement or community custody include chemical dependency treatment.		
c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.		

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) pay supervision fees as determined by DOC; (7) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC, and (8) for sex offenses, submit to electronic monitoring if imposed by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

The defendant shall not consume any alcohol.

Defendant shall have no contact with: S.L.

Defendant shall remain within outside of a specified geographical boundary, to wit: _____

Defendant shall not reside in a community protection zone (within 880 feet of the facilities or grounds of a public or private school). (RCW 9.94A.030(8))

The defendant shall participate in the following crime-related treatment or counseling services: _____

The defendant shall undergo an evaluation for treatment for domestic violence substance abuse mental health anger management and fully comply with all recommended treatment.

The defendant shall comply with the following crime-related prohibitions: _____

Other conditions may be imposed by the court or DOC during community custody, or are set forth here: _____

For sentences imposed under RCW 9.94A.712, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

PROVIDED: That under no circumstances shall the total term of confinement plus the term of community custody actually served exceed the statutory maximum for each offense

4.7 [] WORK ETHIC CAMP. RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 OFF LIMITS ORDER (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections: _____

CONFINEMENT. RCW 9.94A.712. Defendant is sentenced to the following term of confinement in the custody of the Department of Corrections (DOC):

Count I Minimum Term: _____ Months Maximum Term: _____

Count _____ Minimum Term _____ Months Maximum Term: _____

Count _____ Minimum Term _____ Months Maximum Term: _____

The Indeterminate Sentencing Review Board may increase the minimum term of confinement. [] COMMUNITY CUSTODY is Ordered for counts sentenced under RCW 9.94A.712, from time of release from total confinement until the expiration of the maximum sentence:

Count _____ until _____ years from today's date [] for the remainder of the Defendant's life.

Count _____ until _____ years from today's date [] for the remainder of the Defendant's life.

Count _____ until _____ years from today's date [] for the remainder of the Defendant's life.

V. NOTICES AND SIGNATURES

5.1 COLLATERAL ATTACK ON JUDGMENT. Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 LENGTH OF SUPERVISION. For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505. The clerk of the court is authorized to collect unpaid legal financial obligations at any time the

offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 **RESTITUTION HEARING.**

[] Defendant waives any right to be present at any restitution hearing (sign initials): _____

5.5 **CRIMINAL ENFORCEMENT AND CIVIL COLLECTION.** Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.

5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

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

1. **General Applicability and Requirements:** Because this crime involves a sex offense or kidnapping offense (e.g., kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW) where the victim is a minor defined in RCW 9A.44.130, you are required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.

2. **Offenders Who Leave the State and Return:** If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within three (3) business days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry out a vocation in Washington, or attend school in Washington, you must register within three (3) business days after starting school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

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

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

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

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

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

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

5.8 [] The court finds that Court _____ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.10 OTHER: _____

DONE in Open Court and in the presence of the defendant this date: 10/24/08

[Signature]
Deputy Prosecuting Attorney
Print name: GRANT BLINN
WSB # 25570

JUDGE [Signature]
Print name ROSANNE BUCKNER

Attorney for Defendant
Print name: _____
WSB # _____

Defendant
Print name: _____

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony convictions. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050, or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: _____



CERTIFICATE OF CLERK

CAUSE NUMBER of this case: 06-1-01320-6

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

WITNESS my hand and seal of the said Superior Court affixed this date: OCT 27 2008

Clerk of said County and State, by: (B. Knight), Deputy Clerk

IDENTIFICATION OF COURT REPORTER

CHRISTIE JAMESON
Court Reporter

APPENDIX "F"

The defendant having been sentenced to the Department of Corrections for a:

- _____ sex offense
- _____ serious violent offense
- _____ assault in the second degree
- _____ any crime where the defendant or an accomplice was armed with a deadly weapon
- _____ any felony under 69.50 and 69.52

The offender shall report to and be available for contact with the assigned community corrections officer as directed:

The offender shall work at Department of Corrections approved education, employment, and/or community service;

The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions:

An offender in community custody shall not unlawfully possess controlled substances;

The offender shall pay community placement fees as determined by DOC:

The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

The offender shall submit to affirmative acts necessary to monitor compliance with court orders as required by DOC.

The Court may also order any of the following special conditions:

_____ (I) The offender shall remain within, or outside of, a specified geographical boundary: _____

_____ (II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals: _____

_____ (III) The offender shall participate in crime-related treatment or counseling services;

_____ (IV) The offender shall not consume alcohol; _____

_____ (V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

_____ (VI) The offender shall comply with any crime-related prohibitions

_____ (VII) Other: _____

IDENTIFICATION OF DEFENDANT

SID No. WA12318157
(If no SID take fingerprint card for State Patrol)

Date of Birth [REDACTED]

FBI No. [REDACTED]

Local ID No. PCSO022499

PCN No. 538710008

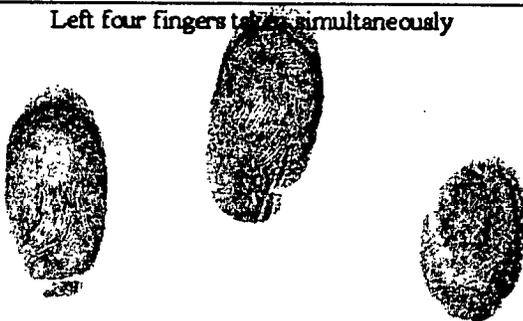
Other

Alias name, SSN, DOB: _____

Race:					Ethnicity:		Sex:
<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/>	<input type="checkbox"/> Black/African-American	<input checked="" type="checkbox"/> Caucasian	<input type="checkbox"/>	<input type="checkbox"/> Hispanic	<input checked="" type="checkbox"/>	Male
<input type="checkbox"/> Native American	<input type="checkbox"/>	<input type="checkbox"/> Other: :	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Non-Hispanic	<input type="checkbox"/>	Female

FINGERPRINTS

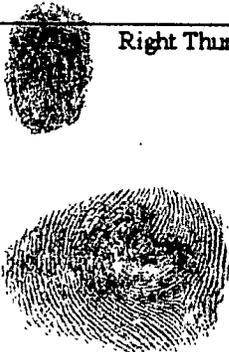
Left four fingers taken simultaneously



Left Thumb



Right Thumb



Right four fingers taken simultaneously



I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, Sam May Dated: 10/24/08

DEFENDANT'S SIGNATURE: _____

DEFENDANT'S ADDRESS: _____



FILED
IN COUNTY CLERK'S OFFICE
A.M. OCT 24 2008 P.M.
PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY *[Signature]* DEPUTY

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE**

STATE OF WASHINGTON]	Cause No.: 06-1-01320-6
]	
	Plaintiff]	
	v.]	JUDGEMENT AND SENTENCE (FELONY)
James Lee Walters		APPENDIX H
	Defendant]	COMMUNITY PLACEMENT / CUSTODY
]	
DOC No. 755724]	OCT 27 2008

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

COMMUNITY PLACEMENT/CUSTODY: Defendant additionally is sentenced on convictions herein, for the offenses under RCW 9.94A.712 committed on or after September 1, 2001 to include up to life community custody; for each sex offense and serious violent offense committed on or after June 6, 1996 to community placement/custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, but before June 6, 1996, to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

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

(a) MANDATORY CONDITIONS: Defendant shall comply with the following conditions during

the term of community placement/custody:

- (1) Report to and be available for contact with the assigned Community Corrections Officer as directed;
- (2) Work at Department of Corrections' approved education, employment, and/or community service;
- (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
- (4) While in community custody do not unlawfully possess controlled substances;
- (5) Pay supervision fees as determined by the Department of Corrections;
- (6) Receive prior approval for living arrangements and residence location;
- (7) Defendant shall not own, use, or possess a firearm or ammunition when sentenced to community service, community supervision, or both (RCW 9.94A, 120 (13));
- (8) Notify community corrections officer of any change in address or employment; and
- (9) Remain within geographic boundary, as set fourth in writing by the Community Corrections Officer.

