

NO. 82329-4

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**SUPREME COURT OF THE STATE OF WASHINGTON**

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In re the Personal Restraint Petition of:

DOUGLAS LEWIS BLACKBURN,

Petitioner.

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**SUPPLEMENTAL BRIEF OF RESPONDENT DEPARTMENT OF  
CORRECTIONS**

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## **I. INTRODUCTION**

Douglas Lewis Blackburn filed a personal restraint petition with this Court challenging the Department of Corrections' (Department or DOC) revocation of his Drug Offender Sentencing Alternative (DOSA) sentence following a community custody violation hearing. Blackburn alleged the hearing was unfair because: (1) a no-contact protection order prevented him from confronting one of the witnesses, (2) his mother's letter was not admitted as an exhibit, (3) the DOSA revocation sanction was excessive, and (4) the hearing should have been stayed because no criminal charges had been filed at the time of the hearing.

The Court ordered supplemental briefing on the following issues: (1) whether Blackburn received sufficient notice of the law he was accused of failing to obey, (2) whether a DOSA sentence can be revoked based on a violation that also constitutes a new crime if the petitioner has not been charged with that crime, and (3) whether Blackburn's revocation proceeding otherwise comported with due process.

## **II. STATEMENT OF THE CASE**

### **A. Statutory Background**

#### **1. Drug Offender Sentencing Alternative**

A defendant who receives a prison-based sentence under the Drug Offender Sentencing Alternative (DOSA) serves "[a] period of total

confinement in a state facility for one-half of the midpoint of the standard sentence range or twelve months, whichever is greater.” RCW 9.94A.660(5)(a). Upon release from confinement the remainder of the defendant’s sentence is served on community custody, which must include substance abuse treatment in a state-approved program. RCW 9.94A.660(5)(b).

All offenders (including DOSA offenders) whose crimes occurred on or after July 1, 2000 and who are sentenced to community custody receive certain court-imposed conditions of community custody and are placed under the supervision of the Department of Corrections. RCW 9.94A.703; RCW 9.94A.704(1). The Department is required to assess the offender’s risk to community safety and may modify the court’s conditions or impose additional conditions of community custody based on the offender’s risk factors. RCW 9.94A.704(2)(a). The Department is specifically authorized to require, as a community custody condition, that the offender “obey all laws.” RCW 9.94A.704(4). If the Department finds that a DOSA offender has willfully violated any conditions of his community custody, “the offender may be reclassified to serve the remaining balance of the original sentence.” RCW 9.94A.660(5)(b).

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## **2. Procedures for Community Custody Violation Hearings**

When an offender serving a term of community custody is alleged to have violated any of his conditions, the Department may conduct an administrative hearing to determine whether a violation occurred and, if so, impose an appropriate sanction. RCW 9.94A.737(6). RCW 9.94A.737(6) provides that “[t]he department shall develop hearing procedures and a structure of graduated sanctions” for community custody violation hearings. The Department’s hearing procedures are set out in chapter 137-104 WAC, and the graduated sanctions are discussed in DOC Policy 460.130 (Hearing for Community Custody, Work Release, and Pre-Release, dated November 7, 2002) and the policy attachment titled “Behavior Sanction Response Guide.” *See* Appendices L and M.

At least 24 hours prior to the hearing, the offender must be provided written notice of the alleged violation, a summary of the facts supporting the allegations, and all supporting documentary evidence that will be introduced at the hearing. RCW 9.94A.737(7)(b); WAC 137-104-040(3). The notice also advises the offender of his procedural rights at the hearing, his right to appeal the hearing officer’s decision to the Department’s Regional Appeals Panel, and his right to file a personal restraint petition. RCW 9.94A.737(7)(b).

For offenders in confinement, the hearing must be held within five working days after the offender receives notice of the violation. RCW 9.94A.737(7)(c). At the violation hearing the offender has the right to:

- (i) Be present at the hearing;
- (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the hearing officer if the offender has a language or communications barrier;
- (iii) testify or remain silent;
- (iv) call witnesses and present documentary evidence; and
- (v) question witnesses who appear and testify.

RCW 9.94A.737(7)(d). If the offender is found guilty of the violation, the hearing officer will impose an appropriate sanction from a range of available sanctions. *See* RCW 9.94A.737(3). The offender will be provided with a written hearing summary detailing the evidence relied upon, the findings, and the reasons for the particular sanction imposed. RCW 9.94A.737(7)(b); WAC 137-104-060(11). The offender may appeal the hearing officer's decision within seven days to the Department's Regional Appeals Panel, which may affirm, modify, or reverse the decision (but may not increase the sanction). RCW 9.94A.737(7)(e); App. L at 5-6. Additionally, an offender may file a personal restraint petition challenging the Department's final decision.<sup>1</sup>

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<sup>1</sup> Division One of the Court of Appeals has observed that the DOC administrative hearing process is actually more protective of offenders' rights than the previous judicial procedure it replaced. *State v. Ziegenfuss*, 118 Wn. App. 110, 115-16, 74 P.3d 1205 (2003).

On an annual basis, the Department conducts well over 20,000 community custody violation hearings. *See* App. K (Declaration of Lori Ramsdell-Gilkey) at 3. Of those hearings approximately five to ten percent are concerned with DOSA offenders' community custody. *Id.*

**B. Facts of Blackburn's Case**

Blackburn was convicted in Island County Superior Court in 2004 of manufacturing methamphetamine and possession of methamphetamine. The court sentenced him to a DOSA sentence of 42 months confinement and 42 months community custody: *See* App. A (Judgment and Sentence).

The sentence provided that:

the defendant shall comply with the instructions, rules and regulations of DOC for conduct of the defendant during the period of community custody, shall perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC, shall obey all laws, shall not use illegal controlled substances and shall comply with any other conditions of community custody stated in this Judgment and Sentence or other conditions that may be imposed by the court or DOC during community custody.

*Id.* at ¶4.6. The sentence cautioned Blackburn that he could be sanctioned by the Department for any violations of his supervision and that such a sanction could include revocation of his DOSA sentence and reclassification to serve the balance of his unexpired term in total confinement. *Id.* at ¶4.7.

Blackburn was transferred to community custody in November 2006 following his release from the confinement portion of his DOSA sentence. Blackburn's adjustment to community custody was not a smooth one, however, and in 2007 and 2008 he repeatedly violated his conditions. For those violations he received disciplinary measures ranging from a verbal reprimand, two stipulated agreements<sup>2</sup> for failing to attend chemical dependency treatment and providing a diluted urine sample for drug testing, and three separate community custody violation hearings for alcohol and drug use in violation of his sentence. App. B (DOC Report of Alleged Violation). At his third violation hearing in April 2008, Blackburn was sanctioned to a 30-day inpatient, chemical dependency treatment program. *Id.* at 2.

On May 14, 2008, one day after he was released from the inpatient treatment program, Blackburn was arrested by his community corrections officer and charged with failure to obey all laws when he threatened to kill his sister-in-law, Shelley Blackburn. *Id.* at 3; *see also id.* at attachments A (statement of Shelley Blackburn), F (DOC Offender Chrono Notes), and G (statement of Deanna Wolf). Blackburn, a chronic methamphetamine addict, had

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<sup>2</sup> A "stipulated agreement" is defined as "an agreement between the offender and the department in which the offender admits violations and agrees to comply with

been repeatedly told by family members not to go to his mother's house without first contacting her and never to go when his mother was not home. On May 14, however, Blackburn went to his mother's home to pick up some belongings while she was out of town. His mother's caretaker, Deanna Wolf, was at the home. After he refused Ms. Wolf's request that he leave the home, Shelley arrived. Blackburn and Shelley had a verbal altercation regarding his presence in the house. Shelley demanded that he leave or she would call 911. When Shelley followed through and began to place the call, Blackburn left. *Id.*

About ten minutes later, Blackburn called Ms. Wolf saying he was so upset with Shelley that he could "kill her [Shelley]." Ms. Wolf took the threat seriously and called Shelley to warn her. When she was told of Blackburn's threat to kill her, Shelley reported the incident to the police and to Blackburn's community corrections officer. She stated that she took the threat very seriously because Blackburn is a methamphetamine addict who is unpredictable and has long hated her. Shelley then obtained a restraining order against Blackburn. App. B at 2-3; App. G at 5-7, 13-16.

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intermediate sanctions." WAC 137-104-020(13). An intermediate sanction is a department-imposed sanction served during community custody. *Id.*

Blackburn was arrested later that day when he reported to his community corrections officer. He admitted at that time he had said something like “I feel so upset I could kill her.” App. B at 3-4; *id.* at attachment F, p. 1. On May 19, Blackburn was served with a notice of a Department hearing to be held on May 27, which listed the alleged violation, his procedural rights, and the evidence that would be presented by the Department. App. C. This notice alleged that he had violated his community custody by “Failure to obey all laws; specifically, threatening to kill Shelley Blackburn on or about 5/14/08.” *Id.* On May 23, he received an amended violation notice describing the violation in identical terms as the first notice and again listing the documents and testimony the Department planned to present at the hearing, but also including a copy of RCW 9A.46.020, the criminal harassment statute. App. D.

Blackburn’s fourth community custody hearing was held on May 27, 2008 at the Snohomish County Jail. App. F. At the hearing Blackburn verified that he understood the allegations and had received notice of the alleged violation and a copy of the relevant documents. App. G at 2. He testified at length and admitted uttering the alleged threat concerning Shelley Blackburn but denied any intention to threaten Shelley or to carry out the threat. *Id.* at 25, 35. The hearing

officer advised Blackburn that, despite the no-contact order, he could examine Shelley, but Blackburn did not ask her any questions. *Id.* at 11-12, 17.

The hearing officer found Blackburn guilty of the violation. App. F at 4; App. G at 36-37. After consideration of his adjustment to community custody, the hearing officer sanctioned Blackburn to a revocation of his DOSA sentence. App. F at 4-5; App. G at 37-40. Blackburn appealed the hearing officer's decision to the Department's Regional Appeals Panel. App. H and I. On June 23, 2008, the panel upheld the hearing officer's findings and sanction. App. J.

### III. ARGUMENT

#### A. **Blackburn Received Constitutionally Adequate Notice Of The Law He Was Alleged To Have Violated.**

The Due Process Clause of the Fourteenth Amendment requires that deprivation of life, liberty or property be preceded by notice and opportunity for a hearing appropriate to the nature of the case. At an administrative hearing relating to alleged violation of community custody conditions, an offender is entitled to the procedural protections applicable to parole revocation hearings articulated in *Morrissey v. Brewer*, 408 U.S. 471, 92 S. Ct. 2593, 33 L. Ed. 2d 484 (1972). *In re McNeal*, 99 Wn. App. 617, 994 P.2d 890 (2000); WAC 137-104-60. A sentence revocation proceeding

is not a criminal trial, and the panoply of rights afforded at a criminal trial do not apply. *State v. Dahl*, 139 Wn.2d 678, 683, 990 P.2d 396 (1999) (“An offender facing revocation of a suspended sentence has only minimal due process rights.”); *accord*, *In re Bush*, 164 Wn.2d 697, 703-04, 193 P.3d 103 (2008) (governor’s revocation of conditional sentence commutation subject to *Morrissey* minimal due process standard); *In re Boone*, 103 Wn.2d 224, 230-31, 691 P.2d 964 (1984) (probation revocation subject to *Morrissey* minimal due process standard). Revocation and incarceration for sentence violations are not tantamount to a criminal prosecution but instead are a consequence of the original conviction. *State v. Watson*, 160 Wn.2d 1, 8-9, 154 P.3d 909 (2007).

One of the minimum due process requirements applicable to revocation proceedings is written notice of the alleged sentence violations. *Morrissey*, 408 U.S. at 489; *In re Boone*, 103 Wn.2d at 231. Written notice is constitutionally sufficient if it fairly informs the offender of the specific violation alleged and the facts underlying the violation. *State v. Dahl*, 139 Wn.2d at 685-86. This Court has not decided how specific the notice of a sentence violation must be if the offender is alleged to have committed a new law violation, but the federal courts have written on the subject. In *United States v. Tham*, 884 F.2d 1262 (9th Cir. 1989), the notice of the defendant’s alleged probation violations was held to be constitutionally

adequate where he was notified of the particular condition violated, the dates of violation, the location and the persons involved, and the manner in which the condition was violated. *Id.* at 1265. Similarly, the Second Circuit held that so long as the violation report specifies the no-further-crime condition as the condition allegedly violated, identifies the crime committed, and contains a description of the basic facts underlying the alleged violation, the notice is constitutionally sufficient. *United States v. Chetelain*, 360 F.3d 114, 121-24 (2nd Cir. 2004).

Where the violation concerns an “obey all laws” requirement, some federal courts appear to require notice to the offender of the specific statute violated. For example, a Seventh Circuit decision held that the notice to the defendant was constitutionally sufficient where it identified the specific statute he allegedly violated, along with the dates and basic facts of the alleged violation. *United States v. Kirtley*, 5 F.3d 1110, 1113 (7th Cir. 1993). The Ninth Circuit has similarly held that where the alleged sentence violation is a new crime, notice should include the specific statute involved, at least “where the offense being charged is not evident.” *United States v. Havier*, 155 F.3d 1090, 1093 (9th Cir. 1998).

Blackburn received constitutionally adequate notice. He received notice on May 19, 2008 that he was alleged to have violated the conditions of his community custody by “[f]ailure to obey all laws; specifically,

threatening to kill Shelley Blackburn on or about 5/14/08.” App. C. He received an amended notice on May 23, which reiterated verbatim the allegation of “failure to obey all laws, specifically, threatening to kill Shelley Blackburn on or about 5/14/08” and further supplied him with a copy of RCW 9A.46.020, the harassment statute he allegedly violated. App. D at 1. On May 23 Blackburn also received a copy of all of the documents the Department intended to present at the violation hearing. App. B. The documents included a chronological note written by the community corrections officer on the day of the violation, outlining the facts underlying the alleged violation, and the written statements of Deanna Wolf and Shelley Blackburn, providing notice of the specific accusations made and the testimony the witnesses would provide. At the outset of the hearing on May 27, Blackburn acknowledged that he understood the nature of the allegations and had received copies of all of the documentary evidence to be used against him during the hearing. App. F at 1; App. G at 2.

In short, Blackburn received constitutionally adequate notice no later than four days before his hearing of the specific sentence violation he was alleged to have committed, the time, date, place and manner in which he allegedly committed it, and the specific Washington statute he was alleged to have violated, as well as copies of all the supporting documents

that would be presented at the hearing. Minimal due process does not require more. *See State v. Dahl*, 139 Wn.2d at 684-86 (1999).

**B. Criminal Prosecution For A New Crime Is Not A Precondition To A Community Custody Violation Hearing**

Blackburn was alleged to have violated his community custody by failing to “obey all laws.” He now appears to argue that the Department’s community custody violation hearing could not proceed, and his DOSA sentence could not be revoked, because he had not been charged with a new crime based upon the May 14, 2008 incident. *See Personal Restraint Petition* at 3, E5. This claim has no merit. A prosecutor’s decision not to pursue criminal charges does not preclude the Department from imposing a sanction for a violation of community custody conditions.

The Washington Constitution vests the criminal prosecution function in the county prosecuting attorney. Wash. Const. art. XI, §§ 4, 5; *State v. Thorne*, 129 Wn.2d 736, 762, 921 P.2d 514 (1996). The state constitution assigns the Legislature the task of determining the duties of the prosecuting attorney. *See* Wash. Const. art. XI, § 5 (Legislature to prescribe the duties of the prosecuting attorney). Among the duties assigned to the prosecuting attorney is the obligation to “[p]rosecute all criminal and civil actions in which the state or the county may be a party.” RCW 36.27.020(4).

As this Court has observed, “[p]rosecuting attorneys are vested with great discretion in determining how and when to file criminal charges.” *State v. Korum*, 157 Wn.2d 614, 625, 141 P.3d 13 (2006). A prosecuting attorney is not required to file charges whenever a charge is supported by sufficient evidence. The Legislature has provided standards, not mandates, to guide prosecutors in the exercise of their charging discretion. RCW 9.94A.411; *Korum, supra*. The guideline standards do not create substantive entitlements enforceable against the state, and a prosecutor’s decision to file or not to file criminal charges does not provide a cause of action. RCW 9.94A.401 (“These standards are intended solely for the guidance of prosecutors in the state of Washington. They are not intended to, do not and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state.”). Case law echoes these factors and identifies additional ones, stating that in exercising his charging discretion, the prosecutor must consider numerous factors, including the strength of the case, pending conviction on another charge, confinement on other charges, the availability of diversion programs, available personnel, and the cost of the prosecution and defense. *State v. Lewis*, 115 Wn.2d 294, 299, 797 P.2d 1141 (1990); *State v. Howard*, 106 Wn.2d 39, 44, 772 P.2d 783 (1985); *State v. Judge*, 100 Wn.2d 706, 713, 675 P.2d 219 (1984).

