

NO. 81324-8

(Court of Appeals Cause No. 58823-1-I)

SUPREME COURT OF THE STATE OF WASHINGTON

In re the Personal Restraint Petition of:

MARK DAVID MATTSON,

Respondent,

**SUPPLEMENTAL BRIEF OF THE WASHINGTON STATE
DEPARTMENT OF CORRECTIONS**

ROBERT M. MCKENNA
Attorney General

GREGORY J. ROSEN, WSBA #15870
JOHN J. SAMSON, WSBA #22187
Assistant Attorney General
Corrections Division
P.O. Box 40116
Olympia, WA 98504-0116
(360) 586-1445

RECEIVED
SUPREME COURT
STATE OF WASHINGTON

2008 AUG -8 A 10:27

BY ROBERT M. CARPENTER

CLERK

TABLE OF CONTENTS

I. ISSUES PRESENTED.....1

II. STATEMENT OF THE CASE.....1

 A. STATUTORY BACKGROUND.....1

 B. MATTSON’S CRIMINAL HISTORY AND FORENSIC EVALUATIONS.....3

 C. DEPARTMENT INVESTIGATION OF MATTSON’S PROPOSED RELEASE PLANS.....5

 1. Mattson’s Prior Release Plans.....5

 2. Mattson’s Current Plan.....7

III. ARGUMENT9

 A. THE DEPARTMENT COMPLIED WITH RCW 9.94A.728 WHEN IT DENIED A TRANSFER TO COMMUNITY CUSTODY AFTER DETERMINING THE TRANSFER WOULD PRESENT A RISK TO COMMUNITY SAFETY AND PLACE MATTSON AT RISK TO REOFFEND.9

 B. THE COURT OF APPEALS ERRED IN HOLDING THAT MATTSON HAS A PROTECTED LIBERTY INTEREST IN COMMUNITY CUSTODY.....13

 C. THE COURT OF APPEALS IMPROPERLY STRETCHED ITS DECISIONS IN *DUTCHER* AND *LIPTRAP* TO FIND A VIOLATION OF RCW 9.94A.728.18

IV. CONCLUSION.....21

TABLE OF AUTHORITIES

Cases

<i>Carver v. Lehman</i> , 528 F.3d 659 (9th Cir. 2008)	16, 17
<i>Dutcher</i> , 114 Wn. App. at 760.....	18, 19
<i>Greenholtz v. Inmates of Nebraska Penal & Correctional Complex</i> , 442 U.S. 1, 99 S. Ct. 2100, 60 L. Ed. 2d 668 (1979)	13, 15
<i>Hewitt v. Helms</i> , 459 U.S. 460, 103 S. Ct. 864, 74 L. Ed. 2d 675 (1983)	13
<i>In re Cashaw</i> , 123 Wn.2d 138, 866 P.2d 8 (1994).....	13, 14, 15, 16
<i>In re Elliot</i> , 74 Wn.2d 600, 446 P.2d 347 (1968)	17
<i>In re Grisby</i> , 121 Wn.2d 419, 853 P.2d 901 (1993)	17
<i>In re McCarthy</i> , 161 Wn.2d 234, ___ P.3d ___ (2007)	15, 16
<i>In re Salvini's Estate</i> , 65 Wn.2d 442, 397 P.2d 811 (1964)	17
<i>Kentucky Dep't. of Corrections v. Thompson</i> , 490 U.S. 454, 104 L. Ed. 2d 506, 109 S. Ct. 1904 (1989)	14
<i>Liptrap</i> , 127 Wn. App. at 468.....	18, 20
<i>State v. Rogers</i> , 112 Wn.2d 180, 770 P.2d 180 (1989).....	9

<i>Toussaint v. McCarthy</i> , 801 F.2d 1080 (9th Cir. 1986)	14
<i>U.S. Fidelity & Guar. Co. v. Anderson Construction</i> , 260 F.2d 172 (9th Cir. 1958)	17
<i>Wilkinson v. Austin</i> , 545 U.S. 209, 125 S. Ct. 2384, 162 L. Ed. 2d 174 (2005)	13

Statutes

RCW 71.09	6
RCW 71.09.020	1, 4, 5, 20
RCW 71.090.020	11
RCW 72.09.340	10, 19
RCW 9.94A	1
RCW 9.94A.728	passim
RCW 9.95.420	15

I. ISSUES PRESENTED

Under RCW 9.94A.728(2), a sex offender is not entitled to earned early release, but may become eligible for transfer to community custody. Under RCW 9.94A.728(2)(d), the Department of Corrections may deny transfer to community custody if it would place the sex offender at risk to reoffend or present a risk to victim or community safety. RCW 71.09.020 defines a sexually violent predator as an offender with a mental abnormality that “makes the person likely to engage in predatory acts of sexual violence if not confined.” Did the Court of Appeals err in holding that sex offenders diagnosed as sexually violent predators have a liberty interest in consideration for release to community custody?

II. STATEMENT OF THE CASE

A. STATUTORY BACKGROUND.

Under the Sentencing Reform Act, RCW 9.94A, sex offenders are not entitled to earned early release. Instead, sex offenders “may become eligible, in accordance with a program developed by the department, for transfer to community custody in lieu of earned early release time”. RCW 9.94A.728(2)(a)&(b). The statute gives the Department discretion to develop the program for transfer to community custody, but directs that the Department’s program must require the offender to provide “an approved residence and living arrangement” in the proposed release plan.

RCW 9.94A.728(2)(c). The statute also states that the Department may deny transfer to community custody if it determines the transfer may:

- violate the conditions of the sentence;
- place the offender at risk to violate the conditions of the sentence;
- place the offender at risk to reoffend; or
- present a risk to victim safety or community safety.

RCW 9.94.728(2)(d).

In compliance with RCW 9.94A.728, the Department issued the “Risk Based Transition for Offender” policy. App. 2, Policy 350.200, Risk Based Offender Transition and Release. In 2002, the policy required consideration of “the offender’s risk, past compliance with supervision requirements, all chrono entries, and End of Sentence Review Committee decisions.” App. 3, Policy 350.200, effective 6/25/02 at 7. In June 2006, the policy was amended to state that a no proposed community custody plan is sufficiently safe if an expert psychologist has determined that the offender meets civil commitment criteria as a sexually violent predator. App. 4, June 2006 Sex Offender Directives at 2. The amended language was deleted in December 2006, before the Court of Appeals issued its opinion. App. 2. The current policy is in the Transition Plan Procedure attachment to Policy 350.200. The policy now states in relevant part:

- c) If a forensic psychological evaluation has been completed and an expert has concluded that the offender does meet civil commitment criteria, as defined under

RCW 71.09.020, the proposed plan must meet the level of protection necessary to ensure community safety.

d) If a forensic psychological evaluation is pending a professional assessment of public safety risks, the assigned CCO and Field Administrator must carefully review all available file material to determine whether approval of a proposed plan is appropriate when the level of protection necessary to ensure community safety is not fully known.

App. 2, Transition Plan Procedure Attachment at 4.

B. MATTSON'S CRIMINAL HISTORY AND FORENSIC EVALUATIONS:

Mattson has a long history of sexual offenses against young girls.

App. 5, Civil Commitment Clinical Eval., 8/9/05 at 10. He began sexually abusing children when he was a teenager. App. 6, Civil Commitment Clinical Eval., 11/17/03 at 7. Usually, his victims were between the ages of 3 and 10. Mattson estimates he has abused over 60 children. *Id.*

In 1985, Mattson asked a six year old girl to help him find his dog, and led her to an apartment building laundry room. Once there, he forced her to fellate him. He pled guilty to statutory rape and was sent to Western State Hospital's Sexual Psychopath Program. App. 7, Draft File Rev. for EOSRC at 1-2; App. 8, Legal Face Sheet at 1. After three years of unsuccessful treatment he was released. App. 5 at 6. Mattson self-reported that after release, he attacked six or seven children. App. 5 at 6.

Mattson committed his current offense in 1998. He lured a fifteen year old girl he had not previously met to an apartment construction site. He forced her upstairs and threatened to kill her unless she had sex with him. He attempted to force her to perform fellatio and then forced her to masturbate him. App. 7. Mattson was convicted of indecent liberties by forcible compulsion. App. 9, Judgment and Sentence, *State v. Mattson*, King Cy. Cause No. 98-1-09413-0SEA. Mattson became eligible for transfer to community custody on July 23, 2005. RCW 9.94A.728. His maximum sentence expires in November 2008. App. 8 at 1.

Eighteen months prior to Mattson's proposed transfer to community custody, he was evaluated by Dr. Judd, a forensic psychologist. Dr. Judd found that Mattson met the criteria for civil commitment as a sexually violent predator, under RCW 71.09.020. App. 6. Dr. Judd diagnosed Mattson with pedophilia and concluded that Mattson was likely to engage in predatory acts of sexual violence if not confined to a secure facility. *Id.* at 7-8.

In 2005, Dr. Judd conducted a second forensic evaluation of Mattson. App. 5. As part of the reevaluation, Dr. Judd reviewed over 2000 pages of documents. *Id.* at 1-2. During the second evaluation, Mattson disclosed that he has sexually attacked 38 "young, slim, vulnerable looking females." *Id.* at 5. Mattson explained that he chooses

young girls because they provided an “opportunity to get sexual satisfaction with an age group that was less likely to know the difference between right and wrong.” *Id.* Mattson explained that he looks for “single children in residential areas.” *Id.* Mattson stated that he targets strangers’ children to minimize the probability of being caught. *Id.* Mattson further disclosed to Dr. Judd that he has committed sex crimes against prostitutes, including anal rape. *Id.* at 6-7.

Dr. Judd observed that Mattson has “a chronic, intense pattern of paraphilic arousal” that “has been refractory to prior treatment.” App. 5 at 17. He concluded that despite treatment and incarceration, Mattson is at high risk of reoffense and continues to meet the statutory criteria for a sexually violent predator as described in RCW 71.09.020. *Id.* at 19.

C. DEPARTMENT INVESTIGATION OF MATTSON’S PROPOSED RELEASE PLANS.

1. Mattson’s Prior Release Plans.

Mattson’s first proposed plan was to transfer to the Franklin Apartments in Seattle. *See* App. 10, ¹ Offender Chrono Report at 1, dated March 22, 2005. A community corrections officer investigated the plan and found that the proposed residence was in an area known for high narcotics and prostitution. Because the proposed release address placed

¹ A “Chrono Report” is a chronological case summary for an offender who is in the Department’s custody or under its jurisdiction.

Mattson at risk to re-offend, the Department denied the plan. *See id.* at entry date of May 26, 2005.

Mattson's next proposed plan was to reside in Seattle at the Georgian Motel, located on North Aurora Avenue. App. 10 at June 7, 2005. In investigating the plan, Department staff found that the motel was in the middle of a very well known prostitution area. Given Mattson's admitted anal rape of prostitutes, he would be placed in a high risk situation if his plan was approved. Consequently, this proposed address was denied. App. 10 at July 27, 2005.

On August 2, 2005, Mattson proposed a third plan, for transfer to the Boylston Hotel in Seattle. *Id.* at August 2, 2005. On August 9, 2005, the Department received the updated psychological evaluation in which Dr. Judd opined that Mattson continued to meet sexually violent predator criteria for civil commitment under RCW 71.09. *Id.* at August 9, 2005. During investigation of the Boylston Apartments, the staff witnessed drug buys within 50 yards of the Boylston, as well as apparent prostitution. *See id.* at entry date August 25, 2005. DOC staff noted that this placement has a long history of involvement in this sub-culture, both inside and outside the immediate environs of the building. *Id.* Department staff denied this proposed plan because Mattson had a history with both of these issues.

The Department investigated a fourth proposed plan after David Baerschty offered a proposed community custody address. Mr. Baerschty stated he was interested in having Mattson live with him in Duvall, Washington. Mr. Baerschty indicated that his wife resided in the home and that his daughter, son-in-law and grandson would be staying temporarily, but would probably leave before Mattson would arrive. *Id.* at September 29, 2005. Community corrections officers went to Mr. Baerschty's home. When they spoke with Mr. Baerschty's wife, it became apparent that she did not want Mattson living with them. *See App. 10 at 4, October 21, 2005.* She stated that she was not consulted her before her husband offered their home. *Id.* Therefore, the proposal was denied. *Id.*

2. **Mattson's Current Plan.**

The current plan, which is the subject of the personal restraint petition, proposes that Mattson live at the Mack House, in Seattle. In investigating this proposal, Department staff observed a church called Church Praise and Promise, and a sign at the church advertising "Praise and Promise Preschool." Department staff noted that the church and preschool were on the bus line and that Mattson would have to pass or stand near the preschool if he was using the bus. *See App. 10 at 7, January 3, 2008.* Department staff further noted that "J. Rootie York Memorial Park" was in close proximity to the proposed release address.

Id. Department staff also noted a high concentration of single, duplex and multi-family dwellings within close proximity of the residence, and saw a school bus picking up children within a block of the residence.

As Department staff investigated the neighborhood directly adjacent to the residence, they found that within one-half block and within eyesight of the back bedrooms there is an apartment complex. At the apartment complex, staff counted 13 children's bicycles in a covered area. More bicycles were observed near individual apartment doors. The bicycles were small, brightly colored and some had baskets on them. In most of the apartment windows, Department staff saw homemade Christmas decorations, such as a child would make. *Id.*, January 3, 2008. Department staff noted there was also a basketball court and a children's play area near the street which could be seen from the proposed release residence. *Id.* Department staff noted additional clear signs of minor age children throughout the neighborhood.

In ruling on Mattson's petition, the Court of Appeals mistakenly concluded the Department never formally investigated and denied Mattson's proposal to live at the Mack House. However, after investigating Mattson's proposal, Department staff recommended that the plan be denied. The staff concluded that based on Mattson's criminal behavior patterns, his proposed residence at the Mack House did not

provide enough structure for Mattson and placed him in close proximity of victim-age minors. *See id.* The staff noted that Mattson has a history of sexually assaulting adults under the influence of drugs and/or alcohol. Since Mattson meets the criteria for civil commitment under RCW 71.09, with a “high probability of recidivism,” the Department concluded that community custody at the Mack House would place the community at risk and place Mattson at jeopardy of re-offense. *See id.*

III. ARGUMENT

A. THE DEPARTMENT COMPLIED WITH RCW 9.94A.728 WHEN IT DENIED A TRANSFER TO COMMUNITY CUSTODY AFTER DETERMINING THE TRANSFER WOULD PRESENT A RISK TO COMMUNITY SAFETY AND PLACE MATTSON AT RISK TO REOFFEND.

The Sentencing Reform Act presumes that a sex offender committed to the Department of Corrections shall not be released before the expiration of the maximum sentence. RCW 9.94A.728. The statute explicitly declares that, “No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence” except as authorized in the statute. RCW 9.94A.728. “The statute prohibits early release absent existence of one of the statutory exceptions.” *State v. Rogers*, 112 Wn.2d 180, 183, 770 P.2d 180 (1989).

RCW 9.94A.728 does not entitle a sex offender to release on an earned early release date. Instead, the statute states that a sex offender may only “become eligible, in accordance with a program developed by the department, for transfer to community custody in lieu of earned early release time. . . .” RCW 9.94A.728(2)(a).

The Legislature has commanded that before approving transfer to community custody, the Department must consider the public risk.

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

RCW 72.09.340. The statute expressly provides that the Department may deny transfer to community custody based upon its determination of risk:

The Department is further authorized to reject a residence location if the proposed residence is within close proximity to schools, child care centers, playgrounds, or other grounds or facilities where children of similar age or circumstances as a previous victim are present who the department determines may be put at substantial risk of harm by the sex offender’s residence at that location.

RCW 72.09.340.

The Legislature expressly authorized the Department to deny transfer to community custody status if it determines the transfer “may ... place the offender at risk to reoffend, or present a risk to victim safety or community safety.” RCW 9.94A.728(2)(d). The Legislature also

expressly recognized that sexually violent predators by definition pose a high risk of reoffense. A sexually violent predator is defined as:

[A]ny person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder **which makes the person likely to engage in predatory acts of sexual violence if not confined** in a secure facility.

RCW 71.090.020(16) (emphasis added).

The Department properly exercised its authority and denied the proposed transfer to community custody because it determined the transfer may place Mattson at risk to reoffend and would present a risk to community safety. RCW 9.94A.728(2)(d). The Court of Appeals mistakenly concluded that the Department did not consider the current proposal to transfer to the Mack House “on the merits.” However, the Department knew that Mattson was convicted of multiple sexual offenses, and self-reported numerous additional sexual offenses. The Department also knew the forensic evaluations conducted by Dr. Judd twice confirmed that Mattson has a mental abnormality and presents a high level of risk of continuing to commit predatory acts of sexual violence if he is not confined to a secure facility. App. 6 and 5. Having determined that

Mattson's transfer poses a risk of reoffense and a risk to community safety, the Department denied the proposed transfer "on the merits."²

The Court of Appeals erred in finding that a sex offender is entitled to transfer to community custody even though the offender has a history of repeated sexual offenses, and the Department has psychological evaluations that the offender poses a high risk of reoffense if not confined. RCW 9.94A.728(2)(d) specifically authorizes the Department to deny a transfer to community custody where the Department determines the transfer presents a risk of reoffense and a risk to community safety, and Sexually violent predators by definition present a high risk of reoffense. RCW 71.090.020(16). Since the Department had determined that Mattson's release may place him at risk of reoffense and may present a risk to community safety, the Department properly exercised its statutory authority and denied his transfer. The Court of Appeals' ruling directly conflicts with the Department's statutory authority to deny a transfer to community custody if it may place the offender at risk to reoffend or may present a risk to victim safety or community safety.

² Given that Mattson had been found to be meet statutory criteria of a sexually violent predator by a forensic psychologist, by statutory definition the only viable "release" plan would be a placement in a secure facility. *See* RCW 71.09.020(16). Per RCW 71.09.020(13), a "secure facility" includes three possible placements: total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement under RCW 71.09.096.

B. THE COURT OF APPEALS ERRED IN HOLDING THAT MATTSON HAS A PROTECTED LIBERTY INTEREST IN COMMUNITY CUSTODY.

The Court of Appeals concluded that Mattson has a protected liberty interest in earned early release from confinement. The Court of Appeals' finding of a protected liberty interest in RCW 9.94A.728(2) is in conflict with this Court's decisions.

A liberty interest may arise from the Constitution or from an expectation or interest created by state laws or policies. *Wilkinson v. Austin*, 545 U.S. 209, 221, 125 S. Ct. 2384, 162 L. Ed. 2d 174 (2005); *Hewitt v. Helms*, 459 U.S. 460, 466, 103 S. Ct. 864, 74 L. Ed. 2d 675 (1983). An inmate ordinarily does not have a liberty interest in being released from prison prior to serving his full maximum sentence. *Greenholtz v. Inmates of Nebraska Penal & Correctional Complex*, 442 U.S. 1, 7, 99 S. Ct. 2100, 60 L. Ed. 2d 668 (1979). However, a state statute may create a liberty interest where none otherwise exist if the statutes create a presumption or expectation of release. *Id.* at 11-12.

“For a state law to create a liberty interest, it must contain ‘substantive predicates’ to the exercise of discretion and ‘specific directives to the decisionmaker that if the regulations’ substantive predicates are present, a particular outcome must follow.” *In re Cashaw*, 123 Wn.2d 138, 144, 866 P.2d 8 (1994) (quoting *Kentucky Dep’t. of Corrections v.*

Thompson, 490 U.S. 454, 463, 104 L. Ed. 2d 506, 109 S. Ct. 1904 (1989)).

Under this standard, only substantive laws can create these interests.

“[L]aws that dictate particular decisions given particular facts can create liberty interests, but laws granting a significant degree of discretion cannot.”

Cashaw, 123 Wn.2d at 144. “[S]tate regulations that establish only the procedures for official decisionmaking, such as those creating a particular type of hearing, do not by themselves create liberty interests.” *Id.* at 145.