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

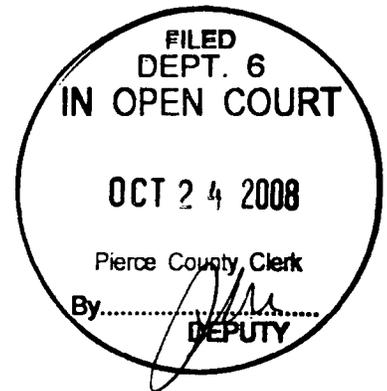
(b) **OTHER CONDITIONS:** Defendant shall comply with the following other conditions during the term of community placement / custody:

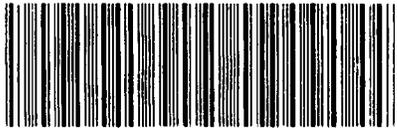
10. Reside at a residence and under living arrangements approved of in advance by your community corrections officer. You shall not change your residence without first obtaining the authorization of you community corrections officer.
11. **Enter and complete a state approved sexual deviancy treatment program through a certified sexual deviancy counselor. If incarcerated, following release you are to enter and complete any treatment program deemed appropriate by the Indeterminate Sentence Review Board. You are to sign all necessary releases to insure your community corrections officer will be able to monitor your progress in treatment.**
12. You shall not change sexual deviancy treatment providers without prior approval from the Court and your community corrections officer.
13. You shall not possess or consume any mind or mood altering substances, to include alcohol, or any controlled substances without a valid prescription from a licensed physician.
14. Have no contact with the victim or the victim's family for life. This includes but is not limited to personal, verbal, written or contact through a third party.
15. Do not possess or peruse pornographic materials. Your community corrections officer will define pornographic material.
16. Hold no position of authority or trust involving children under the age of 18.
17. Do not initiate or prolong physical contact with children under the age of 18 for any reason.
18. Inform your community corrections officer of any romantic relationships to verify there are no victim-age children involved. *except for 12-15 children.*
19. Submit to polygraph and plethysmograph testing upon direction of your community corrections officer or therapist at your expense.
20. Register as a sex offender in your county of residence.

21. Avoid places where children congregate. (Fast-food outlets, libraries, theaters, shopping malls, play grounds and parks.)
22. Submit to a blood draw for DNA purposes and for an HIV test.
23. Follow all conditions imposed by your sexual deviancy treatment provider.
24. Obey all laws.
25. You shall not have access to the Internet or webcams or any device used to photograph.
26. No contact with minors without prior approval of the DOC/CCO and Sexual Deviancy Treatment Provider.

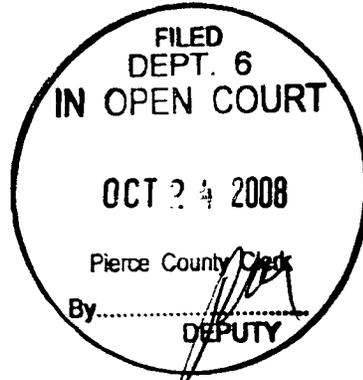
Oct 24, 2008
DATE

[Signature]
JUDGE, PIERCE COUNTY SUPERIOR COURT





06-1-01320-6 30793531 JDSWCD 10-27-08



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: 06-1-01320-6

vs.

OCT 27 2008

JAMES LEE WALTERS,

Defendant.

WARRANT OF COMMITMENT

- 1) County Jail
- 2) Dept. of Corrections
- 3) Other Custody

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF PIERCE COUNTY:

WHEREAS, Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of Pierce, that the defendant be punished as specified in the Judgment and Sentence/Order Modifying/Revoking Probation/Community Supervision, a full and correct copy of which is attached hereto.

1. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Pierce County Jail).

2. YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections, and

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

[] 3. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement or placement not covered by Sections 1 and 2 above).

Dated: 10/24/08

By direction of the Honorable

[Signature]
JUDGE

KEVIN STOCK
CLERK

By: [Signature]
DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF

Date: 2 2008 By [Signature] Deputy

STATE OF WASHINGTON

ss:

County of Pierce

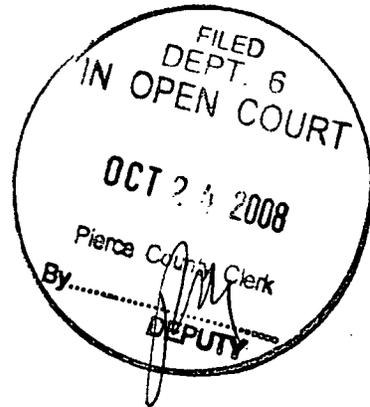
I, Kevin Stock, Clerk of the above entitled Court, do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.

IN WITNESS WHEREOF, I hereunto set my hand and the Seal of Said Court this

_____ day of OCT 27 2008

KEVIN STOCK, Clerk
By: [Signature] Deputy

tc



Yes N

Sentence Structure (Inmate)

Cause: AC – 061013206 – Pierce

State:	Convicted Name:	Date Of Sentence:	Consecutive Cause:
Washington	James Walters	10/24/2008	
Time Start Date:	Confinement Length:	Earned Release Date:	
10/30/2008	0Y, 104M, 0D	07/04/2016	

Count: 1 – RCW 9A.40.020 – Kidnapping 1

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				0Y, 104M, 0D	10.00%	07/04/2016	Life	Life	Yes

Supervision Type:	Supervision Length:	Consecutive Count:	Hold To Stat Max Expiration:
CCB	0Y, 0M, 0D		

Count: 2 – RCW 9A.44.100(1)(a) – Indecent Liberties (with Forcible Compulsion)

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				0Y, 104M, 0D	10.00%	07/04/2016	Life	Life	Yes

Supervision Type:	Supervision Length:	Consecutive Count:	Hold To Stat Max Expiration:
CCB	0Y, 0M, 0D		

External / Internal Movements

Movement Date/Time	From Location	To Location	Movement Type	Movement Reason	Created By				
	Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
	SCCC	10/13/2014	H6055U	Revel, Shane M	70044338	04/15/2014			Lundgren, James A
	SCCC	10/11/2014	EFV4	Revel, Shane M	70044338	04/15/2014			McGinnis, James R
	SCCC	08/09/2014	H6055U	Revel, Shane M	70044338	04/15/2014			Hansen, Bud D
	SCCC	08/07/2014	EFV4	Revel, Shane M	70044338	04/15/2014			Heiser, Jason A
	SCCC	06/02/2014	H6055U	Revel, Shane M	70044338	04/15/2014			Strandberg, Deanna M
	SCCC	05/31/2014	EFV3	Revel, Shane M	70044338	04/15/2014			McGinnis, James R
	SCCC	05/30/2014	H6055U	Revel, Shane M	70044338	04/15/2014			Knigge, David B