Thus, a prosecutor may properly decline to prosecute an offender on community custody who violates an “obey all laws” conditions for a variety of reasons. In that regard, it should make no difference whether the offender is a pre-Sentencing Reform Act offender being supervised on parole or an SRA offender on community custody status. With regard to parolees, the courts of this state have held that parole can be revoked whether or not a prosecutor has charged the parolee with a new crime or even if the parolee is acquitted of any new charges. *See, e.g., Standlee v. Smith*, 83 Wn.2d 405, 518 P.2d 721 (1974) (parolee’s acquittal on criminal charges did not preclude parole revocation based on same charges); *State v. Simms*, 10 Wn. App. 75, 80, 516 P.2d 1088 (1973) (“The state has an overwhelming interest in being able to return the individual to imprisonment without the burden of a new adversary criminal trial if, in fact, the parolee has failed to abide by the conditions of his parole.”). As Professor Boerner observed in the context of prosecutorial decisions regarding parolees:

Under the [indeterminate] sentencing scheme parole revocation proceedings were frequently resorted to, in part because they were so convenient for prosecutors. Compliance with all laws was a universal condition of parole, and the prosecution could resort to revocation of parole in response to the commission of new crimes, bypassing the procedural protections required in a separate prosecution.

D. Boerner, *Sentencing In Washington*, § 10.12, at 10-12 (1985).

The same considerations governing the revocation of parole should apply to the community custody context. The Legislature determined that DOC could sanction offenders to revocation of their DOSA sentence for willful sentence violations to ensure that offenders would be held fully accountable for complying with all of the conditions of their sentence. Permitting an offender to avoid revocation simply because a prosecutor chose to forgo criminal charges would lead to results contrary to public policy and the intent of the Legislature. That type of limitation for the “obey all laws” condition would result in recidivist offenders remaining in the community, despite DOC’s duty to consider victim and community safety. *See, e.g.*, RCW 9.94A.704(2).

The hearing officer’s determination that Blackburn should be sanctioned to revocation of his DOSA sentence was appropriate. The May 27, 2008, hearing was his *fourth* community custody violation hearing. He had three prior community custody hearings due to his use of alcohol and illegal drugs. Blackburn’s current violation behavior, involving a threat to kill a family member, was a most serious violation, especially in light of the fact that there was a history of family tension and Blackburn had a prior conviction for second degree assault. *See* App. F at 4. The Department’s duties to hold Blackburn accountable for his willful

sentence violation and to protect the public from danger are not diminished merely because the prosecutor chose not to charge Blackburn with a new crime. This Court should hold that new criminal charges are not a precondition to DOC's sanctioning an offender for failure to "obey all laws."

**C. Blackburn Received All Due Process Protections To Which He Was Entitled In His Community Custody Hearing.**

Blackburn alleges his hearing was unfair because (1) he could not confront one of the witnesses due to a no-contact protection order, (2) his mother's letter was not received in evidence, and (3) he was unable to present a defense due to Shelley Blackburn's testimony. *See* Petition at B2, C3, and D4. Blackburn fails to show any violation of his due process rights. As noted above, an offender facing community custody revocation is entitled to the minimal due process protections established in *Morrissey v. Brewer*.

The minimal due process requirements include:

- (a) written notice of the claimed violations of parole;
- (b) disclosure to the parolee of evidence against him;
- (c) opportunity to be heard in person and to present witnesses and documentary evidence;
- (d) the right to confront and cross-examine adverse witnesses (unless the hearing officer specifically finds good cause for not allowing confrontation);
- (e) a "neutral and detached" hearing body such as a traditional parole board, members of which need not be judicial officers or lawyers; and
- (f) a written statement by the fact finders as to the evidence relied on and reasons for revoking parole.

*Morrissey*, 408 U.S. at 489; *In re Boone*, 103 Wn.2d at 231.

Blackburn was afforded all of the minimal due process protections. On May 23, 2008 – four days before his hearing -- Blackburn was served an amended notice advising him of the alleged violations, his rights at the hearing, and the evidence and testimony to be presented by DOC. App. B and D. Blackburn was given the opportunity at the hearing to offer evidence and to confront and cross-examine witnesses. In addition, Blackburn testified at length in his own behalf. The hearing officer was neutral and detached. Finally, the hearing officer issued a Hearing and Decision Summary with a written statement describing the evidence relied upon and the reasons for the sanction imposed, App. E , and issued a more detailed written report two days later. App. F.

Blackburn never attempted to admit the letter written by Gail Blackburn, his mother. At Blackburn's hearing on May 27, 2008, he clearly had wide latitude to present whatever witnesses and documentary evidence he wished. App. G at 3, 36. Blackburn now alleges that the hearing officer prevented him from either reading or submitting his mother's letter and that, therefore, "my defense was shut out." Petition at D-4. But the transcript does not support his contention. Blackburn testified at length regarding his version of the altercation, what words were spoken, and his intent. App. G at 21-36. At no time, however, did he ever

request that his mother's letter be admitted as an exhibit.<sup>3</sup> Blackburn testified that Shelley was "trying to make me look worse than what I am is what I'm trying to say. She's trying to make this whole thing look a lot worse than what really happened." *Id.* at 25. Blackburn then stated as follows:

I have a letter from my Mom here that I brought stating that fact about Shelley's character [inaudible] like you said Shelley's not the one on trial here I am okay, so *you probably don't even want to read this*. But the fact of the matter is she "even-stein" that she's been Shelley's been not wanting [me] to come over to the house for a long time okay.

*Id.* (emphasis added). At that point, Blackburn apparently became distracted and continued with his testimony without offering the letter as an exhibit. The hearing officer cannot be faulted for failing to present Blackburn's case for him. Even assuming *arguendo* that it was error, Blackburn cannot demonstrate prejudice. His mother was not a witness to the actual sentence violation, and Blackburn freely admitted making the statement that he felt like "killing her" or "could have killed her." Deanna Wolf and Shelley Blackburn both took the threat seriously. Blackburn's threat to kill Shelley constituted the crime of harassment, a clear failure to "obey all laws," and the admission of Blackburn's mother's

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<sup>3</sup> While the letter from Gail Blackburn was never actually submitted during the hearing, the letter was mentioned by Blackburn, and the hearing officer did consider the contents of the letter and referred to the letter in his decision. App. E at 3.

letter would not have affected the outcome of the hearing.

Finally, Blackburn waived the opportunity to confront and cross-examine Shelley Blackburn. App. G at 17, 20. Blackburn argues that he was unable to challenge Shelley's testimony, which he alleges consisted of lies and exaggerations, because there was a no-contact order. He was advised by the hearing officer, however, that under the circumstances of a community custody hearing he was permitted to question Ms. Blackburn. *Id.* at 11-12. Blackburn still chose not to ask any questions. *Id.* at 17. He should not be heard to complain about his own chosen strategy.

#### IV. CONCLUSION

Based on the foregoing, Respondent respectfully requests that this Court dismiss Blackburn's petition with prejudice.

RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of September, 2009.

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CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing document on all parties or their counsel of record as follows:

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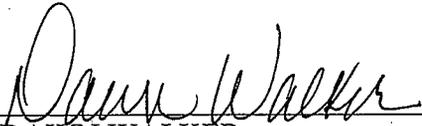
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EXECUTED this 8<sup>th</sup> day of September, 2009 at Olympia, WA.

  
 \_\_\_\_\_  
 DAWN WALKER  
 Legal Assistant

## Appendices

- A. Judgment and Sentence, State v. Blackburn, Island County Superior Court Cause No. 04-1-00113-8.
- B. DOC – Report of Alleged Violation dated 5/15/2008, Douglas Blackburn, DOC# 944347
- C. Community Custody Notice of Allegations, Hearing, Rights, and Waiver, dated 5/15/08, Douglas Blackburn, DOC# 944347
- D. \*Amended\* Community Custody Notice of Allegations, Hearing, Rights, and Waiver, dated 5/15/08, Douglas Blackburn, DOC# 944347
- E. Hearing and Decision Summary, dated 5/27/08, Douglas Blackburn, DOC# 944347
- F. Community Custody Hearing Report, dated 5/29/08, Douglas Blackburn, DOC# 944347
- G. Transcript of June 23, 2008 WAC Rule Violation hearing, Douglas Blackburn, DOC# 944347
- H. Hearing and Decision on Appeal, dated 5/27/08, Douglas Blackburn, DOC# 944347
- I. Hearing Appeal, Douglas Blackburn, DOC# 944347
- J. Regional Appeals Panel Decision, dated 6/23/08, Douglas Blackburn, DOC# 944347
- K. Declaration of Lori Ramsdell-Gilkey
- L. Department of Correction Policy No. DOC 460.130
- M. Department of Corrections Policy No. DOC 460.130 Attachment, Behavior Sanction Response Guide

# **APPENDIX A**

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#944397  
to CUM  
9/17/04

FILED

AUG 19 2004

SHARON FRANZEN  
ISLAND COUNTY CLERK

SUPERIOR COURT OF WASHINGTON  
COUNTY OF ISLAND

STATE OF WASHINGTON, Plaintiff,

v.  
DOUGLAS LOUIS BLACKBURN,  
Defendant.

SID: WA12172773  
If no SID, use DOB: 09/06/1963

No. 04-1-00113-8

JUDGMENT AND SENTENCE (JS)

- Prison  RCW 9.94A.712 Prison Confinement
- Jail One Year or Less  RCW 9.94A.712 Prison Confinement
- First-Time Offender
- Special Sexual Offender Sentencing Alternative
- Special Drug Offender Sentencing Alternative
- Clerk's Action Required, para 4.1, 5.3, 5.6 and 5.8

I. HEARING

1.1 A sentencing hearing was held and the defendant, the defendant's lawyer Thomas Pasher, and Island County Prosecuting Attorney Gregory M. Banks, or his deputy Margot L. Carter, were present.

II. FINDINGS

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

2.1 CURRENT OFFENSE(S): The defendant was found guilty on August 19, 2004 by  plea  jury-verdict  bench trial of:

COUNT	CRIME	RCW	DATE OF CRIME
I	Manufacture of Methamphetamine Crime Code: 0733112 OIN: ICSO 04-09804	69.50.401(a)(II) 69.50.206(d) 69.50.101(d)(v)	06/08/2004
II	Possession of Methamphetamine Crime Code: 0736100 OIN: ICSO 07-09804	69.50.401(d) 69.50.206(d) 69.50.101(d)	10/16/2003

as charged in the Amended Information.

- Additional current offenses are attached in Appendix 2.1.
- The court finds that the defendant is subject to sentencing under RCW 9.94A.712.
- A special verdict/finding for use of firearm was returned on Count(s) \_\_\_\_\_ RCW 9.94A.602, (Ch 290 L 2002 § 11, effective 7/1/03 Ch. 379 L 2003 § 10).
- A special verdict/finding for use of deadly weapon other than a firearm was returned on Count(s) \_\_\_\_\_ RCW 9.94A.602, (Ch 290 L 2002 § 11, effective 7/1/03 Ch. 379 L 2003 § 10).
- A special verdict/finding of sexual motivation was returned on Count(s) \_\_\_\_\_ RCW 9.94A.835.

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APPENDIX

A

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7/16

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- A special verdict/finding for Violation of the Uniform Controlled Substances Act was returned on Count(s) \_\_\_\_\_, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine when a juvenile was present in or upon the premises of manufacture was returned on Count(s) \_\_\_\_\_ RCW 9.94A.605, RCW 69.50.401(a), RCW 69.50.440.
- The defendant was convicted of vehicular homicide which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030.
- This case involves kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- The court finds that the offender has a chemical dependency that has contributed to the offense(s). RCW 9.94A.607.
- The crime charged in Count(s) \_\_\_\_\_ involve(s) domestic violence.
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- The offense in Count(s) \_\_\_\_\_ was committed in a county jail or state correctional facility and the offense is a violation of RCW 69.50.401(a)(1) or 69.50.410 or 69.50.401(d). RCW 9.94A.510(5)
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2. CRIMINAL HISTORY (RCW 9.94A.525):

CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	Age Adult, Juv.	TYPE OF CRIME
1 Manufacture/Deliver/Possess with Intent - Marijuana	8/17/88	Snohomish County, WA 87-1-00461-3	3/3/87	A	NV
2 Assault in the Second Degree	2/19/92	Snohomish County, WA 91-1-01198-7	6/9/91	A	FV
3 Manufacture/Deliver/Possess with Intent - Marijuana	12/3/99	Island County, WA 99-1-00173-8	10/30/98	A	NV
4					
5					

- Additional criminal history is attached in Appendix 2.2.
- The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.
- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):
- The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

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2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	3	X	68+ - 100 months		68+ - 100 months	10 years and/or \$20000 fine
II	3	II	6+ - 18 months		6+ - 18 months	5 years and/or \$10000 fine

(F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Horn, See RCW 46.61.520, (JP) Juvenile present.

[ ] Additional current offense sentencing data is attached in Appendix 2.3.

2.4 [ ] EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence [ ] above [ ] within [ ] below the standard range for Count(s) \_\_\_\_\_ Findings of fact and conclusions of law are attached in Appendix 2.4. The Prosecuting Attorney [ ] did [ ] did not recommend a similar sentence.

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

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

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

III. JUDGMENT

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

3.2 [ ] The Court DISMISSES Counts \_\_\_\_\_ [ ] The defendant is found NOT GUILTY of Counts \_\_\_\_\_

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court:

JASS CODE

\$ \_\_\_\_\_ Restitution to: Edward Haugen

RTN/RJN

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

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

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(Name and Address—address may be withheld and provided confidentially to Clerk's Office).

PCV \$ 500.00 Victim assessment RCW 7.68.035  
 CRC \$ 127.00 Court costs, including RCW 9.94A.760, 9.94A.503, 10.01.160, 10.46.190

Criminal filing fee \$ \_\_\_\_\_ FRC  
 Witness costs \$ \_\_\_\_\_ WFR  
 Sheriff service fees \$ \_\_\_\_\_ SFR/SFS/SFW/WRF  
 Jury demand fee \$ \_\_\_\_\_ JFR  
 Extradition costs \$ \_\_\_\_\_ EXT  
 Other \$ \_\_\_\_\_

PUB \$ 400.00 Fees for court appointed attorney RCW 9.94A.760  
 WFR \$ \_\_\_\_\_ Court appointed defense expert and other defense costs. RCW 9.94A.760  
 FCM/MTH \$ 2000.00 Fine RCW 9A.20.021; [x] VUCSA chapter 69.50 RCW, [ ] VUCSA additional fine deferred due to indigency RCW 69.50.430

CDF/LDU/FCD \$ \_\_\_\_\_ Drug enforcement fund of \_\_\_\_\_ RCW 9.94A.760  
 NTF/SAD/SDI

CLF \$ 100.00 Crime lab fee [ ] suspended due to indigency. RCW 43.43.690  
 DNA \$ 100.00 Felony DNA collection fee [ ] not imposed due to hardship RCW 43.43.7541

RTN/RJN \$ \_\_\_\_\_ Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum) RCW 38.52.430  
 \$ \_\_\_\_\_ Other costs for: \_\_\_\_\_  
 including booking fees per RCW 70.48.390

DFA \$ \_\_\_\_\_ Contribution to Island County Drug Fund, Revenue Code 133-000-35150 RCW 9.94A.030(27)  
 \$ 3227.00 TOTAL RCW 9.94A.760

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

[x] shall be set by the prosecutor  
[ ] is scheduled for \_\_\_\_\_

[ ] RESTITUTION: Schedule attached.

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

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

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

[x] All payments shall be made in accordance with the policies of the clerk and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ 50.00 month commencing 30 days after release. RCW 9.94A.760.

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

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In addition to the other costs imposed herein, the Court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the statutory rate. RCW 9.94A.760.

The defendant shall pay the costs of services to collect unpaid legal financial obligations. RCW 36.18.190 and RCW 9.94A.780(5).

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

4.2 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. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

HIV TESTING. The defendant shall submit to HIV testing. RCW 70.24.340.

4.3 The defendant shall not have contact with the property at 4835 Kirkwood Lane, Langley, WA or Lot #15, Goss Lake, Langley, WA or Edward and Ann Marie Haugen including, but not limited to, personal, verbal, telephonic, written or contact through a third party for 10 years (not to exceed the maximum statutory sentence).

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

4.4 OTHER: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4.5 SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE. RCW 9.94A.660. The court finds that the defendant is a drug offender who is eligible for the special sentencing alternative and the court has determined that the special drug offender sentencing alternative is appropriate. The court waives imposition of a sentence within the standard range and imposes the following sentence:

(a) CONFINEMENT. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC) (half of the midpoint of the standard range):

42 months of total confinement in the custody of DOC.

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

Work release is authorized, if eligible and approved. If the midpoint of the standard range is 24 months or less, no more than three months may be served in work release status. RCW 9.94A.731.