In *Cashaw*, this Court considered whether procedural regulations for parolability hearings created a liberty interest. The rules of the Indeterminate Sentence Review Board called for an in-person parolability hearing and detailed written notice as to the substance and procedures involved in that hearing. *Cashaw*, 123 Wn.2d at 144-45. The Board was also required to make parolability decisions “reasonably consistent” with the ranges, standards and purposes of the Sentencing Reform Act. *Id.* at 146. While the Board’s discretion had been reduced, this Court found no state created liberty interest. “The adoption of guidelines to structure the exercise of discretion does not necessarily create a liberty interest.” *Cashaw*, 123 Wn.2d at 146 (quoting *Toussaint v. McCarthy*, 801 F.2d 1080, 1089 (9th Cir. 1986), *cert. denied*, 481 U.S. 1069 (1987)). Decisions about an offender’s parolability are not guided by “substantive predicates’ and ‘specific

directives' from which 'a particular outcome must follow'". *Cashaw*, 123 Wn.2d at 146.

Like parole decisions, decisions about an offender's potential risk are not guided by "substantive predicates" and "specific directives." Given the subjective nature of determining an offender's potential risk, a particular set of facts cannot result in a particular outcome. "Rather, these decisions concern the degree to which an inmate has become rehabilitated, and thus involve 'subjective appraisals' and 'discretionary assessment of a multiplicity of imponderables.'" *Id.* at 146 (citations omitted).

This Court found a limited liberty interest in release in *In re McCarthy*, 161 Wn.2d 234, ___ P.3d ___ (2007), where the offender was serving an indeterminate sentence as a nonpersistent sex offender under RCW 9.94A.712. However, the statute at issue in *McCarthy* contained a presumption of release from confinement at the end of the minimum term unless the Indeterminate Sentence Review Board determined by a preponderance of the evidence that it is more likely than not that he will commit sex offenses if released. *McCarthy*, 161 Wn.2d at 239-40 (construing RCW 9.95.420(3)). Thus, this Court held that, "[p]ursuant to *Greenholtz*, RCW 9.95.420(3) creates a limited liberty interest by restricting the Board's discretion and establishing a presumption that

offenders will be released to community custody upon the expiration of their minimum sentence.” *McCarthy*, 161 Wn.2d at 241.

Unlike the statute at issue in *McCarthy*, RCW 9.94A.728(2) creates no presumptions or substantive predicates that bind the Department’s discretion or create a liberty interest in transfer to community custody. This case and the statute at issue are akin to *Cashaw*, where no liberty interest was found, and not *McCarthy*, where the restrictions on the Board’s discretion and statutory presumption of release established a limited liberty interest.

In *Carver v. Lehman*, 528 F.3d 659, 669 (9th Cir. 2008), the Ninth Circuit recently held that RCW 9.94A.728 created a liberty interest protected under the Due Process Clause. *See Carver v. Lehman*, 528 F.3d at 669. However, the Ninth Circuit’s misreading of the statute led to this erroneous conclusion. As the dissent pointed out, Judge Reinhardt reached his erroneous conclusion “only by confusing ‘may’ and ‘shall’ and by reading ‘if’ to mean ‘only if.’” *Carver*, 528 F.3d at 670 (Smith, J., dissenting). As Judge Smith noted in his dissent, since RCW 9.94A.728 uses the permissive words “may” and “if,” and not substantive words restricting the Department’s exercise of discretion, the statute does not create a liberty interest in transfer to community custody. *Id.* at 670-71.

The Ninth Circuit's decision in *Carver* containing an erroneous interpretation of RCW 9.94A.728 is not binding on this Court. See *In re Salvini's Estate*, 65 Wn.2d 442, 446-47, 397 P.2d 811 (1964); see also *In re Elliot*, 74 Wn.2d 600, 602, 446 P.2d 347 (1968) (state courts are not bound by federal court interpretations of state statutes); *U.S. Fidelity & Guar. Co. v. Anderson Construction*, 260 F.2d 172, 176 (9th Cir. 1958) (federal courts are bound by the holdings of state courts as to state statutes); and *In re Grisby*, 121 Wn.2d 419, 430, 853 P.2d 901 (1993) (“While we always give careful consideration to Ninth Circuit decisions, we are not obligated to follow them, and do not do so in this case.”) (Emphasis added.) Because this Court is the ultimate expositor of Washington State law, and has not previously announced a decision on the issue of whether sex offenders that are diagnosed as sexually violent predators have a liberty interest in consideration for release to community custody, this Court is not bound by the Ninth Circuit's decision in *Carver*.

Mattson fails to show a due process violation. The Department properly exercised its authority under the statute, and denied Mattson's plan for transfer to community custody. Since the statute does not create a liberty interest, the Department's decision did not violate due process.

C. THE COURT OF APPEALS IMPROPERLY STRETCHED ITS DECISIONS IN *DUTCHER* AND *LIPTRAP* TO FIND A VIOLATION OF RCW 9.94A.728.

Instead of recognizing the Department's statutory duty to consider the risk of reoffense and the risk to community safety, the Court of Appeals relied on an expansion of its rulings in *In re Dutcher* and *In re Liptrap*. The *Dutcher* case considered a prior version of the Department's community custody policy, which stated that a proposed plan would be rejected if: (1) the Department's End of Sentence Review Committee determines that the offender appears to be a sexually violent predator, and (2) the offender has been referred for civil commitment. *Dutcher*, 114 Wn. App. at 760. Dutcher's proposal was denied, despite the fact that he had not been referred for civil commitment. *Id.* The Court of Appeals held that this violated the Department's own policy. The language of RCW 9.94A.728(2)(d) applicable to Mattson's case was not enacted during the time period relevant to Dutcher's case. However, the decision included a dicta discussion of the amended policy, opining that although an offender who meets the definition of a sexually violent predator "may have a slim chance of approval," a release plan must still be considered while a referral for civil commitment is pending. *Id.* at 762.

Since the Department's policy has changed, and the facts are clearly distinguishable, *Dutcher* is inapplicable. Unlike the facts in

Dutcher, the his proposal to live at the Mack House was thoroughly evaluated. *Id.* Pursuant to RCW 9.94A.728, the Department concluded the address was unsuitable because it would place Mattson in close proximity to preschool and school age children and put him at high risk of reoffense. App. 7 at 7-8. In addition, unlike the facts in *Dutcher*, Mattson received two forensic evaluations, both concluding that he meets the definition of a sexually violent predator and is at high risk to reoffend if placed in the community. RCW 72.09.340.

More importantly, the Court of Appeals erred in relying on erroneous dicta from *Dutcher* regarding RCW 9.94A.728(2)(d). Although the Court of Appeals may believe “[t]he public would be best served if a sex offender has developed a viable release plan” and that community custody should “help an offender” become a part of the community, the Legislature codified a contrary policy decision. *Dutcher*, 114 Wn. App. at 765. The Legislature provided that the Department may deny community custody based on community safety. Under the statutory definition, a sexually violent predator is defined as a person at risk of reoffense. Despite the Court of Appeals’ policy position, the Department is statutorily authorized to deny release to community custody to persons who meet the definition of a sexually violent predator, and therefore place the community at risk of additional sexual attacks on future victims.

The Court of Appeals' expansion of *Liptrap* is also unwarranted. *Liptrap* held that the Department erred in instructing its staff not to approve or deny the proposed plans of sex offenders who have not been evaluated to determine whether they are a sexually violent predator. *Liptrap*, 127 Wn. App. at 468. *Liptrap* concerned sex offenders who had been referred for civil commitment proceedings, but had not yet been evaluated to determine if they were sexually violent predators. *Id.* at 467-468. The court stated there is no reason forensic evaluations cannot be obtained before offenders reach their early release dates and reiterated that administrative delays are contrary to public policy. *Id.* at 474.

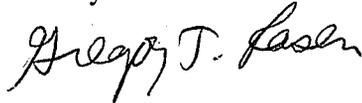
In this case, there was no administrative delay. Mattson was evaluated twice prior to his early release date, in 2003 and 2005, and found to meet the statutory criteria for a sexually violent predator. Therefore, statutory authority justified denial of Mattson's proposed release plans based on the conclusion of two forensic evaluations that he is at high risk to reoffend. RCW 9.94A.728(2); RCW 71.09.020. Despite the fact that sexually violent predators are by definition at risk to reoffend, and may therefore be denied community custody under RCW 9.94A.728, the Department considered each of Mattson's proposed release plans. The Department's determination that Mattson should not be released to community custody status was an appropriate exercise of discretion.

IV. CONCLUSION

The Respondent respectfully requests that the personal restraint petition be dismissed.

RESPECTFULLY SUBMITTED this 7 day of August, 2008.

ROBERT M. MCKENNA
Attorney General



GREGORY J. ROSEN, WSBA #15870
JOHN J. SAMSON, WSBA #22187
Assistant Attorney General
Corrections Division
P.O. Box 40116
Olympia, WA 98504-0116
(360) 586-1445

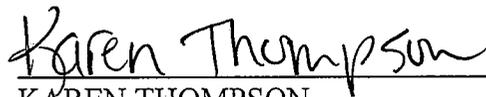
CERTIFICATE OF SERVICE

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

- US Mail Postage Prepaid
- United Parcel Service, Next Day Air
- ABC/Legal Messenger
- State Campus Delivery
- Hand delivered By: _____

GREGORY C. LINK WSBA 25228
WASHINGTON APPELLATE PROJECT
701 MELBOURNE TOWER
1511 THIRD AVENUE
SEATTLE, WA 98101

EXECUTED this 8th day of August, 2008, at Olympia,
Washington.


KAREN THOMPSON

APPENDIX 1

DEC 19 2007

ATTORNEY GENERAL'S OFFICE
CRIMINAL JUSTICE DIV - OLYMPIA

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

In the Matter of the Personal Restraint)
Petition of)

No. 58823-1-I

MARK MATTSON,)

PUBLISHED OPINION

Petitioner.)

FILED: December 17, 2007

SCHINDLER, A.C.J. — Under RCW 9.94A.728, in lieu of earned early release time, a sex offender may become eligible to transfer to community custody if the Washington State Department of Corrections (DOC) approves the offender's proposed release plan and residence. Mark Mattson challenges the DOC policies that categorically prevent approval of a proposed release plan if a forensic evaluation concludes the offender meets the criteria for civil commitment as a sexually violent predator. As in In re Pers. Restraint of Dutcher, 114 Wn. App. 755, 60 P.3d 635 (2002), and In re Pers. Restraint of Liptrap, 127 Wn. App. 463, 111 P.3d 1227 (2005), we hold that the statute governing transfer to community custody in lieu of earned early release does not allow DOC to categorically exclude offenders who meet the sexually violent predator criteria. We grant Mattson's personal restraint petition and direct DOC to evaluate his most recently proposed release plan and residence on its merits.

A jury convicted Mark Mattson of the crime of indecent liberties by forcible compulsion, committed on November 2, 1998. In 2003, the court imposed a 120 month sentence, followed by 36 months of community custody.¹ Mattson's maximum release date was November 2, 2008. With time for good behavior, Mattson was eligible to transfer into community custody on July 23, 2005.

Under DOC policy 350.200, "Risk Based Transition for Offenders," in order to transfer to community custody, an inmate must submit a proposed release plan and a proposed residence that complies with the conditions of the judgment and sentence and does not place the inmate at risk to reoffend, or present a risk to victim safety or to community safety. To qualify for transfer to community custody, DOC must approve the proposed release plan and residence.

The June 25, 2002 version of policy 350.200 sets forth a number of factors DOC takes into account in determining the appropriateness of a transition plan, including "the offender's risk, past compliance with supervision requirements, all chrono entries, and *End of Sentence Review Committee* decisions."² Section VI of the policy also unequivocally states that "[s]taff shall not complete or forward a TP [transition plan] for investigation if: "[t]he *ESRC* has determined that the offender meets the criteria for referral as a sexually violent predator under RCW 71.09."

In 2003, the DOC End of Sentence Review Committee (ESRC) classified Mattson as a level 3 high-risk sex offender. In November 2003, the Joint Forensic Unit of the ESRC referred Mattson to Brian W. Judd, Ph.D. to conduct a psychological

¹ In his direct appeal, we affirmed Mattson's conviction but vacated the sentence under the two strikes statute and remanded for resentencing. State v. Mattson, 117 Wn. App. 1050 (2003). On remand the parties agreed to an exceptional sentence of 120 months.

² June 25, 2002 Policy Directive 350.200, p. 7.

evaluation to determine whether Mattson met the criteria for civil commitment as a sexually violent predator under chapter 71.09, RCW. Based on review of Mattson's criminal history and his incarceration history, Dr. Judd issued a preliminary report concluding that Mattson meets the criteria as a sexually violent predator.³

In 2004, Mattson enrolled in the Twin Rivers sex offender treatment program at Monroe. In April of 2005, Mattson submitted his first proposed release plan and a proposed residence at the Franklin Apartments in Seattle. DOC investigated and rejected the Franklin Apartments because it was in a high drug and prostitution area. In June of 2005, Mattson completed the in-custody portion of the sex offender treatment program with the expectation of continuing treatment while on community custody. After completing the sex offender program, Mattson submitted another release plan with the Georgia Inn in Seattle as his proposed residence. DOC investigated and rejected the Georgia Inn because it was in "the middle of [sic] a very well known prostitution area." In August 2005, Mattson proposed living at the Boylston Hotel in Seattle. According to the DOC records, because the investigating officer witnessed drug transactions and prostitution near the hotel, DOC rejected the Boylston Hotel as a proposed residence release plan.

In early August 2005, Dr. Judd issued an addendum to his 2003 preliminary evaluation of Mattson. Based on review of additional information, including Mattson's treatment records from the Twin Rivers sex offender treatment program and a four-hour

³ Under RCW 71.09.020(16) a sexually violent predator is defined as "any person who has been convicted or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility."

interview with Mattson, Dr. Judd confirmed that in his opinion Mattson meets the criteria as a sexually violent predator.

In September of 2005, Mattson proposed living in a private home in Duvall. But because the investigating officer stated that the man's wife was unaware of her husband's proposal and was unwilling to allow Mattson to live with them, DOC rejected the plan. On April 19, 2006, Mattson submitted the Mack House in Arlington as his proposed residential address. The Mack House is a clean and sober residence that accepts sex offenders. The record indicates that the Mack House agreed to accept Mattson as a resident and participant in its program.

On June 8, 2006, DOC issued a directive replacing Section VI of DOC Policy 350.200. "Effective immediately: this Directive replaces DOC Policy 350.200 – Risk Based Transition for Offenders, page 8, section D, number 4."

The June 2006 directive provides in pertinent part:

For those cases where a forensic evaluation has been completed and an expert has concluded that the offender does meet the criteria for civil commitment as defined under RCW 71.09.020, no proposed community plan will be deemed sufficiently safe to ensure community protection.

While DOC never formally denied Mattson's proposed residence at Mack House, the June 2006 records stated that "[a]fter reviewing the latest re sex offender directives looks like this will be denied based on that and where 'no plan will offer sufficient, protection for the community' Have verified P meets criteria for SVP referral"

Mattson filed a personal restraint petition challenging denial of his proposed release plan and residence based on the DOC policies that prevent approval after a forensic evaluation concluded he meets the criteria as a sexually violent predator.

Where an inmate challenges a decision from which he has had “no previous or alternative avenue for obtaining state judicial review,” RAP 16.4(a) requires showing that he is unlawfully restrained. in re Pers. Restraint of Cashaw, 123 Wn.2d 138, 148-49, 866 P.2d 8 (1994). A restraint is unlawful if the challenged action is unconstitutional or violates the laws of the State of Washington. RAP 16.4(c)(2); Liptrap, 127 Wn. App. at 469; Dutcher, 114 Wn. App. at 758.⁴ An inmate has a limited, but protected liberty interest in earned early release. Id. “Likewise, the department’s compliance with requirements of a statute affecting his release is a protected liberty interest.” Dutcher, 114 Wn. App. at 758.

In his personal restraint petition, the earned release time statute, Mattson contends he is unlawfully restrained and entitled to relief. He asserts the DOC policy that categorically prohibits approval of any proposed release plan if a forensic evaluation concludes the offender meets the criteria as a sexually violent predator, conflicts with the earned release time statute, RCW 9.94A.728, and this court’s decisions in Dutcher and Liptrap.

The meaning of a statute is a question of law that we review de novo. The primary objective in construing a statute is to give effect to legislative intent. In re Pers. Restraint of Smith, 139 Wn.2d 199, 203-04, 986 P.2d 131 (1999); State v. Breazeale, 144 Wn.2d 829, 837, 31 P.3d 1155 (2001). If the statute’s meaning is plain on its face, we must give effect to the plain meaning as an expression of legislative intent. Breazeale, 144 Wn.2d at 480.

⁴ Because Mattson had had no other or prior means to obtain judicial review, the requirement to show actual and substantial prejudice or a fundamental defect resulting in a miscarriage of justice does not apply. In re Pers. Restraint of Capello, 106 Wn. App. 576, 580, 24 P.3d 1074 (2001).

RCW 9.94A.728 (1) allows an inmate to earn early release time for good behavior.

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time.

But an inmate convicted of a sex offense who earns credit for good behavior is not entitled to early release. Instead, the inmate "may become eligible for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section." RCW 9.94A.728(2)(a). In the statute, the legislature directs DOC to establish a program that allows for the possibility of early release for sex offenders to community custody and that requires a proposed release plan and approved residential address and living arrangement. The statute allows DOC to deny transfer to community custody status if the proposed release plan or residence places the offender at risk to reoffend or presents a risk to victim or community safety. RCW 9.94A.728(2) provides

in pertinent part:

....
(2)(a) A person convicted of a sex offense . . . may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

....
(c) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community placement or community custody terms eligible for release to community custody status in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(d) The department may deny transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. . . .

In Dutcher, DOC refused to accept an offender's proposed release plan because the ESRC decided to refer the inmate for civil commitment as a sexually violent predator. Dutcher, 114 Wn. App. at 760. According to the DOC policy in effect at the time, the staff would not investigate or approve release plans for inmates referred for civil commitment. Dutcher, 114 Wn. App. at 759-60. We held that the DOC policy violated the plain language of the earned early release statute and that DOC had no authority to adopt a policy that categorically prevents staff from approving a proposed release plan. Dutcher, 114 Wn. App. at 762. In deciding that the DOC policy was contrary to the language in the statute that allows sex offenders to become eligible for transfer to community custody, we rejected DOC's argument that it was authorized to categorically exclude offenders who had been referred for civil commitment.

The legislature has required the department to make its early release decisions based upon plans proposed by inmates and reviewed by the department, and has (we believe wisely) not authorized any exemption from this process simply because End of Sentence Review Committee believes the offender qualifies for a civil commitment hearing. Amended DOC Policy 350.200 therefore violates the governing statutes.

Dutcher, 114 Wn. App. at 765-766. We also concluded in Dutcher that the DOC policy was “at odds” with the purpose of the earned early release statute and public safety because preventing the possibility of earned early release left little incentive to participate in treatment or comply with prison rules. Dutcher, 114 Wn. App. at 764. And because “for two-thirds of those referred by ESRC, no civil commitment proceedings are even initiated,”⁵ a significant number of sex offenders would end up facing release with “no release plans whatsoever” even though “[t]hese are among the offenders most likely to reoffend.” Dutcher, 114 Wn. App. at 765.

Following our decision in Dutcher, DOC allowed inmates to submit a release plan but adopted a new policy instructing staff to not approve or deny a proposed release plan until a forensic psychological evaluation was completed to determine whether the sex offender meet the criteria for referral to civil commitment. Liptrap, 127 Wn. App. at 468. Several inmates filed personal restraint petitions challenging the DOC policy as “another unauthorized exemption from its obligation to timely review proposed plans on the merits.” Id. at 473. In Liptrap, we held that the amended DOC policy violated the earned early release statute, and that DOC could not delay and must timely act on an inmate’s proposed release plan. Liptrap, 127 Wn. App. at 466.