SCCC	04/15/2014	H6120U	Revel, Shane M	70044338	04/15/2014	Heiser, Jason A
SCCC	04/15/2014	H6120U	Smith, Susan G	70044457	04/30/2013	Heiser, Jason A
SCCC	03/03/2014	H5106U	Smith, Susan G	70044457	04/30/2013	Strandberg, Deanna M
SCCC	03/01/2014	EFV4	Smith, Susan G	70044457	04/30/2013	Knigge, David B
SCCC	12/23/2013	H5106U	Smith, Susan G	70044457	04/30/2013	Strandberg, Deanna M
SCCC	12/21/2013	EFV3	Smith, Susan G	70044457	04/30/2013	Pearson, Emily E
SCCC	09/16/2013	H5106U	Smith, Susan G	70044457	04/30/2013	Strandberg, Deanna M
SCCC	09/14/2013	EFV3	Smith, Susan G	70044457	04/30/2013	Heiser, Jason A
SCCC	06/20/2013	H5106U	Smith, Susan G	70044457	04/30/2013	Strandberg, Deanna M
SCCC	06/18/2013	EFV2	Smith, Susan G	70044457	04/30/2013	Wilhelm, Bryan A
SCCC	04/09/2013	H5106U	Smith, Susan G	70044457	04/30/2013	Aleksinski, Robert L
SCCC	04/09/2013	H5106U	Redding, Van L	70044324	12/14/2009	Hansen, Bud D
SCCC	04/07/2013	EFV2	Redding, Van L	70044324	12/14/2009	Smith, Matthew D
SCCC	01/22/2013	H5106U	Redding, Van L	70044324	12/14/2009	Carrico, Sandra A
SCCC	01/20/2013	EFV2	Redding, Van L	70044324	12/14/2009	Wilhelm, Bryan A
SCCC	10/24/2012	H5106U	Redding, Van L	70044324	12/14/2009	Hansen, Bud D
SCCC	10/22/2012	EFV3	Redding, Van L	70044324	12/14/2009	Herriot, Dennis L
SCCC	08/14/2012	H5106U	Redding, Van L	70044324	12/14/2009	Carrico, Sandra A
SCCC	08/12/2012	EFV2	Redding, Van L	70044324	12/14/2009	Wilhelm, Bryan A
SCCC	01/26/2012	H5106U	Redding, Van L	70044324	12/14/2009	Carrico, Sandra A
SCCC	01/24/2012	EFV2	Redding, Van L	70044324	12/14/2009	Furubotten, Judie L
SCCC	10/25/2011	H5106U	Redding, Van L	70044324	12/14/2009	Carrico, Sandra A

SCCC	10/23/2011	EFV2	Redding, Van L	70044324	12/14/2009			Owens, Samuel K
SCCC	03/10/2011	H5106U	Redding, Van L	70044324	12/14/2009			Carrico, Sandra A
SCCC	03/08/2011	EFV2	Redding, Van L	70044324	12/14/2009			Furubotten, Judie L
SCCC	02/07/2011	H5106U	Redding, Van L	70044324	12/14/2009			Pfaff, Ryan A
SCCC	07/27/2010	H5127U	Redding, Van L	70044324	12/14/2009			Furubotten, Judie L
SCCC	04/14/2010	H5040U	Redding, Van L	70044324	12/14/2009			Hansen, Bud D
SCCC	12/14/2009	H5036U	Redding, Van L	70044324	12/14/2009			Aleksinski, Robert L
SCCC	12/14/2009	H5036U	Aleksinski, Robert L	70044335	12/14/2009			Hansen, Bud D
SCCC	12/14/2009	H5036U	Unassigned					System, Obts
12/14/2009 08:59:42	WCC-RC	SCCC		Transfer Between Prisons			Custody Promotion	Bravos, Georgia A
12/14/2009 06:19:41	WCC-RC	SCCC		Transfer Between Prisons			Custody Promotion	Ricker, Eugene K
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
WCC-RC	12/09/2009	5A07U	Unassigned					Ricker, Eugene K
12/09/2009 01:28:46	CBCC-MSC	WCC-RC		Transfer Between Prisons			Custody Promotion	Brunetti, Melanie S
12/09/2009 10:41:15	CBCC-MSC	SCCC		Transfer Between Prisons			Custody Promotion	Macnaughton, Tammy J
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
CBCC- MSC	10/28/2009	IA04U	Mohn, David F	70052012	10/28/2009			Macnaughton, Tammy J
CBCC- MSC	10/28/2009	IA04U	Unassigned					Macnaughton, Tammy J
10/28/2009 09:51:00	CBCC-Close Cust	CBCC-MSC		Transfer Between Prisons			Program Change	Ernst, Helen J
10/28/2009 09:50:00	CBCC-Close Cust	CBCC-MSC		Transfer Between Prisons			Program Change	Ernst, Helen J
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
CBCC- Close Cust	10/07/2009	ED11L	Unassigned			Pending Investigation		Ernst, Helen J

10/07/2009 11:21:00	CBCC-MSC	CBCC-Close Cust		Transfer Between Prisons		Program Change		Ernst, Helen J
10/07/2009 11:20:00	CBCC-MSC	CBCC-Close Cust		Transfer Between Prisons		Program Change		Ernst, Helen J
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
CBCC- MSC	07/30/2009	IA03U	Mohn, David F	70052012	05/22/2009			Ernst, Helen J
CBCC- MSC	05/22/2009	IA12U	Mohn, David F	70052012	05/22/2009			Ernst, Helen J
CBCC- MSC	05/22/2009	IA12U	Unassigned					Ernst, Helen J
05/21/2009 09:56:00	CBCC-Close Cust	CBCC-MSC		Transfer Between Prisons		Program Change		Ernst, Helen J
05/21/2009 09:55:00	CBCC-Close Cust	CBCC-MSC		Transfer Between Prisons		Program Change		Ernst, Helen J
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
			Heckathorn, Tammee L	70051839	05/07/2009			Ernst, Helen J
			Leverington, Eric L	70052009	02/12/2009			Osborne, Scott J
			Mcgarvie, Bryan S	70051925	02/11/2009			Grubb, Kurt E
			Leverington, Eric L	70052009	02/11/2009			Ernst, Helen J
			Spence, Scott R	70051837	02/09/2009			Smith, Julieann C
			Spence, Scott R	70051837	02/09/2009			Smith, Julieann C
CBCC- Close Cust	01/28/2009	AH06L	Grubb, Kurt E	70051839	02/09/2009			Grubb, Kurt E
CBCC- Close Cust	01/28/2009	AH06L	Mcgarvie, Bryan S	70051925	02/09/2009			Smith, Julieann C
CBCC- Close Cust	01/28/2009	AH06L	Woodhouse, Michael J	70051925	01/28/2009			Smith, Julieann C
CBCC- Close Cust	01/28/2009	AH06L	Spence, Scott R	70051925	01/28/2009			Smith, Julieann C
CBCC- Close Cust	01/28/2009	AH06L	Unassigned					Ernst, Helen J

				Dafoe, Michael J	70052009	01/26/2009		Ernst, Helen J
				Woodhouse, Michael J	70051925	01/26/2009		Grubb, Kurt E
				Spence, Scott R	70051925	01/26/2009		Grubb, Kurt E
				Smith, Julieann C	70051837	01/20/2009		Ernst, Helen J
CBCC- Close Cust	01/20/2009	AH06U		Woodhouse, Michael J	70051925	01/20/2009		Ernst, Helen J
CBCC- Close Cust	01/20/2009	AH02U		Woodhouse, Michael J	70051925	01/20/2009		Ernst, Helen J
CBCC- Close Cust	01/20/2009	AH02U		Spence, Scott R	70051925	01/20/2009		Ernst, Helen J
CBCC- Close Cust	01/20/2009	AH02U		Unassigned				Ernst, Helen J
CBCC- Close Cust	01/07/2009	AH06L		Unassigned				Ernst, Helen J
				Dafoe, Michael J	70052009	01/09/2009		Ernst, Helen J
				Heckathorn, Tammee L	70052009	01/02/2009		Ernst, Helen J
CBCC- Close Cust	12/17/2008	AG07L		Grubb, Kurt E	70051839	12/16/2008		Ernst, Helen J
CBCC- Close Cust	12/16/2008	AG07U		Grubb, Kurt E	70051839	12/16/2008		Grubb, Kurt E
CBCC- Close Cust	12/16/2008	AG07U		Donatacci, Helen R	Z036	12/10/2008		Ernst, Helen J
CBCC- Close Cust	12/10/2008	DG04L		Donatacci, Helen R	Z036	12/10/2008		Ernst, Helen J
CBCC- Close Cust	12/10/2008	DG04U		Donatacci, Helen R	Z036	12/10/2008		Ernst, Helen J
CBCC- Close Cust	12/10/2008	DG04U		Unassigned				Ernst, Helen J
12/10/2008 10:03:47	WCC-RC	CBCC-Close Cust		Transfer Between Prisons			Initial Classification	Mclean, Caryn L