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

4.6 COMMUNITY CUSTODY, RCW 9.94A.660. Defendant shall serve 42 months in community custody. (The remainder of the midpoint of the standard range.) Defendant shall report to DOC, 499 NE Midway Boulevard, Suite #1, Oak Harbor, WA 98277 (360) 675-9031 not later than 72 hours after release from custody and the defendant shall comply with the instructions, rules and regulations of DOC for the conduct of the defendant during the period of community custody, shall perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC, shall obey all laws, shall not use illegal controlled substances and shall comply with any other conditions of community custody stated in this Judgment and Sentence or other conditions that may be imposed by the court or DOC during community custody:

- (a) Undergo and successfully complete a substance abuse treatment program approved by the division of alcohol and substance abuse of the Department of Social and Health Services.
- (b) Undergo urinalysis or other testing to monitor drug-free status. [ ] The defendant shall pay the statutory rate to DOC, while on community custody, to offset the cost of urinalysis.
- (c) Additional conditions (choose at least three):

- pay all court-ordered legal financial obligations
- report as directed to a community corrections officer
- notify the court or community corrections officer in advance of any change in defendant's address or employment
- remain within or outside of prescribed geographical boundaries
- Perform community restitution (service) work
- devote time to specific employment or training
- stay out of areas designated by the judge.

Other conditions:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4.7 ADDITIONAL CONFINEMENT UPON VIOLATION OF SENTENCE CONDITIONS. If the defendant violates any of the sentence conditions in Section 4.6 above, or, for offenses committed on or after June 8, 2000, is found by the United States attorney general to be subject to a deportation order, a violation hearing shall be held by the department, unless waived by the offender. If the department finds that the conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. For offenses committed on or after June 8, 2000, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence. An offender who fails to complete the special drug offender sentencing alternative program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of the sentence as ordered by the sentencing judge and shall be subject to all rules relating to community custody and earned release time. An offender who violates any conditions of supervision as defined by the department shall be sanctioned. Sanctions may include, but are not limited to, reclassifying the offender to serve the unexpired term of sentence as ordered by the sentencing judge. If an offender is reclassified to serve the unexpired term of the sentence, the offender shall be subject to all rules relating to earned release time. RCW 9.94A.660.

4.8 ADDITIONAL TERM OF COMMUNITY CUSTODY UPON FAILURE TO COMPLETE OR TERMINATION FROM ALTERNATIVE PROGRAM. For offenses committed on or after June 8, 2000, the following term of community custody is ordered and shall be imposed upon the defendant's failure to complete or defendant's administrative termination from the special drug offender sentencing alternative

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program: Defendant shall serve a range from 9 to 12 months in community custody. While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) not unlawfully possess controlled substances while in community custody; (5) pay supervision fees as determined by DOC; and (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community custody.

[x] The defendant shall not consume any alcohol.

[x] Defendant shall have no contact with: the property at 4835 Kirkwood Lane, Langley, WA or Lot #15, Goss Lake, Langley, WA or Edward or Ann Marie Haugen.

[ ] Defendant shall remain [ ] within [ ] outside of a specified geographical boundary, to wit: \_\_\_\_\_

[ ] The defendant shall participate in the following crime-related treatment or counseling services: \_\_\_\_\_

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

[ ] The defendant shall comply with the following crime-related prohibitions: \_\_\_\_\_

Other conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

V. NOTICES AND SIGNATURES

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

5.2 LENGTH OF SUPERVISION. For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

The defendant shall notify the court clerk of any change of address until all legal financial obligations are fully satisfied.

[ ] This crime involves rape of a child in which the victim became pregnant. The defendant shall remain under the court's jurisdiction until the defendant has satisfied support obligations under the superior court or administrative order, up to a maximum of twenty-five years following defendant's release from total confinement or twenty-five years subsequent to the entry of the Judgment and Sentence, whichever period is larger.

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

5.4 RESTITUTION HEARING.

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

5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634.

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

Cross off if not applicable:

~~6.7 SEX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.360. Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.130, you are required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.~~

~~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 that 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 out of Washington State, you must also send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington State.~~

~~If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination.~~

~~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 weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require you to list the locations where you have stayed during the last~~

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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 4A.44.550.

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

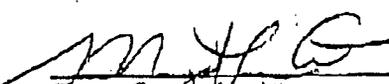
~~If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy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

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

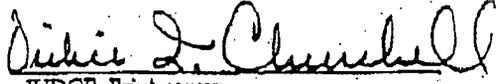
5.9 OTHER: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

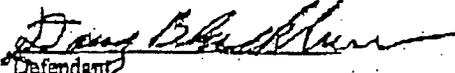
Bail is hereby exonerated in this matter if applicable.

DONE in Open Court and in the presence of the defendant this date: 8-19-04

  
 Deputy Prosecuting Attorney  
 WSEA #26432, OIN 91047  
 Print name: Margot L. Carter

  
 Attorney for Defendant  
 WSEA #18273  
 Print name: Thomas Pacher

  
 JUDGE Print name:

  
 Defendant

Print name: Douglas Louis  
 Blackburn  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_

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

13

CAUSE NUMBER of this case: 04-1-00113-8

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

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

Clerk of said County and State, by: \_\_\_\_\_, Deputy Clerk

IDENTIFICATION OF DEFENDANT

SID No. WA12172773  
(If no SID take fingerprint card for State Patrol)

Date of Birth: 09/06/1963

FBI No. 279925AA0

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

PCN No. 006023827

Other \_\_\_\_\_

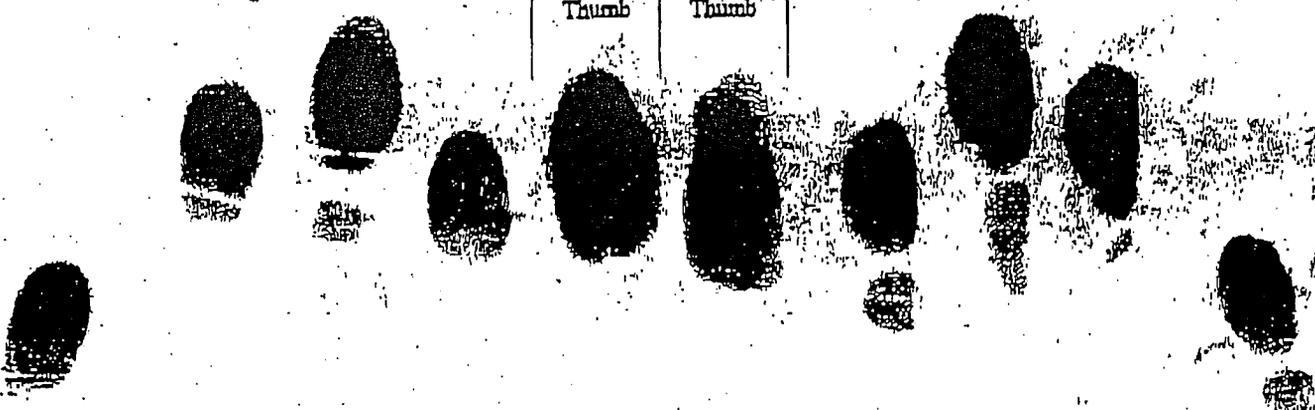
Alias name, SSN, DOB: 537-82-2372

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

FINGERPRINTS I attest that I saw the same defendant who appeared in Court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk Duffin Dated: 8/19/04

DEFENDANT'S SIGNATURE: Doug [Signature] Island

Left four fingers taken simultaneously	Left Thumb	Right Thumb	Right four fingers taken simultaneously
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# **APPENDIX B**



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

DOC- REPORT OF ALLEGED VIOLATION

REPORT TO: DOC Hearing Unit

DATE: 5/15/2008  
DOC NUMBER: 944347

OFFENDER NAME: BLACKBURN, Douglas  
AKA: Blackburn, Douglas Louis  
Blackburn, Doug

FOS NUMBER:  
DOB: 09/06/1963

CRIME: Drugs-Mfg, Deliver, Poss.

Island COUNTY CAUSE #: 04-1-00113-8  
(AD)

SENTENCE: 9-12 months community custody  
(if revoked)

DATE OF SENTENCE: 08/19/04

LAST KNOWN ADDRESS: 1389 N. Zylstra Road  
Oak Harbor, WA 98277

TERMINATION DATE: 06/06/2010

MAILING ADDRESS:

STATUS: Active  
CLASSIFICATION: RMB

PREVIOUS ACTION:

COMMUNITY SERVICES TOLLING - SRA & PAROLE

Tolling Type	Action Date	Start Date	End Date	Days
SANC/TOLLS	09/07/2007	09/07/2007	09/26/2007	19
NONDOCCONF	03/20/2008	03/20/2008	03/21/2008	1
SANC/TOLLS	03/21/2008	03/21/2008	04/15/2008	25

**STIPULATED AGREEMENTS**

Violation Date	:	08/22/2007
Violation(s)	:	ABIDE UA/BA MONITORING
Agreement Date	:	08/31/2007
Sanction(s)	:	ENHANCED SUPERVISION
Days Ordered/Suspended	:	000 / 000
Violation Date	:	02/14/2008
Violation(s)	:	NON PARTICIP. TRT/COUNSELING
Agreement Date	:	02/20/2008
Sanction(s)	:	DAILY REPORTING
Days Ordered/Suspended	:	000 / 000

**COMMUNITY CUSTODY HEARINGS/NEGOTIATED SANCTIONS**

Violation Date	Conditions Violated	Hearing Group	Hearing Date	Sanctions	Days Ordered/Suspended	Sanction Start Date
08/29/2007	USING CONTROLLED SUBSTANCE	01				
08/29/2007		01	09/26/2007	DEPT SANC (CONF DOP FACILITY); INCREASED UAS; SOBER SUPPORT GROUP	0019/0000	09/07/07
09/26/2007	USING CONTROLLED SUBSTANCE	02				
11/01/2007	CONSUMING ALCOHOL; USING CONTROLLED SUBSTANCE	02				
11/01/2007		02	12/04/2007	INCREASED REPORTING; THINKING REPORTS; CHEM DEPEND EVAL AND FOLLOW-UP	0000/0000	12/04/07
03/05/2008	ABIDE UA/BA MONITORING	03				
03/11/2008	USING CONTROLLED SUBSTANCE	03				
03/13/2008	UNAPPROVED EMPLOY/RESIDE CHGE	03				
03/13/2008		03	04/02/2008	DEPT SANC (CONF DOP FACILITY); INPATIENT TREATMENT	0039/0000	03/20/08

**ALLEGATION(S) SPECIFIED:**

The above-named offender has violated conditions of supervision by:

ALLEGATION #1

Failure to obey all laws; specifically, threatening to kill Shelley Blackburn on 5/14/08

WITNESS(ES):

- 1) CCO Rob Diekman
- 2) Shelley Blackburn
- 3) Deanna Wolf

SUPPORTING EVIDENCE:

On 8/19/04, Douglas Blackburn was sentenced in Island County Superior Court. At that time, he was directed to obey all laws.

After releasing from prison an intake was completed. On 2/28/07, Douglas Blackburn signed the Department's Standard Conditions, Requirements and Instruction form, acknowledging his responsibility to obey all laws

Mr. Blackburn completed American Behavioral and Health Sciences (ABHS) treatment program on or about 5/13/08. On 5/14/08, Mr. Blackburn returned to Island County to reside with his girlfriend Leanna Christian. Mr. Blackburn went to his mother Gail's home (Blackburn's former residence) at 3022 Brentwood Place to pick up some of his belongings. Gail's caretaker Deanna Wolf was present at the home.

A short time later, Mr. Blackburn's sister-in-law Shelley Blackburn arrived at the house. A verbal altercation ensued between Mr. Blackburn and Shelley Blackburn when Shelley demanded Mr. Blackburn leave the property. Mr. Blackburn left the residence after Shelley threatened to call 911.

Approximately 10 minutes after leaving the residence, Mr. Blackburn made a phone call to Deanna Wolf saying he (Mr. Blackburn) was upset and so aggravated with Shelley he could "kill her". Ms. Wolf took the threat seriously so called Shelley to advise her of the threat. Ms. Wolf left Gail's home around 12:30 p.m. to head toward her second job.

\*Please review attached written statement from Deanna Wolf and Shelley Blackburn dated 5/14 and 5/15/08 for further details.

\*Note: Mr. Blackburn went to Ms. Wolf's other job site to question her about his threat. Ms. Wolf did not want to speak to Mr. Blackburn so she walked into her job.

Later on 5/14/08, Mr. Blackburn reported to DOC and was arrested without incident. After Officer Carter read Mr. Blackburn his Miranda Rights from a card, Mr. Blackburn agreed to discuss the threat. Mr. Blackburn reportedly did not mean to threaten her (Shelley Blackburn),

and was not intending on killing her. Mr. Blackburn admitted saying something to the affect "I feel so upset I could kill her". Over and over, Mr. Blackburn commented he did not mean to threaten her and did not intend on carrying out the threat.

**ADJUSTMENT AND SUPERVISION SUMMARY:**

Mr. Blackburn's adjustment to DOSA supervision started off fairly well and has ended poorly. He released from prison on 11/18/06. Since release, he maintained fairly steady employment in landscaping, construction and masonry fields.

The current offense is Manufacture and Possession of Methamphetamine. Mr. Blackburn was given an opportunity for a reduced sentence pursuant to the DOSA 2 (b). Since release, Mr. Blackburn received a verbal reprimand, 2 stipulated agreements, and, has had 3 prior full hearings, this being his 4<sup>th</sup>. The stipulated agreements addressed a dilute UA and failure to attend treatment as directed. The prior hearings addressed alcohol and drug use.

Now, within 1 day of returning to Island County from inpatient chemical dependency treatment, Mr. Blackburn made a threat to kill his sister-in-law Shelley Blackburn. Mr. Blackburn has repeatedly said he had no intention of carrying out the threat and that he did not mean to threaten her. The fact is there has been long-standing tension in the Blackburn family regarding Mr. Blackburn's repeated failure to get his life on track, causing the family much grief and heartache. Mr. Blackburn burned bridges (so-to-speak) with his family to the point he was no longer allowed to reside on the property.

All threats to kill need to be taken very seriously. Mr. Blackburn is a convicted Methamphetamine cook. He has numerous felony drug-related convictions stemming back to 1988 and has a prior conviction for Assault 2<sup>nd</sup> Degree. Mr. Blackburn's threat to kill his sister-in-law is not only unacceptable, it's against the law.

**RECOMMENDATION:**

Revoke DOSA 2(b).

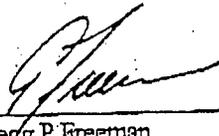
*I certify or declare under penalty of perjury of the laws of the state of Washington that the foregoing statements are true and correct to the best of my knowledge and belief.*

Submitted By:

Approved By



Robert Diekman  
COMMUNITY CORRECTIONS OFFICER 3  
NW OAK1  
499 N.E. Midway Blvd. #1



Gregg P Freeman  
COMM CORR SUPERVISOR

Re: BLACKBURN, Douglas  
DOC# 944347  
5/15/2008 - Page 5 of 5

Oak Harbor WA 98277  
Telephone (360) 675-9031

RAD: RAD/5/15/2008

Distribution:	COMMUNITY CUSTODY	ORIGINAL: Hearing Officer/File (via Discovery Packet) COPY: Offender (via Discovery Packet), Field File.
	DOSA I	ORIGINAL: Hearing Officer / File, (via Discovery Packet) COPY: Offender (via Discovery Packet), Court (by Hearings Unit following DOC hearing), Must be forwarded within 72 hours of Hearing.

*The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted*

I, Shelley Blackburn certify that the following statement is true and correct.

We live at 3022 Brentwood Place. It is 5 acres with two houses. In the upper (big) house is my mother-in-law and her developmentally disabled sister. ~~My mother-in-law is elderly and in poor health and requires care-givers to come in to assist her. Her sister also has care-givers to assist her.~~ In the lower (small) house is my husband and myself.

My brother-in-law Douglas Blackburn is a life long meth addict and has just returned from yet another stint in rehab. He has been told numerous times he is not to come over without contacting his mother first and never when she is not home. On May 14<sup>th</sup>, 2008, he came to the upper house. My mother-in-law was out of town visiting a relative. Her care-giver was at the house when he arrived. She stated that Doug was not to be there and needed to leave. When he did not, she contacted my husband at work, who then contacted me. I went up to the house and told him to leave and that he was not to be there. He stated he was there to pick up some of his things. I said I didn't care that he needed to leave. He was in the spare bedroom and then entered his mom's room. I then told him he had no business in her room and had to threaten calling 911 before he would leave, which he did. I thought is was over, however, he then went down the road and called the care-giver, Deanna Wolf and wanted to know where his mom was and when she would be back. Deanna stated that she could not give out any information that is was not her place. He then stated that I was "a fuckin<sup>g</sup> bitch<sup>2</sup> and he wanted to kill me." It was disturbing enough for Deanna to call me and I then went to the OHPD to have it put on record. I then went to his probation officer Rob Diekman and also wanted it put on file there. Doug also went to Deanna's 2<sup>nd</sup> job and harassed her there. She is 6 months pregnant and is afraid and uncomfortable around Doug and is considering leaving her job as care-giver due to yet another incident with Doug.

I take threats against my life very seriously and am more concerned by the fact that we are dealing with this life long meth addict who is unpredictable and full of hatred towards me. I request a restraining order to help me feel safer in my home and to deter him from the continued harassment against me.

---

I would like to thank the court for your consideration in the embarrassing and upsetting family matter that we have found ourselves in.