⁵ See Dutcher, 114 Wn. App. 764 n. 26, citing Donna Schram & Cheryl Darling Milloy, “Washington State Institute for Public Policy, Sexually Violent Predators and Civil Commitment: A Study of the Characteristics and Recidivism of Sex Offenders Considered for Civil Commitment But For Whom Proceedings Were Declined” (1998).

The legislature has not authorized the department to delay consideration of release plans while awaiting a forensic evaluation. The department's obligation to take action on an eligible prisoner's plan to transfer to community custody is independent of the decision to refer for civil commitment. We conclude the petitioners have shown an unlawful restraint.

While recognizing that DOC has the right to obtain a forensic evaluation, and to take into account and consider the risks as documented in an evaluation, nonetheless, we concluded that "if there is to be extended confinement for sex offenders based on their risk of reoffense, it must be accomplished within the constraints of due process, such as the initiation of a civil commitment proceeding." Liptrap, 127 Wn. App. at 474.

Here, the fact that a forensic evaluation concludes that an offender meets the criteria for civil commitment does not change the obligation under the statute to consider a proposed release plan on its merits. As in Dutcher and Liptrap, we conclude the DOC policies that preclude approval of any release plan if a forensic evaluation determines the inmate meets the criteria for a sexually violent predator conflicts with the statute governing eligibility of a sex offender to transfer to community custody in lieu of earned early release.

We reject DOC's argument that the policy is consistent with Dutcher and Liptrap. We agree that DOC complies with Dutcher and Liptrap by allowing an inmate who meets the sexually violent predator criteria to submit a proposed release plan and by timely investigating a proposed plan and residential address. But the policy violates the plain language of the statute. The policy categorically prevents approval of a release plan if a forensic evaluation determines that an inmate meets the criteria of a sexually violent predator because "no proposed community release plan will be deemed sufficiently safe to ensure community protection."

Neither the current nor the former versions of RCW 9.94A.728 authorize DOC to categorically exempt offenders who meet the criteria of sexually violent predators, nor does the statute allow DOC to decide to refuse to approve a release plan because "no community release address, absent one with a 24/7 prison-like monitoring and lock-down would be safe enough to protect the community." Even if a forensic evaluation concludes an inmate meets the criteria of a sexually violent predator, "24/7 prison-like monitoring and lock-down" can only be accomplished within the constraints of due process by means of a civil commitment proceeding. Until then, DOC cannot categorically exempt a sex offender like Mattson from consideration for transfer to community custody and must evaluate a proposed release plan on its merits.⁶

We grant Mattson's personal restraint petition and direct DOC to consider his most recent release plan and proposed residence at the Mack House on its merits.

Schindler, ACS

WE CONCUR:

Appelwick, CJ

Becker, J.

⁶ The amended policy DOC submitted as supplemental authority also appears to violate RCW 9.94A.728 and our decisions in Dutcher and Liptrap. According to DOC, "[the] December 25, 2006 policy does not contain the amendments of the June 25, 2002 policy regarding the non-approval of community protection plans of sex offenders found to meet sexually violent predator criteria." But as Mattson points out, the attachments incorporated by reference in the policy provide that "[o]ffenders who have been found by ESRC to meet the definition of an SVP shall not be ... (2) [r]eleased to Community Placement."

APPENDIX 2



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
**PRISON/WORK RELEASE/FIELD
OFFENDER MANUAL**

REVISION DATE
12/25/06

PAGE NUMBER
1 of 7

NUMBER
DOC 350.200

POLICY

TITLE
**RISK BASED OFFENDER TRANSITION AND
RELEASE**

REVIEW/REVISION HISTORY:

Effective: 3/31/89
 Revised: 3/1/91
 Revised: 1/31/92
 Revised: 4/30/93
 Revised: 1/31/95
 Revised: 8/14/95
 Revised: 5/30/96
 Revised: 10/30/96
 Revised: 3/15/98
 Revised: 4/11/00
 Revised: 12/1/00
 Revised: 1/14/01
 Revised: 5/4/01
 Revised: 6/25/02
 Revised: 12/25/06

SUMMARY OF REVISION/REVIEW:

Major changes. Read carefully!

APPROVED:

HAROLD W. CLARKE, Secretary
Department of Corrections

10/19/06
Date Signed

APPENDIX 2

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p>	APPLICABILITY PRISON/WORK RELEASE/FIELD OFFENDER MANUAL		
	REVISION DATE 12/25/06	PAGE NUMBER 2 of 7	NUMBER DOC 350.200
	TITLE RISK BASED OFFENDER TRANSITION AND RELEASE		

POLICY

REFERENCES:

DOC 100.100 is hereby incorporated into this policy; RCW 9.94A; RCW 71.05; RCW 71.09; RCW 72.02.100; RCW 72.09; WAC 137-28; WAC 137-56; ACA 4-4446; ACA 6A-13; ACA 1C-01PP; DOC 210.025 Gate Money/Transportation Funds; DOC 300.380 Classification and Plan Review; DOC 320.145 Violator Confinement in Department Facilities; DOC 320.155 Violation Process/Violations of Conditions; DOC 320.410 Risk Management Teams; DOC 350.240 Ten Day Release; DOC 350.255 Registration Notification; DOC 350.500 End of Sentence Review/Post Confinement Review; DOC 350.600 Teletype Notification of Release of Offenders; DOC 380.605 Interstate Compact; DOC 390.300 Victim/Witness Notification Service; DOC 790.100 Work Ethic Program

POLICY:

- I. [1C-01PP] The Department manages offenders with the goal of enhancing public safety by providing opportunities for offenders to successfully transition into the community. When transitioning offenders to the community, the Department will focus on developing release plans that best utilize available resources. Risk based offender management principles will be used to transition offenders from a facility to the community, focusing resources on the highest risk offenders.

DIRECTIVE:

- I. Transition Review Timeframes
 - A. At 18 months prior to the offender's Earned Release Date (ERD), the Classification Counselor/facility Community Corrections Officer (CCO) will begin the transition process for all offenders per DOC 300.380 Classification and Plan Review.
 1. The Counselor/facility CCO will prepare packets to forward to the End of Sentence Review Committee per DOC 350.500 End Of Sentence Review/Post Confinement Review for:
 - a. All offenders who have been convicted of a sex offense, a kidnapping offense, and all other registerable offenses per RCW 72.09.
 - b. All offenders who have committed a crime against a child.
 - c. Special needs offenders who are considered a high risk to re-offend due to their mental illness or developmental disability.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY

**PRISON/WORK RELEASE/FIELD
OFFENDER MANUAL**

REVISION DATE
12/25/06

PAGE NUMBER
3 of 7

NUMBER
DOC 350.200

POLICY

TITLE

**RISK BASED OFFENDER TRANSITION AND
RELEASE**

- d. Those offenders who are considered a high risk to re-offend in a violent way due to current threats they may be making toward past or future victims.
2. Any offender with a Community Placement requirement, whose crime was committed prior to June 11, 1992 must be released from Department confinement on his/her Earned Release Date if the Judgment and Sentence does not specifically require an approved address to transfer to community placement prior to the Maximum Expiration (Max Ex) date.
- B. At 9 months prior to the Re-entry Intensive Transition (RIT) offender's Earned Release Date, the Counselor/facility CCO will notify the Facility Re-entry Specialist (FRS) to initiate transition team development per DOC 320.410 Risk Management Teams.
- C. At 6 months prior to the offender's Earned Release Date, the Counselor/facility CCO will:
 1. Submit an Offender Release Plan (ORP) for Notification on Risk Management (RM)-D offenders who have a confirmed release address per Transition Plan Procedure (Attachment 6).
 2. Confirm the offender's proposed release address and document confirmation on the DT37 screen prior to submitting a plan for investigation.
- D. At 6 months prior to the offender's release date, a Transition Plan Investigation will be conducted for offenders who are required to have an approved address to release prior to Max Ex date to Community Placement - Community Custody Inmate (CCI) and Community Custody Prison (CCP), the Counselor/facility CCO will:
 1. Submit an Offender Release Plan (ORP) for Transition Plan Investigation on RM-A, RM-B, and RM-C offenders. RM-A and RM-B offenders whose proposed address is denied will be reassigned for plan development. The DT07 check date due date for MAT (RM-A offender) or TPB (RM-B offender) may be adjusted to allow more time for plan development. The Community Corrections Supervisor and the Correctional Unit Supervisor will ensure the Counselor/facility CCO and the CCO collaborate until an approved plan is developed.

II. Transition Plan Development



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
**PRISON/WORK RELEASE/FIELD
OFFENDER MANUAL**

REVISION DATE
12/25/06

PAGE NUMBER
4 of 7

NUMBER
DOC 350.200

POLICY

TITLE

**RISK BASED OFFENDER TRANSITION AND
RELEASE**

- A. An Offender Release Plan (ORP) for Transition Plan Development will be submitted on RM-A and RM-B offenders who do not have a proposed release address per Release Determination for Offenders (Attachment 4). For Re-entry Intensive Transition offenders, the Counselor, CCO, Facility Re-entry Specialist, and Community Re-entry Specialist (CRS) will collaborate to establish a viable release plan per Release Determination for Offenders (Attachment 4).
- B. Maximum Expiration Date Releases - For offenders who will release on their maximum expiration date to Community Placement - Post Release Supervision (PRS), Community Custody Maximum (CCM), or Community Custody Prison (CCP), if at 60 days prior to the Max Ex date were unable to develop an approved release address or refused to provide a release address, the Counselor/facility CCO will:
1. Submit an Offender Release Plan Notification on all offenders releasing homeless per Release Determination for Offenders (Attachment 4).
 2. Submit an Offender Release Plan Notification on all offenders refusing to provide a release address per Release Determination for Offenders (Attachment 4).
 - a. Offenders who refuse to provide a release address may be processed as a violator by the CCO. The offender may be processed as a violator on his/her Max Ex date.

III. Exceptional Transition Processes

- A. Offenders in the Work Ethic Program (WEP) will have a release plan per DOC 790.100 Work Ethic Program.
- B. Offenders being released to Parole/Community Custody Board status will have an Offender Release Plan submitted after the offender has been found parolable/releasable by the ISRB.
- C. All offenders with supervision requirements requesting to release out of state, to include RM-D, must be accepted by the receiving state per DOC 380.605 Interstate Compact. These offenders will be processed per Prison Releases to Out of State Address (Attachment 3).
- D. For offenders serving Community Custody Jail (CCJ) sentences concurrent with a Prison commitment, the CCJ portion of the sentence does not require an approved release address.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
**PRISON/WORK RELEASE/FIELD
OFFENDER MANUAL**

REVISION DATE
12/25/06

PAGE NUMBER
5 of 7

NUMBER
DOC 350.200

POLICY

TITLE

**RISK BASED OFFENDER TRANSITION AND
RELEASE**

- E. Offenders housed as an Out of State, County, or Federal boarder will be released on the date determined by the sending agency.
 - F. Offenders housed in Department facilities as violators serving less than 120 days will be released per DOC 320.145 Violator Confinement in Department Facilities. An ORP will be developed for Offenders housed in Department facilities as violators serving 120 days or longer who are required to have an approved release address.
- IV. Offenders Releasing To Detainers
- A. Offenders with an Immigrations and Customs Enforcement (ICE) Detainer will be released on their Earned Release Date. At 60 days prior to the offender's Earned Release Date, the Offender Release Plan Notification will be submitted to the ICE/Deportation Unit Assignment Officer.
 - B. Offenders with Out of State or Federal Detainer will be released on their Earned Release Date per Offender Release Plan (ORP) and Release Process for Out of State Detainer (Attachment 2).
 - C. Instate Detainer
 - 1. Offenders with an Instate Detainer that will require them to serve a period of confinement less than 4 months or the period of confinement is unknown, will be released to the requesting agency on the Earned Release Date if they have secured an approved release address, or on their Max Ex date if no release address has been approved.
 - 2. Offenders with an Instate Detainer that will require them to serve a period of confinement of 4 months or longer, will be released to the requesting agency on their Earned Release Date.
 - a. The Offender Release Plan Notification will be sent to the Field Office nearest to the receiving detention facility.
 - b. The assigned CCO will:
 - 1) Complete intake if required.
 - 2) Enter a DT07 check date for jail release and hold the file pending the offender's release.
 - 3) Work with the offender while s/he is detained to develop a community release plan.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
**PRISON/WORK RELEASE/FIELD
OFFENDER MANUAL**

REVISION DATE
12/25/06

PAGE NUMBER
6 of 7

NUMBER
DOC 350.200

POLICY

TITLE
**RISK BASED OFFENDER TRANSITION AND
RELEASE**

- D. Offenders under ISRB jurisdiction will not release to a detainer without ISRB authorization.
- V. 5990/Supervision Closure Monetary Release
- A. Offenders releasing with monetary obligations and no supervision requirements will have an Offender Release Plan for Notification submitted per 5990/Supervision Closure Monetary Release Procedure (Attachment 1).
- VI. Offender Release Procedures
- A. Prior to offender transfer/release, records staff or designee will:
1. Complete the Order of Release and other required release procedures per Release Process (Attachment 5).
 2. Consider a release of up to 10 days prior to the earned release date per DOC 350.240 Ten Day Release.
- B. Offenders will be issued gate funds per DOC 210.025 Gate Money/Transportation Funds.
- C. [4-4446] [6A-13] Written procedures for releasing offenders at the end of their term include, but are not limited to:
1. Verification of identity.
 2. Verification of release papers.
 3. Completion of release arrangements, including notification of the parole authorities in the jurisdiction of release, if required.
 4. Return of personal effects or contraband.
 5. Check to see that no facility property leaves the facility.
 6. Arrangements for completion of any pending action, such as grievances or claims for damages or lost possessions.
 7. Medical screening and arrangements for community follow-up where needed.
 8. Instructions on forwarding of mail.

DEFINITIONS:

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

ATTACHMENTS:



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
**PRISON/WORK RELEASE/FIELD
OFFENDER MANUAL**

REVISION DATE
12/25/06

PAGE NUMBER
7 of 7

NUMBER
DOC 350.200

POLICY

TITLE

**RISK BASED OFFENDER TRANSITION AND
RELEASE**

5990/Supervision Closure Monetary Release Procedure (Attachment 1)
Offender Release Plan (ORP) and Release Process for Out of State Detainer (Attachment 2)
Prison Releases to Out of State Address (Attachment 3)
Release Determination for Offenders (Attachment 4)
Release Process (Attachment 5)
Transition Plan Procedure (Attachment 6)

DOC FORMS (See Appendix):

DOC 02-243 5990/5256 Notice to Offender
DOC 09-182 Court - Prison Special 5990 Supervision Closure
DOC 09-332 60 Day Notification Letter
DOC 20-047 Community Release Plan Packet Checklist
DOC 20-311 Order of Release
DOC 20-312 Registration Notification Requirements

5990/SUPERVISION CLOSURE MONETARY RELEASE PROCEDURE

Facility Records staff will:

Complete and submit DOC 09-182 Court - Prison Special 5990/5256 Supervision Closure for each eligible Prison cause.

1. Provide the offender with DOC 02-243 5990/5256 Notice to Offender.
2. Electronically send a copy of DOC 09-182 Court - Prison Special 5990/5256 Supervision Closure to scanning at scanning@doc1.wa.gov.
3. Document the cause closure on Offender Based Tracking System (OBTS) DT37 "RC" chrono. Include the county, cause number, and type of report routed to the court.
4. Provide the offender with a copy of DOC 20-311 Order of Release and direct him/her to report to the Superior Court Clerk of county of conviction. If the offender has field causes, instruct him/her to report to the appropriate office.
5. Facility staff will not send a core packet to the field.

Community Re-entry Intensive Transition Specialist will complete the Community Protection Plan (48 hr plan). If the offender has no supervision time and is not 41 or violent and is releasing Monetary with no open causes, the Community Re-entry Intensive Transition Specialist will develop a release packet by reviewing Liberty. Refer to DOC 20-047 Community Release Plan Packet Checklist.

Crime Victim Liaison will complete a Victim Wrap Around as required.

IF LFOs PAID WHILE IN PRISON, NO SUPERVISION UPON RELEASE, AND NO OPEN CAUSES ON DP13/14:

Counselor/facility Community Corrections Officer (CCO) will submit an ORP for notification.

Designated facility staff will email the LFO Unit at lfoprisonreleases@doc1.wa.gov with the following information, prior to release:

1. Offender name,
2. DOC number,
3. Cause prefix, and
4. Statement that the offender has paid LFOs while in Prison, has no supervision following release from Prison, and there are no open causes on DP13/14.

IF OFFENDER STILL OWES LFOs, NO SUPERVISION UPON RELEASE, AND NO OPEN CAUSES ON DP13/14:

Facility Records staff will send a copy of the 5990 Special Report electronically to the LFO Unit at lfoprisonreleases@doc1.wa.gov.

5990/SUPERVISION CLOSURE MONETARY RELEASE PROCEDURE

IF THERE ARE OPEN CAUSES FOR WHICH THE OFFENDER HAS SUPERVISION REQUIREMENTS:

Records staff or designee will send an email titled "Monetary Release with Inactive Causes" to the Field Office Assignment staff, 35 days prior to ERD, so the cause may be gained to a caseload upon the offender's release. The email will include the offender's release date, release address, and that the offender is releasing on a Monetary Only cause(s).

1. Send to the county where the offender will be residing if DP13 shows causes for which the offender has supervision requirements.
2. Send to where the inactive field file/causes are assigned if the offender does not provide a release address and DP13/14 shows causes for which the offender has supervision requirements.

**OFFENDER RELEASE PLAN (ORP) AND RELEASE PROCESS FOR
OUT OF STATE DETAINER**

Counselor/facility Community Corrections Officer (CCO)

Supervision ordered on the Current Cause and DP13 Causes:

Send a notification ORP to the assignment office for the county listed on the DP13.

Supervision ordered on the Current Causes and No DP13 Causes:

Send a notification ORP to the assignment office in the county of the longest supervision jurisdiction for the current causes.

Assignment Officer

Assign the ORP to a Community Corrections Officer.

Facility Staff

Once the ORP is assigned to a CCO, send the Community Release Plan Packet to the assigned CCO.

Community Corrections Officer (CCO)

Archive the ORP.

Once the offender is released, gain and toll causes.

When notification is received from the detaining agency of the offender's upcoming release, contact the releasing agency and coordinate supervision of the offender.

Prison Records Staff

One week prior to the release date, Prison Records completes DOC 09-332 60 Day Notification Letter to request notification upon release from detaining agency and sends to the detaining agency with a copy routed via Outlook to the assigned CCO.

Instruct the offender to report to the Field Office where the ORP was assigned when released from the detaining agency.

On the day of release, send an email to the assigned CCO advising that the offender has been released to the detainer.

PRISON RELEASES TO OUT OF STATE ADDRESS

Counselor

Supervision ordered on the Current Cause and DP13 Causes:

180 days prior to the Earned Release Date (ERD), send an investigation Offender Release Plan (ORP) to the assignment office in the county listed on the DP13. Community Corrections Officer (CCO) will gather any file material for tolling causes and send to the Counselor for inclusion in the compact packet for the Interstate Compact Unit.

Once all material is received, send compact packet to the Interstate Compact Unit 120 days prior to the offender's ERD.

Supervision ordered on the Current Cause and no DP13 Causes:

120 days prior to the ERD, send compact packet to the Interstate Compact Unit. Upon acceptance send an investigation ORP to the assignment office in the county of the longest supervision jurisdiction for the current causes.