12/10/2008 06:14:31	WCC-RC	CBCC-Close Cust		Transfer Between Prisons		Initial Classification		Ricker, Eugene K
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
WCC-RC	11/13/2008	7C07U	Galbraith, Stephen E	71007264	11/10/2008			Ricker, Eugene K
WCC-RC	10/31/2008	1F01U	Galbraith, Stephen E	71007264	11/10/2008			Ricker, Eugene K
WCC-RC	10/31/2008	1F01U	Unassigned					Ricker, Eugene K
WCC-RC	10/30/2008	1F01U	Unassigned					Burgess, Tina L
10/30/2008 10:42:36	Pierce	WCC-RC		Admission To Prison		CCB Admission		Burgess, Tina L



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD
P.O. BOX 40907, OLYMPIA, WA 98504-0907

DECISION AND REASONS

NAME: WALTERS, James
DOC #: 755724
FACILITY: Stafford Creek Corrections Center (SCCC)
TYPE OF HEARING: .420 Hearing
HEARING DATE: July 10, 2013
PANEL MEMBERS: KR & LD
FINAL DECISION DATE: August 1, 2013

This matter came before Kecia Rongen and Lynne Delano, who are members of the Indeterminate Sentence Review Board (ISRB or the Board) on the above date for a release hearing in accordance with the provisions of RCW 9.95.420. Mr. Walters appeared in person. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Susan Smith and Mr. Walters.

BOARD DECISION:

This was a Deferred Decision. Based on the burden of proof set out in RCW 9.95.420 and the totality of evidence and information provided to the Board, the Board does find by a preponderance of the evidence that Mr. Walters is more likely than not to commit a sex offense if released on conditions. Consequently, the Board finds Mr. Walters not releasable and adds 36 months to his minimum term.

NEXT ACTION:

Schedule a .420 hearing approximately 120 days prior to his ERD.

JURISDICTION:

James Walters is under the jurisdiction of the Board on an October 24, 2008 conviction of Kidnapping in the First Degree Count I and Indecent Liberties with Forcible Compulsion Count II in Pierce County Cause # 06-1-01320-6. His time start is October 30, 2008. His minimum term was set at 68 months concurrent for both counts from a Sentencing Reform Act (SRA) range of 51 to 68 months. His maximum term is Life. He has served approximately 56 months plus 45 days of jail time credit.

NATURE OF INDEX OFFENSE(S):

File materials indicate that on March 8, 2006, Mr. Walters, age 40 abducted a 12 year old known female, touching her bottom and kissing her cheek. The victim had gotten off of her school bus when she heard a noise turned around and saw a man standing by the road wearing a camouflage ski mask, a red jacket and brown boots. She thought the man was Mr. Walters by the way he was dressed and she told him to quit scaring her. Mr. Walters then walked behind the victim; put a white towel over the victim's head, securing it with duct tape. He then picked the victim up and walked into the woods with her. He eventually put her down and tied her hands in the front with duct tape and made her walk in front of him. After walking for a period of time, he put her hands behind her back and re-applied the duct tape. He then made her lie down and got on top of her straddling her stomach. He kissed her near her mouth and cheek and then rolled her over and rubbed her bottom. Mr. Walters's cell phone rang and the victim recognized his ring tone as well as the fact he had a flip phone. He opened the phone and then left. The victim was able to escape and run home to tell her father. Mr. Walters didn't say a word throughout the ordeal. The victim's mother indicated she had called Mr. Walters about the same time his phone rang as she was worried about the victim. The victim was best friends with Mr. Walters's daughter.

Mr. Walters's first trial resulted in a hung jury and mistrial. He was found guilty in the second trial. He appealed the decision and the Appellate court upheld the sentence. Mr. Walters indicates his sentence is currently still under appeal with the Supreme Court.

PRIOR CRIMINAL CONDUCT:

File materials indicate that in 1983, Mr. Walters, age 17 was accused of Burglary in the First Degree and Rape in the First Degree against a known 13 year old female. Mr. Walters arrived at his friend's home on March 10, 1983 to take him to school. The 15 year old victim overheard her brother tell Mr. Walters that she was staying home sick from school that day. Later, the victim heard movement on her bed. She saw a white male, nude, with a white cloth tied around his head, sitting on her bed. A struggle ensued and the male attempted to choke the victim with a piece of a broken ax handle. He also choked her with his hands and tried to smother her with a pillow. The victim had numerous scratches and abrasions on her neck. The victim described pleading with her attacker to leave her alone. The victim felt the attacker was going to kill her if she did not submit so she stopped fighting, he then vaginally raped her. The assailant did not say anything during the entire incident, placed a blanket over her head and after disconnecting the phone in her room, fled wearing a large blanket over his head. Mr. Walters was acquitted of these charges on August 22, 1983.

Mr. Walters has a felony from 1996 for Controlled Substance Violation-Marijuana Delivery and in 1997 for Unlawful Possession of a Firearm. He has several misdemeanors for driving violations to include, Suspended Operators License, No Valid License, Consuming Liquor in Public, License Nontransferable over Bag Limit Big Game and Assault in the Fourth Degree-Domestic Violence.

HISTORY/COMMENTS:

This is Mr. Walters's first hearing with the Board.

EVIDENCE CONSIDERED:

In preparation for Mr. Walters hearing and its decision in this case, the Board completed a review of his Department of Corrections (DOC) and ISRB files. The Board considered all information contained in those files, including but not limited to: the End of Sentence Review Committee's Report(s) (ESRC); the most recent DOC facility plan; information regarding

institutional behavior and programming; any letters of support and/or concerns sent to the Board; the Pre-Sentence Investigation report, a letter from The Supreme Court of WA, dated May 10, 2013 regarding the Personal Restraint Petition of James L. Walters Court of Appeals No. 43185-8-II and a letter from Nikki Walters, wife of James Walters dated July 2013. The Board also considered the testimony of the witnesses listed above.

REASONS:

Mr. Walters is currently in the Bookkeeping program and is working within the prison. He has not received any infractions and his behavior is fine within the unit. He receives extensive family support and visits.

In today's hearing, Mr. Walters indicated he did not want to talk about the index offense as he denies that he committed the sex offense and is still appealing. He also described wanting to do sexual deviancy treatment in the community, rather than in prison. The Board explained to Mr. Walters that he is currently in for a very serious sex offense and at this time has not participated in programming to mitigate that risk, so it is unlikely the Board will find him releasable at this time.

The ESRC has classified Mr. Walters as a Level III for community notification. This was an aggravation from a Level I based on "past intervention did not deter sexual re-offending and documented information that increases risk for sexual re-offense." He was assessed as a low-moderate and low risk to sexually re-offend on two different actuarials. The ESRC also referred Mr. Walters's case to the Sexually Violent Predator sub-committee who recommended a Forensic Psychological Evaluation be completed to see if he meets the criteria under RCW 71.09 if he is found releasable by the Board.