Sincerely,

*S Blackburn*

5/15/08

Shelley D. Blackburn

Home:

Cell:



STATE OF WASHINGTON  
 DEPARTMENT OF CORRECTIONS  
 OFFICE OF CORRECTIONAL OPERATIONS  
 OAK HARBOR OFFICE

499 NE Midway Blvd • Suite #1 • Oak Harbor, Washington 98277 • (360) 675-9031  
 1-888-801-6618 FAX (360) 675-2556

My name is Leanna Christian, I am Doug Blackburn's girlfriend. On the morning of May 14<sup>th</sup> 2008 we had a friend drop us off at Doug's mom's house so that he could pick up his truck and some clean clothes of his. He had already talked with his mom and she said that would be fine. I also had talked with her on mother's day and let her know I would be picking Doug up on Tue. May 13<sup>th</sup> I also ask her if she could get me Doug's checking account # so that I deposit some money into his account. Mom called me back about 15 min. later with the # and she said she was glad I was feeling so positive. When we arrived at his mom's house Alonna was there, they said hi and then Doug and I went to his room to get some of his clothes when Shelly came in yelling that he (Doug) needed to get the F. out, that he had no fing right to be there and she was calling the cops. Doug got the keys to his truck, I picked up the bag of his clothes 3 pairs of socks and 2 pairs of under pants and we went to his truck. The hole time is yelling this that at us and that she was calling the cops. The truck didn't start so ~~we~~ we had to push it back so we could let it coast down the driveway she stayed standing on the porch yelling. After we got the truck ~~started~~ jump started the neighbors Doug called back to his mom's house to get his brother's (Dons) cell # from from his mom care giver. He did say something about being mad enough to tell her but she resist (why he said was he could never do that and that he was just venting. He got Dons # and was able to talk to him.

"Working Together for SAFE Communities"

*Leanna Christian*



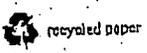
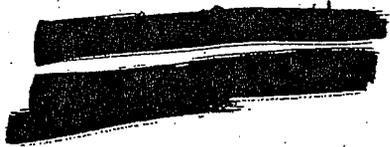


STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
 OFFICE OF CORRECTIONAL OPERATIONS  
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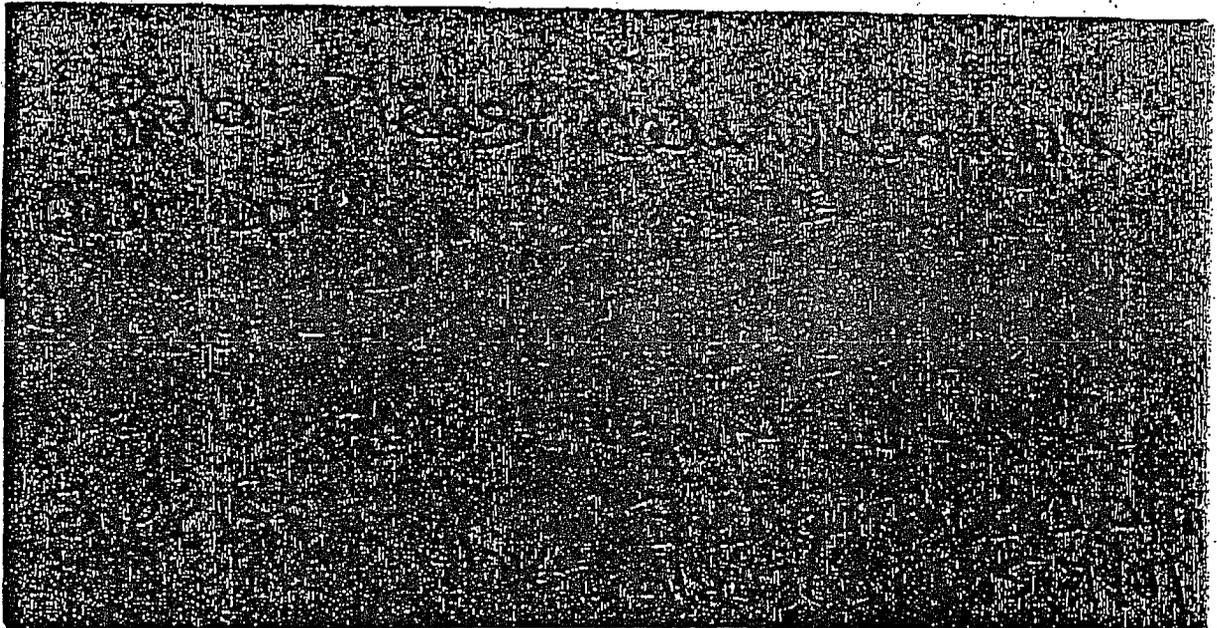
It was brief. Don said there were restrictions, mom needed to be there if he came there. We continued on with our things to do. As we were on our way to see Rob a D.O.C, we got a call from Don yelling at Doug about threatening Shelly and Doug said he hadn't threatened anyone. Then Don said if it happened again they would really put a restraining order on Doug. We left DASH on our way to D.O.C. We ran into the core area and Doug ask her about what was going on and with a smile she said exactly what you said. We then went to D.O.C. So Doug could check and as we were sitting there Shelly walked in with an attorney and then left. Dorey check in and then OHPD took him away.

Lenna Christian  
 Lenna Christian  
 5/14/08



This is a photo copy of the NAPKIN STATEMENT  
WRITTEN & submitted by Shelley BLACKBURN ON  
5-14-08 to OAK HARBOR DOC.

cco: *[Signature]*  
5-14-08



**RCW 9A.46.020**  
**Definition — Penalties.**

(1) A person is guilty of harassment if:

(a) Without lawful authority, the person knowingly threatens:

(i) To cause bodily injury immediately or in the future to the person threatened or to any other person; or

(ii) To cause physical damage to the property of a person other than the actor; or

(iii) To subject the person threatened or any other person to physical confinement or restraint; or

(iv) Maliciously to do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical or mental health or safety; and

(b) The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out. "Words or conduct" includes, in addition to any other form of communication or conduct, the sending of an electronic communication.

(2)(a) Except as provided in (b) of this subsection, a person who harasses another is guilty of a gross misdemeanor.

(b) A person who harasses another is guilty of a class C felony if either of the following applies: (i) The person has previously been convicted in this or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a no-contact or no-harassment order; or (ii) the person harasses another person under subsection (1)(a)(i) of this section by threatening to kill the person threatened or any other person.

(3) The penalties provided in this section for harassment do not preclude the victim from seeking any other remedy otherwise available under law.

[2003 c 53 § 69; 1999 c 27 § 2; 1997 c 105 § 1; 1992 c 186 § 2; 1985 c 268 § 2.]

**Notes:**

**Intent -- Effective date -- 2003 c 53:** See notes following RCW 2.48.180.

**Intent -- 1999 c 27:** "It is the intent of chapter 27, Laws of 1999 to clarify that electronic communications are included in the types of conduct and actions that can constitute the crimes of harassment and stalking. It is not the intent of the legislature, by adoption of chapter 27, Laws of 1999, to restrict in any way the types of conduct or actions that can constitute harassment or stalking." [1999 c 27 § 1.]

**Severability -- 1992 c 186:** See note following RCW 9A.46.110.



MIRANDA WARNING WAIVER

Douglas BLACKBURN  
Offender Name

944347  
DOC Number

1. You have the right to remain silent.
2. Anything you say can be used against you in a court of law.
3. You have the right at this time to talk to a lawyer and have him/her present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

WAIVER

After the warning and in order to secure a waiver, the following questions should be asked and an affirmative reply secured to each question.\*

1. Do you understand each of these rights I have explained to you?
2. Having these rights in mind, do you wish to talk to us now?

Regardless of Miranda applicability, Washington State requires that the following advisement be given to every person taken into custody:

You have the right to Counsel. If you are unable to pay for Counsel, you are entitled to have one provided without charge.

ADDITIONAL WARNING TO JUVENILE

If you are under the age of 18, anything you say can be used against you in a juvenile court prosecution for a juvenile offense and can also be used against you in an adult court criminal prosecution if the juvenile court decides that you are to be tried as an adult.

\*I have been given the Miranda warning on 5-14-08 Date. I understand each of the rights explained to me. I am willing to talk to the Community Corrections Officer now.

In cuffs unable to sign  
Offender's Signature

5-14-08  
Date

[Signature]  
CCO'S Signature

5-14-08  
Date

[Signature]  
Witness's Signature

5-14-08  
Date

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

E

OFFENDER CHRONO REPORT

NAME: BLACKBURN, DOUGLAS LOU

OFFICE: Z31 SNHMSH CNTY VIOL  
OFFICER:

- 05/14/08 ON 04 P'S SISTER IN-LAW SHELLY BLACKBURN IN OFFICE BUT HAD TO LEAVE BEFORE I COULD MEET W/HER. SB PROVIDED OUR SUPPORT STAFF A NOTE TO GIVE TO ME: "ROB-PLEASE CALL WHEN YOU CAN. DOUG MADE A 3RD PARTY THREAT THE (SIC) HE "WANTS TO KILL ME". I MADE A REPORT WITH THE SHERIFF. THX-SHELLEY BLACKBURN [REDACTED]
- 05/14/08 ON 08 R DIEKMAN  
CONT...CALLED SHELLY SHORTLY AFTER SHE LEFT THE OFFICE, SHELLY MADE A VERBAL REPORT W/DEPUTY DAVISON, ICSO TODAY. SHELLY TOOK P'S COMMENT AS A THREAT AND SHE IS CONCERNED FOR HER SAFETY, SHE PLANS ON TRYING TO OBTAIN AN NCO TOMMOROW IN SUPERIOR COURT. SHELLY INDICATED P MADE THE THREAT TO P'S MOM GAILS CAREGIVER DEANNA WOLF TODAY BY PHONE. [REDACTED] 308 05/14/08 R DIEKMAN
- 05/14/08 TC 12 CALLED DEANNA WOLFE, GAILS CAREGIVER. DW IS WILLING TO TESTIFY BY PHONE AND PROVIDE A WRITTEN STATEMENT AS TO WHAT TRANSPIRED TODAY. DW STATES P SHOWED UP TODAY AT HIS MOMS HOUSE TO PICK UP HIS BELONGINGS, P'S MOM IS OUT OF THE COUNTRY VISITING FRIENDS. DW SAID SHELLY SHOWED UP AND DIRECTED P TO LEAVE THE PROPERTY RIGHT AWAY. P SAID HE HAD PERMISSION TO BE AT THE HOME, SHELLY REITERATED P IS NOT TO BE ON THE PROPERTY AGAIN TELLING P TO LEAVE. DW SAID "THEY BATTLED BACK AND FORTH ABOUT IT FOR A FEW MINUTES" THEN P LEFT. SHELLY STAYED FOR A FEW MORE MINUTES TO MAKE SURE DW AND GAILS SISTER ALANA WHO WAS PRESENT WAS ALSO OK.  
(CONT) 05/14/08 R DIEKMAN
- 05/14/08 TC 16 (CONT) SHELLY THEN LEFT. ABOUT "10 OR 15 MINUTES" LATER P CALLS DEANNA SAYING SHELLY "DOES NOT KNOW WHAT SHE IS TALKING ABOUT, THAT SHE IS A STUPID BITCH". P ASKED FOR HIS BROTHERS PHONE NUMBER, DW PROVIDED NUMBER TO P. THEN P ASKED WHERE HIS MOM GAIL WAS, WHEN SHE WAS COMING BACK. DW ADVISED P SHE CAN'T DISCLOSE DUE TO CONFIDENTIALITY REQUIREMENTS. P SAID "I AM SO AGGRAVATED WITH THIS, I AM AGGRAVATED WITH SHELLY, I COULD KILL HER". DW TOOK P'S THREAT SERIOUSLY AND REPORTED IT TO SHELLY RIGHT AWAY. DW WILL PROVIDE WRITTEN STATEMENT TO DOC AND TRY AND HAVE IT TO DOC BY TODAY. I PROVIDED OUR FAX #.  
05/14/08 R DIEKMAN
- 05/14/08 JS 20 STAFFED CASE/SITUATION W/CCS FREEMAN; DECISION MADE TO ARREST P AND HOLD FOR AN IN-CUSTODY HEARING. 05/14/08 R DIEKMAN
- 05/14/08 OP 24 P REPORTED; RELEASED FROM ABHS YESTERDAY, MADE APPOINTMENT W/COMPASS HEALTH FOR 5/21/08 AT 1PM. UA TAKEN TODAY; P LEARNED A LOT AT ABHS, 28 DAY PROGRAM. P NOW LIVING WITH HIS GIRLFRIEND LEANNA CHRISTENSON ON ZYLSTRA ROAD (DP34 UPDATED). P WENT TO DSHS THIS MORNING AND PICKED UP PAPERWORK FOR ADATSA. P ARRESTED W/OUT INCIDENT. 05/14/08 R DIEKMAN
- 05/14/08 OP 28 (CONT)...P WAS ADVISED HE WAS BEING ARRESTED FOR MAKING A THREAT TO KILL. P WAS READ HIS MIRANDA RIGHTS BY OFFICER CARTER OF OHPD WHILE IN CUFFS. ALSO PRESENT WERE CCO LISA LEE AND MYSELF. P AGREED TO DISCUSS THE THREAT TO KILL. P SAID HE DID NOT MEAN TO THREATEN HER, THAT HE WAS NOT INTENDING ON KILLING HER. P ADMITTED SAYING SOMETHING TO THE AFFECT "I FEEL SO UPSET I COULD KILL HER". AGAIN, P RE-ITERATED HE DID NOT MEAN TO THREATEN HER. 05/14/08 R DIEKMAN 05/14/08
- [REDACTED]

F

NAME: BLACKBURN, DOUGLAS LOU

OFFICE: Z31 SNEMSH CNTY VIOL  
OFFICER:

05/14/08 OC 36 P'S GIRLFRIEND LEANNA CHRISTENSON BACK IN THE OFFICE STATING P CALLED HER FROM THE JAIL ASKING IF SHE WILL WRITE STATEMENT AS TO WHAT SHE HEARD. LC ASKED IF SHE CAN MAKE A STATEMENT, ADVISED YES, LC IS REPORTEDLY WILLING TO TESTIFY. LC WILL WRITE A STATEMENT TODAY AND PROVIDE TO DOC TOMMOROW. 05/14/08 R DIEKMAN

05/14/08 LC 40 EMAIL REQUESTING PROBABLE CAUSE. 05/14/08 R DIEKMAN

05/14/08 LC 44 EMAIL REQUESTING TRANSPORT 05/14/08 R DIEKMAN

05/14/08 TP 48 P CALLS FROM THE JAIL TRYING TO PLEAD HIS CASE FOR NOT "TRYING TO THREATEN" SHELLEY. P WANTED TO MAKE SURE I PUT IN THE DISCOVERY HE SCHEDULED AN APPOINTMENT W/COMPASS HEALTH TODAY AND THAT P DID NOT DIRECTLY THREATEN SHELLEY AND HE DROVE RIGHT BY SHELLEY'S TO GET TO HIS MOMS HOUSE. I EXPLAINED TO P IT IS NOT OK TO THREATEN TO KILL SOMEONE WHETHER DIRECTLY OR INDIRECTLY, P SAID HE UNDERSTOOD WHAT I WAS SAYING BUT KEPT RE-ITERATING HE DID NOT MEAN TO THREATEN ANYONE. P ASKED THAT I COME SEE HIM TOMMOROW MORNING BEFORE TRANSPORT. TOLD P I WILL TRY. P WOULD LIKE RELEASE OF INFO SIGNED FOR HIS GIRLFRIEND LEANNA CHRISTENSON ALSO. 05/14/08 R DIEKMAN

05/14/08 OP 52 KIOSK REPORTING SESSION STATUS: SUCCESSFUL, DATE TIME: 2008-05-14-13.12.09.906000, LOCATION: OAK HARBOR OFFICE KIOSK, UA MESSAGE: NO 05/14/08 SYSTEM

May 14 08 06:50p

I was on phone with Aguil's Doc's office when Doug and female friend walked in between 11am and 1130 am. I got off phone and called Dan Blackburn and told him that his brother had shown up to property. He told me to ask him if he had permission to be there and if not to leave property. I asked Doug if he had permission to be here and he said he had Aguil's permission and was getting his truck & radio and leaving. 5 minutes later Shelley Blackburn walked in and asked where he was I pointed towards the bedrooms. She told him he needed to leave he wasn't allowed on property, that there was papers stating this. Doug then went into his mother's bedroom. Shelly told him to get out of there and leave or she was going to call 911. Doug & female friend left 5-15 minutes later Doug called saying he was upset and that Shelley was a stupid bitch cause there was no papers. He went to his brothers cell phone number I gave it to him. He then proceeded to ask me where his mother was but location, return, etc. By law I can't discuss any information about her I told him this and he said he was so aggravated and that he was so aggravated with Shelly he could kill her. I then called Shelly to let her know of the conversation and the threat he had made. I left Aguil's house at 1230pm to go to my second job in which I arrived approximately 1 hour later to tell him I had left home. I went into front and was stopped by Doug in his ~~truck~~ truck to question me about his threat in which I didn't want to speak to him and I walked into my job. Shortly thereafter I received a call from the sheriff's department and the ~~parale~~ parole officer.