No Supervision on the Current cause and offender has DP13 Causes:

180 days prior to the ERD, send an investigation ORP to the assignment officer for the office where the tolling causes are. Have the offender sign the appropriate Interstate Compact Unit forms and send to the assigned CCO. Assigned CCO will gather any file material for tolling causes and send compact packet to the Interstate Compact Unit 120 days prior to the offender's ERD.

Assignment Officer

Assigns the ORP to a CCO.

CCO

Supervision ordered on the Current Cause and DP13 Causes:

Supervision ordered on the Current Cause and no DP13 Causes:

Within 14 days of assignment send all required field documents to the Counselor.

Hold the ORP until a decision is received from the Interstate Compact Unit. When the Interstate Compact Unit receives the approval or denial, an email will be sent to the CCO and Counselor informing them of the decision from the other state.

When notified by the Interstate Compact Unit of plan approval, approve the ORP, enter the reporting instructions on the ORP, and send it back to the Counselor. The CCO will track the release progress of the offender once released to the receiving state.

When notified of a denied plan, enter denial reasons and route the ORP through the normal ORP process for denials.

PRISON RELEASES TO OUT OF STATE ADDRESS

No Supervision on the Current cause and offender has DP13 Causes:

When the offender-signed Interstate Compact Unit documents are received, include required field file material for tolling causes and send compact packet to the Interstate Compact Unit.

Interstate Compact Unit

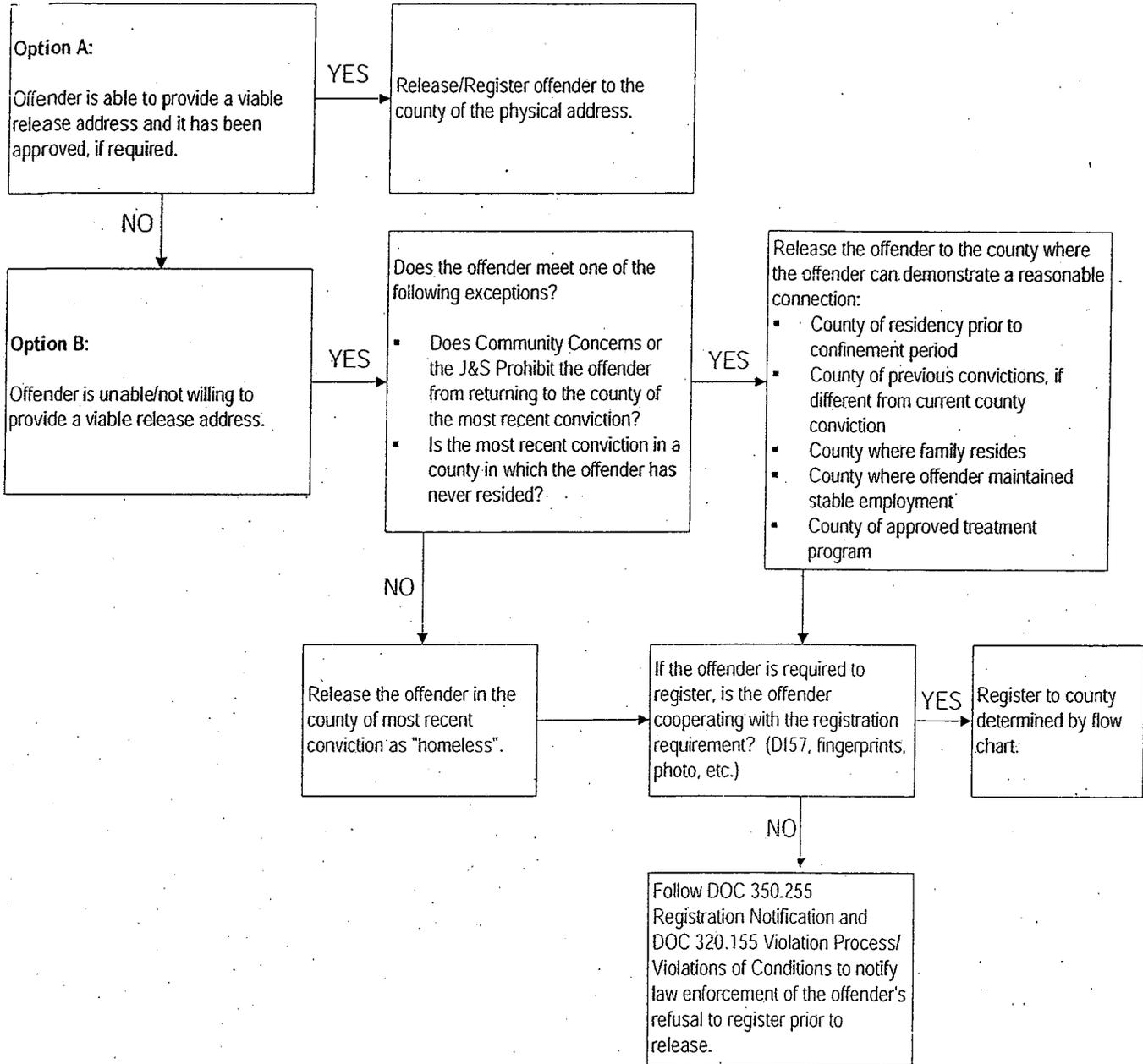
Receives the completed packet and sends via email to the receiving state.

When the plan is approved or denied – sends an email to the assigned Counselor and CCO notifying them of the approval or denial.

If an out of state address is not approved prior to the release date, the offender cannot leave the state until approval is received from the other state.

Release Determination for Offenders

For offender with current conviction that requires supervision and/or the offender is required to register prior to release.



Note: A viable release address is an actual location that exists, in which the offender intends to physically reside with the permission of the occupant/owner of the property, that does not place the offender in violation of conditions.

The county of most recent conviction does not have to be the same county where the offender was convicted of the sex offense.

The flow chart is not intended to replace DOC 350.255 Registration Notification. Please refer to the policy for further information regarding those offenders who are required to register upon their release from confinement.

RELEASE PROCESS

Correctional Records Manager (CRM) or designee will:

1. Review Offender Based Tracking System (OBTS) and the official offender record to ensure:
 - a. The release and/or transfer to Community Custody/Monetary Only date is accurate on the cause(s) of commitment.
 - b. An approved plan or verified address has been received, if applicable.
 - c. The offender has been identified as a Risk Level 1, 2, or 3 notification or Child Protective Services Notification (DT07).
 - d. Address information is updated on OBTS DT24 and emergency contact information is updated on OBTS DT04.
 - e. Any prior cause(s) for which the offender still has supervision requirements are identified and printed.
 - 1) Verify ISRB status on previous causes, if applicable.
 - 2) Verify there are no pending/outstanding court cases, if applicable.
 - f. Closure of DT07 RM-A, RM-B, RM-C, TPD entries for CCI offenders to ensure CCO has completed that portion of the Offender Release Plan (ORP).
 - g. Verification of eligibility with Counselor for 10 day release per DOC 350.240 Ten Day Release.
2. For offenses that require registration:
 - a. Complete DOC 20-312 Registration Notification Requirements (OBTS DI57) and review with the offender per DOC 350.255 Registration Notification.
3. Run NCIC/WACIC for any outstanding wants/warrants. Review OBTS DT03 for detainees.
 - a. Contact agency with holds to verify pickup/transportation arrangements prior to release.
4. Complete notifications per DOC 350.600 Teletype Notification of Release of Offenders and DOC 390.300 Victim Witness Notification (OBTS DT22), if applicable.
5. Set Actual Release Date (OBTS DI56).
 - a. Community Custody offenders, including violators, who are returning to Community Custody Inmate/Prison (CCI/CCP) status, who are not being detained to their maximum expiration date or identified on OBTS DT07 as a sexually violent predator, may release 2 working days prior to a weekend or holiday to allow one full working day for reporting/intake.

RELEASE PROCESS

- b. Community Custody offenders without an approved plan or verified address specified may be held to their maximum Prison release date.
6. Complete all sections of DOC 20-311 Order of Release.
7. No more than Thirty days and no less than 5 days prior to the Actual Release Date (ARD), the CRM will update OBTS DI57.
8. For all causes eligible for 5990 closure, complete DOC 09-182 Court-Prison Special 5990/5256 Supervision Closure and DOC 02-243 5990/5256 Notice to Offender.
 - a. If Legal Financial Obligations (LFO) are paid in full prior to release from Prison, no supervision upon release, and no open causes on DP13/14, the CRM will send an email to the LFO Unit (lfoprisonreleases@doc1.wa.gov) with the following information: Offender name, DOC number, cause prefix, and statement that all LFOs are paid in full and there is no supervision upon release.
 - b. If offender still owes LFOs upon release from Prison, no supervision upon release and no open causes on DP13/14, the CRM will send the 5990 Special Report electronically to the LFO Unit (lfoprisonreleases@doc1.wa.gov).
9. Review DOC 20-311 Order of Release, DOC 20-312 Registration Notification Requirements, and OBTS DI57 DOC Registration screen with offender.
 - a. Explain all reporting instructions, registration requirements, if applicable, and/or 5990 requirements for paying LFOs.
 - b. Obtain offender's signature on all documents.
 - c. Witness all offender signatures.
 - d. Original documents or copies, as applicable, are all maintained in the central file.
10. Notify the CCO of release.
11. Notify the End of Sentence Review Committee (ESRC), if applicable.
12. Notify CRM/designee in regional records office where offender is releasing, if applicable.

Facility Records staff/designee or Work Release CCO will:

1. Complete a new DOC 20-311 Order of Release if the scheduled release date and/or transfer date changes by 31 days or more, or if the residence/emergency contact changes.
2. Immediately notify the CCO or field CRM/designee, via email, if the scheduled release date and/or transfer to community custody date changes.
3. Re-notify law enforcement and Victim/Witness Unit.

TRANSITION PLAN PROCEDURE

TO DETERMINE THE APPROPRIATENESS OF A PROPOSED PLAN

Counselor/facility Community Corrections Officer (CCO) will consider:

1. The offender's risk (i.e., LSI-R, RMI),
2. All Offender Based Tracking System (OBTS) DT37 chrono entries, paying specific attention to "CC" chrono entries, and
3. All End of Sentence Review Committee (ESRC) decisions, including referrals for Civil Commitment under 71.09.

A Transition Plan will not be forwarded for investigation for the following reasons, which will be documented on OBTS DT37 using "CA" chrono code:

1. The plan will place the offender in a situation where s/he is likely to re-offend. This will be reviewed by the facility Risk Management Team (FRMT),
2. The plan will place the offender in violation of the Judgment and Sentence (J&S) and/or Department conditions,
3. The sponsor withdraws, and/or
4. The offender has an in-state hold/detainer and the potential sentence is longer than 6 months, or if release to detainers, Immigration and Customs Enforcement (ICE), or other jurisdiction has been confirmed by the Correctional Records Manager (CRM)/designee.

The following do not require a Transition Plan:

1. The current commitment is monetary release and/or eligible for 5990 supervision closure.
2. RM-C offenders without Court-ordered drug treatment. This does not include registerable sex offenders.
3. RM-D offender releasing to community placement or Community Custody.

SUBMITTING THE TRANSITION PLAN INFORMATION FOR INVESTIGATION

Counselor/facility CCO will:

1. Complete the Transition Plan component of the Offender Release Plan (ORP) with assistance from the Facility Risk Management Team/Reentry Intensive Transition Team.
 - a. If at any time prior to release the offender provides a new address, the facility staff will notify the Field Office that has the current release packet. If the new address is in a different catchment area, the assignment officer will notify that assignment officer via email that the ORP is being transferred for investigation.

TRANSITION PLAN PROCEDURE

- b. Assist in the development of the ORP if s/he is a member of the Reentry Intensive Transition Team.

INVESTIGATING THE TRANSITION PLAN

CCO will:

1. Develop an investigation packet by reviewing Liberty for file material. If information is not available, s/he may request copies of any available file material through the facility records/designated staff. Facility will also scan copies into Liberty.
2. Visit the proposed sponsor's residence as part of the investigation.
3. Assess the degree of risk for victims and potential victims of similar age or circumstances for sex offenders.
4. Collaborate with Child Protective Services/Adult Protective Services (CPS/APS) per DOC 350.550 Reporting Abuse and Neglect.
5. Obtain Office/Unit Supervisor approval for plans with victimization concerns requiring mandatory reporting.
 - a. Sex offenders will not return to a residence where minor victim(s) or other children of similar age are present unless:
 - 1) A family reunification plan is in effect by order of the Court or Department guidelines,
 - 2) The Court is aware the offender will be returning to the home, and
 - 3) CPS/APS is involved with the case.
6. Inform the proposed sponsor of the following and document this on OBTS DT37 using an "FC" chrono code:
 - a. The offender's criminal history,
 - b. Recommended level of sex offender notification and that local law enforcement may conduct community notification if the offender is a sex or kidnapping offender with a requirement to register,
 - c. Conditions of release, and
 - d. Tentative release date.
7. Review and update the ORP and make recommendations to mitigate risk and enhance the offender's opportunity for a successful transition.
 - a. Recommendations may include approval for up to an additional \$60, when authorized in RCW 72.02.100, for offenders being paroled to an Indeterminate Sentence Review Board (ISRB) approved plan.
8. Update the ORP components for all Risk Management (RM)-A and RM-B cases, and include, at a minimum, the plan for management of the offender from the point of release through the point of intake in the CCO's office after the offender is released.

TRANSITION PLAN PROCEDURE

9. Review all close proximity issues with his/her immediate supervisor prior to recommending approval or denial of the residence. All denials must be reviewed and approved by the Community Corrections Supervisor and facility Correctional Unit Supervisor. Only one plan will be considered at one time. Previous plan must be denied and OBTS/DT07 must be updated before a new ORP is submitted.
 - a. The assigned Counselor/facility CCO will continue to work on the development of an alternative plan.
 - b. If the ORP is denied, the assigned CCO will telephone/email the assigned Counselor/facility CCO to determine if there is/are alternate residence(s) when the initial plan is denied because the address:
 - 1) Is not available,
 - 2) Will place the offender in violation of Court-imposed conditions,
 - 3) Will place the offender at a likely risk to re-offend,
 - 4) Will return the offender to a residence where there is a victim(s) that the CCO believes is at risk, and/or
 - 5) Will place a sex offender in the same house or in close proximity to a minor victim(s), school, child care center, playground, or other facility where children of similar age and circumstance to the offender's sexually motivated conviction(s) are present and who may be put at substantial risk of harm by the offender residing at that location.
10. Document:
 - a. The approved address on OBTS DT24, and
 - b. Appropriate information in the investigation section of the ORP Transition Plan.
 - 1) If the ESRC has identified the offender for civil commitment consideration under RCW 71.09, the assigned CCO must review and consider all relevant information, to include static and dynamic risk factors relating to the offender's risk within the larger community, before a proposed release plan can be approved or denied.
 - 2) The assigned CCO will review all file materials up to the offender's actual release date, including End of Sentence Review (ESR) file material available in Liberty, and may contact the ESR/Civil Commitment Program Manager for additional information.
 - 3) Prior to approving or denying an ORP, the CCO must contact his/her Field Administrator for assistance, who will in turn contact the End of Sentence Review/Civil Commitment Program Manager to ensure that all relevant information has been made available to them for review, including but not limited to:

TRANSITION PLAN PROCEDURE

- 4) Sex Offender Treatment information,
 - 5) Psychological/psychiatric reports, and
 - 6) Forensic Psychological Evaluation (FPE) reports that have been completed to assess whether the offender meets criteria for civil commitment consideration under RCW 71.09.
- c) If a forensic psychological evaluation has been completed and an expert has concluded that the offender does meet civil commitment criteria, as defined under RCW 71.09.020, the proposed plan must meet the level of protection necessary to ensure community safety.
 - d) If a forensic psychological evaluation is pending a professional assessment of public safety risks, the assigned CCO and Field Administrator must carefully review all available file material to determine whether approval of a proposed plan is appropriate when the level of protection necessary to ensure community safety is not fully known.
11. Close the OBTS DT07 check date, as appropriate. The OBTS/DT07 check date must be closed before an ORP process is considered complete.

RM-D OMMU REFERRAL AND RELEASE PROCEDURE

- I. If the assessed RM classification level remains RM-D, the CCO/Counselor shall document the information in the TP regarding the offender's proposed residence, sponsor, and others residing at the residence for in-state placement. If the offender is to be placed out-of-state, request transfer of supervision per DOC 380.605 Interstate Compact.
 - A. DOC 20-306 Risk Management Sponsor Form shall be used to document the residence and sponsor.
 1. DOC 20-306 Risk Management Sponsor Form may also be used by the assigned CCO/Counselor to document employment and treatment elements of the RM-D offender's TP.
- II. Once a residence is documented, the facility CCO/Counselor shall forward the CRR to the Offender Minimum Management Unit (OMMU) Assignment Officer in, or nearest to, the offender's county of release.
- III. When the CRR is received by the OMMU Assignment Officer, s/he shall:
 - A. Assign the Transfer from Prison, (RM-D, OBTS DT07 check date entry – TBD, case), to an OMMU CCO via OBTS DP22; and
 - B. Forward the CRR to the assigned CCO.
- IV. The facility CCO/Counselor shall send the OAP w/TP and *CRPP* to the assigned CCO.
- V. The assigned CCO shall request any inactive files on the offender and any J&S needed to complete the intake process. If the field file has been archived, the investigating CCO will request through the records management section that the file be pulled from archives and forwarded to the investigating CCO.
- VI. If, after receiving the *CRPP*, inactive/archived field files, J&S information, and the OAP w/TP, the OMMU CCO has new information not available to the CCO/Counselor that indicates the offender should be assigned a higher RM classification level:
 - A. The CCO shall, through his/her Supervisor:
 1. Forward the new information to the assigned CCO/Counselor and request an RMI reassessment based on the new information;
 2. Deny the CRR and TP component of the OAP w/TP; and
 3. Return the *CRPP* and OAP w/TP to the CCO/Counselor.
 - B. The OMMU Assignment Officer shall delete the OBTS DT07 "TBD" check date.

RM-D OMMU REFERRAL AND RELEASE PROCEDURE

- C. In conjunction with the FRMT, the CCO/Counselor shall:
 - 1. Notify the offender of the need for the RMI reassessment;
 - 2. Re-assess the offender's RM classification level; and
 - 3. Initiate a new TP component of the OAP w/TP, based on the requirements of the new RM classification level.

VII. When it has been determined the offender will be releasing as RM-D:

- A. The assigned OMMU CCO shall prepare all intake paperwork;
- B. The OMMU CCO shall forward the prepared intake packet to the assigned CCO/Counselor;
- C. The assigned CCO/Counselor shall review the intake packet with the offender; and
- D. If the offender has court-ordered treatment or community service, the field CCO shall prepare the referral or schedule an appointment with a Community Service Coordinator in the county of the offender's release and shall include the necessary instructions with the intake packet.

TRANSITION PROCESS OFFENDER DISCUSSION GUIDE

Transition discussions with the offender will occur at 6 months from ERD. The following questions are intended as a guide to solicit information to assist in developing the Offender Accountability Plan with Transition Plan (OAP w/TP).

1. Upon release, what, if anything, will be different from the offender's prior time in the community?
2. How do prior offenses and conditions impact the offender's release into the community and subsequent supervision?
3. Does the offender have a release address?
 - a. Is it the same address from previous releases or from which past offenses have occurred?
 - b. Can the residence and living arrangements be verified?
 - c. Is the residence in a high crime neighborhood?
 - d. How would local law enforcement rate the incidence of crime in the neighborhood?
 - e. How would a local supervising CCO rate the neighborhood?
 - f. Are there any victim, witness, or community concerns?
4. Will the offender be associating with the same friends?
 - a. If not, with whom will s/he be associating?
 - b. Are the associates pro-social role models?
5. Does the offender have employment?
 - a. Can the facility CCO/Counselor verify the employment? DOC 20-306 Risk Management Sponsor Form may be used to verify employment.
 - b. Will it pay enough for a "living wage"?
6. What is the offender's criminal offense cycle?
 - a. What does s/he have for a relapse (i.e., crime relapse) prevention plan?
 - b. Are there additional options?
 - c. Are there behaviors (e.g., alcohol, drugs, etc.) that have led to criminal behaviors and, if so, how does s/he plan to modify them?