Mr. Walter's has the right to appeal his case; unfortunately, this precludes him by his own choice of fully participating in the Board hearing or the Sex Offender Treatment Program (SOTP). Mr. Walters indicates he would like to do whatever is necessary to get back to his

family and is willing to do treatment. However, it is unknown if he will be accepted into treatment if he remains in denial that he committed his sex offense. Mr. Walters is currently seen as too high of a risk to release to the community. He is encouraged to participate in any programming that may be available to him and SOTP once his appeal has been settled.

KR: ch

July 19, 2013

cc: Institution
James Walters
File

DO NOT DISSEMINATE!



**WASHINGTON STATE
DEPARTMENT OF CORRECTIONS**

**DRAFT
FILE REVIEW FOR ESRC
CCB**

NAME: WALTERS, JAMES LEE **DOC #:** 755724 **AGE:** 47

AKA: GIBBS, MICHAEL G.; GIBBS, MICHAEL GLEN

RELEASE DATE: ERD: 10/22/2013 **MAX:** LIFE

PROPOSED RELEASE ADDRESS: Walters has not yet been approved by the Indeterminate Sentence Review Board to submit a release plan.

COMMUNITY SUPERVISION: The Department of Corrections/CCO will supervise Walters for the maximum required sentence for this offense, Life; from the office located at , telephone #

SPECIAL CONDITIONS: Please see the Judgment and Sentence, the attached Appendix H and the "Order of Release and Supervision Conditions" (if/when issued by the ISRB).

RACE: WHITE
SEX: MALE
DOB: [REDACTED]
HEIGHT: 5 FT. 10 IN.
WEIGHT: 180 LBS.
HAIR: BROWN
EYES: BLUE
SCARS/ MARKS: NONE KNOWN
SSA#: [REDACTED]
FBI #: [REDACTED] **SID#:** WA12318157
FBI FINGERPRINT #: NONE KNOWN
REQUIRED TO REGISTER: YES
GANG AFFILIATION: NONE KNOWN

CURRENT OFFENSE: CT 1, KIDNAPPING 1ST DEGREE WITH SEXUAL MOTIVATION
CT 2, INDECENT LIBERTIES

COUNTY AND CAUSE: PIERCE COUNTY CAUSE # 06-1-01320-6

SENTENCED: CT 1, 68 MONTHS TO LIFE
CT 2, 68 MONTHS TO LIFE

SEX OFFENSE HISTORY:

DATE OF INCIDENT	CHARGES	CONVICTION	DISPOSITION
3/8/06 Index Offense	CT 1-Kidnapping 1st Degree w/ sexual motivation CT 2-Indecent Liberties Pierce Co., 06-1-01320-6	CT 1-Kidnapping 1st Degree w/ sexual motivation CT 2-Indecent Liberties Jury Verdict	DOS: 10/24/08 68 months to Life, Life community custody supervision.
Incident 3/20/83 Arrested 4/27/83	CT 1-Burglary 1st Degree CT 2-Rape 1st Degree Pierce Co. Incident # 83069178	None	8/22/83 Acquittal

DESCRIPTION OF SEXUAL ARRESTS/CONVICTIONS: Index Offense: **CT 1-Kidnapping-1st Degree, with Sexual Motivation; CT 2-Indecent Liberties** (Pierce Co., 06-1-01320-6). According to official records, on 3/8/06, Walters (age 40) abducted a 12-year-old known female, touching her bottom and kissing her cheek. The victim told police that she had gotten off the bus and was walking down the road leading to her home when she heard a noise. She turned and saw a man standing by the road wearing a camouflage ski mask, a red jacket, and brown boots. She thought the man was Walters due to the way the man was dressed. She told Walters to quit scaring her and turned to walk home. Walters walked up behind the victim and put a white towel over the victim's head, securing it with duct tape. He then picked the victim up and walked into the woods with her. After a time, he put her down and duct taped her hands in front of her, then pushed her neck from behind, and made her walk ahead of him. They walked for a time and then Walters made the victim stop, put her hands behind her back and re-duct taped them. He then made her lie down and got on top of her straddling her stomach. She said he reached down and kissed her near her mouth and cheek, and then he rolled her over and rubbed her bottom. A cell phone rang and she thought it sounded like Walters ring tone. She said she heard him open the phone and then he left. She was able to remove the restraints and head covering and recognized the area in the woods where she played with siblings and friends. She went home and told her father what had occurred. Her father then contacted police. The victim reported to police that the man she thought was Walters never said a word during the ordeal. The victim's mother later reported that she was worried about the victim and at about the same time the victim said that Walters's cell phone rang, she was calling Walters to ask him if he had seen the victim. Walters son, told police that when he arrived home that day, Walters' vehicle was there, but Walters was not around. When questioned by police, Walters voluntarily showed officers where the children play in the woods near his home known as the 'gully'. The location was the same 'gully' the victim showed to police. Walters was originally arrested on 3/20/06 and tried. The trial resulted in a hung jury and the judge declared a mistrial. In 2008, he was tried again and consequently charged with Kidnapping and Indecent Liberties. Walters pleaded not guilty; the case went to trial and a jury found him guilty as charged in the Information. The Court sentenced Walters to 68 months to life with life supervision. Walters appealed the decision and the Appellate Court upheld the sentence on 6/7/10. The Supreme Court denied a hearing and the case was returned to the sentencing court for Mandate on 5/18/11.

CT 1-Burglary 1st Degree, CT 2-Rape 1st Degree (Police Report #83069178) According to the Pierce County Prosecutors "Motion to Introduce Evidence" filed on 3/29/07 which states that Walters (age 17) sexually assaulted a known 15 year old female. He arrived at his friend's home on 3/10/83, to take him to school. Walters had been suspended a few days prior (see below). The victim, his friend's younger sister, later reported to police that she heard her brother tell Walters that she was ill and staying home that day. Later that morning, the victim was awakened by movement on her bed. She saw a white male who may have been 15-20 years old, nude, with a white cloth tied around his head, sitting on her bed. A struggle ensued and the male

attempted to choke the victim with a piece of a broken ax handle. He also choked her with his hands and tried to smother her with a pillow. When police contacted the victim, it was noted she had numerous scratches and abrasions on her neck. She reported she might have scratched her attacker on the back or right arm and shoulder during the attack. She said that she pleaded with him to leave her alone. The victim felt the attacker was going to kill her if she did not submit so she stopped fighting. He penetrated her vagina with his penis, but she didn't think he ejaculated. She said the assailant did not say anything during the entire incident, placed a blanket over her head and fled the room wearing a large blanket over his head. Left on the victim's floor was several clothing items not belonging to the victim, one of which was a white cloth with a knot tied in it. She said that he had disconnected the phone in her room after the attack and then left. Once he was gone, she was able to get into her mother's room and use the telephone and called her mother. The police were subsequently contacted. The victim's mother said the clothing items, except for male boxer shorts were items from their garage. The victim's family owned two dogs, which did not react before or after the attack. It was thought that the assailant might have been known to the animals. Walters also knew about the house key and used it to open the front door of the house when he picked up the victim's brother earlier in the morning. The key was found outside the garage door along with a screwdriver. The garage door was the entry the attacker used and the front door key did not fit the garage door. Walters was subsequently arrested and charged with Burglary and Rape 1st Degree. He pleaded not guilty and the case went to a jury trial. The victim could not make a definitive identification of her attacker. The police report indicates that Walters participated in a polygraph examination that returned with a notation for deception. The Washington crime lab did a blood comparison on semen recovered from the victim and it was noted that Walters had the same blood type as the contributor of the semen. According to the Motion presented by the Prosecutors office, Walters was acquitted on 8/22/83. *Court documents for this offense could not be obtained.*

ADDITIONAL SEXUAL BEHAVIOR: According to the Motion to introduce evidence, at the age of 17 in 1983, a few days prior to committing the sexual assault above, Walters was suspended from school for drawing on a desk, a depiction of a hand around a penis.