*[Handwritten signature]*

5/14/08 7:37pm

B

# **APPENDIX C**



### COMMUNITY CUSTODY NOTICE OF ALLEGATIONS, HEARING, RIGHTS, AND WAIVER

OFFENDER NAME Blackburn, Douglas	DOC# 944347	DATE 5/15/08	PRESENT LOCATION SNOHOMISH COUNTY JAIL
-------------------------------------	----------------	-----------------	---

Type of Hearing: (Check all that apply.)

- |  |   |
|--|---|
| <input type="checkbox"/> Community Custody | <input type="checkbox"/> DOSA I             |
| <input type="checkbox"/> FOS #             | <input checked="" type="checkbox"/> DOSA II |
| <input type="checkbox"/> Other:            | <input type="checkbox"/> CCM                |

Violations alleged:

- 1) FAILURE TO OBEY ALL LAWS; SPECIFICALLY, THREATENING TO KILL SHELLEY BLACKBURN ON OR ABOUT 5/14/08

You are hereby notified that a Department of Corrections hearing is scheduled for:

HEARING DATE 5-27-08	TIME 1:00	<input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	LOCATION SNOHOMISH COUNTY JAIL	CAUSE # 041001138 ISLAND
-------------------------	--------------	---	-----------------------------------	-----------------------------

The Department of Corrections intends to present the following documents / reports and / or call the following witnesses during the hearing:

- 1) JUDGMENT AND SENTENCE UNDER THE ABOVE ENTITLED CAUSE
  - 2) DOC STANDARD CONDITION FORMS DATED 2/28/07
  - 3) CHRONOS DATED 5/14/08
  - 4) WRITTEN STATEMENT FROM SHELLEY BLACKBURN DATED 5/15/08
  - 5) WRITTEN STATEMENT FROM DEANNA WOLF DATED 5/14/08
  - 6) MIRANDA WARNING DATED 5-14-08
  - 7) NAPKIN NOTE by Shelley BLACKBURN 5-14-08
  - 8) ROAV DATED 5-15-08
  - 9) letter from DEANNA CHRISTIAN DATED 5-14-08
- \*\*\*CCO ROB DIEKMAN, DEANNA WOLF AND SHELLEY BLACKBURN WILL TESTIFY VIA PHONE, PLEASE CALL THE OAK HARBOR DOC OFFICE AT 360-675-9031 OR 360-675-9621\*\*\*\*
- \*A CCO WILL TESTIFY

You have been charged with the above alleged violations of your community custody conditions. You have the following rights:

- ◆ To receive written notice of the alleged violations of your conditions / requirements of supervision.
- ◆ To have an electronically recorded, community custody hearing conducted within five (5) working days of service of this notice. However, if you have not been placed in confinement, the hearing will be conducted within fifteen (15) calendar days of service of this notice.
- ◆ To have a neutral and detached hearing officer conduct your hearing.
- ◆ To examine, no later than twenty-four (24) hours before the hearing, all supporting documentary evidence which the Department of Corrections intends to present during the hearing.
- ◆ To admit to any or all of the allegations. This may limit the scope of the hearing.
- ◆ To be present during the fact-finding and disposition phases of the hearing.
- ◆ To present your case to the Hearing Officer. If there is a language or communication barrier, the Hearing Officer may appoint someone to interpret or otherwise assist you. However, no other person may represent you in presenting your case. There is no right to an attorney or counsel.

Error! Reference source not found. Error! Reference source not found.

- ◆ To confront and cross-examine witnesses appearing and testifying at the hearing.
- ◆ To testify during the hearing or to remain silent: Your silence will not be held against you.
- ◆ To have witnesses provide testimony on your behalf, either in person or in a witnessed statement / affidavit. However, if an in-custody hearing, outside witnesses may be excluded due to facility concerns. The Hearing Officer may also exclude persons from the hearing upon a finding of good cause. In addition, the Hearing Officer may exclude a witness from testifying at a hearing or may require a witness to testify outside of your presence when there is a substantial likelihood that the witness will not be able to give effective, truthful testimony in your presence during the hearing. In either event, you may submit a list of questions to ask the witness(es). Testimony may be limited to evidence relevant to the issues under consideration.
- ◆ To receive a written Hearing and Decision Summary including the evidence presented; a finding of guilty or not guilty; and the reasons to support the findings of guilt; and the sanction imposed, immediately following the hearing or, in the event of a deferred decision, within two (2) working days.
- ◆ To receive a copy of the full Department of Corrections Hearing Report.

- ◆ To obtain a copy of the audio recording of the hearing, you must provide a blank audio tape to be used for this purpose.
- ◆ To appeal to the Regional Appeals Panel, in writing, within seven (7) calendar days of your receipt of the Hearing and Decision Summary. You may also file a personal restraint petition to appeal the Department's final decision through the Court of Appeals. There is no appeal to an Interstate Preliminary Hearing decision.
- ◆ If I waive my right to be present at the hearing, I understand that the Department of Corrections may conduct the hearing in my absence and may impose sanctions that could include loss of my liberty.
- ◆ To waive any or all of the above rights.

**DOC REGIONAL APPEALS PANEL**  
**P.O Box 110518**  
**Tacoma WA 98411**

**Admission to Allegations**

I admit to the following allegations:		
OFFENDER SIGNATURE	DATE	TIME
WITNESS SIGNATURE / POSITION	DATE	TIME

I have read and understand the allegation(s), the hearing notice, and my rights as described:

OFFENDER SIGNATURE <i>David Blackler</i>	DATE 5-19-08	TIME 12:26 pm
WITNESS SIGNATURE / POSITION <i>[Signature]</i> CCO	DATE 5-19-08	TIME 12:26 pm

In admitting the violation(s) and waiving the hearing, I understand that the Department of Corrections may still schedule and conduct a hearing to accept my waiver. I further understand that if I am found guilty, the Department may respond by imposing:

1. The existing supervision plan; or
2. The existing supervision plan plus increased monitoring, treatment, or programming; or
3. Placement in a work release or pre-release (partial confinement) facility, or total confinement in a jail or prison facility, as well as the existing supervision and any additional reporting or program enhancement. (Not applicable to Interstate Compact cases.); or

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# **APPENDIX D**



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

**\*AMENDED\* COMMUNITY CUSTODY NOTICE OF ALLEGATIONS, HEARING, RIGHTS, AND WAIVER**

OFFENDER NAME Blackburn, Douglas	DOC# 944347	DATE 5/15/08	PRESENT LOCATION SNOHOMISH COUNTY JAIL
Type of Hearing: (Check all that apply.)			
<input type="checkbox"/> Community Custody		<input type="checkbox"/> DOSA I	
<input type="checkbox"/> FOS #		<input checked="" type="checkbox"/> DOSA II	
<input type="checkbox"/> Other		<input type="checkbox"/> CCM	
Violations alleged:			
1) FAILURE TO OBEY ALL LAWS; SPECIFICALLY, THREATENING TO KILL SHELLEY BLACKBURN ON OR ABOUT 5/14/08			
You are hereby notified that a Department of Corrections hearing is scheduled for:			
HEARING DATE 5/27/08	TIME 1:00	<input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	LOCATION SNOHOMISH COUNTY JAIL
			CAUSE # 041001138 ISLAND

The Department of Corrections intends to present the following documents / reports and / or call the following witnesses during the hearing:

- 1) JUDGMENT AND SENTENCE UNDER THE ABOVE ENTITLED CAUSE
- 2) DOC STANDARD CONDITION FORMS DATED 2/28/07
- 3) CHRONOS DATED 5/14/08
- 4) WRITTEN STATEMENT FROM SHELLEY BLACKBURN DATED 5/15/08
- 5) WRITTEN STATEMENT FROM DEANNA WOLF DATED 5/14/08
- 6) RCW 9A.46.020

\*\*\*CCO ROB DIEKMAN, DEANNA WOLF AND SHELLEY BLACKBURN WILL TESTIFY VIA PHONE, PLEASE CALL THE OAK HARBOR DOC OFFICE AT 360-675-9031 OR 360-675-9621.\*\*\*\*

\*A CCO WILL TESTIFY

You have been charged with the above alleged violations of your community custody conditions. You have the following rights:

- ◆ To receive written notice of the alleged violations of your conditions / requirements of supervision.
- ◆ To have an electronically recorded, community custody hearing conducted within five (5) working days of service of this notice. However, if you have not been placed in confinement, the hearing will be conducted within fifteen (15) calendar days of service of this notice.
- ◆ To have a neutral and detached hearing officer conduct your hearing.
- ◆ To examine, no later than twenty-four (24) hours before the hearing, all supporting documentary evidence which the Department of Corrections intends to present during the hearing.
- ◆ To admit to any or all of the allegations. This may limit the scope of the hearing.
- ◆ To be present during the fact-finding and disposition phases of the hearing.
- ◆ To present your case to the Hearing Officer. If there is a language or communication barrier, the Hearing Officer may appoint someone to interpret or otherwise assist you. However, no other person may represent you in

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Page 1 of 3

presenting your case. There is no right to an attorney or counsel.

- ◆ To confront and cross-examine witnesses appearing and testifying at the hearing.
- ◆ To testify during the hearing or to remain silent. Your silence will not be held against you.
- ◆ To have witnesses provide testimony on your behalf, either in person or in a witnessed statement / affidavit. However, if an in-custody hearing, outside witnesses may be excluded due to facility concerns. The Hearing Officer may also exclude persons from the hearing upon a finding of good cause. In addition, the Hearing Officer may exclude a witness from testifying at a hearing or may require a witness to testify outside of your presence when there is a substantial likelihood that the witness will not be able to give effective, truthful testimony in your presence during the hearing. In either event, you may submit a list of questions to ask the witness(es). Testimony may be limited to evidence relevant to the issues under consideration.
- ◆ To receive a written Hearing and Decision Summary including the evidence presented; a finding of guilty or not guilty; and the reasons to support the findings of guilt; and the sanction imposed, immediately following the hearing or, in the event of a deferred decision, within two (2) working days.

- ◆ To receive a copy of the full Department of Corrections Hearing Report.
- ◆ To obtain a copy of the audio recording of the hearing, you must provide a blank audio tape to be used for this purpose.
- ◆ To appeal to the Regional Appeals Panel, in writing, within seven (7) calendar days of your receipt of the Hearing and Decision Summary. You may also file a personal restraint petition to appeal the Department's final decision through the Court of Appeals. There is no appeal to an Interstate Preliminary Hearing decision.
- ◆ If I waive my right to be present at the hearing, I understand that the Department of Corrections may conduct the hearing in my absence and may impose sanctions that could include loss of my liberty.
- ◆ To waive any or all of the above rights.

**DOC REGIONAL APPEALS PANEL**  
**P.O Box 110518**  
**Tacoma WA 98411**

**Admission to Allegations**

I admit to the following allegations:		
OFFENDER SIGNATURE	DATE	TIME
WITNESS SIGNATURE / POSITION	DATE	TIME

I have read and understand the allegation(s), the hearing notice, and my rights as described:

OFFENDER SIGNATURE <i>Doeng [Signature]</i>	DATE 5/23/08	TIME
WITNESS SIGNATURE / POSITION <i>CCO [Signature]</i>	DATE 5-23-08	TIME

In admitting the violation(s) and waiving the hearing, I understand that the Department of Corrections may still schedule and conduct a hearing to accept my waiver. I further understand that if I am found guilty, the Department may respond by imposing:

1. The existing supervision plan; or
2. The existing supervision plan plus increased monitoring, treatment, or programming; or
3. Placement in a work release or pre-release (partial confinement) facility, or total confinement in a jail or prison facility, as well as the existing supervision and any additional reporting or program enhancement. (Not applicable to Interstate Compact cases.); or

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# **APPENDIX E**



HEARING AND DECISION SUMMARY

RELEASE FROM DOC CUSTODY/CONFINEMENT:  YES  NO (See Confinement Order DOC 09-238)

OFFENDER NAME (LAST, FIRST) <i>Blackburn, Douglas</i>	DOC # <i>984347</i>	RMI/LSI <i>B/30</i>	DATE OF BIRTH <i>9-6-63</i>
CAUSE NUMBER(S) <i>Island 09-1-00113-8</i>			
OFFENDER STATUS <input type="checkbox"/> CCI <input checked="" type="checkbox"/> CCP <input type="checkbox"/> CCJ <input type="checkbox"/> CCM <input checked="" type="checkbox"/> DOSA <input type="checkbox"/> W/R <input type="checkbox"/> FOS			

DATE OF HEARING *5-27-08* LOCATION OF HEARING *SCJ*  
 CCO NAME *Robert Dickman* WAIVED APPEARANCE  YES  NO  
 OTHER PARTICIPANTS *Debra Thomas (presenting)* COMPETENCY CONCERN  YES  NO  
*Shelby Blackburn* WAIVED 24 HOUR NOTICE  YES  NO  
*Debra Wolf* INTERPRETER/STAFF ASSISTANT  YES  NO

PRELIMINARY MATTERS: \_\_\_\_\_

ALLEGATIONS	PLEA	FINDING Guilty / Not Guilty Probable Cause Found
<i>1. FTOH by threat to kill 5-14-08</i>	<i>N/G</i>	<i>G</i>

EVIDENCE RELIED UPON (LIST):

J&S  Notice of Allegation, Hearing, Rights and Waiver form  Report of Alleged Violations  
 Conditions, Requirements, and Instructions form  Chronological Reports  Other Listed Below:

*Letter Learn Christen, Nephew: 3 elements Shelby Blackburn & statement; Debra Wolf statement;*

APPENDIX *E*



HEARING AND DECISION SUMMARY

SUMMARY OF FACTS PRESENTED/ REASONS FOR FINDINGS

1. obey Jan cond. pay w/ P said could Killder reference to  
 ma. Blackburn, statements of Blackburn & Leanna Christian  
 CCO: Deikman: nephew statement 3<sup>rd</sup> party threat,  
 Kelly Blackburn: wanted to pay's brother: 911 if not leave  
 the cell from caregiver, say vented mom's # caregiver so  
 concerned she called her. Would never agree to coming to house  
 when not there. Long history of being very & took  
 it seriously & has threatened her in past, said feel threatened & still  
 do.  
 CCO Deikman: admitted he said it after prison rights, previous statement  
 was consistent & clear she was afraid. RCW (U)(b) person placed in fear threat carried out.

SANCTIONS AND REASONS FOR SANCTION

ADJ: CCO: Early steady empl. 4<sup>th</sup> full hearing  
 long drug hist & past assault 2. PMPB must  
 cognitive impairment. alcohol/drug.  
 P: was employed building houses, & sides job as mason. Paying child  
 support. went to ABAS 5-13-08. tired of using drugs. Working to pay  
 past bills.

**\*\*OBEY ALL FACILITY RULES**  
**\*\*REPORT IN PERSON TO CCO WITHIN ONE BUSINESS DAY OF RELEASE**

Blackburn 944347

Doug B. Lasker  
OFFENDER SIGNATURE

5-27-08  
DATE

Robert Jan  
HEARING OFFICER SIGNATURE

Robert L. Lann  
HEARING OFFICER NAME (PRINTED)

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



SUMMARY OF FACTS PRESENTED/ REASONS FOR FINDINGS

#1 P: pg 26 did say just yesterday I could never do that  
 Ms Christian heard that Wolfe didn't pass the 2<sup>nd</sup> part,  
 says she was so upset. didn't ask ms. Wolfe to present  
 on. Ms Blackburn is trying to make P look worse than he is.  
 Wm is trying to threaten her. P's mother says shelby not like P.  
 talked to mom 11<sup>th</sup> of May got permission + said call 1<sup>st</sup>  
 shelby was lying about court papers to antagonize/misrepresent P.  
 P went ahead + went to DASH cco. Doc smiled later + walked  
 away. Could - may possibly, can, might - none say going to Kill.  
 CCO: revoke  
 P: ABHS

SANCTIONS AND REASONS FOR SANCTION

DOSA 4<sup>th</sup> hearing, A.M.B., standing law viol.

Revoke Dosa under Island Cause 04-1-001138. Proceed  
 to determine revokable days.

**\*\*OBEY ALL FACILITY RULES**  
**\*\*REPORT IN PERSON TO CCO WITHIN ONE BUSINESS DAY OF RELEASE**

Blackburn 944347

*Doug Blackburn*  
 OFFENDER SIGNATURE

8-27-08  
 DATE

*Robert Lee*  
 HEARING OFFICER SIGNATURE

Robert Lee  
 HEARING OFFICER NAME (PRINTED)

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

# **APPENDIX F**



Diekman later testified that the date of sentence was 8-19-04 and a 42 month DOSA sentence was imposed.

The Department of Corrections alleged that the following **violations** were committed:

1. Failure to obey all laws: specifically, threatening to kill Shelly Blackburn on or about 5/14/08.

The offender entered the following **pleas** to each violation:

1. Not guilty.

The hearing officer made the following **findings** as to each violation:

1. Guilty.

**Evidence Relied Upon:**

I relied on the testimony of Mr. Blackburn, Ms. Shelly Blackburn and Community Corrections Officers Rob Diekman and Debra Garner; Community Custody Notice of Allegations, Hearing Rights and Waiver signed 5-19-08 and 5-23-08; Conditions, Requirements, and Instructions signed 2-28-07; Report of Alleged Violations dated 5-15-08; selected chronological notes from 5-14-08; RCW 9A.46.020; typed statement from Shelly Blackburn; handwritten statement from DeAna Wolf; handwritten statement of Leanna Christian; and a napkin statement of Shelly Blackburn.