TRANSITION PROCESS OFFENDER DISCUSSION GUIDE

7. What resources does the offender believe are needed to be successful?
 - a. What does the facility CCO/Counselor believe will be required?
 - b. Are the requirements deemed appropriate by the facility CCO/Counselor the same as those identified by the offender?
8. Will transition funds be needed?
9. Are there additional treatment programs including mental health, medical, medications, or other programs that should be established prior to release?
10. Does the offender's plan sound reasonable?
11. Does the plan place prior victims at risk?
12. How many elements can be verified and how shall they be verified?
13. Will the plan create the need to reassess the offender's RM classification due to place safety, imminent risk, or other issues?

APPENDIX 3

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

SUPERSESSSION:

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

REFERENCES:

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

POLICY:

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

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 350.200	RISK BASED TRANSITION FOR OFFENDERS	6/25/02	2 of 17

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

DIRECTIVE:

I. Transition Timelines

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

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 350.200	RISK BASED TRANSITION FOR OFFENDERS	6/25/02	3 of 17

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

- b. If 6 to 4 months to his/her ERD, prior to the offender's transfer from the Reception Center, the assigned Counselor shall:
 - 1) Initiate the document search;
 - 2) Document the Criminal History Summary (CHS) using DOC 21-148 Criminal History Summary;
 - 3) Complete the LSI-R (re)assessment;
 - 4) Complete the RMI classification process;
 - 5) Assign the RM classification level; and
 - 6) Complete the CPU ESR referral, if one is required.

- c. If 4 months or less to his/her ERD, prior to the offender's transfer from the Reception Center, the assigned Counselor shall:
 - 1) Initiate the document search;
 - 2) Document the CHS using DOC 21-148 Criminal History Summary;
 - 3) Conduct the LSI-R (re)assessment;
 - 4) Complete the RMI classification process;
 - 5) Assign the RM classification level;
 - 6) Complete the CPU ESR referral, if one is required;
 - 7) Complete an OAP w/TP; and
 - 8) Initiate a Risk Management Intensive Transition (RMIT) Team, if required per DOC 320.410 Offender Risk Management.
 - a) After these steps are completed, the offender may be transferred upon completion of the initial classification process. The initial placement shall be based on the offender's RMI classification and proposed residence location in the OAP w/TP.

- d. If less than 30 days to Actual Release Date (ARD), the offender shall remain at WCC-RC or WCCW until release.
 - 1) If more than 15 days to serve, the document search shall be started immediately.
 - 2) If less than 15 days to serve, the field shall be responsible for the document search.

B. 18 Months Prior to the ERD

- 1. The assigned facility CCO/Counselor shall:

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 350.200	RISK BASED TRANSITION FOR OFFENDERS	6/25/02	4 of 17

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

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 350.200	RISK BASED TRANSITION FOR OFFENDERS	6/25/02	5 of 17

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

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

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

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

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

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

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

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

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

II. Document Search

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

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 350.200	RISK BASED TRANSITION FOR OFFENDERS	6/25/02	6 of 17

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

III. Risk (re)assessment

A. At 18 months from the offender's ERD, the assigned facility CCO/Counselor shall:

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

IV. Risk Management Teams

A. RM Teams shall be used to assist in the development of the offender's OAP and OAP w/TP. RM Teams and their roles are defined in DOC 320.410 Offender Risk Management. The teams include:

1. Facility Risk Management Team (FRMT);
2. Risk Management Intensive Transition (RMIT) Team;
3. Risk Management Transition Team Other (RMTO); and
4. Community Risk Management Team (CRMT).

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 350.200	RISK BASED TRANSITION FOR OFFENDERS	6/25/02	7 of 17

V. Offender Accountability Plan Without Transition Plan

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

VI. Offender Accountability Plan With Transition Plan

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

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 350.200	RISK BASED TRANSITION FOR OFFENDERS	6/25/02	8 of 17

b. Will be convened by the field CCO when a plan is denied on an RM-A or RM-B offender per DOC 320.410 Offender risk Management.

3. The FRMT for all other offenders who are not being released on the Max Ex.date of an indeterminate cause.

D. Staff shall not complete or forward a TP for investigation if:

1. They know it will place the offender in a situation where s/he is likely to re-offend;

2. It will place the offender in violation of the J&S and/or Department conditions;

3. The sponsor withdraws; or

4. The ESRC has determined that the offender meets the criteria for referral as a sexually violent predator under RCW 71.09.

E. The reason for not referring the plan shall be entered on OBTS DT37 using the "CA" chrono code.

F. Only one TP at a time shall be submitted for investigation per offender.

1. For offenders being transitioned with the assistance of an RMIT Team, more than one potential residence may be investigated for a plan (e.g., an Out Of State (OOS) and a county of conviction on a "to be developed" (TBD) plan).

G. The TP component shall be used by facility staff to:

1. Document individuals, activities, programs, services, and needed resources, including additional financial resources for necessary personal or living expenses, which shall contribute to the mitigation of the offender's risk to do harm and the offender's successful transition from a Department total or partial confinement facility to the community; and

2. Document the offender's release address, any verified employment, and means of transportation to the release residence.

VII. Offender Accountability Plan With Transition Plan Investigation

A. For RM-A, RM-B, and RM-C offenders releasing to *community custody* for supervision in the community, a review and investigation of the OAP w/TP by the field CCO is required.

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 350.200	RISK BASED TRANSITION FOR OFFENDERS	6/25/02	9 of 17

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

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 350.200	RISK BASED TRANSITION FOR OFFENDERS	6/25/02	10 of 17

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

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 350.200	RISK BASED TRANSITION FOR OFFENDERS	6/25/02	11 of 17

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

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 350.200	RISK BASED TRANSITION FOR OFFENDERS	6/25/02	12 of 17

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

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 350.200	RISK BASED TRANSITION FOR OFFENDERS	6/25/02	13 of 17

VIII. Monetary Releases

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

IX. Notifications and Release

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

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 350.200	RISK BASED TRANSITION FOR OFFENDERS	6/25/02	14 of 17

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

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 350.200	RISK BASED TRANSITION FOR OFFENDERS	6/25/02	15 of 17

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

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

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 350.200	RISK BASED TRANSITION FOR OFFENDERS	6/25/02	16 of 17

- b. A copy, without the photograph, shall be given/sent to the offender per DOC 350.250 Order of Release and/or Transfer to Community Custody.
 - K. DOC 20-311 Order of Release, with an attached photo of the offender, shall be sent to the county of approved residence per DOC 350.250 Order of Release and/or Transfer to Community Custody.
 - L. RM-D Releases
 - 1. Staff designated by the facility Superintendent/Supervisor shall:
 - a. Instruct the offender to comply with all conditions of supervision imposed by the Court;
 - b. Have the offender sign DOC 05-529 OMMU Conditions, Requirements and Instructions; and
 - c. Send the completed intake packet to the OMMU CCO.
 - 2. The offender shall:
 - a. Be required to report telephonically when changes occur in his/her address, phone number, employment, contact person and contact person's phone number, or if s/he is arrested; and
 - b. Be assigned to BI Telephonic Reporting and given the 900 number, PIN, and password.
 - 1) The offender may report via Kiosk rather than BI Profile, with permission of the CCO and when telephonic reporting is not possible due to indigence or special circumstances, per DOC 380.250 Use of Genie/Kiosk In Offender Supervision.
 - 3. On the ARD, the OMMU Assignment Officer shall assign an INT to the OMMU CCO.
 - 4. The OMMU CCO shall:
 - a. Review the intake packet to ensure it is complete; and
 - b. Ensure the offender is assigned/referred to a community service site or treatment provider before closing the INT check date.
- X. Community Intake
 - A. Offenders with *community custody* ordered shall, upon release from a Department total or partial confinement facility, report to the assigned CCO as required per the release conditions.

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 350.200	RISK BASED TRANSITION FOR OFFENDERS	6/25/02	17 of 17

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

DEFINITIONS:

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

ATTACHMENTS:

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

DOC FORMS (See Appendix):

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

DOCUMENT SEARCH PROCEDURE

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

DOCUMENT SEARCH PROCEDURE

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

EMOTIONAL/PERSONAL

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

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

ATTITUDE/ORIENTATION

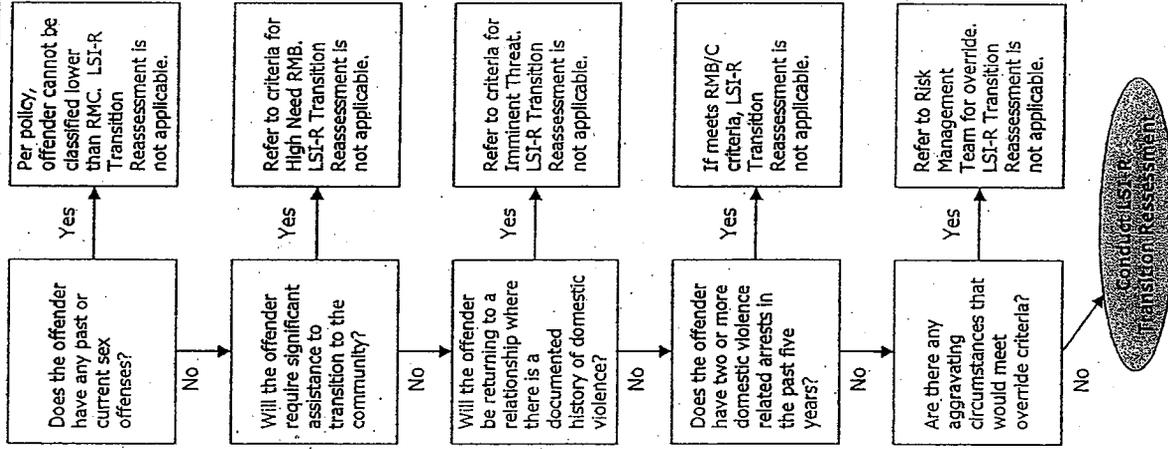
Use assessment criteria established in the LSI-R Scoring Guide.

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

POLICY DOC 350-200 (Summary)

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

RMD DECISION TREE



© 2002 State of Washington Department of Corrections DOC P194 (Rev. 3/02)



"Working Together for SAFE Communities"

RMD TRANSITION REASSESSMENT

The purpose of the LSI-R RMD Transition Reassessment is to assess those factors that upon release pose the greatest risk through violation (companions or family with no criminal influence) elimination, access to opportunities e.g. access to drug or alcohol rehabilitation (imminent situation), the offender's attitude and capacity to respond appropriately to these factors. Also available: The resulting LSI-R score will determine the level of supervision upon release.

LSI-R Team

Kevin Mauss

kmmauss@doc1.wa.gov 360.664.9264

Sue Cole

sgcole@doc1.wa.gov 360.586.4906

Roseanne Lasater

rolasater@doc1.wa.gov 509.299.2364

CRIMINAL HISTORY

Review Criminal History, NCIC, WACIC, DISCIS, and DJ46 to ensure all criminal history, infractions, and violent behavior scored. Use assessment criteria established in the LSI-R Scoring Guide.

EMPLOYMENT/EDUCATION

Item #11 can score "NO" if:

- Upon release, offender will have verified employment of at least 20 hours per week. Verification includes a letter from the prospective employer with the business's name and address, supervisor's name and business phone number, start date, pay range, schedule of days and hours per week, and job description.

▪ **Self-employed:** Assess history of viable support through own business. Business license is current, with accurate information. Taxes paid when working.

▪ **Pensioners:** Verified retirement or disability benefits are sufficient to support.

▪ **Homemaker:** Determine if this is a choice as a productive, pro-social "unpaid job," with other means of financial support available.

▪ **Seasonal Worker:** If released during "on season," verification is required. If released during "off season," it is verified that financial provisions have been made for period of non-employment prior to returning to verified employment.

Items #18, 19, 20

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

FINANCIAL

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

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

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

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

Item #22 scores "YES" if:

- Release plan includes obtaining social assistance.

FAMILY/MARITAL

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

ACCOMMODATION

Item #27 and 29

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

▪ Score Item #27 "2-3" and Item #29 "NO" if address is verified and will NOT allow opportunity for or place offender at risk for continued criminal behavior.

- Use assessment criteria established in the LSI-R Scoring Guide. Community Corrections, police or other collaterals can assist in assessing the accommodation and/or neighborhood.

LEISURE/RECREATION

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

COMPANIONS

Item #35

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

ALCOHOL/DRUG PROBLEMS

Items #37-45

▪ If the initial LSI-R was completed prior to incarceration, or at initial placement (so the assessment period included community behavior), use those scores for Items #37-45.

▪ If no LSI-R was completed that assessed community behaviors, review criminal behavior to determine if alcohol or drug usage played a role in the offender's criminal behavior patterns. If so, score Items #39 and/or #40 "0-1." Use criminal history information, offender self report, and collateral information to assess which of Items #41-45 were impacted by the alcohol and/or drug usage, and score according to the established rules and guidelines in the LSI-R Scoring Guide.

EMOTIONAL/PERSONAL

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

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

ATTITUDE/ORIENTATION

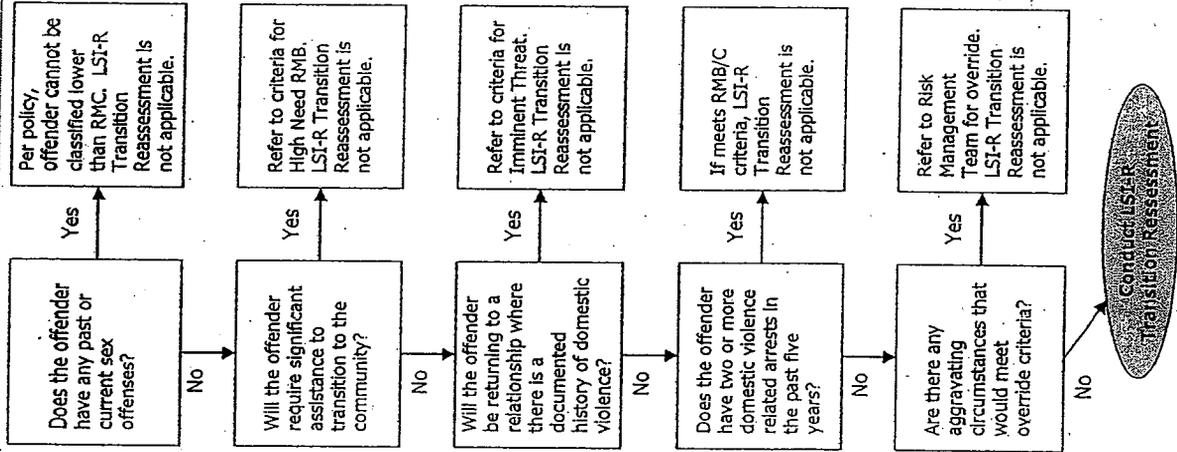
Use assessment criteria established in the LSI-R Scoring Guide.

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

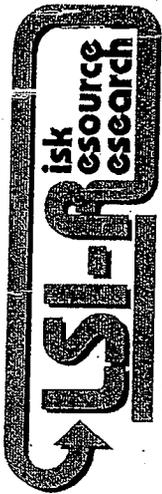
POLICY DCC 350/200
(Summary)

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

RMD DECISION TREE



© 2002 State of Washington Department of Corrections DOC P194 (Rev. 3/02)



"Working Together for SAFE Communities"

RMD TRANSITION REASSESSMENT

The purpose of the LSI-R RMD Transition Reassessment is to assess those factors that upon release pose increased risk to the community (compared to the offender's current confinement placement). Circumstances involving opportunity and access to drugs, alcohol, and probation of placement and probation. Offender's attitude and capacity to resist or respond appropriately to these risks is also evaluated. The resulting LSI-R score will determine the level of supervision upon release.

LSI-R Team

- Kevin Mauss kymauss@doc1.wa.gov 360.664.9264
- Sue Cole scoole@doc1.wa.gov 360.586.4906
- Roseanne Lasater rolasater@doc1.wa.gov 509.299.2364

CRIMINAL HISTORY

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

EMPLOYMENT/EDUCATION

Item #11 can score "NO" if:

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

Items #18, 19, 20

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

FINANCIAL

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

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

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

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

Item #22 scores "YES" if:

- Release plan includes obtaining social assistance.

FAMILY/MARITAL

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

ACCOMMODATION

Item #27 and 29

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

LEISURE/RECREATION

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

COMPANIONS

Item #35

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

ALCOHOL/DRUG PROBLEMS

Items #37-45

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

MONETARY RELEASE PROCEDURE

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



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
 OFFICE OF CORRECTIONAL OPERATIONS
 P.O. Box 41114 • Olympia, Washington 98504-1114 • (360) 753-1573
 FAX (360) 596-6582

June 8, 2006

TO: All Department of Corrections Staff

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

SUBJECT: Sex Offender Directives

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

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

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

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

"Working Together for SAFE Communities"



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

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

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

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

Prisons Division Impact

- OBTS/OMNI updates have been requested. Until changes are implemented, the OBTS DIS7 screen is not programmed to recognize RCW 9.68A.070, Possession of Depictions of a Minor as a crime requiring sex offender registration. In the interim, batch reports will be provided to the End of Sentence Review (ESR) Program, and ESR records staff will update the DIS7 screen by entering a "D" under the Sexual Motivation column, indicating that registration is required. A chronological record will also be entered on the OBTS DT37 screen to reflect that this has been done. All manual updates will be tracked, and once the

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

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

Community Corrections Division Impact:

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

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

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

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

Please contact the following staff with any questions or concerns:

Offender Registration, Dianne Ashlock 360-725-8659

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

CRR/ORP Investigations, contact your supervisor.

APPENDIX 5

Brian W. Judd, Ph.D., P.C.
917 Pacific Avenue, Suite 303
Tacoma, WA 98402
(206) 914-6409
Fax (253) 572-9958

JOINT FORENSIC UNIT

CIVIL COMMITMENT CLINICAL EVALUATION

ADDENDUM

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

REASON FOR REFERRAL:

Mr. Mark David Mattson is a 47-year old Caucasian male with a history of sexual offending against minor females, exhibitionism, voyeurism and scatological phone calls. He was referred by the Joint Forensic Unit for consideration of filing under the Revised Code of Washington (RCW) Chapter 71.09. I issued an initial report on 11/17/03 pursuant to review of 1297 pages of discovery following Mr. Mattson's decision to decline participation in the evaluation. Pursuant to review of available discovery, I opined that Mr. Mattson met the criteria as a "sexually violent predator" under RCW 71.09 due to the existence of predicate offenses (Statutory Rape; Cause # 85-1-01075-9: Indecent Liberties with Forcible Compulsion; Cause # 98-1-08413-0 SEA), the presence of a DSM-IV-TR¹ paraphilic disorder which qualified as a mental abnormality under the statute (Pedophilia, Sexually Attracted to Females, Nonexclusive Type), and a high risk of reoffense based upon actuarial assessment with the Static-99² and the Sex Offender Risk Appraisal Guide (SORAG)³. Due to the limited time available for completion, the 11/17/03 report was identified as a "preliminary report" with the expectation of distributing a more comprehensive report in the future.