OTHER CRIMINAL HISTORY: **Felony:** 9/22/97-Unlawful Possession of Firearm; 8/21/96-Controlled Substance Violation-Marijuana Delivery. **Misdemeanor:** 2/21/97-4th Degree Assault; 6/13/96-DWLS; 4/12/93-No Valid License; 5/2/91-No Valid License; 11/13/91-License Nontransferable. Over Bag Limit Big Game; 4/20/91-Possess/Consuming Liquor in Public; 3/26/91-DWLS; 12/30/90-Theft 3rd Degree; 12/7/88-Suspended Operators License.

PSYCHOLOGICAL: [REDACTED]

TREATMENT: Sex Offender: According to file material, Walters was found non-amenable for treatment on 2/22/12 as he was appealing his conviction. Walters requested attendance to the Department of Corrections Sex Offender Treatment Program on 8/17/12.

Chemical Dependency: [REDACTED]

INFRACTIONS: None

ADOLESCENT CONDUCT PROBLEMS: According to a 1983 police report, on 3/14/83, Walters was suspended from school for three days for drawing sexually explicit depictions on a school desk. On 4/20/83, Walters was incarcerated at a county juvenile facility when he was officially charged with the 1983 Rape charge. Assessments completed during this incarceration, indicate Walters quit school to work and has a GED. There is no further information in the file regarding his adolescent behavior.

EMPLOYMENT HISTORY: According to assessments completed during this incarceration, Walters was employed fulltime in the 12 months prior to the current incarceration. File material indicates he owned a construction business.

RELATIONSHIP HISTORY: According to assessments completed during this incarceration, Walters reported living with his wife and three minor children prior to the current incarceration. His eldest son is now 18. It is unknown how many minor children are in the same residence as Walter's wife. He has a five-year-old son who has visited approximately 198 occasions and his wife has visited as many and more times during this incarceration. Walters has expressed his intentions to resume living with his wife and children upon his release. Note: Walters was convicted of a 4th Degree Assault DV and was not allowed to have firearms. During the execution of a warrant for the index offense, police located several firearms in Walters home. Walters wife gave the firearms to a friend to hold after their discovery by detectives. The detectives contacted the then 11-year-old stepson of Walters who admitted that the 11 firearms belonged to Walters. The police located the friend who had possession of the firearms and confiscated those weapons.

RISK LEVEL JUSTIFICATION: The Risk Level Assessments scored Walters in the Level I STATIC (= +3) and in the Level I MnSOST-R (= +2) risk level classification categories. The recommended risk level classification is based on the highest actuarial risk score. The End of Sentence Review Committee has determined this offenders risk classification should be **AGGRAVATED** to RISK LEVEL III (Due to: Past intervention did not deter sexual re-offending. Documented information that increases risk for sexual re-offense) for notification purposes. Further, it was determined that this file should be reviewed by the SVP sub-committee. On 5/2/13, the sub-committee recommended that a Forensic Psychological Evaluation be completed.

CCB RECOMMENDED CONDITIONS: In the event that the Board finds this offender releasable to community custody, the conditions recommended at sentencing, appear sufficient to mitigate his risk of sexual re-offense in the community.

SOURCES OF INFORMATION: Prosecutor's Information and Determination of Probable Cause, Motion to Introduce Evidence, Judgment and Sentence, Pre-Sentence Investigation report, Police report(s), and Official File records.

DISTRIBUTION: Pierce County Prosecutors Office, County Sheriffs Office, Police Department, DOC Office, HITS Unit, and the Department of Homeland Security.

If you have questions regarding this notification, contact the Department of Corrections Law Enforcement Notification Program, Diane Rowles at (360) 725-8663.

Drs 4/5/13 File reviewed



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POLICY

TITLE
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REVIEW/REVISION HISTORY:

Effective: 9/1/91
Revised: 8/20/03
Revised: 5/28/08
Revised: 8/16/10

SUMMARY OF REVISION/REVIEW:

I.A. - Added SOTP program at AHCC
II.A.3., III.A., III.E., V.A., and IX.D. - Added clarifying language
Added II.D.1. regarding criteria for offenders applying to SOTP with less than 18 months of incarceration upon arrival
III.A. - Added that a report of the assessment will be maintained in the offender's SOTP file and made available to SOTP treatment staff to assist in treatment planning
III.B. and C. - Adjusted risk score prioritization criteria
IV.A. and B. - Adjusted staff responsibilities for referral duties
V.B.2., IX.F.3., and XI.A.2. - Adjusted language for clarification
X. - Adjusted SOTP treatment tracking requirements
XI.A. - Adjusted that the SOTP Program Director will collaborate regularly with Department staff and experts and added members of two professional organizations to the list of experts

APPROVED:

Signature on file

ELDON VAIL, Secretary
Department of Corrections

7/8/10

Date Signed



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REFERENCES:

DOC 100.100 is hereby incorporated into this policy; RCW 9.94A.810; RCW 9.94A.820; DOC 300.380 Classification and Custody Facility Plan Review; DOC 350.200 Offender Transition and Release

POLICY:

- I. The Sex Offender Treatment Program (SOTP) provides sexual deviancy treatment to incarcerated adult sex offenders and follow up sexual deviancy treatment services in the community upon release from incarceration. The 3 main goals of SOTP are to:
 - A. Help the offenders learn skills necessary to minimize and control their risk of future sex offenses.
 - B. Help decision makers within the Department and in the community manage risk presented by SOTP offenders by providing relevant and timely offense related information and consultation.
 - C. Engage in evaluation and research activities to determine the effectiveness of the treatment program and advance Department knowledge of sexual deviancy so more effective treatment and management practices can be developed.

DIRECTIVE:

- I. Program Capacity
 - A. SOTP provides treatment to as many as 200 medium security offenders each at the Twin Rivers Unit of Monroe Correctional Complex (MCC/TRU) and Airway Heights Corrections Center (AHCC). SOTP is available to female sex offenders at Washington Corrections Center for Women (WCCW), as needed.
 - B. Treatment services may also be provided through the SOTP Treatment Preparation Group (TPG), orientations, and follow up group sessions for those offenders who have completed the facility program and continue to reside at facilities where SOTP is available.
 - C. SOTP participants have follow-up treatment in the community during the period of supervision.
- II. Eligibility Criteria
 - A. Offenders should meet the following criteria to be considered for admission to SOTP. Offenders who fail to meet criteria may still be considered for SOTP on a



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case by case basis. The SOTP Director will make the final decision on an offender's eligibility.

1. The offender must have been convicted of a sex offense(s) for the current or a previous term of incarceration.
 2. The offender must be eligible for release from incarceration at some point in the future.
 3. The offender must acknowledge/recall having committed a sex offense(s) and a belief that treatment will reduce his/her risk to re-offend.
 4. The offender must volunteer to attend SOTP and agree to follow the rules and expectations of treatment.
- B. Offenders suffering from physical or mental disabilities, including developmental and psychiatric disorders, or who cannot read or speak English, may be eligible for treatment if they meet other criteria. The Counselors should consult with SOTP staff to ensure program staff are aware of and can meet the offender's needs.
- C. The SOTP Director may authorize offenders who meet the following criteria to return for further treatment. The offender's Counselor should refer such cases explaining the circumstances that would warrant readmission for further treatment:
1. Participated in SOTP during a previous term of incarceration,
 2. Left SOTP prior to completing, or
 3. Completed SOTP and subsequently returned to a facility due to revocation of community release.
- D. Offenders who decline treatment services may later apply for admission before they are within 18 months of their Earned Release Date (ERD). Offenders who are within 18 months of their ERD at their first opportunity to apply for treatment (i.e., arrival at the Reception Diagnostic Center (RDC) at Washington Corrections Center (WCC) or WCCW) are not affected by this restriction.
1. Offenders with less than 18 months of incarceration should have at least 10 months to their ERD at the time of application for SOTP at AHCC and 14 months for SOTP at MCC/TRU.
- E. The SOTP Director can make exceptions and will determine the eligibility of offenders who meet the following criteria:



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1. Offense(s) were sexually motivated, even though the conviction was for a non-sexual offense.
2. Report having committed sex offenses that have not led to charges or convictions, or who believe they may be at risk to commit sex offenses upon their release.
3. Scored as low priority for SOTP in their risk assessment and are requesting sexual deviancy treatment.