Community Corrections Officer Garner showed Mr. Blackburn is required to Obey all laws.

**Allegation 1:** Community Corrections Officer Garner testified that on 8-19-04 the court ordered that Mr. Blackburn obey all laws. On 2-28-07 Mr. Blackburn signed Conditions, Requirements and Instructions acknowledging this requirement. On 5-14-08 Mr. Blackburn went to his mother's home to pick up some of his belongings. His mother, Gail's, caretaker, DeAna Wolf was at the home. A short time later, Ms. Shelly Blackburn, Mr. Blackburn's sister-in-law, arrived. A verbal altercation ensued and Mr. Blackburn left after Ms. Blackburn started to call 911. About 10 minutes later Mr. Blackburn called DeAna Wolf saying he was so upset with Shelly he could "kill her". Ms. Wolf took the threat seriously and called Shelly Blackburn.

Ms. Wolf made a written statement on 5-14-08 and stated she observed the altercation between Shelly Blackburn and Mr. Blackburn over his right to be at the house. Mr. Blackburn left when Ms. Blackburn started dialing 911. Mr. Blackburn then left but called Ms. Wolf 10-15 minutes later. He said he was upset and said he was so aggravated with Shelly Blackburn he could "kill

her". Ms. Wolf wrote that she then called Ms. Blackburn to let her know of the threat. At about 12:45 Mr. Blackburn stopped her as she arrived at another job and began to question her about the threat. She didn't want to speak to him and walked into her 2<sup>nd</sup> job.

According to Ms. Shelly Blackburn's written statement, Mr. Blackburn, has been told numerous times not to come over without contacting his mother and never when she is not at home. On 5-14-08 he came over. Gail was out of town. Gail's caregiver, Ms. Wolf was there and told Mr. Blackburn to leave. When he did not leave she called my husband who called me. I went to the house and told him to leave. He finally left then DeAna called and said Mr. Blackburn had called me a fucking bitch and had threatened to kill me. Ms. Blackburn then called the police and Community Corrections Officer Diekman. She stated she takes the threat very seriously because Mr. Blackburn is a methamphetamine addict who is unpredictable and full of hatred towards me.

At the hearing Ms. Blackburn testified that she received a call from her husband that Mr. Blackburn was at the house. She went to house and he was there with his girlfriend. and Ms. Blackburn said she told him to leave. She said she would have to call 911 if he wouldn't leave. He was in his mom's room and she said I am calling so he left. Later she received a call from Ms. Wolf saying Mr. Blackburn had called her saying I was a fucking bitch and that he wanted to "kill me". She testified she did feel threatened because he has a long history of hating her.

Community Corrections Officer Diekman testified that after the arrest Mr. Blackburn admitted he said he said "kill her". Community Corrections Officer Diekman also testified that in speaking to Ms. Wolf, her recollection was the same as reported in the written and verbal statements and that in his conversations with Ms. Blackburn he believed she really did feel threatened then and remains fearful now. Community Corrections Officer Diekman testified that the RCW reads as follows: RCW 9A.46.020. section 1 (iv) Maliciously to do any other act which is intended to substantially harm the person threatened with respect to his or her physical or mental health or safety; and (b) The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out.

At the hearing Mr. Blackburn asked for a stay of proceedings as no charges had been filed. I denied the request. Mr. Blackburn stated he said; "I could never do that I'm just venting." He said his girlfriend, Ms. Christian stated in her written report that he did say something about being mad enough to kill her but the next thing he said was he could never do that and that he was just venting. He said he never asked Ms. Wolf to pass this on to Ms. Blackburn and he really wasn't trying to threaten her. Mr. Blackburn stated Ms. Wolf was so fast to come to the conclusion that I was trying to threaten Shelly that she didn't even really listen to what I was

saying. She didn't hear the 2<sup>nd</sup> part. Mr. Blackburn stated Ms. Wolf must have thought "Oh my god I gotta hurry up and call Shelly and tell her that he's going to kill her."

Mr. Blackburn admitted he said "kill you". He also testified that Ms. Wolf didn't hear the 2<sup>nd</sup> part of his statement because she was thinking "Oh my god I gotta hurry up and call Shelly and tell her that he's going to kill her." This is an admission that he knew Ms. Wolf took the threat seriously. Ms. Blackburn testified that she took the threat seriously and the RCW fits this threatening behavior. Therefore, I found Mr. Blackburn guilty of allegation 1.

**Disposition:**

The CCO provided the following information regarding the offender's **adjustment** on supervision:

Community Corrections Officer Garner stated Mr. Blackburn is RMB with a LSI-R score of 30 who is in his 4<sup>th</sup> DOSA hearing process. The prior hearings addressed drug and alcohol use. He has had 2 stipulated agreements involving a dilute urinalysis and failure to attend treatment. Mr. Blackburn was released from prison 11-18-06 and maintained fairly steady employment in landscaping, construction and masonry. Mr. Blackburn completed ABHS treatment and within 1 day committed the current violation. Mr. Blackburn is a convicted methamphetamine cook and this is his 4<sup>th</sup> felony conviction. He has a past Assault 2.

The offender provided the following information regarding their **adjustment** on supervision:

Mr. Blackburn stated until the time of his arrest he was employed building homes and had side jobs as a mason. He said he had just completed the ABHS treatment program 5-13-08. He said he is tired of using drugs and is working hard to pay past bills.

The disposition **recommendation** of the CCO:

Community Corrections Officer Diekman recommended revocation in his report and Community Corrections Officer Garner concurred.

The disposition **recommendation** of the offender:

Mr. Blackburn recommended ABHS.

Hearing Officer **disposition**, decision, and reasons:

Mr. Blackburn is RMB with a LSI-R score of 30 who is in his 4<sup>th</sup> DOSA hearing process. The prior hearings addressed drug and alcohol use. He has had 2 stipulated agreements involving a

dilute urinalysis and failure to attend treatment. Mr. Blackburn was released from prison 11-18-06 and maintained fairly steady employment in landscaping, construction and masonry. Mr. Blackburn completed ABHS treatment and within 1 day committed the current violation. Mr. Blackburn is a convicted methamphetamine cook and this is his 4<sup>th</sup> felony conviction. He has a past Assault 2.

Since this is the 4<sup>th</sup> DOSA hearing with a serious violation there is no reason that the DOSA sentence should be maintained. I revoked the DOSA under Island County Cause 04-1000113-8. Records will determine revocable days. Mr. Blackburn is to obey facility rules and is to report to his Community Corrections Officer in person within 1 business day of release from confinement.



Robert LaLanne  
HEARING OFFICER SIGNATURE

DATE 5-29-08

09-229CC.doc

Distribution:  Prosecutor  Offender  County Clerk  
 Central File  Field File  Hearing File  
 Hearings Program Manager  
 Hearings Officer 2  
 ESRB for CCM only

# **APPENDIX G**

**BLACKBURN, DOUG**  
**DOC # 944347**  
**Hearing Date: June 23, 2008**  
**WAC Rule Violation:**

OFFICER: Good afternoon I'm Bob LaLanne the hearing officer I'm here to do a impartial administrative hearing

BLACKBURN: Okay.

OFFICER: CCO . . . .

[TAPE GOES OFF] [TAPE COMES BACK ON]

OFFICER: Mr. Blackburn, good afternoon I'm Bob LaLanne the hearing officer I'm here to do an impartial administrative hearing.

BLACKBURN: Okay

OFFICER: This is CCO Debra Garner uh Mr. Blackburn your date of birth please?

BLACKBURN: 9/6/63

OFFICER: Alright for the record this hearing involves Mr. Douglas Blackburn his DOC # is 944347. Uh and we're here under Island County Cause # 04-1-00113-8 um my prep heat notes that uh this was a community custody or is a community custody prison DOSA case with expiration date of approximately July 6<sup>th</sup>, 2010. I do not have the actual judgement and sentence in my packet um do you agree that you are on supervision or DOSA sentence?

BLACKBURN: Yes, yes I do sir.

OFFICER: Okay, we'll verify that at a later point uh the exact date of sentence and then the amount of community custody. Uh in any case we do have jurisdiction to proceed and as I said we'll verify the dates later. Uh we're at the Snohomish County Jail at May 27<sup>th</sup>, 2008 it's uh about 1:14 in the afternoon. [PAPER SHUFFLING] So Mr. Blackburn if you decide that you want to appeal my decision you file your appeal to that address within seven calendar days of my decision.

BLACKBURN: Okay.

OFFICER: And you uh cannot appeal the findings, but you can appeal the amount of sanction time.

BLACKBURN: Okay.

OFFICER: Also I want to make sure you were served properly. Uh prior to our meeting here today looking at the hearing rights waiver form and actually I have two copies here. Um one of them is the dated the 23<sup>rd</sup> is that your signature?

BLACKBURN: Yes it is.

OFFICER: Okay. And the other one is dated the 19<sup>th</sup> is that your signature?

BLACKBURN: Yes it is.

OFFICER: Okay. So you have had advance notice of the allegations against you.

BLACKBURN: Yes.

OFFICER: Do you understand the allegations?

BLACKBURN: Yes I do.

OFFICER: Okay. Also on these two forms it lists uh the paper work you were suppose to get in your packet and what evidence was going to be used . . .

BLACKBURN: Hmm' hmm

OFFICER: Against you.

BLACKBURN: Yes.

OFFICER: And you got both of those.

BLACKBURN: Yes I do.

OFFICER: Okay. Also on each of these forms it lists all of your rights, do you have any questions about your rights?

BLACKBURN: No sir I don't.

OFFICER: Okay. So just briefly when we start the hearing I'll ask CCO Garner to read the allegation after reading the allegation please enter your plea of either guilty or not guilty.

BLACKBURN: Okay.

OFFICER: He then will present whatever and you'll have a full chance to testify or explain which ever way you plead later.

BLACKBURN: Hmm' hmm'

OFFICER: Okay. He then will present her evidence including any witnesses. Once he's finished you have the right to ask questions.

BLACKBURN: Okay.

OFFICER: And then it will be your turn to present your evidence and do you have witnesses today?

BLACKBURN: Uh yeah, I do.

OFFICER: Okay, when we get to the point where you wish to call the witness it will be your responsibility let me know.

BLACKBURN: Okay.

OFFICER: Okay. Uh after your finish uh CCO Garner can ask questions and I can ask questions of anyone during the hearing.

BLACKBURN: Okay.

OFFICER: Okay. Uh after all the evidence is in then it will be my job to decide on guilt or innocence and in these hearings uh third party hearsay evidence is admissible evidence often times it's too weak though uh by itself to result any guilty finding. And the standard of evidence used in these hearings uh is called perponderence it just means that I have to decide is it more likely to happen or more likely it didn't happen or anything over fifty percent.

BLACKBURN: Okay.

OFFICER: If you're found not guilty of the allegation that releases your Island County hold and the hearing would be over. But if you are found guilty of the allegation [CLEARING THROAT] then we have another section where I'll get each of your opinions about overall adjustment on supervision uh to include release plans and resources. And then I'll get recommendations from each of you and then I'll make a decision based on a guide called Behavior response type.

GARNER: Okay

BLACKBURN: Okay.

OFFICER: I do want you to interrupt if CCO Garner, or myself use Department of Corrections abbreviations or terms that are new to you.

BLACKBURN: That I may not understand?

OFFICER: Yeah.

BLACKBURN: Okay.

OFFICER: Or that maybe you haven't even heard of before.

BLACKBURN: Okay.

OFFICER: There's so many of them. [LAUGHING]

BLACKBURN: Okay.

OFFICER: Okay. So did you have any questions before we start?

BLACKBURN: Uh, no I don't thank you.

OFFICER: Any preliminary matters at all?

GARNER: No.

OFFICER: Okay if you raise your right hands please? Do you swear from the testimony you are about to provide will be the truth, CCO Garner?

GARNER: I do.

OFFICER: Mr. Blackburn?

BLACKBURN: I do.

OFFICER: Great. Okay I'm going to have CCO Garner read the allegation and give your plea.

GARNER: Failure to obey all laws specifically threatening to kill Shelly Blackburn on or about um 5/14/08.

BLACKBURN: Uh not guilty.

OFFICER: Alright well Mr. Blackburn what I'm going to do now is have CCO Garner present her evidence. [PAPER SHUFFLING]

BLACKBURN: Um can I say something.

OFFICER: No. It's her turn.

BLACKBURN: Okay. [PAPER SHUFFLING]

GARNER: Um on 8/19/04 um sentenced in Island County Superior Court, at the time he was directed to obey all laws. Um after he was released from prison he signed the standard conditions um on 2/28/07 acknowledging his responsibility to obey all laws. Um on um 5/13/08 he completed ABHS um treatment program on 5/14 um he returned to Island County to live with his girlfriend Leanne Christianson and Mr. Blackburn went to his mother's, mother Gail's home (Blackburn's former residence) at 3022 Brentwood Place to pick up some of his belongings. Gail's caretaker Deanna Wolf was present at the home.

A short time later, Mr. Blackburn's sister-in-law Shelley Blackburn arrived at the house. A verbal altercation ensued between Mr. Blackburn and Shelley Blackburn when Shelley demanded Mr. Blackburn leave the property. Mr. Blackburn left the residence after Shelley threatened to call 911.

Promptly, approximately ten minutes after leaving the residence, Mr. Blackburn made a phone call to Deanna Wolf saying he (Mr. Blackburn) was upset and so aggravated with Shelley he could "kill her". Ms. Wolf took the threat seriously so she called Shelly to advise her of the threat. Ms. Wolf left Gail's home around 12:30p.m. to head towards her second job. Um there are attached um statement's from Deanna Wolf and Shelly Blackburn um dated 5/14/ and 5/15. Um [PAPER SHUFFLING]

BLACKBURN: Page 17 and page 15 I'm sorry page 15 is Deanna Wolf's statement and page

GARNER: Excuse me let me finish.

BLACKBURN: Oh I'm sorry.

GARNER: Um and so um I will um read to the record um a um statement um from Shelly Blackburn um I Shelley Blackburn certify that the following statement is true and correct. We live at 3022 Brentwood Place. It is 5 acres with two houses. In the upper (big) house is my mother-in-law and her developmentally disabled sister. My mother-in-law is elderly and in poor health and requires care givers

to come in to assist her. Her sister also has a care-givers to assist her. In the lower (small) house is my husband and myself.

My brother-in-law Douglas Blackburn is a life long meth addict and has just returned from yet another stint in rehab. He has been told numerous times he is not to come over without contacting his mother first and never when she is not at home. On May 14<sup>th</sup>, 2008 he came to the upper house. My mother-in-law was out of town visiting a relative. Her care-giver was at the house when he arrived. She stated that Doug was not to be there and needed to leave. When he did not, she contacted my husband at work, who then contacted me. I went up to the house told him to leave and that he was not to be there. He stated he was there to pick up some of his things. I said I didn't care that he needed to leave. He was in the spare bedroom and then entered his mom's room. I then told him he had no business in her room and had to threaten to call 911 before he would leave, which he did. I thought it was over, however, he then went down the road and called the care-giver, Deanna Wolf and wanted to know where his mom was and when she would be back. Deanna stated that she could not give out any information that it was not her place. He then stated that I was a "a fucking bitch" and he killed wanted to kill me " It was disturbing enough for Deanna to call me and I thought, then went to the OHPD to have it put on record. I then went to the probation officer Rob Diekman and wanted it put in the file there. Doug also went to Deanna's second job and harassed her there. She is six months pregnant and is afraid and uncomfortable around Doug and is considering leaving her job as care-giver due to yet another incident with Doug.

I take threats against my life very seriously and I'm not I am more concerned by the fact that we are dealing with this life long meth addict who is unpredictable and full of hatred towards me. I request a restraining order to help me feel safer in my home and to deter him from the continually, continued harassment against me. I would like to thank the court for your consideration in the embarrassing and upsetting family matter that we have found ourselves in signature um is Shelley Blackman

BLACKBURN: Blackburn.

GARNER: Blackburn, excuse me and um dated um second side 208.

BLACKBURN: 5/15

GARNER: 5/15/08 and that's the signature time. Um also there was a statement from um Deanna Wolf um 5/14/08 7:37p.m. I was on the phone with Gail's Doctor's office when Dough and a female friend walked in between 11:00a.m and 11:30

a.m. I got off the phone and called Don Blackburn and told him that his brother had shown up to property. He told me to ask him if he had permission to be there and if he if not to leave property. I asked Doug if he had permission to be here and he said he had Gail's permission and was getting his truck and radio and leaving. Five minutes later Shelley Blackburn walked in and asked where he was. I pointed towards the bedrooms. She told him he needed to leave he wasn't allowed on property, that there was papers stating this. Doug then went into his mother's bedroom. Shelley told him to get out of there and leave or she was going to call 911. Doug and female friend left not happy. Shelley stayed for about five minutes then left. Ten to fifteen minutes later Doug called saying he was upset and that Shelly was a stupid bitch cause there was no papers. He wanted his brother's cell phone number, I gave it to him. He then proceeded to ask me where his mother was at, location, return, etc. By law I can't discuss any information about her I told him this and he said he was so agre, agre um

BLACKBURN: Aggravated.