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

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

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

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

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

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

PROCEDURES:

Record Review:

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

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

- 14) Seattle Police Department Follow-Up and Incident Reports for Incident # 94-233609 dated 5/24/94, Bates Stamp 0256-0263. While Mr. Mattson was investigated for luring of a male child, charges were dropped due to legal insufficiency.
- 15) Seattle Police Department Incident Report for Incident # 98-282840 charging Mr. Mattson with Assault (DV) authored by Officer TC Smith, dated 7/7/98, Bates Stamp 0264-0266.
- 16) Seattle Police Department Explanation of Rights/Waiver of Constitutional Rights for Incident # 85-138124, dated 4/2/85, Bates Stamp 0267-0268.
- 17) Letter to the Honorable Frank L. Sullivan authored by Mr. Mark Allen M.A., Ms. Maureen Saylor, R.N., M.A., and M. M. Vitols, MD in reference to Cause # 85-1-01075-9, dated 5/3/88, Bates Stamp 0279-0287.
- 18) *State of Washington v. Mark David Mattson* Information for Cause # 85-1-01075-9 authored by King County Senior Deputy Prosecuting Attorney Rebecca J. Roe, undated, Bates Stamp 0292. Mr. Mattson was charged with Statutory Rape in the 1st Degree and Kidnapping in the 1st Degree.
- 19) Certification For Determination of Probable Cause for Cause # 85-1-01075-9 authored by King County Senior Deputy Prosecuting Attorney Rebecca J. Roe, undated, Bates Stamp 0293.
- 20) State of Washington Department of Corrections Office of Correctional Operations Presentence Investigation Report for Cause # 98-1-09413-0 SEA authored by Leda E. Patrick, CCO-II, dated 12/8/99, Bates Stamp 0300-0302.
- 21) Certificate for Determination of Probable Cause for Incident # 98-465258 authored by Detective Vinette Tichi of the Seattle Police Department, dated 11/10/98, Bates Stamp 0303-0304.
- 22) Western State Hospital Psychosocial Assessment Database authored by Mr. Mike Shepherd B.S. dated 6/3/85, Bates Stamp 0338-0343.
- 23) Letter to the Honorable Frank L. Sullivan authored by Mr. Mike Shepherd, B.S., Ms. Lynda R. Anderson M.C., N.C.C., Gordon C. N. Hall, Ph.D. and M. M. Vitols, M.D. in reference to Cause # 85-1-01075-9, dated 6/14/85, Bates Stamp 0344-0348.
- 24) *State of Washington v. Mark D. Mattson* Order of Commitment For Observation and Transportation for Cause # 85-1-01075-9, dated 5/1/85, Bates Stamp 0380.
- 25) Department of Corrections Division of Community Services Presentence and Intake Report for Cause # 85-1-01075-9 authored by Ms. Carol Nantwi dated 5/13/85, Bates Stamp 0383-0386.
- 26) *State of Washington v. Mark David Mattson* Statement of Defendant on Plea of Guilty for Cause # 85-1-01075-9, dated 11/30/85 bates Stamp 0407-0412.
- 27) *State of Washington v. Mark David Mattson* Information for Cause # 98-1-09413-0 SEA, authored by King County Deputy Prosecuting Attorney Nelson K. H. Lee, undated, Bates Stamp 0456.
- 28) In the Court of Appeals of the State of Washington, *State of Washington v. Mark Mattson*, Unpublished Opinion for Cause # 46188-5-1, Bates Stamp 0478-0486.
- 29) State of Washington Department of Corrections Primary Encounter Report authored by C. Miller MSW, dated 8/12/02, Bates Stamp 0506.

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

Psychological Testing:

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

Clinical Interview:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DIAGNOSES:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RISK ASSESSMENT:

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

The question of risk refers to the likelihood of a person re-offending in a sexually violent fashion. As required by statute, an individual does not meet criteria as a "sexually violent predator" unless they suffer from a "...*mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.*" (RCW 71.09.020) A number of actuarial measures have been developed to assist evaluators in determining the offender's level of risk or likelihood if returned to the community. Likelihood of recidivism is usually presented as a percentage in a given time frame, such as 7 or 10 years. It should be remembered that for the purposes of RCW 71.09 no such time limit exists. In addition, the probabilities derived from the studies upon which these instruments were developed are considered to be low boundary estimates of actual recidivism due to the fact that in all such studies some recidivism was undetected. Estimates derived from actuarial instruments may also underestimate the likelihood of recidivism due to limited follow-up periods and continuing failure rates for new charges of between 1 to 2% after the first 5 years⁵

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

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

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

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

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

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

Due to Mr. Mattson's advancing age (47) I also chose to assess him with the Sex Offender Risk Appraisal Guide (SORAG). Although designed to detect violent (including sexual) recidivism in sexual offenders, a recent meta-analysis found the SORAG to be as effective in predicting sexual recidivism as those instruments specifically designed to predict sexual recidivism⁶. Other studies have demonstrated either equal predictive validity in predicting sexual recidivism^{7,8} or supported slightly better predictive validity of the SORAG (albeit non-significant)⁹. Despite providing risk estimates for a more general outcome measure (violent recidivism) the authors of the instrument continue to support use of the SORAG for detection of sexual recidivism. In a recently presented preliminary study Rice et al. found that a percentage of sexual offenses are coded as non-sexual violent offenses. As such, strictly using the individual's history of sexual offending risks underestimating their actual risk for sexual reoffense¹⁰. Based upon their findings, the authors support use of the SORAG for assessing risk of sexual recidivism.

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

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

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

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

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

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

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

SUMMARY AND CONCLUSIONS:

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

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

Recent physiological testing conducted on 5/4/04 at the Twin Rivers Corrections Center denotes a paraphilic pattern of arousal. When interviewed on 7/27/05 Mr. Mattson characterized his primary pattern of arousal as paraphilic upon entering the program on 5/21/04. While he appears to have made impressive gains in managing arousal, principally through minimal arousal conditioning, effective arousal management has only occurred in past several months. This contrasts with a chronic, intense pattern of paraphilic arousal which has characterized the preceding 32 years of Mr. Mattson's life and has been refractory to prior treatment. Moreover, a non-published study of outcome in the Twin Rivers Sex Offender Treatment Program¹¹ suggests poor generalizability of institutional treatment to community settings (non-significant differences in detected recidivism based solely upon institutional treatment with a fixed 4 year follow-up).

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

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

Current research literature is mixed with regard to the efficacy of sex offender treatment in reducing recidivism. Hanson et al.¹² noted a 40 percent reduction in detected recidivism as a result of treatment while other authors either reported a relationship between psychopathy and recidivism in treated offenders¹³ or a small but statistically non-significant increase in recidivism in treated offenders⁹. Recent well controlled studies in which offenders were randomly assigned to treatment and non-treatment groups^{14,15} demonstrated no difference in recidivism. Based upon the inconsistencies in current data, Harris et al. has argued against modification of actuarially determined levels of risk as a result of treatment participation⁹. As such, despite completion of the Sex Offender Treatment Program, I do not believe there is a clear empirical basis for modification of actuarially determined levels of risk.

Mr. Mattson has at least 3 years of community supervision pursuant to his conviction and 12/19/03 resentencing on Cause # 98-1-09413-0 SEA. As such, he would likely be subject to supervision past the age of 50. While recent research has demonstrated mitigation of the likelihood of recidivism in middle aged and elderly offenders^{16,17,18} stratification into Low, Moderate and High risk categories¹⁸ (utilizing

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

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

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

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

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

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

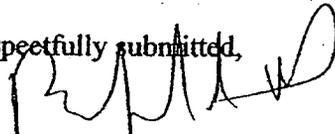
¹⁸ Thornton, D. & Doren, D. (November, 2002). *How much safer are older offenders?* Platform Presentation at the Association for the Treatment of Sexual Abusers: Montreal, Canada.

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

OPINION:

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

Respectfully submitted,



Brian W. Judd, Ph.D.

Licensed Psychologist

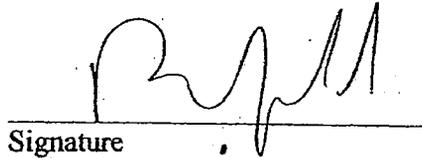
Washington License 1522

Certified Sex Offender Treatment Provider 171

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

8/9/05 Olympia, WA

Date and Place



Signature

APPENDIX 6

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

JOINT FORENSIC UNIT

CIVIL COMMITMENT CLINICAL EVALUATION

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

REASON FOR REFERRAL:

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

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

PROCEDURES:

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

PSYCHOLOGICAL TESTING:

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

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

RISK ASSESSMENT:

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

LEGAL STANDARD:

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

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

FINDINGS:**A) Has Mr. Mattson been "convicted of or charged with a crime of sexual violence?"**

Yes.

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

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

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

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

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

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

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

NON-ADJUDICATED VICTIMS:

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

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

NON-SEXUAL ADJUDICATION HISTORY:

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

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

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

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

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

TREATMENT HISTORY:

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

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

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

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

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

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

INCARCERATION HISTORY:

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

DIAGNOSIS:

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

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

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

Review of the DSM-IV-TR² criteria defines Paraphilia as, "*recurrent, intense sexually arousing fantasies, sexual urges, or behaviors generally involving 1) non-human*

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

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

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

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

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

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

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

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

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

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

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

Yes.

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

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

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

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

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

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

found this instrument effective in assessing sexual recidivism in child molesters with somewhat greater predictive efficacy than the Static-99³. Mr. Mattson obtained a score of 20 placing him in Bin 7. Individuals with similar scores recidivated at between .58 and .80 at 7 and 10 years, respectively.

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

SUMMARY AND CONCLUSIONS:

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

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

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

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

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

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

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

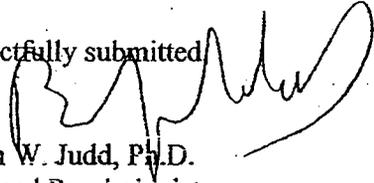
Current diagnostic formulations include Pedophilia, Sexually Attracted to Females, Nonexclusive Type (302.2) and Exhibitionism (302.4). While prior records indicates a history of Voyeurism (302.82) there is insufficient information with which to make the diagnosis at the present time. In addition, Mr.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

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

OPINION:

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

Respectfully submitted



Brian W. Judd, Ph.D.

Licensed Psychologist

Washington License 1522

Certified Sex Offender Treatment Provider 171

APPENDIX 7

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



WASHINGTON STATE
 DEPARTMENT OF CORRECTIONS

DRAFT
FILE REVIEW FOR EOSRC

NAME: MATTSON, MARK D. **DOC#:** 265524 **AGE:** 45

AKA: MATSON, MARK D.

RELEASE DATE: Probably on 11/2103.

PROPOSED RELEASE ADDRESS: He has the support of his parents, Doris Mattson who live in Greenbank, WA., and his father, Morris Mattson who lives in Coupeville, WA. No proposed release address is noted.

COMMUNITY SUPERVISION: Should be 36 months of Community Custody.

SPECIAL CONDITIONS: Sex offender registration requirement; no contact with victim of offense. Am awaiting his re-sentencing for the Judgment and Sentence for any current conditions.

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

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

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

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

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

OTHER CRIMINAL HISTORY:

PSYCHOLOGICAL:

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

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

EMPLOYMENT HISTORY:

FAMILY/COMMUNITY SUPPORT:

RISK LEVEL SCORE:

OTHER NOTIFICATION RECOMMENDATIONS:

SOURCES OF INFORMATION:

DISTRIBUTION:

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

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

IISO100

LEGAL FACE SHEET

TIME 13:10

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

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

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

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

Table with columns: COM., COUNTY, GTL TIME START RECEIVED OC, MIN. TERM CC CS, REL. DATE STATUS. Includes entry for *AB*N KING with details on 05/10/1988 and 05/18/88.

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

Table with columns: *AC*N KING, 33, 03/24/2000, 03/24/00, 46, LWOP, LWOP, VA. Includes cause description: INDECENT LIBERTIES.

Table with columns: *AD*N KING, 33, 12/22/2003, 12/22/03, 46, 10Y 0M 0D, 07/23/2005, EX. Includes cause description: INDECENT LIBERTIES.

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

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

APPENDIX 8

IISO100

LEGAL FACE SHEET

TIME 13:10

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

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

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

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

IISO100

LEGAL FACE SHEET

TIME 13:10

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

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

IISO100

LEGAL FACE SHEET

TIME 13:10

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

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

Table with columns: DATE, PROGRAM-POSITION, --WEEK--, -----DAY-----, ---TIME---, STATUS. Rows include program assignments like V400K013 ELECTRONIC SY, V700A008 GRAPHIC ARTS, etc.

Table with columns: EARNED EARLY RELEASE DATE & TYPE, DOC, ISRB., STATUS, LOCATION. Rows show earned time details such as 05/10/88--07/07/88 EARNED TIME I, 03/24/00--05/01/00 EARNED TIME, etc.

IISO100

LEGAL FACE SHEET

TIME 13:10

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

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

10

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

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

15

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

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

20

MAX SECUR.

10

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

Table with columns: CUSTODY DATE, SCORE, TYPE, ASSIGNED, CUSTODY, OVERRIDE, LOCATION. Rows include dates from 04/11/2000 to 02/05/2004 with various custody and review details.

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

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

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

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

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

IISO100

LEGAL FACE SHEET

TIME 13:10

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

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

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

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

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

IISUI012 NO WARRANTS OR DETAINERS FOUND

IISUI005 NO OUT TIME FOUND

IISUI009 NO ISR BOARD INFO FOUND

IISUI015 NO HOLDS FOUND

111

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

CERTIFIED COPY TO COUNTY JAIL DEC 22 2003

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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

I. HEARING

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

II. FINDINGS

There being no reason why judgment should not be pronounced, the court finds:
2.1 CURRENT OFFENSE(S): The defendant was found guilty on 10/01/1999 by jury verdict of:

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

[] Additional current offenses are attached in Appendix A

SPECIAL VERDICT or FINDING(S):

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

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

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

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

2.4 SENTENCING DATA:

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

Additional current offense sentencing data is attached in Appendix C.

2.5 EXCEPTIONAL SENTENCE (RCW 9.94A.535):

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

Findings: Agreement of the parties

III. JUDGMENT

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

The Court DISMISSES Count(s) _____

IV. ORDER

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

4.1 RESTITUTION AND VICTIM ASSESSMENT:

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

* Defense asserts this should previously have been established after org. JCS.

4.2 OTHER FINANCIAL OBLIGATIONS:

Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a) \$_____, Court costs; Court costs are waived; (RCW 9.94A.030, 10.01.160)
- (b) \$100 DNA collection fee; DNA fee waived (RCW 43.43.754)(crimes committed after 7/1/02);
- (c) \$_____, Recoupment for attorney's fees to King County Public Defense Programs; Recoupment is waived (RCW 9.94A.030);
- (d) \$_____, Fine; \$1,000, Fine for VUCSA; \$2,000, Fine for subsequent VUCSA; VUCSA fine waived (RCW 69.50.430);
- (e) \$_____, King County Interlocal Drug Fund; Drug Fund payment is waived; (RCW 9.94A.030)
- (f) \$_____, State Crime Laboratory Fee; Laboratory fee waived (RCW 43.43.690);
- (g) \$_____, Incarceration costs; Incarceration costs waived (RCW 9.94A.760(2));
- (h) \$_____, Other costs for: _____

4.3 PAYMENT SCHEDULE:

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

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

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

120 months/days on count 1; _____ months/days on count _____; _____ months/day on count _____
_____ months/days on count _____; _____ months/days on count _____; _____ months/day on count _____

The above terms for counts _____ are consecutive / concurrent.

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

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

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

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

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

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

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

4.5 ~~NO CONTACT~~ For the maximum term of 10 years, defendant shall have no contact with CRIM
Row/2nd

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

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

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

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

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

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

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

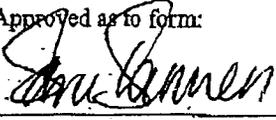
The defendant shall report to an assigned Community Corrections Officer upon release from confinement for monitoring of the remaining terms of this sentence.

Date: 19 Dec 03

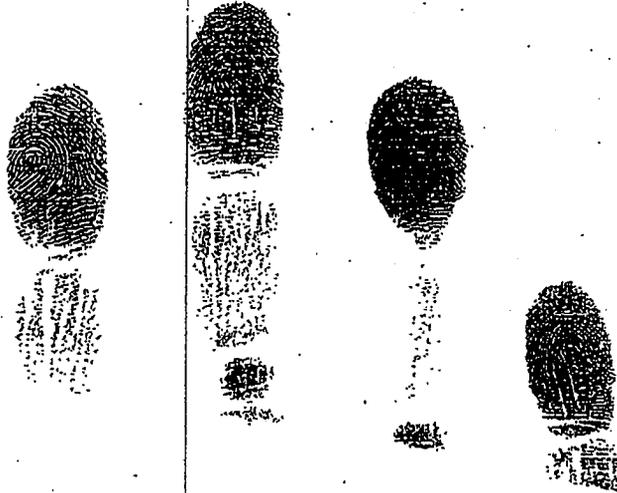

 JUDGE
 Print Name: _____

Presented by:

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

Approved as to form:

 Attorney for Defendant, WSBA # 31021
 Print Name: Danner

FINGERPRINTS



RIGHT HAND
FINGERPRINTS OF:

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

MARK D MATTSON

DATED: 19 Dec 03
[Signature]
JUDGE, KING COUNTY SUPERIOR COURT
RONALD KESSLER

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

CERTIFICATE

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

OFFENDER IDENTIFICATION

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

CLERK

BY: _____
DEPUTY CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 98-1-09413-0 KNT

vs.

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

MARK D. MATTSON

Defendant,

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

Crime
STATUTORY RAPE

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

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

Date:

19 Dec 03

David Kessler
JUDGE, KING COUNTY SUPERIOR COURT

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 98-1-09413-0 KNT

vs.

APPENDIX G
ORDER FOR BIOLOGICAL TESTING
AND COUNSELING

MARK D. MATTSO

Defendant,

(1) DNA IDENTIFICATION (RCW 43.43.754):

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

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

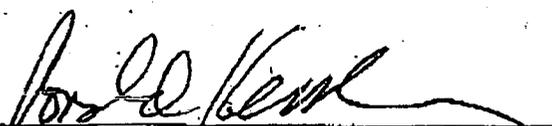
(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

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

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

Date:

19 Dec 03



JUDGE, King County Superior Court

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff

No. 98-1-09413-0 KNT

vs.

MARK D. MATTSO

Defendant

APPENDIX J
JUDGMENT AND SENTENCE
SEX OFFENDER NOTICE OF
REGISTRATION REQUIREMENTS

SEX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.200. 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 and you are not the minor's parent), 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, 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.

If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within 30 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 30 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.

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 written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving, register with the sheriff within 24 hours of moving and you must give written notice of your change of address to the sheriff of the county where last registered within 10 days of moving. If you move, work, carry on a vocation, or attend school out of Washington State, you must send written notice within 10 days of establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state, to the county sheriff with whom you last registered in Washington State.

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.

Even if you lack 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 or within 48 hours, excluding weekends and holidays, after ceasing to have a fixed residence. 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 in person to the sheriff of the county where you registered on a weekly basis. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff may require the person to list the locations where the person has 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.

I have read and understand these registration requirements.