III. Risk Assessment

- A. The SOTP Psychological Associate, under the supervision of a SOTP Licensed Clinical Psychologist, will complete an assessment of the offender's risk to commit future sex offenses will be completed at the time of application using validated actuarial risk measures. A report of the assessment will be maintained in the offender's SOTP file and made available to SOTP treatment staff to assist in treatment planning. Only one risk instrument needs to be used to screen each offender. The specific risk instrument used to determine admission priorities may change over time as research dictates.
- B. At MCC/TRU, adult male sex offenders who meet risk score criteria and have a minimum of 18 months to their ERD will be prioritized for SOTP.
- C. At AHCC, adult male sex offenders who meet risk score criteria and have a minimum of 10 months to their ERD will be prioritized for SOTP.
- D. Female sex offenders are not currently prioritized by actuarial risk, as no instrument is available for the female population. All female sex offenders volunteering for services who meet amenability criteria will be active in treatment.

IV. Referral

- A. Male sex offenders will be identified during the intake process at the WCC-RDC to determine their eligibility for and interest in SOTP. Female sex offenders will be identified during the intake process at WCCW-RDC. The SOTP Psychological Associate at the RDC will:
 1. Complete a needs assessment on each sex offender under Community Custody Board jurisdiction to determine whether sexual deviancy treatment will be indicated and to ensure timely admission to the SOTP based on ERD.



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2. Forward summary information about the offender, including a completed DOC 02-194 Sex Offender Treatment Program - Statement, Program Screening, Application, to the SOTP Administrative Assistant (AA) 3 at MCC/TRU.
 3. Make an entry Offender Management Network Information (OMNI) regarding the offender's amenability to SOTP.
- B. The SOTP Psychological Associate at the RDC will:
1. Meet with the offender and provide him/her with DOC 02-194 Sex Offender Treatment Program - Statement, Program Screening, Application.
 2. Have the offender sign documents and forward them to the SOTP AA3 if the offender is eligible and amenable for treatment.
- C. RDC staff will make an entry on OBTS DT36. This screen must be manually created for offenders being referred to the program who were not convicted of a sex offense.
- D. At any other time during confinement, the Counselor will refer offenders to SOTP through the classification process and:
1. Meet with the offender and provide him/her with DOC 02-330 Sex Offender Treatment Program Rules of Confidentiality.
 2. Have the offender sign DOC 02-194 Sex Offender Treatment Program - Statement, Program Screening, Application and DOC 02-330 Sex Offender Treatment Program Rules of Confidentiality, and forward them to the SOTP AA3 at MCC/TRU if the offender is eligible and amenable for treatment.
 - a. If the offender is eligible and amenable for treatment, but cannot be placed at the time of application, s/he may be referred to another facility until criteria for placement is met.
- E. SOTP staff, working with classification staff, will arrange for transfer according to placement priorities.
- F. Offenders may apply directly to the SOTP. SOTP placement will be considered only after staff communicate risk assessment information to SOTP.
- G. To refer eligible offenders to SOTP from non-RDC facilities:



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1. The Counselor will inform offenders of the opportunity for sexual deviancy treatment. If there are interested offenders, the Counselor will have them complete DOC 02-194 Sex Offender Treatment Program - Statement, Program Screening, Application and send it along with supporting materials to SOTP AA3 at MCC/TRU.
2. SOTP staff will assess offender information and complete necessary actuarial assessments in order to prioritize offender placement.
3. The Counselor will monitor the case until actual transfer to ensure there are no mental health, medical, or behavioral issues that preclude transfer at that time and, if so, will notify the Correctional Program Manager and the SOTP Director or designee.

V. Admission Priorities

- A. While all eligible offenders may apply for treatment, the risk assessment will help determine the offender's admission priority. Treatment beds will be allotted on a risk assessment priority basis to the higher risk offenders first, based on program availability. Offenders scored as lower risk who are requesting SOTP will be admitted on a case by case basis when space is available.
- B. Offenders with less time before release will be admitted ahead of offenders with more time to serve.
 1. Admission priorities for offenders will be ordered by the time left before the offender's ERD or Parole Eligibility Date.
 2. Offenders who require longer term treatment because of developmental disabilities or other special needs may be prioritized to ensure they have sufficient time to complete the program.
- C. Higher risk offenders will be prioritized to treatment before lower risk offenders. Offenders releasing to Washington State are prioritized higher than offenders with detainers to other states or countries and offenders that reside in other states.
- D. Exceptions to the normal admission priorities may be made if unique circumstances warrant. The Counselor should communicate the circumstances to the SOTP Director. The SOTP Director or designee will make the final decision.

VI. Risk Assessment Overrides



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- A. Staff may request higher admission priority for offenders who score below the risk criteria, if staff believe the actuarial instrument(s) underestimate the offender's risk. Staff should refer override requests to the SOTP Director, specifying the reason(s) for the recommendation.
- B. SOTP will monitor the demand for treatment and will determine whether some eligible offenders need to be refused treatment. SOTP will attempt to make such decisions as early as possible, at least 12-18 months prior to the affected offender's ERD.

VII. Consent for Treatment and Confidentiality

- A. All offenders must sign DOC 02-194 Sex Offender Treatment Program - Statement, Program Screening, Application to be prioritized for the SOTP.
- B. Offenders who object to specific, assigned tasks and procedures will, whenever possible, be given an option to perform alternate tasks to achieve the same clinical goals. Offenders who object to a number of treatment components or the basic treatment philosophy may be asked to withdraw from the program.
- C. Generally, information provided by offenders and described in reports prepared by SOTP staff will be shared with Department staff on a need to know basis. Information will also be shared with criminal justice professionals (e.g., law enforcement personnel), when warranted.
- D. Unless authorized by law, offenders must provide a signed release authorizing the sharing of information about their case with relevant parties (e.g., family members and private treatment providers).

VIII. Program Completion and Voluntary/Involuntary Termination

- A. Every effort is made by treatment staff to engage the offender in treatment activities. Even at the point of voluntary or involuntary termination from treatment, staff will attempt to encourage the offender to complete the facility portion of SOTP.
- B. Offenders may be terminated from treatment for the following reasons:
 - 1. Intentional violation of confidentiality of other participants,
 - 2. Fighting or assaultive behavior,
 - 3. Sexual behavior with others,
 - 4. Behaviors that are disruptive to the orderly operation of the program or the secure and orderly operation of the facility,



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5. Classification into close or maximum custody, unless granted an override by Headquarters, and
 6. Lack of progress in treatment, as determined by clinical staff.
- C. Offenders who are terminated from treatment may appeal to the SOTP Director or designee. Appeals must be filed within 3 days of notice of SOTP termination.
- D. Because treatment is voluntary, offenders may withdraw from treatment at any time. If upon withdrawal from treatment an offender reconsiders participation, the appeal must be filed within 3 days of notice of withdrawal.
- E. Offenders who are terminated from treatment either voluntarily or involuntarily may be referred through Classification for transfer to another facility. Treatment staff will be responsible for preparing a summary evaluation on all offenders leaving treatment.