GARNER: Aggravated and that he was so aggravated with Shelley he could kill could kill her. I then called Shelley to let her know of the conversation and the threat he had made. I left Gail's house at 12:30p.m. to go to my second job which I arrived approximately 12:45 called Don to tell him I had left home. Went into work and was stopped by Doug in his truck to question me about his threat in which I didn't want to speak to him and I walked into my job. Shortly thereafter I received a call from the Sheriff's department and the Parole officer and that's signed um signature Deanna Wolf. [PAPER SHUFFLING] Um there is a note in the report that says Mr. Blackburn went to Miss Wolf's other job site to question her about the threat. Ms. Wolf did not want to speak to Mr. Blackburn and she walked into her job. Um later on 5/14 Mr. Blackburn reported to DOC and was arrested without incident um he was given his Miranda rights by Officer Carter um and agreed to discuss the threat. Mr. Blackburn reportedly did not mean to threaten her (Shelley Blackburn) and was not intending on killing her. Mr. Blackburn admitted saying something's to the affect "I feel so upset I could kill her". Over and over, Mr. Blackburn commented he had he did not mean to threaten her and did not intend on carrying out the threat. Um [PAPER SHUFFLING] There um I will need to call um the um CCO in Oak Harbor and um there is um a photo copy of the napkin but it's not very visible so I'll have to call on that um there also in the packet the Miranda warning rights and um [PAPER SHUFFLING] and then um there is a statement from Leanne Christenson [INAUDIBLE, PAPERS SHUFFLING AND BANGING ON THE TABLE] Um my name is Leanne Christianson I am Doug Blackburn's girlfriend. On the morning of May 14<sup>th</sup>, 2008 we had a friend drop us all at Doug's mom's house so that he could pick

up his truck and some clean clothes of his. He had already talked with his mom and she said that would be fine. I also had talked with her on mother's day and let her know I would be picking Doug up on Tuesday May 13<sup>th</sup> and also asked her if she could get me Doug's checking account

BLACKBURN: number . . .

GARNER: number, so that I deposit some money into his account. Mom called me back about 15 minutes later with the number and said she, she said she was glad Doug was feeling so positive. When he arrived at mom's home Alonna

BLACKBURN: Alanna

GARNER: Lonna was there. They said um . . .

BLACKBURN: Hi.

GARNER: Hi and then Doug and I went to his room to get some of his clothes when Shelley came in yelling that he (Doug) needed to the F out, that he had no F'ing right to be there and that she was calling the cops. Doug got his keys to his truck and picked up the bag um of his clothes three pairs of socks and two pairs of underpants and went to the truck. The whole time he is yelling um . . .

BLACKBURN: the whole time it was suppose to say Shelley is yelling but that's okay.

GARNER: I can not I can't make out the . . .

BLACKBURN: F'ing something . . .

GARNER: F'ing at there's several words in between and that she was calling the cops. The truck didn't start so we had to push it back so we could let it coast down the drive way. She stayed standing on the porch yelling. After we got the truck jump started . . .

BLACKBURN: at the neighbors.

GARNER: at the neighbors, Doug called back to his mom's house to get his brothers (Don's) cell number from his mom's care-giver. He did say something about being mad enough to kill her but the next thing he said was he could never do that an that he was just venting. He got Don's number and was able to talk to him. Um that was signed Leanne Christianson.

BLACKBURN: There's another page.

GARNER: And then up something was . . .

BLACKBURN: it was.

GARNER: it was.

BLACKBURN: brief.

GARNER: brief. Don said there was restrictions mom needed to be there if she came home or came there. We continued on with our things to do. As we went on our way to see Rob at DOC we got a call from Don yelling at Doug about threatening Shelley and Doug said he hadn't threatened anyone. Then Don said if it happened again they would really put a restraining order on Doug. We left DSHS on our way to DOC we ran into the care-giver and Doug asked her what was going on and with a smile she said . . .

BLACKBURN: that's what you said.

GARNER: that's what you said. When they went to DOC so Doug could check on, in and we were sitting there Shelly walked in with attitude.

BLACKBURN: Hmm' hmm'

GARNER: and Don left

BLACKBURN: and then

GARNER: oh and then left. Doug checked in and there the O um

BLACKBURN: OH

GARNER: OHPD took him away. And that was signed by Leanne Christianson on 5/14/08. [PAPER SHUFFLING] Okay [PAPER SHUFFLING] um I'd like to call Oak Harbor. [BACKGROUND NOISE] [PAPER SHUFFLING]

BLACKBURN: Craig Rob this is Debbie Garner and um we're in the middle of the hearing on Mr. Blackburn um in the hearing room is um Doug Blackburn, myself and the hearing officer Mr. La Lanne um I'm going to put you on speaker phone and um and um we'll go from there, hold on. Can you hear me?

CRAIG: Yeah, should I put my phone on speaker phone as well Shelley Blackburn's in my office?

GARNER: Um we can just wait for one second.

CRAIG: Okay, okay

OFFICER: Alright CCO Deikman uh I understand you are willing to testify in this matter?

Deikman: Yes.

OFFICER: Uh this is Bob LaLanne by the way [LAUGHING] uh do you swear and affirm the testimony you are about to provide will be the truth?

DEIKMAN: Yes.

OFFICER: And could you please just identify yourself for the record.

DEIKMAN: Uh Rob Deikman CCO3 Oak Harbor field office.

OFFICER: Okay, and did you want him to testify first or . . .

GARNER: That's fine.

OFFICER: Okay, so go ahead then.

GARNER: Um Rob there's um a um photo copy in the packet um that Mr. Blackburn, myself and Mr. La Lanne have I um did testify on the record statement's that I couldn't read what was on the um the napkin um do you have that, that you could clarify it?

DIEKMAN: Let me dig it out. The napkin that was found written on by Shelley Blackburn indicates Rob please call when you can Doug made a third party threat that he would want to kill me I made a report with the Sheriff.

GARNER: Okay. Thank you.

DIEKMAN: You're welcome.

OFFICER: Uh CCO Diekman just a just a technical point of business, we didn't receive the actual judgement and sentence. Do you have uh the judgement and sentence there with you?

DIEKMAN: I do.

OFFICER: And could you give me the date of sentence on that?

DIEKMAN: Date of sentence was 8/19 of 2004 for the cause that we're here for 04-1-00113-8.

OFFICER: Okay, and could you read the amount of community custody that was ordered?

DIEKMAN: That's 4.6 indicates that [INAUDIBLE] 42 months of community custody pursuant to the, it says the [INAUDIBLE] sentence.

OFFICER: Okay, thank you. Uh do you have any other questions for CCO Deikman?

GARNER: Um not at this time. Did you need that repeated on the napkin or anything that was written if you can't read it?

OFFICER: No.

GARNER: Okay.

OFFICER: Okay, so Mr. Blackburn did you have any questions for CCO Diekman?

BLACKBURN: No.

OFFICER: Alright, thank you CCO Diekman. Uh and

GARNER: Shelley Blackburn is there you said?

DIEKMAN: Yes, she's in my office.

GARNER: Okay, um and could you um you can put her on speaker phone at this time

DIEKMAN: Okay hold on one moment. And will I get a chance to say a few words at the end regarding this allegation?

OFFICER: Well sure if CCO would want you to.

GARNER: Yes.

OFFICER: Okay and hang on just a second [BOTH TALKING AT THE SAME TIME] just a second, just a second Mr. Blackburn you were trying to interrupt there for something?

BLACKBURN: Yes there is a restraining order that say's that I can not have any contact with Shelley, third party or not. I can not be in this room when you are talking to her.

SHELLEY: [INAUDIBLE]

GARNER: Okay, wait just one second.

DIEKMAN: Okay.

BLACKBURN: I will be breaking the law it says so in there. [PAPER SHUFFLING]

GARNER: When was this filed? Oh, hold on just one second.

DIEKMAN: Alright.

OFFICER: [INAUDIBLE] that applies in the hearing?

BLACKBURN: It say's that I can't talk to her no matter what, or they will bring charges against me.

GARNER: [INAUDIBLE] the warrant placed. This was just filed on [INAUDIBLE] next three days.

BLACKBURN: Here I'll show you [WHISPERING INAUDIBLE] yeah it's very clear right now.

GARNER: The [INAUDIBLE] date from the 28<sup>th</sup>. I don't believe for purposes, it say's um work and it say's um . . .

BLACKBURN: It say's can not talk to third party

OFFICER: What just let me read it please you've already made your point. Residence or work place?

BLACKBURN: Uh . . .

OFFICER: Residence or work place, well what I see here Mr. Blackburn is regarding the residence or work place, um okay [INAUDIBLE] residence and work place again. It does say indirectly or directly um but this is court type stuff so we're okay.

GARNER: Okay, um . . .

OFFICER: Go ahead.

GARNER: Um we were looking at um at a uh restraining petition um and so um Shelley are you there?

SHELLEY: Yes I am.

GARNER: Okay, um there are three people in the room and um it's Mr. Blackburn, Douglas, myself Debbie Garner I'm a Community Corrections Officer, and the hearing officer is Mr. Robert LaLanne. And so um we will have you sworn in first.

SHELLEY: Okay.

OFFICER: Uh Miss Blackburn, I understand that you are willing to testify and you understand that this is being recorded.

SHELLEY: Yes, I understand.

OFFICER: Alright, do you swear and affirm that the testimony you are about to provide will be the truth?

SHELLEY: Yes I do.

OFFICER: Alright, and could you just uh state your name and your relationship to uh Mr. Douglas Blackburn?

SHELLEY: My name is Shelley [INAUDIBLE] Blackburn and I'm married to Doug's brother Donald Blackburn.

OFFICER: Alright thank you, and um Mr. Blackburn I just want go ahead and say that um you know we're okay going ahead with this right now, but if your, if your concerned about that you don't have to say anything to her okay. Alright so uh CCO Garner go ahead.

GARNER: Um can you relate um we um do have a statement from you but could you relate the incident as it happened?

SHELLEY: Yes I can. Um I received a phone call on the morning of May 14<sup>th</sup> from my husband who was at work.

OFFICER: Miss Blackburn?

GARNER: MISS BLACK, WAIT, WAIT, SHELLEY?

OFFICER: MISS BLACKBURN?

SHELLEY: Big house or upper house

OFFICER: MISS BLACKBURN.

GARNER: SHELLEY

SHELLEY: my um sister

GARNER: SHELLEY

SHELLEY: my husband's aunt lived there and in the lower smaller house is my husband and I.

OFFICER: STOP.

SHELLEY: And he called me and said that Doug was at the big house the upper house and could I please go up there and tell him to leave.

OFFICER: CAN YOU HEAR ME?

DIEKMAN: Yeah, were you hearing Shelley?

OFFICER: No, I wanted to stop her but I don't think she heard me at all. [LAUGHING]

DIEKMAN: [INAUDIBLE] the first we heard of anybody.

OFFICER: Okay, um well we got a little problem here then uh but you can hear me okay now right?

DIEKMAN: Yeah,

OFFICER: Okay, I'm just going to leave the phone standing up. CCO Garner thought that perhaps I had forgotten to swear you in, I think I did.

DIEKMAN: Yeah you did.

SHELLEY: Yes you did.

OFFICER: Okay. So could you just start from the beginning again and we got the phone standing straight up now so we can probably stop you if we need to [LAUGHING]

SHELLEY: Okay.

OFFICER: Alright go ahead.

SHELLEY: Um my husband called that morning and said Doug was in the upper house and could I go up and ask him to leave. So I did I got up there and um Alanna my husband's aunt was there and so was my mother in-law's caregiver, the caregiver stated that he was at the back of the house and that she had asked him to leave and that he wouldn't and I proceeded down the hall [INAUDIBLE] he was in the spare bedroom with his girlfriend and he was pulling some stuff out I wasn't really paying attention to what. I said Doug you are not suppose to be here you need to leave. He said I'm just getting some stuff and I said I don't care you need to go. And uh we exchanged a couple of words wasn't a big deal I walked down the hallway I told him I would have to call 911 if he didn't leave. When I got to the end of the hallway into the kitchen area where the phone is I heard him open his mother's door [INAUDIBLE] so I picked up the phone um walked back down the hallway he was in his mom's bedroom pawing through her desk. I told him that he had no business being in his mom's room and he needed to leave right now and if he didn't then I would call 911. I turned the phone on and I very loudly said 9 as I clicked the button 1 as I clicked the button and he said okay, okay I found my keys I'm leaving, I'm leaving. I said good so I hung the phone up I followed him out on the front porch where um he got in his truck with his girlfriend. The truck battery was dead he said we'll talk about this later. I said "no we won't" and he proceeded to push the truck out of the driveway.

I thought it was over I went back down to my house and um about ten or fifteen minutes later I got phone the caregiver Deanna Wolf who I did get a statement from that Doug called her and um wanted to know where his mom was and when she would be back. The caregiver stated that she was not permitted to give out information like that, cause she would be home sometime the following the day, and that's all she could say. Doug then responded to her I'm [PAUSE] I'm might [INAUDIBLE] I was a fucking bitch and then wanted to kill me. [INAUDIBLE] it was enough for the caregiver had called me um makes her very uncomfortable as she is six months pregnant. So I went down to the Sheriff's department spoke to Deputy [INAUDIBLE] and made a report with him. Then when I came to um the, the DOC office Doug and his girlfriend were sitting in the lobby, I didn't want to be in the lobby with them waiting for Rob so I slipped Rob or the receptionist a little note saying call me when you can and uh he read through the note that I left and I was good to go. Then the next day I went to the Court house to file a restraining order.

OFFICER: Um one question I have is um is the mom's name Gail is um or is that the same person?

SHELLEY: Yes, absolutely.

OFFICER: Okay.

SHELLEY: You're welcome

OFFICER: Okay. Um did Mr. Blackburn at any point say that he had already talked to Gail?

SHELLEY: Yes, but the, the arrangement that we have long standing is that he is never suppose to come over when his mom isn't home.

OFFICER: Hmm' hmm"

SHELLEY: He is always suppose to call her right before he comes over.

OFFICER: Hmm' hmm"

SHELLEY: She was out of town she was out of the country, she was in Canada. So there's no way that he made arrangements with her to come over on that day. She would never agreed to him coming to the house when she was not there.

OFFICER: Okay. Uh you're saying all of that because of notes.

SHELLEY: Okay.

OFFICER: Um, when you, when Miss Wolf called you and told her when Miss Wolf called you and uh made, made the statement you know reiterated what Mr. Blackburn had said, uh how did you take that?

SHELLEY: Well at first I asked her to read to me please verbatim what he said because I didn't want it paraphrase, I didn't want it to just be something that was said possibly that she just misunderstood. I asked her to read to me verbatim what he said. Which she did and um Doug, Doug has a long history of hating me um he, he harbors, he harbors a deep hatred towards me and I took that very seriously when she told me, seriously enough to feel the need to go to the Sheriff's and the DOC. He has made a comment to my husband in the past about if um my husband doesn't get his bitch under control he plans to hurt me.

OFFICER: So did you feel threatened?

SHELLEY: I did.

OFFICER: Okay.

SHELLEY: And I still do.

OFFICER: Okay, um I don't have anymore questions did you have anymore questions?

GARNER: I don't have anymore.

OFFICER: I think Mr. Blackburn is writing down some questions that he would like to uh, no he's not. He's writing something anyway [LAUGHING] Okay so you have nothing for this witness? Okay. Uh Miss Blackburn I think uh everybody has asked you the questions that we need to ask you thank you very much for your testimony.

SHELLEY: Thank you.

OFFICER: And I guess we'll have you put CCO Diekman back on the line.

DIEKMAN: Okay, I'm on the line separate uh from the speaker.

OFFICER: Okay, great uh . . .

DIEKMAN: I do have a couple uh comments when and if the time is appropriate.

OFFICER: Okay, um I guess you uh my question let's see

DIEKMAN: Shelley what was that before I start I was going to join you um follow up with a couple of points and if they had [INAUDIBLE].

OFFICER: Okay, so and I want you to do that I want to also say well you know you have a uh a meeting with these people and want to get your hit on how these people felt as far as whether they felt really threatened or not. So if that's part of what you were getting to anyway fine, if not then answer that separate.

DIEKMAN: Uh that would be separate.

OFFICER: Okay.

DIEKMAN: So would you rather me start

OFFICER: Either way doesn't make any difference. [LAUGHING]

DIEKMAN: Okay I want to start with uh I want to follow up with the situation that happened and then stop me if it's already been um discussed I guess, but given the arrest on after um Mr. Blackburn was read his Miranda rights um I wanted to point out the car was part of discovery that he said something to the effect um he admitted that he had said something to the effect that I'm so angry um I'm sorry I read the upper one. I feel so upset I could kill. And so there was an admission after the Miranda rights were read. After the arrest on 5/14/08 and then um I can also comment cause I did see an outgoing to what you were asking.

Um in talking with Deanna by phone I wanted to you know it was a rather lengthy conversation and I had to uh go back a number of times because I wanted to make sure I was done getting that stuff accurately and what Deanna had said was that Mr. Blackburn said I am so aggravated with this I aggravated with Shelley I could kill her" I compare that to her statement which I have my [INAUDIBLE] of particular steps to her written statement of 5/14/08. He was so aggravated and then he was so aggravated with Shelley he could kill her which is basically that is the same thing.