Defendant

Date

Deputy Prosecuting Attorney

Judge

Defense Attorney

APPENDIX J

APPENDIX 10

NAME: MATTSON, MARK D

OFFICE: D02 MCC-TRCC MSC
OFFICER: 0738 VACANT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NAME: MATTSON, MARK D

OFFICE: D02 MCC-TRCC MSC
OFFICER: 0738 VACANT

- 07/11/05 RP 04 RELEASE PLAN RE-SUBMITTED TO WCTRANSRMSASSIGN PER CCO LEWIS.
THE RMS THAT ORIGINALLY HAD THE PLAN MOVED TO ANOTHER POSITION,
THE CRR CANNOT BE TRANSFERRED TO NEW STAFF. 8801 AURORA AVE N.
THE GEORGIAN IN SEATTLE WA 98103 IS THE RELEASE ADDRESS.
MANAGER IS BILL HAN. REMINDER: P IS A 7109 REFERRED CASE..
07/11/05 C JOHNSON
- 07/11/05 CM 08 PROVIDED CLINT JOHNSON WITH A COPY OF DR. JUDD'S FPE CONSENT
FORM FOR P'S REVIEW/SIGNATURE. 07/11/05 K ACKER
- 07/13/05 CM 04 P DOES NOT MEET CRITERION FOR HIGH NEEDS B REFERRAL TO THE P.S.
W. 07/13/05 C JOHNSON
- 07/13/05 CM 08 LSI-R REASSESSMENT COMPLETED BY CC2 PEITZMEIER ON 6/29/04.
07/13/05 C JOHNSON
- 07/13/05 CA 12 08/17/05 HCSC APPROVES MI3 HCR. GFW 08/18/05 H WITTENBERG
- 07/14/05 TR 04 REC'D CRR AND ASSIGNED MAT TO BRUCE GARNER (WC41); REQUEST
RELEASE PACKET FROM CLINT JOHNSON. 07/14/05 S BEVERS
- 07/15/05 CA 04 SENT CRR PACKET TO CCO BRUCE GARNER AT MAIL STOP TB-12A. 1550
4TH ASVE SOUTH, SEATTLE, WA 98134. 07/15/05 R ACREE
- 07/19/05 CM 04 RECIEVED RLS PACKET THIS DATE ON P- THERE IS NOTHING IN THE
FILE RELATED TO HIS LATEST INCARCERATION AND THERAPY- WILL AKS
FOR THIS INFO THRU CPU. E-MAIL TO KIM ACKER THIS DATE ASKING
FOR LATEST INFO. 07/25/05 B GARNER
- 07/19/05 CM 08 AT MS. ACKERS REQUEST PERUSED RELAVENT INFORMATION ON P IN
LIBERTY. HAVE CONCERNS ABOUT PROPOSED PLACEMENT DUE TO AREA
BEING KNOWN FOR PROSTITUTION. WILL CHECK OUT. 07/25/05 B GARNER
- 07/27/05 TR 04 WENT TO ADDRESS LISTED ON CRR-GEORGIAN MOTEL ON NORTH AURORA-
FOUNF IT TO BE IN THE MIDDLE OF A VERY WELL KNOWN PROSTITUTION
AREA. P HAS A HX WITH PROSTITUTES AND WOULD BE PLACED IN A HIGH
RISK SITUATION IF APPROVED. THEREFORE I AM DISAPPROVING THIS
CRR. CRR DENIED AND FORWARDED TO CCS SKIPORTH THIS DATE. ALSO
DISCUSSED THIS WITH CCO THEO LEWIS VIA PHONE AND HE CONCURS.
07/28/05 B GARNER
- 07/28/05 CM 04 CRR DENIED THIS DATE. 07/28/05 K SKIPWORTH
- 07/29/05 CA 04 FRMT, REV COMM & ASSOC SUPT CONCUR WITH, RETAIN AT TRU ON MI3
CUSTODY. REFER TO HCSD FOR HCR OVERRIDE DUE TO CHS AND
COMMUNITY RISK. 07/29/05 C BOARDMAN
- 08/02/05 RP 04 RELEASE PLAN SUBMITTED: 1517 BOYLSTON AVE (BOYLSTON HOTEL)
SEATTLE WA 98122, 206-325-0836. MANAGER IS DARREN DECKER.
OFFENDER IS 7109 REFERRED H.Q. NOTIFIED. 08/02/05 C JOHNSON
- 08/02/05 TR 08 REC'D CRR AND ASSIGNED MAT TO BRUCE GARNER (WC41); REQUEST
RELEASE PACKET FROM CLINT JOHNSON. 08/02/05 S BEVERS
- 08/03/05 CA 04 SENT CRR PACKET TO CCO BRUCE GARNER AT WC 280 KC RISK
MANAGEMENT SPECIALIST. MAIL STOP TB-63. 08/03/05 R ACREE
- 08/03/05 CA 08 SENT CRIMINAL HISTORY SUMMARY TO HCSC. 08/03/05 R ACREE
- 08/09/05 CM 04 RECVD UPDATED FORENSIC PSYCHOLOGICAL EVALUATION IN WHICH DR.
JUDD OPINES THAT P CONTINUES TO MEET SVP CRITERIA FOR CIVIL
COMMITMENT UNDER RCW 71.09. COPY SCANNED INTO LIBERTY AND
FORWARDED TO KING COUNTY PAO. 08/09/05 K ACKER
- 08/10/05 RC 04 BF SENT TO K TURNGREN @ TRCC-MCC FROM CENTRAL REPOSITORY
08/10/05 N DURANCEAU

NAME: MATTSON, MARK D

OFFICE: D02 MCC-TRCC MSC
OFFICER: 0738 VACANT

- 08/11/05 TR 04 MET WITH OFFENDER AS WELL AS FIVE OTHER INMATES TO DISCUSS SOTF COMMUNITY TREATMENT EXPECTATIONS AND ANSWER ANY TRANSITION QUESTIONS. OFFENDER SHOWED UP AS I WAS LEAVING. DISCUSSED WITH HIM WHAT MY ROLE IN HIS TRANSITION IS AND THAT IF/WHEN HE IS RELEASED, HE WILL BE IN COMMUNITY TX WITH ME. 08/11/05
J MCCULLOUGH
- 08/24/05 TR 04 RECEIVED TC FROM FRED AT STEPHENSON APARTMENTS. OFFENDER'S FRIEND HAD CONTACTED FRED AND INFORMED HIM THAT P WAS PAST HIS ERD. APPARENTLY P WANTS TO RENT FROM HIM. TOLD FRED THAT P HAS EVERY RIGHT TO ARRANGE A PLACE TO LIVE UPON HIS RELEASE FROM PRISON, HOWEVER, HIS RELEASE DATE IS UNKNOWN AT THIS TIME.
08/24/05 J MCCULLOUGH
- 08/25/05 FC 04 CRR- INVESTIGATION--- WENT TO THE BOYLSTON APARTMENTS THIS DATE AND DISCUSSED PLACEMENT OPTIONS W/NANCY THE MANAGER. SHE INDICATES THAT THINGS WERE FAIRLY CLEAN IN THE PLACEMENT. I LEFT THE BUILDING AND HUNG AROUND THE ARE FOR ABOUT AN HOUR. I VIEWED 2 DRUG BUYS WITH IN 50 YARDS OF THE BOYLSTON AND SAW WHAT APPEARED TO BE A PROSTITUTE ON PIKE AND BROADWAY. THIS PLACEMENT HAS A LONG HX OF INVOLVEMENT IN THIS SUB CULTURE. BOTH INSIDE AND OUTSIDE THE IMMEDIATE ENVIRONS OF THE BUILDING. THEREFORE-AS P HAS A HX WITH BOTH OF THESE ISSUES I AM DENYING THIS CRR. 08/26/05 B GARNER
- 09/19/05 RP 04 RECEIVED TELEPHONE CALL FROM DAVID BAERSCHTY ABOUT A RELEASE ADDRESS FOR P. HE STATED THAT HE WAS P'S M2 SPONSOR AND WAS INTERESTED IN POSSIBLY BEING A RELEASE OPTION FOR P. STATED THAT HE LIVES JUST OUTSIDE OF DUVALL AND WANTED TO KNOW WHAT THE DETAILS WERE. EXPLAINED TO HIM ABOUT NOTIFICATION OF A LEVEL THREE AND ASKED HIM WHAT HE KNEW ABOUT P/ DAVID WAS ABLE TO TELL ME A FEW OF THE DETAIL OF P'S OFFENSE AND THAT HE WAS KNEW HE WAS BEING LOOKED AT FOR CIVIL COMMITMENT. EXPLAINED TO HIM THAT HE SHOULD CONTACT FRANCES LINDER TO SET UP A RMIT MEETING THAT WOULD ALLOW P TO DISCLOSE WITH STAFF PRESENT AND WOULD ALLOW HIM TO ASK 09/26/05 K STYLES
- 09/19/05 RP 08 (CONT) QUESTIONS NOT ONLY OF P BUT OF THE STAFF MEMEBERS HELPING WITH HIS RELEASE PLANNING. DAVID SAID THAT HE WOULD GET BACK TO ME. 09/26/05 K STYLES
- 09/23/05 RP 04 RECEIVED PHONE MESSAGE FROM PHIL RAMSEY FROM JOB THERAPY (M2) REQUESTING A RETRUN CALL. PLACED CALL AND LEFT MESSAGE FOR PHIL.
09/26/05 K STYLES
- 09/23/05 RP 08 RECEIVED A CALL FROM DAVID BAERSCHTY STATING THAT HE WAS STILL RESEARCHING HIS OPTIONS AND THAT HE HADN'T DECIDED WHAT TO DO YET. HE SAID THAT HE WOULD KEEP ME POSTED. 09/26/05 K STYLES
- 09/28/05 RP 04 RECEIVED TELEPHONE CALL FROM DAVID BAERSCHTY STATING THAT HIS ADDRESS COULD BE SUBMITTED FOR INVESTIGATION. SENT E-MAIL TO BRUCE GARNER, ASSIGNED COMMUNITY RMS AND SPOKE WITH FRANCES LINDER, FACILITY RMS. WAS TOLD BY FRANCES TO SUBMIT, AM AWAITING RESPONSE FROM BRUCE. 09/29/05 K STYLES
- 09/29/05 RP 04 GOT A RESPONSE FROM BRUCE GARNER. CRR SUBMITTED FOR P TO SPONSOR DAVID BAERSCHTY; 18715 296TH PLACE NORTHEAST; DUVALL, WA 98019 (425)788-6649. SPONSOR INDICATES THAT HIS WIFE, DONNA, RESIDES IN THE RESIDENCE AS WELL. HE ALSO STATED THAT HIS DAUGHTER AND SON-IN-LAW AND THEIR 16 MONTH OLD SON WOULD BE STAYING TEMPERARILY, BUT WOULD BE GONE MOST LIKELY BEFORE P WOULD BE RELEASED. 09/29/05 K STYLES

NAME: MATTSON, MARK D

OFFICE: D02 MCC-TRCC MSC
OFFICER: 0738 VACANT

09/30/05 TR 04 ASSIGNED ANOTHER CRR/MAT TO BRUCE GARNER (WC41); 09/30/05
S BEVERS

10/04/05 CA 04 SENT CRR PACKET TO BRUCE GARNER, MS: TB-12A. SEATTLE. 10/04/05
S MASON

10/12/05 CA 04 P WAS SEEN TODAY BY THE FRMT FOR HIS REVIEW. HE IS ON WAITING
LISTS AND IS ENCOURAGED TO PARTICIPATE IN CRIME RELATED
PROGRAMMING IF AVAILABLE. HE IS 71.09 REFERRED AND HAS AN
ADDRESS OUT IN THE COMMUNITY FOR INVESTIGATION. MAINTAIN
MINIMUM CUSTODY, MI3(SVP). 10/12/05 K STYLES

10/14/05 FP 04 CALLED SPONSOR NUMBER LISTED ON CRR- A FEMALE ANSWERED AND
AFTER A SHORT DISCUSSION, GAVE ME THE NUMBER OF MR. BAERSCHTY
OF 206-655-6822. CALLED THAT NUMBER AND LEFT MESSAGE TO CALL ME.
WOULD LIKE TO GOT OUT TO DUVALL ADDRESS TO INVESTIGATE NEXT
FRIDAY THE 21ST. 10/14/05 B GARNER

10/14/05 TC 08 T/C WITH SPONSOR WHO AGREED TO MEET ME AT THE HOUSE NEXT FRIDAY
THE 21ST AT 11AM. OUTLOOK TO CCO LEWIS ASKING FOR HIS COMPANY
ON THE INVESTIGATION. 10/14/05 B GARNER

10/21/05 FC 04 CCO IRIS PETERSON AND I WENT OUT TO THE SPONSORS HOME IN DUVALL.
THE PHYSICAL PLANT WAS APPROVABLE. HOWEVER, IN DIALOGUING WITH
THE SPONSOR AND THE WIFE IT BECAME APPARENT THAT THE WIFE DID
NOT WANT P TO LIVE WITH THEM, SHE WAS ALSO ANGRY THAT THIS HAD
NOT BEEN CLEARED WITH HER BEFORE PROCEEDING. THE HUSBAN HAD NOT
CONSULTED HER BEFORE GIVING HIS PLACE AS A RESIDENCE FOR P TO
LIVE AT. THEREFORE I AM DENYING THIS CRR THIS DATE. 10/24/05.
B GARNER

11/07/05 RC 04 BF SENT TO CENTRAL REPOSITORY FROM MCC/SOU 11/07/05 D DOWNS

11/09/05 RC 04 BF RECEIVED @ CENTRAL REPOSITORY FROM MCC 11/09/05 N DURANCEAU

01/26/06 CA 04 P WAS SEEN BY THE FRMT FOR HIS REVIEW. HE REMAINS IN COMPLIANCE
WITH HIS FACILITY PLAN DATED 7-13-05. HE IS WORKING AS A UNIT
PORTER. HE IS ENCOURAGED TO PARTICIPATE IN CRIME RELATED
PROGRAMMING IF OFFERED. HE COMPLETED THE JOB HUNTER COURSE
RECENTLY. HE CONTINUES TO WORK ON REELASE PLANNING. MAINTAIN
MINIMUM CUSTODY, MI3(SVP). 01/26/06 A STICKNEY

03/02/06 RC 04 BF SCANNED ON THIS DATE, HARD COPY DESTROYED, CONTACT CENTRAL
REPOSITORY FOR FILE INFORMATION 03/02/06 C O'SULLIVAN

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

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

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

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

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

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

NAME: MATTSON, MARK D

OFFICE: D02 MCC-TRCC MSC
OFFICER: 0738 VACANT

- 06/16/06 CM 04 AFTER REVIEWING THE LATEST RE SEX OFFENDER DIRECTIVES LOOKS LIKE THIS WILL BE DENIED BASED ON THAT AND WHERE" NO PLAN WILL OFFER SUFFICIENT PROTECTION FOR THE COMMUNITY" HOWEVR THIS HAS BEEN REFERRED TO THE FA/RA SO WILL WAIT TO FINALIZE. HAVE VERIFIED P MEETS CRITERIA FOR SVP REFERRAL W/ CPU 06/16/06 D CIRINO
- 07/12/06 CA 04 MATTSON WAS SEEN THIS DAY FOR HIS REVIEW AND WE NOTE THAT HE IS IN COMPLIANCE WITH HIS FP DATED 7-13-05. HE IS WORKING AS A TEIR PORTER FOR THE UNIT. HE HAS COMPLETED THE SOTP AND IS WORKING ON RELEASE PLANNING.. HE HAS A FORENSIC PSYCHOLOGICAL EVALUATION THAT SUPPORTS CIVIL COMMITMENT. HE IS ENCOURAGED TO PARTICIPATE IN CRIME RELATED PROGRAMMING THAT IS AVAILABLE TO HIM. MAINTAIN MINIMUM CUSTODY, MI3(SVP). 07/12/06 A STICKNEY
- 09/11/06 TC 04 SENT UP ATTORNEY PHONE CALL FOR P WITH ATTORNEY DENNIS CARROLL 1-877-241-1695 EXT 633 FOR 1:00PM TODAY. SPOKE WITH ATTORNEY AND VERIFIED PHONE NUMBER AND TIME OF CALL. 09/11/06 K STYLES
- 10/04/06 CA 04 P WAS EEN BY THE FRMT FOR HIS REVIEW. HE REMAINS IN COMPLIANCE WITH HIS FACILITY PLAN DATED 7-21-05. HE IS WORKING AS A PORTER FOR THE LIVING UNIT. HE HAS BEEN DEEMED TO MEET CRITERIA FOR POSSIBLE 71.09 AND IS AWAITING A DECISION ON THAT. HE IS ENCOURAGED TO PARTICIPATE IN CRIME RELATED PROGRAMMING THAT IS AVAILABLE AS WELL AS TO CONTINUE WITH RELEASE PLANNING. MAINTAIN MINIMUM CUSOTDY, MI3(SVP). 10/04/06 A STICKNEY
- 01/10/07 CA 04 P WAS SEEN TODAY BY FRMT. RETAIN MINIMUM CUSTODY MI3(SVP); CRS 67. REMAIN AT MCC-TRU. ON TARGET WITH LAST FP DATED 07/13/05. OFFENDER HAS BEEN POSITIVELY PROGRAMMING THROUGH HIS EMPLOYMENT POSITION AS A THERAPY AID AND DOING HOBBY SHOP ACTIVITIES IN HIS LEISURE TIME. NO INFRACTIONS OR UNIT PROBLEMS DURING THIS LAST QUARTER. 01/10/07 F HALL
- 03/12/07 PS 04 P WAS SCREENED FOR PREA (INITIAL). HE SCORED LOW (2) FOR SEXUAL VIOLENCE POTENTIAL AND MEDIUM (5) FOR SEXUAL VICTIMIZATION POTENTIAL. SCREENING COMPLETED AT MCC-TRU BY K. STYLES, CC3. 03/12/07 K STYLES
- 05/25/07 TR 04 RECEIVED KITE FROM P REQUESTING THAT THE FRANKLIN APARTMENTS BE RESUBMITTED AS HIS REELASE PLAN "PENDING THE RESULTS OF MY PRP" INFORMED P THAT THE FRANKLIN HAD BEEN DENIED IN THE PAST AND WOULD NOT BE RESUBMITTED UNLESS, AS DIRECTED, AS A RESULT OF HIS PRP. RMIT MEMBERS NOTIFIED. 05/25/07 K STYLES
- 08/31/07 CM 04 ORP FORWARDED TO CCO T. LEWIS (BV85), SPECIAL ASSAULT UNIT (243) TO ASSIGN W/IN THE UNIT. 08/31/07 W MORRISON
- 09/04/07 CM 04 RECEIVED ORP CITING "COUNTY OF CONVICTION" REVIEW OF CASE AND CRIMINAL HISTORY INDICATES P'S ORIGINAL COUNTY OF CONVICTION FOR WHAT APPEARS TO BE A 1978 FELONY PUBLIC INDECENCY IS ISLAND COUN TY. FORWARDED ORP TO OAK HARBOR ASSIGNMENTS PER 6157 REQUIREMENT. 09/04/07 T LEWIS
- 09/04/07 CM 08 ASSIGNED ORP TO CCO LEE THIS DATE. 09/04/07 C PERKINS
- 09/06/07 TR 04 CLOSED OUT MY INTEREST IN THIS CASE AS P HAS BEEN REFERRED TO ORIGINAL COUNTY OF CONVICTION, ISLAND, FOR RELEASE PLANNING UNDER 6157. 09/06/07 B GARNER
- 09/06/07 TR 08 E-MAIL TO CCO LEE THIS DATE ADVISING OF MY CLOSURE IN THIS CASE AND TO ENLIST THE RES ASSIGNED TO ISLAND COUNTY. 09/06/07 B GARNER