IX. Community Treatment

- A. Under supervision of the SOTP, Community Corrections Specialists will provide continuing treatment in the community for SOTP participants. In areas where no SOTP Community Corrections Specialist is available, SOTP may contract with Certified Sexual Deviancy Providers to provide community treatment for a group of offenders.
- B. Service priorities for the SOTP in the community are, in order:
1. Providing treatment and re-entry support to sex offenders who have completed the facility portion of SOTP and are on some type of supervision status following their release from incarceration.
 2. Providing consultation and transition team membership to the Community Corrections Officer (CCO) dealing with sex offenders who have not completed SOTP and require crisis intervention services (e.g., an offender who appears about to re-offend).
 3. Providing training in the area of sex offender dynamics and treatment to other Department staff and various criminal justice and community groups.
- C. The CCO is the recognized primary case manager. The SOTP Community Corrections Specialist and CCO will regularly share pertinent information about each offender, including updates concerning the offender's progress in treatment and any other information that may affect public safety or the offender's status on supervision.



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- D. Upon transfer to Work Release or community supervision, the SOTP will ensure that information regarding the offender and his/her participation in SOTP is forwarded to the designated SOTP Community Corrections Specialist within 24 hours of notification. This generally includes the SOTP Treatment Summary, the offender's Relapse Prevention Plans, and any SOTP psychological assessments.
- E. The SOTP Community Corrections Specialist and the transition teams will share information specific to the offender's offense cycle and relapse prevention plan.
- F. SOTP Community Corrections Specialists are supervised by SOTP in collaboration with the designated Community Corrections Supervisor. The SOTP Community Clinical Supervisor provides clinical supervision direction.
 - 1. Major decisions such as work sites, personnel, and other policy decisions affecting SOTP and its staff will be made by the SOTP Community Clinical Supervisor, in cooperation with the Community Corrections Supervisor and Field Administrator.
 - 2. The SOTP Community Clinical Supervisor will schedule regular clinical/ advisory sessions with the SOTP Community Corrections Specialist.
 - 3. The SOTP Community Corrections Specialist will visit with his/her assigned SOTP offenders at the facilities where they are housed prior to their release.
 - 4. Upon completion of the community portion of SOTP, the SOTP Community Corrections Specialist will complete a discharge summary and forward it and the Field SOTP Community Corrections Specialist's file to SOTP at MCC/TRU.
- X. SOTP Treatment Tracking
 - A. An automatic referral to SOTP will be made in Referral Program Management (RPM) on all offenders arriving at the RDC with a sex offense conviction.
 - B. When there are changes in the offender's participation or interest in the program prior to his/her placement in SOTP, designated SOTP staff will update OMNI and make a viewable entry on OBTS DT36.
 - C. When an offender completes or is terminated from treatment in the community, the SOTP Community Corrections Specialist will return the treatment file to SOTP staff, and designated SOTP staff will update OMNI and make a viewable closing entry on OBTS DT36.



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XI. Sex Offender Program Consultation and Collaboration

A. The SOTP Program Director will collaborate on a regular basis with Department staff and experts in sex offender treatment and victim services, which may include, but are not limited to:

1. Superintendent,
2. Assistant Secretary for Community Corrections/designee,
3. Members of the Association for the Treatment of Sexual Abusers (ATSA) and the Washington Association for the Treatment of Sexual Abusers (WATSA),
4. Sex Offender Treatment Specialist, University of Washington,
5. Representative Community Sex Offender Treatment Providers, and
6. Victim Advocate representation.

B. The purpose of the consultation and collaboration is to provide:

1. Technical and professional assistance to the SOTP Director, and
2. Recommendations to the Department Secretary regarding program policies, goals, objectives, standards, and guidelines for the organization and delivery of services.

DEFINITIONS:

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

ATTACHMENTS:

None

DOC FORMS:

DOC 02-194 Sex Offender Treatment Program - Statement, Program Screening, Application
DOC 02-330 Sex Offender Treatment Program Rules of Confidentiality

Inmate: WALTERS, James Lee (755724)

Gender: Male	DOB: [REDACTED]	Age: 48	Category: Regular Inmate	Body Status: Active Inmate
RLC: HV	Wrap-Around: No	Comm. Concern: Yes	Custody Level: Minimum 3 - Long Term Minimum	Location: SCCC — H6 / H6055U
ERD: 07/04/2016				CC/CCO: Revel, Shane M

Details

Date & Time Created: 06/23/2014 03:44 PM
Offender Location At Occurrence: SCCC
Date & Time Of Occurrence: 06/23/2014
DOC No.: 755724
Offender Name: WALTERS, James Lee
Author Name: Revel, Shane M
Events: Comment (CM)

Text

Offender Walters turned in his application for SOTP. Application scanned and emailed to docsotpplications@doc.wa.gov.

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

In re the Personal Restraint Petition of:

JAMES LEE WALTERS,

Petitioner.

DECLARATION OF
RONDA LARSON

I, RONDA LARSON, make the following declaration:

1. I am an assistant attorney general (AAG) for the Washington Attorney General's Office (AGO) at the Corrections Division in Olympia, Washington. I have knowledge of the facts stated herein and am competent to testify.

2. I am familiar with the Offender Management Network Information (OMNI) software used by the Department of Corrections (DOC) and am authorized by the DOC to retrieve information from OMNI. Among other things, OMNI tracks information regarding an offender's location and custody.

3. I printed out correct copies of the OMNI Legal Face Sheet and chronos for James Walters, DOC No. 755724, to be used as exhibits.

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EXHIBIT 7

4. I printed a correct copy of DOC Policy 570.000 from the DOC's website, <http://www.doc.wa.gov/policies/>, to be used as an exhibit.

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

EXECUTED this 22nd day of October 2014, at Olympia, Washington.


RONDA LARSON

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

In re the Personal Restraint Petition of:

JAMES LEE WALTERS,

Petitioner.

DECLARATION OF
ROBIN RILEY

I, ROBIN RILEY, make the following declaration:

1. I am an Administrative Assistant 5 (AA5) for the Department of Corrections (DOC) at the Indeterminate Sentence Review Board (ISRB) office in Lacey, Washington. I have knowledge of the facts stated herein and am competent to testify.

2. The ISRB maintains an offender board file for each offender under the ISRB's jurisdiction. This file contains information on an offender's sentence structure and documents relevant to his history with the ISRB. As an AA5, I am a custodian of records kept by the ISRB in the ordinary course of business.

3. Upon request of the Attorney General's Office, I provided correct copies of several documents from the board file of offender James Walters, DOC No. 755724, to be used as exhibits. These include the following:

- Judgment and Sentence, *State v. Walters*, Pierce County Superior Court Cause No. 06-1-01320-6

- Decisions and Reasons, dated August 1, 2013
- End of Sentence Review Committee Draft File Review

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

EXECUTED this 22nd day of October 2013, at Lacey, Washington.


ROBIN RILEY

WASHINGTON STATE ATTORNEY GENERAL

October 23, 2014 - 2:29 PM

Transmittal Letter

Document Uploaded: prp2-463709-Response.pdf

Case Name: In re the Personal Restraint Petition of: JAMES LEE WALTERS

Court of Appeals Case Number: 46370-9

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

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

Statement of Arrangements

Motion:

Answer/Reply to Motion:

Brief:

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

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

Hearing Date(s):

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other:

Comments:

No Comments were entered.

Sender Name: Hilary S Sotomish - Email: hilaryg@atg.wa.gov