NAME: MATTSON; MARK D

OFFICE: D02 MCC-TRCC MSC
OFFICER: 0738 VACANT

- 11/14/07 GC 04 WRITER MET WITH MATTSON BRIEFLY. HE APPEARED SURPRISED AND THOUGHT I WAS INTERVIEWING HIM FOR A JOB. WRITER INFORMED HIM WHO I WAS AND THE PURPOSE OF THE VISIT. HE STATED TH AT HE HAD GIVEN UP ON GETTING OUT AND WAS JUST WAITING FOR THE 71.09 PROCESS. HE TALKED OF HIS HISTORY AND HIS LIKEIHOOD OF CIVIL COMITTMENT. HE WAS CHALLENGED TO COME UP WITH A BACK UP PLAN IN THE EVENT HE WAS NOT. HE RELATED HE FELT ABANDON AND ALLOWED HIMSELF TO DEVIANT FANTASIZE TO HIS PREVIOUS VICITIMES. HE WAS CHALLENGED TO THINK ABOUT HIS EFFECTIVENESS TO CHANGES HIS OLD PATTERNS. HE WAS ENCOURAGED TO WRITE A KITE TO HIS PREVIOUS THERAPIST FOR -> 11/14/07 A CURRY
- 11/14/07 GC 08 -> FOR SOME BITTER ROOT TO AND A MEMO TO INDICATE THE PURPOSE OF ITS USE FOR HIS CC, CUS AND UNIT SGT. AS DECREASING HIS AROUSAL ON HIS OWN WAS NOT EFFECTIVE. HE WAS THEN CHALLENGED TO EXAMINE HIS OPTIONS OF BEING RELEASED, BEING CIVILLY COMMITTED AND THEN BEING RELEASED OR NEVER BEING RELEASED. HE WAS REDIRECTED FROM HIS SELF PITY AND CHALLENGED TO EXAMINE THAT IT WILL STILL BE HIS THOUGHTS AND BEHAVIORS THAT WILL BE ASSESSED AND EVALUATED ABOUT HIS RELEASE. CONTINUING TO ENGAGE IN DEVIANT FANTASY W AS NOT SPEAKING TO HEALTHY CHANGE OR MANAGING HIS DEVIANCY. HE AGREED TO CONTACT SOTSS DANDESCU.
11/14/07 A CURRY
- 11/15/07 JX 04 REQUESTED: CUSTODIAN I, ENROLL BY 11/15/2007, PRIORITY 3A, STAFF: BUSBY, JANET 11/15/07 J BUSBY
- 11/15/07 CA 08 P WAIVED HIS FRMT AND PAPERWORK IS SIGNED AND IN THE CENTRAL FILE. HE REMAINS IN COMPLIANCE WITH HIS FACILITY PLAN DATED 7/13/07. HE IS ON JOB WAIT LISTS, HE IS ENCOURAGED TO PARTICIPATE IN CRIME RELATED PROGRAMMING IF OFFERED. HE IS SVP AND HAS NO RELEASE ADDRESS TO SUBMIT AT THIS TIME. HE COMPLETED JOB HUNTER COURSE LAST YEAR. HE CONTINUES TO WORK ON RELEASE PLANNING. MAINTAIN MINIMUM CUSTODY MI3 (SVP). 11/15/07 J BUSBY
- 12/19/07 RC 04 UPDATED FILE MATERIAL REQUESTED THIS DATE FROM MCC-TRCC.
12/19/07 J WILLIAMS
- 12/21/07 CM 04 PLACED A CALL TO MR. AND MRS. MACK AT 360 435 3973 IN REGARDS TO RELEASE PLANNING AND IF P COULD STILL RELEASE TO THERE ADDRESS. LOOKED AT ORP AND FOUND THAT IT HAD BEEN MOVED FROM KING COUNTY WHICH IS FIRST FELONLY COUNTY TO ISLAND COUNTY.
12/21/07 J BUSBY
- 12/27/07 CM 04 PLACED ANOTHER CALL TO JAME MACK AT 360 435 3973 FOR PERMISSION TO SUBMIT THEIR ADDRESS FOR RELEASE. SHE TOLD ME TO GO A HEAD AND SUBMIT IT. ADDRESS IS 18816 SMOKEY POINT BLVD ARLINGTON WA 98223. I WAS INFORMED THAT THIS ADDRESS HAS BEEN APPROVED FOR P SINCE 2006. WILL SUBMIT ADDRESS AS P HAS A PRP PUBLISHED FROM THE WASHINGTON STATE COURT OF APPEALS NUMBER 58823-1-1 WHICH WAS PUBLISHED ON DEC. 17TH 2007. 12/27/07 J BUSBY
- 12/27/07 TC 08 SPOKE W/ CC BUSBY ABOUT ORP TO OAK HARBOR. SHE STATED IT WAS SENT TO KING CTY FIRST (COUNTY OF ORIGIN), THEN SOMEONE FROM KING CTY SENT TO ISLAND IN ERROR. NOW P HAS AN ADDRESS IN SNO CTY. CC BUSBY ARCHIVED ORP TO ISLAND CTY AND COMPLETED NEW ONE.
12/27/07 H DESMOND
- 12/27/07 CM 12 DELETED CHECK DATE ON DT07 FOR CU71, AS P WILL NOT BE RELEASING TO ISLAND COUNTY. 12/27/07 H DESMOND

NAME: MATTSON, MARK D

OFFICE: D02 MCC-TRCC MSC
OFFICER: 0738 VACANT

- 12/31/07 CM 04 PER PRP PUBLISHED 12/17/07 FROM THE WASHINGTON STATE COURT OF APPEALS NUMBER #58823-1-1 THE ADDRESS OF THE MACK HOUSE WAS TO BE SUBMITTED. THIS OFFENDER IS BEING LOOKED AT FOR 7109 CIVIL COMMITMENT. THIS OFFENDER HAS HAD 7 ORP ADDRESS SUBMITTED. HIS COUNTY OF ORIGIN IS KING COUNTY. HE HAS SUBMITTED THE FRANKLIN HOTEL, THE GEORGIAN MOTEL, AND THE STEVENSON APARTMENTS, ALL OF WHICH ARE IN KING COUNTY. HE SUBMITTED TO DAVID BAERTSCHY AND WIFE DONNA IN DUVALL, THE BOYLSTON WHICH IS KING COUNTY AND LAST, THE MACK HOUSE IN ARLINGTON WHICH WAS LISTED AS PENDING IN COURT DOCUMENTS. 12/31/07 J BUSBY
- 12/31/07 CM 08 CONTINUED. ALL OF THE ADDRESS THAT P HAS SUBMITTED, MOST OF WHICH WERE FOR KING COUNTY HAVE BEEN DENIED AS P IS 7109 AND BEING LOOKED AT FOR CIVIL COMMITMENT. THE COURT HAS DIRECTED DOC TO SUBMIT THE ADDRESS OF THE MACK HOUSE IN THE APPROVAL OF P'S PRP. IN LITE OF THE COURT DOCUMENTS THE MACK HOUSE IS BEING SUBMITTED. 12/31/07 J BUSBY
- 01/02/08 CM 04 ORP ASSIGNED TO OFFICER GM46 THIS DATE. 01/02/08 D LINGLE
- 01/03/08 CM 04 SENT "RAW DATA CD", UPDATED CHRONOS AND LEGAL FACE SHEET TO JENNIFER NELSON-RITCHIE OF THE KING COUNTY SVP PROSECUTOR'S OFFICE FOR THEIR PREPARATION OF THE "FORENSIC CD" TO BE SENT TO THE FORENSIC PSYCHOLOGIST TO REVIEW FOR A POSSIBLE 71.09 CIVIL COMMITMENT REFERRAL. INFORMATION WAS SENT VIA FED EX, TRACKING # 791469415972 01/03/08 T REID
- 01/03/08 FC 08 ON 1/3/08 I INVESTIGATED AN ORP AT THE ADDRESS 18816 SMOKEY PT BLVD ARLINGTON WA 98221 FOR A PROPOSED RELEASE ADDRESS FOR P. THE RESIDENCE IS A CLEAN AND SOBER RESIDENCE RUN BY JOHN AND JANE MACK. ON MY WAY TO THE RESIDENCE ON THE CORNER OF 178TH STREET WAS A CHURCH CALLED "CHURCH PRAISE AND PROMISE" AND ON THE SIGN WAS ADVERTISED "PRAISE & PROMISE PRESCHOOL" AT THE CHURCH. THIS CHURCH AND PRESCHOOL ARE ON THE BUS LINE AND P WOULD HAVE TO PASS OR STAND NEAR THE PRESCHOOL IF HE WAS USING THE BUS. AT THE CORNER OF 180TH WAS A SIGN INDICATING THAT "J. RUDY YORK MEMORIAL PARK" WAS JUST DOWN THE STREET AND THIS WOULD BE IN CLOSE 01/03/08 T DOTZAUER
- 01/03/08 FC 12 CONT...PROXIMITY TO THE PROPOSED ADDRESS. AS I DROVE CLOSER TO THE RESIDENCE THERE WAS A HIGH CONCENTRATION OF SINGLE, DUPLEX, AND MULTI FAMILY DWELLINGS WITHIN CLOSE PROXIMITY OF THE RESIDENCE. I SAW A SCHOOL BUS MARKED "LAKEWOOD SCHOOL DISTRICT" PICKING UP CHILDREN WITHIN A BLOCK OF THE RESIDENCE. I DROVE AROUND THE AREA OF THE PROPOSED RESIDENCE AND FOUND THAT FROM THE RESIDENCE YOU CAN WALK INTO A RESIDENTIAL NEIGHBORHOOD. AS I DROVE THROUGH THE NEIGHBORHOOD DIRECTLY ADJACENT TO THE RESIDENCE I FOUND WITHIN A 1/2 A BLOCK AND WITHIN EYE SIGHT OF THE BACK BEDROOMS THERE WAS AN APARTMENT COMPLEX. 01/03/08 T DOTZAUER

NAME: MATTSON, MARK D

OFFICE: D02 MCC-TRCC MSC
OFFICER: 0738 VACANT

- 01/03/08 FC 16 CONT... AS I PULLED INTO THE COMPLEX I SAW IN THE MIDDLE OF THE PARKING LOT A COVERED AREA FOR BICYCLES. IN THIS COVERED AREA I COUNTED 13 CHILDREN'S BICYCLES. THE BICYCLES WERE SMALL AND BRIGHTLY COLORED AND SOME HAD BASKETS ON THEM. I LOOKED AROUND AT THE DOORS OF THE APARTMENTS AND THERE WERE MORE BICYCLES AND IN MOST OF THE WINDOWS THERE WERE HOMEMADE CHRISTMAS DECORATIONS SUCH AS A CHILD WOULD MAKE. THERE WAS ALSO A BASKETBALL COURT AND A CHILDRENS PLAY AREA NEAR THE STREET WHICH COULD BE SEEN FROM THE PROPOSED RESIDENCE. I ALSO SAW A MINOR AGE FEMALE CHILD APPROX. 4 - 5 YEARS OF AGE GETTING INTO A VEHICLE WITH AN ADULT 01/03/08 T DOTZAUER
- 01/03/08 FC 20 CONT.. WHILE I WAS THERE. WHILE DRIVING AROUND THE AREA, THERE WERE CLEAR SIGNS OF MINOR AGE CHILDREN THROUGHOUT THE NEIGHBORHOOD. WHEN I ARRIVED TO THE PROPOSED RESIDENCE AT 18816 SMOKEY PT BLVD, I NOTED A BAR CALLED THE "LONGHORN SALOON" RIGHT NEXT DOOR, WHICH SHARES A FENCE LINE WITH THE HOME. THE BAR IS A KNOWN BIKER BAR AND IN THE PARKING LOT ARE SIGNS STATING "AMERICAN MADE MOTORCYCLES ONLY". I HAVE BEEN IN THE BAR BEFORE WHILE LOOKING FOR AN OFFENDER AND THE BAR STAFF WERE UNCOOPERATIVE. THE RESIDENCE IS ADVERTISED AS A CLEAN AND SOBER HOUSE AND THE OCCUPANTS WHO ARE ALL MALE LIVE IN BEDROOMS WITH 1 OR 2 OTHER OCCUPANTS. 01/03/08 T DOTZAUER
- 01/03/08 FC 24 THERE ARE TIMES WHERE WOMEN HAVE BEEN IN THE HOME AS GUESTS OF THE OCCUPANTS. THIS HOME OFFERS MINIMAL OVERSIGHT, OTHER THAN THE OCCUPANTS THEMSELVES. AFTER INVESTIGATING P'S ORP AND IN REVIEWING P'S CRIMINAL HISTORY I WILL RECOMMEND THIS PLAN BE DENIED. BASED ON P'S CRIMINAL BEHAVIOR PATTERNS THIS PROPOSED RESIDENCE DOES NOT PROVIDE ENOUGH STRUCTURE FOR P AND PLACES HIM IN CLOSE PROXIMITY OF VICTIM-AGE MINORS. P ALSO HAS A DOCUMENTED HISTORY OF SEXUALLY ASSAULTING ADULT FEMALES AND MALES, MANY OF WHOM WERE UNDER THE INFLUENCE OF DRUGS AND/OR ALCOHOL. P HAS FURTHER ADMITTED TO RAPING PROSTITUTES, USING PORNOGRAPHY, CRUISING 01/03/08 T DOTZAUER
- 01/03/08 FC 28 CONT... BEHAVIORS, TAKING PICTURES OF PEERS AND MINORS IN SEXUAL SITUATIONS, PEEPING AND INDECENT EXPOSURE. P HAS BEEN DETERMINED TO MEET CRITERIA FOR CIVIL COMMITMENT UNDER RCW 71.09, WITH A "HIGH PROBABILITY OF RECIDIVISM" THIS RESIDENCE WOULD THEREFORE PUT THE COMMUNITY AT RISK AND P AT JEOPARDY OF RE-OFFENSE IF HE WAS APPROVED TO RELEASE TO THIS ADDRESS. 01/03/08 T DOTZAUER
- 01/03/08 CM 32 I COMPLETED THE DENIAL OF P'S ORP AND SENT THE DENIAL TO CCS KENDO. 01/04/08 T DOTZAUER
- 01/15/08 CM 04 P GAVE ME THE ADDRESS OF WALT AND ALICE RENK TO SUBMIT FOR RELEASE. PLACED A CALL TO THE CIP MARJORY PETERSON TO QUESTION IF THESE VOLUNTEERS HAVE REQUEST AND FILLED OUT PAPERWORK FOR P TO BE RELEASED TO THEIR ADDRESS. SHE SAID THAT SHE HAS NO PAPERWORK AT THIS TIME AND FOR ME NOT TO SUBMIT THE ADDRESS RIGHT NOW, THAT SHE WOULD GET BACK TO ME. 01/15/08 J BUSBY

NAME: MATTSON, MARK D

OFFICE: D02 MCC-TRCC MSC
OFFICER: 0738 VACANT

- 01/17/08 CM 04 P GAVE ME THE NAME AND NUMBER OF WALT AND ALICE RENK FOR RELEASE TO THE HOUSE IN MONROE. PHONE NUMBER IS 360 907 1067 ALICE CELL, 360 794 7402 FARM, 360 687 2219 FOR HOME IN BATTLEGROUND WA. CALLED AND ASKED IF I COULD SUBMIT THE ADDRESS OF 12522 SOUTH EAST 203RD AVE MONROE WA 98272. ALICE SAID THAT I HAD TO TALK WITH MARY RAYBIRD IN REGARDS TO THE HOUSE. THAT MARY SAID IF THE OFFENDER COULD GO THERE. PLACED CALL TO MARY AND WAS TOLD THAT THE HOUSE IS FULL RIGHT NOW. CALLED ALICE BACK AND TOLD HER WHAT MARY SAID, SHE SAID YES THAT SHE DID HAVE OFFENDERS COMING OUT. CALLED P IN AND TOLD HIM THE INFO.
01/17/08 J BUSBY
- 01/17/08 TC 08 CALL FROM JANET BUSBY. WANTED TO ASK ME ABOUT THE RENKS FOR PLACEMENT FOR P. TOLD HER THE RESIDENCE IS FULL FOR NOW. THANKED ME FOR THE UPDATE. 01/19/08 M REHBERG
- 01/22/08 TC 04 CALL FROM COUNSELOR JANET BUSBY; SAID SHE HAD AGAIN TALKED TO ALICE RENK AND THERE WAS A ROOM AVAILABLE FOR P; TOLD HER I HAD THREE PEOPLE APPROVED FOR THAT RESIDENCE, WHICH IS THE LIMIT. TWO ARE LIVING THERE; ONE HAS BEEN APPROVED UPON HIS RELEASE FROM JAIL AND ANOTHER ONE IS ON THE WAITING LIST FOR SOMETIME IN AUGUST OR EARLY SEPT. TOLD HER I WOULD CALL ALICE AGAIN AND TALK TO HER. 01/22/08 M REHBERG
- 01/22/08 TC 08 CALLED ALICE RENK. TOLD HER STEVEN BAILEY HAS BEEN APPROVED TO LIVE AT THE RESIDENCE ONCE HE IS OUT OF JAIL. HE HAD TO HAVE AN APPROVED ADDRESS UPON HIS RELEASE. THERE IS NOT A SPOT FOR P AT THIS TIME. 01/22/08 M REHBERG
- 01/22/08 TC 12 CALLED COUNSELOR JANET BUSBY. LEFT VOICE MESSAGE I HAD TALKED TO ALICE; THERE ARE TWO SEX OFFENDERS ALREADY LIVING THERE; THERE IS ALSO ONE THAT HAS BEEN APPROVED THAT IS IN JAIL AND WILL BE COMING OUT TO THE RESIDENCE. 01/22/08 M REHBERG
- 01/22/08 CM 16 P GAVE ME A KITE WITH THE ADDRESS OF ALICE AND WALT RENK AGAIN. I CALLED ALICE AND THE CCO MARY ASKING IF THE HOUSE WAS FULL, AND COULD I SUBMIT THE ADDRESS. I WAS TOLD THAT THE HOUSE IS FULL, THAT THEY ARE HOLDING A ROOM FOR AN OFFENDER WHO IS IN JAIL. THAT AT THIS TIME I AM UNABLE TO SUBMIT THE ADDRESS. ANSWERED THE KITE WITH THIS INFORMATION. 01/22/08 J BUSBY
- 01/22/08 CM 20 GOOGLED AREA AROUND RENK'S IN MONROE; CHAIN LAKE ELEMENTARY SCHOOL-.61 MILES; SEVENTH DAY ADVENTIST-.99; SALEM WOODS ELEMETARY-1 MILE; WAGNER LAKE 1.25; GALAXY 12 THEATER 1.40; FAMILY HOMES ACROSS THE STREET. ALSO KIDS RIDE THEIR BIKES; HORSES DOWN THE ROAD; BUS STOP WITHIN 100 FT OF RESIDENCE. CALLED STEPHANIE AT V.O.A.-LEFT VOICE MESSAGE ASKING HER TO CALL ME BACK REGARDING DAYCARES IN THE AREA. 01/22/08 M REHBERG
- 01/22/08 TC 24 CALL BACK FROM STEPHANIE AT V.O.A.; SHE SAID THERE ARE TWO DAY CARES WITHIN ONE MILE AREA; ONE IS 1/2 MILE AWAY; ANOTHER IS THE CHAIN LAKE YMCA BOYS AND GIRLS AFTER SCHOOL PROGRAM THAT IS LICENSED FOR 20. THANKED HER FOR THE INFORMATION. 01/22/08 M REHBERG
- 01/29/08 CM 04 ESRC SENT UPDATED FILE MATERIAL TO ELIZABETH MAZICH OF THE KING CO SVP PROSECUTOR'S OFFICE. INFORMATION WAS SENT VIA FED EX. TRACKING #798861815110. 01/29/08 T REID
- 01/29/08 TR 08 RES OSBORNE ASSIGNED TO ASSIST WITH TRANSITION. 01/29/08 M RUSSELL
- 01/29/08 CM 12 ORP FWD TO ASSIGNMENT OFFICER MAYS OF THE SPECIAL ASSAULT UNIT. P IS A LEVEL III SEX OFFENDER. 01/29/08 M RUSSELL

NAME: MATTSON, MARK D

OFFICE: D02 MCC-TRCC MSC
OFFICER: 0738 VACANT

01/29/08 CM 16 RECEIVED AND REVIEWED ORP. CASE ASSIGNED TO CCO NYBLOD.
01/29/08 S MAYS

01/30/08 TR 04 CRES REASSIGNMENT: CRES GARNER ASSIGNED TO ASSIST WITH
TRANSITION AS HE WAS P'S PREVIOUS CRES. 01/30/08 M RUSSELL

01/30/08 CM 08 THIS OFFENDERS COUNTY OF ORIGIN IS KING, AS HIS FIRST FELONY
CONVICTION WAS FROM THERE. 01/30/08 J BUSBY