Now in speaking with Shelley um it gets very clear that she's scared. Um there is a long standing history um Mr. Blackburn has made some very poor choices which have caused much conflict in the family um as uh Miss Blackburn has stated in her testimony that it's not the first time that Mr. Blackburn has made a threat and um things are progressing against [INAUDIBLE SOMETHING ZIPPING UP AND DOWN] what you see proceeds a dangerous fashion. These types of comments you know she takes very seriously and very careful. Mr. Blackburn has a long standing meth user he [PAPER SHUFFLING] to have prior confession for assault 2<sup>nd</sup> degree.

OFFICER: Okay will let's kind of stick to the stick to the facts around the allegation.

DIEKMAN: Okay, so . . .

OFFICER: Uh . . .

DIEKMAN: It was very clear to me that Miss Blackburn was and remains fearful and [INAUDIBLE] comments um about killing her very, very seriously and she is scared to death.

OFFICER: Mr. Blackburn I would appreciate if you would not speak while someone else is talking.

BLACKBURN: I'm sorry, I wasn't.

OFFICER: Yes you were.

BLACKBURN: I'm sorry.

OFFICER: Okay, so what was the last thing you said CCO Diekman?

DIEKMAN: I, I just I summarized uh my feelings regarding whether or not Shelley is Shelley Blackburn is fearful and also took the threats seriously, my answer is uh "yes she takes it very seriously and she's very scared uh for her safety with out a doubt"

OFFICER: Okay.

DIEKMAN: That is my answer I have one other comment I guess.

OFFICER: Go ahead.

DIEKMAN: In looking at RCW98.46.020 um you know it talks about person guilty of [INAUDIBLE] as I point out um four rule number four which indicates uh someone that maliciously can do any other act and to potentially harm a person threaten or other with respect to his or her physical or mental person and it goes on to say [INAUDIBLE] the person by which contact place a threatening reasonable fear as the threat would be carried out. I believe her there. I believe that [INAUDIBLE].

OFFICER: Alright anything else you wanted to say CCO Diekman?

DIEKMAN: No sir.

OFFICER: Um, did you want us to re-contact you at the adjustment phase?

DIEKMAN: Um, sure.

OFFICER: Okay, or if uh Mr. Blackburn doesn't have any problem . . .

DIEKMAN: I'm sorry

OFFICER: Huh?

DIEKMAN: I was just wondering if [INAUDIBLE] he has pretty good history my adjustment sanction Miss Garners won't take . . . um if Officer Garner's [INAUDIBLE]

OFFICER: Okay.

DIEKMAN: That would be fine.

OFFICER: Okay, works for us thank you very much for your testimony; oh hang on just a second. I guess this time around Mr. Blackburn does have a question for you.

DIEKMAN: Alright.

BLACKBURN: Yeah Mr. Diekman?

DIEKMAN: Yes.

BLACKBURN: I have a question um now I may not have heard right because I was trying to write some stuff down. But uh did I hear you say that I had threaten Sherry in the past?

DIEKMAN: Shelley Blackburn testified and you heard that there has been comments made in the past but .

BLACKBURN: Okay, so you, you haven't actually heard me threaten Shelley in the past.

OFFICER: No he didn't say that either.

DIEKMAN: No I didn't say that.

BLACKBURN: Oh, I'm s . . . I was writing something down I didn't understand. So you're saying that uh because Shelley said it bec . . . you're saying that Shelley said that I threatened her?

DIEKMAN: It was specified to you today on record by Shelley Blackburn.

BLACKBURN: Okay. Thank you.

OFFICER: CCO Diekman thank you very much for your testimony.

DIEKMAN: You're welcome.

OFFICER: Alright.

GARNER: Alright.

OFFICER: Good by now.

GARNER: Thank you.

DIEKMAN: Can I hang up know?

OFFICER: Yep.

GARNER: Yes.

DIEKMAN: Okay, good bye.

OFFICER: [LONG PAUSE] Hang on just a second here.

BLACKBURN: [INAUDIBLE]

GARNER: You can keep it.

BLACKBURN: Okay.

OFFICER: Hang on I just need to start another page here so . . . We'll get going here in a second I just have to start another page here. Uh CCO Garner were you finished with your testimony?

GARNER: Um Yes.

OFFICER: Alright Mr. Blackburn it's your turn.

BLACKBURN: Okay. [INAUDIBLE]

OFFICER: Sure.

BLACKBURN: Okay. Alright let me get some notes on the counter.

OFFICER: Okay.

BLACKBURN: As we're going through this.

OFFICER: Okay.

BLACKBURN: Alright um I have dyslexia so my communication isn't very well sometimes, so uh I wrote down how I wanted to proceed through this.

OFFICER: Okay. Now, before you do are you going to give me copies of that or . . .

BLACKBURN: I can if you want to make them, sure.

OFFICER: Okay.

BLACKBURN: I just don't have any copies.

OFFICER: It'll just uh no just go ahead.

BLACKBURN: Okay. First thing I wanted to ask is for a stay of proceedings for this case, okay the reason why I'm asking for a stay of proceedings is because there has not been any actual uh charges filed from the uh from the State of any kind.

OFFICER: Denied.

BLACKBURN: Okay. Denied. How do you spell denied?

OFFICER: D

GARNER: D -E-N-I

BLACKBURN: D-E-N-I

GARNER: E-D

BLACKBURN: E-D. Okay, alright uh there was a statement in the uh

OFFICER: Okay.

BLACKBURN: There was a statement in the uh alright I didn't see how you okay there statement that I made a third party threat that Rob wrote in here that I made a third party threat and that would be page 26 [PAPER SHUFFLING] one more, okay. Doug made a third party threat. He wants to kill to kill me. Okay, now I don't understand, I don't see how you can make a third party threat when you are not threatening the third party nor asking the third party to threaten them for you. Okay let me proceed on please and then we'll, okay uh let's see in Dee's statement uh notice nothing else was said after the allege threat, Dee did not want to expose the fact that I said I could never do that I'm just venting now if you refer back to page 19

OFFICER: Whoa did you say that?

BLACKBURN: Did I say what?

OFFICER: The second part that you were just venting.

BLACKBURN: Yes, I did yes and uh I have a witness saying I said this. That I was just venting, actually my word my exact words were uh I said I could never do that I'm just venting. Those were my exact words. [PAPER SHUFFLING] Now we refer back to Leann's statement which she was with me when I was talking to Dee on the phone. Okay and it say's right here let's see Leann's statement 19 1 or 1 later [INAUDIBLE] I could never do that that would be four okay, right here. Uh he did say something about being mad enough to kill her okay the next thing he said was he could never do that and that he was just venting ok here's a witness saying I'm saying this okay.

OFFICER: And that's your girlfriend's name is what Leanne?

BLACKBURN: Leanne Christian

OFFICER: Okay. Miss Christian.

BLACKBURN: Okay another thing I wanted to point out is well let me go through this step by step because I'll to it other wise I'll get confused.

OFFICER: Okay.

BLACKBURN: Okay, she was so fast to come to the conclusion (Dee) Dee, sorry.

OFFICER: This is Miss Wolf.

BLACKBURN: Right yeah Deanna is her name, so I call her Dee

OFFICER: Okay well let's try and stick with the last name if we can.

BLACKBURN: Okay. Wolf.

OFFICER: Okay.

BLACKBURN: I' sorry I didn't know how you did that. Okay. Wolf was so fast to come to the conclusion that I was threatening Sherry; she really even didn't listen to what I was saying. Okay now to move on okay. I

OFFICER: Because she didn't hear the second part

BLACKBURN: Exactly, she wasn't really hearing what I was trying to say she just heard uh kill and this is what I'm seeing okay, kill him oh my god I got to hurry up and call

Shelley that he's going to kill her. Okay, alright uh I didn't ask Dee to Shel to I'm sorry I didn't ask Dee to Shelley anything. I didn't tell Shelley I am going to kill you. I really didn't talk to Shelley about anything outside other than we were going to talk tomorrow morning which she did say that you know we're going to talk about this later and she said oh no we're not. Okay, I didn't tell Dee I am going to kill her. I did not tell Dee that's it Shelley's dead. I said I was uh aggravated not mad. Not pissed off, I was upset which is which can be referred back to this stuff if you want it's in there I was upset. Aggravated is not a word that I would use if I was mad. Okay, now there is no difference between what I said and what Rob says on page 24-5 here 24-5 I've been working very hard on this [PAPER SHUFFLING] 24-5, 24-5 okay Rob says Mr. Blackburn repeated Mr. Blackburn, Blackburn's repeated failure to get his life on track cause's the family much grief and heartache Mr. Blackburn burned bridges so to speak, now that is a expression so to speak. Mr. Blackburn burned bridges so to speak he's not saying I'm burning bridges or

OFFICER: Of course not.

BLACKBURN: Okay. Alright you understand what I'm trying to say there okay right.

OFFICER: You are trying to relate to your statement.

BLACKBURN: Right.

OFFICER: Yeah, okay I get it.

BLACKBURN: Okay, next [PAPER SHUFFLING] okay, ask alright on the porch let's get back to where I left off which would be number one okay, [INAUDIBLE] alright okay, Dee statement and Sherry's statement aren't even close to being the same for example. Dee says that she called Don and told him I was at the house. Don asked her to ask me if I had permission to be there if not to leave the property. I said I did have permission I did have my mother's permission. I said that I was getting my truck and a few things radio, clothes etc. and leaving. Okay, now Dee or Sherry say's and I wrote numbers so you can refer back to that if we need to. Did you want to refer back to that?

OFFICER: Yeah, well just yeah. Go ahead and tell your story.

BLACKBURN: Okay. Sherry came barging through the door yelling get the F out. That I had no Fucking right to be there and she was calling the cops, oh wait I got ahead of myself. Sherry stated that Dee said that I was not to be there and needed to leave. See Sherry in saying that Dee said that I need that I couldn't be there that I had to leave. And Dee said that she called Don and asked if I had

permission that it was okay. Okay and that's not what Shelly is saying here. I did have permission, so I did not have to leave. Sherry said Dee asked me to leave before she called Don at work. That's not true according to Dee's statement. Dee called Don before she even talked to me.

OFFICER: And what relevance is there to all of that?

BLACKBURN: Okay, well

OFFICER: To the treat to kill issue.

BLACKBURN: Okay to the threat to kill issue

OFFICER: Cuz that's all that we're really concerned about here.

BLACKBURN: Okay, okay I understand what you're saying and I'm trying to because that Shelley's saying some of the things that she said you heard her on the phone saying that I threatened her in the past and this and that. Her, her, her uh I need to work this right. Her character is she is trying to make me look worse than what I am is what I'm trying to say. She's trying to make this whole thing look a lot worse than what really happened. Okay the fact of the matter is um, um regards to what she said okay, I did say that I was just venting. I did say the fact that uh [PAPER SHUFFLING] [INAUDIBLE] with this back to right. I did say that I could never do that I'm just venting, those were my exact words after what I said. I am just making, I am just expressing myself, I am not actually telling Dee that I am going to kill her (Shelley) I was not trying to tell Dee that I'm killing Shelley, that was not my intent on any of this. It really wasn't sir. Swear to God. I was not trying to threaten Shelley. I am not that way, I have a letter from my mom here that I brought stating the fact about Shelley's character [INAUDIBLE] like you said Shelley's not the one on trial here I am okay, so you probably don't even want to read this. But the fact of the matter is she "even-stein" that she's been Shelley's been not wanting to come over to the house for a long time okay. But now she's

GARNER: Nope

OFFICER: Go ahead keep going.

BLACKBURN: Okay, what was she not suppose to read this?

GARNER: It doesn't matter

BLACKBURN: Okay. Anyways, alright um let me character my, the rest of my what I have [INAUDIBLE] okay.

OFFICER: Hmm' hmm''

BLACKBURN: Alright, first let's go back to here. I am out of order [LAUGHING] unfortunately

OFFICER: Well you're not expected to be.

BLACKBURN: [LAUGHING]

OFFICER: Just want to hear your story, that's all.

BLACKBURN: Alright, Shelley came barging through the door yelling get the F out. Okay, she came up to the house and she for no reason at all approached me very rudely and was yelling at me literally yelling at me swearing at me to leave. This is not her house she lives on the lower end of the house when I went over I did not drive over to her house I did not stop by her house I did not call her and say come over. Nothing, this is my mom's house that we were at, she just happens to live on the lower end of the property okay.

OFFICER: Hmm' hmm''

BLACKBURN: When she found out that I was there she came running up to the house apparently and came in the door and started yelling all this profanity that I had to leave when I had permission to be there. Okay.

OFFICER: That's, that's another issue I'm confused about.

BLACKBURN: Right.

OFFICER: Is how did she get permission to be there if . . .

BLACKBURN: Okay.

OFFICER: If your mom was out, out of this country?

BLACKBURN: Right that's one of the things I was writing down.

OFFICER: Okay.

BLACKBURN: When I was out of town okay. Before I came back home I called my mom two days before.

OFFICER: Wait, when, when did you talk to your mom?

BLACKBURN: Okay, I talked to my mom two days before uh before I got home. I got home on the 13<sup>th</sup> so it was two days before that.

OFFICER: On the eleventh of what?

BLACKBURN: On the eleventh.

OFFICER: Of what?

BLACKBURN: Around so it may have been the 10<sup>th</sup>.

OFFICER: Okay, of, of what month?

BLACKBURN: Oh, uh five on the fifth month. So this thing

OFFICER: Eleventh of May.

BLACKBURN: Yeah, so it was a couple of days before, matter of fact it says in, in the uh statement and I was getting to this. A couple of days before that uh [PAPER SHUFFLING] I ended up coming home and going over there. And she said that I could come over there and pick up my truck she said call first I did call first there was no answer, my mom's older she didn't answer the phone sometimes she works out in the yard a lot. You know so I just assume she was outside she didn't say anything about leaving okay. Uh apparently her sister or her cousin is dying so she had to leave uh quite quickly and went to Canada. Okay, well I didn't know she was going to Canada because I haven't talked to her since then.

OFFICER: Okay, that, that clears that.

BLACKBURN: Okay.

OFFICER: Okay.

BLACKBURN: Now it's very clear right in here uh right here he and I already talked with his mom and she said that that would be fine. I also have taken have talked with her and his mother.

OFFICER: Who is saying this?

BLACKBURN: This is Leanne.

OFFICER: Okay.

BLACKBURN: Okay, she already she talked to my mom to.

OFFICER: Okay.

BLACKBURN: She was asking her about check book and telling her that I was going to be home on the 13<sup>th</sup>.

OFFICER: Hmm' hmm''.

BLACKBURN: And she was excited and she had also verified that fact that my mom said it was okay that I came over and got my truck.

[TAPE STOPS]

[TAPE IS TURNED BACK ON]

GARNER: Who's this?

BLACKBURN: [INAUDIBLE] is exactly right. [PAPER SHUFFLING] I did say that I could never do that I'm just venting those were my exact words after what I said. I'm just need, I'm just expressing myself. I am not actually telling Dee that I'm going to kill Shelley. I was not trying to tell Dee that I'm killing Shelley. That was not my intent on any of this it really wasn't sir. I swear to God. I was not trying to threaten Shelley. I am not that way I have a letter from my mom here that I brought stating the fact about Shelley's torture I don't know I guess but you said Shelley is not the one on trial here I am okay. So, you probably don't even want to read this, but the fact of the matter is that she is even-steven that she's been Shelley has not been wanting me to come over to the house for a long time okay. But now she nope . . .

OFFICER: Go ahead, keep going.

BLACKBURN: Okay. What was she not suppose to read this?

GARNER: It doesn't matter.

BLACKBURN: Okay anyways alright [PAPER SHUFFLING] um let me clear through my the rest of my what I have on that okay?

OFFICER: Hmm' hmm''.

BLACKBURN: Alright huh first let's go back to here. I am not a lawyer [LAUGHING] unfortunately.

OFFICER: Well you are not expected to be.

BLACKBURN: So [LAUGHING]

OFFICER: We just want to hear your story that's all.

BLACKBURN: Alright, Shelley came barging through the door yelling get the F out. Okay, she came up to the house and she for no reason at all approached me very rudely and was yelling at me literally yelling at me swearing at me to leave. This is not her house she lives on the lower end of the house when I went over I did not drive over to her house I did not stop by her house I did not call her and say come over. Nothing, this is my mom's house that we were at, she just happens to live on the lower end of the property okay.

OFFICER: Hmm' hmm"

BLACKBURN: When she found out that I was there she came running up to the house apparently and came in the door and started yelling all this profanity that I had to leave when I had permission to be there. Okay.

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BLACKBURN: Right.

OFFICER: Is how did she get permission to be there if . . .

BLACKBURN: Okay.

OFFICER: If your mom was out, out of this country?

BLACKBURN: Right that's one of the things I was writing down.

OFFICER: Okay.

BLACKBURN: When I was out of town okay. Before I came back home I called my mom two days before.

OFFICER: Wait, when, when did you talk to your mom?

BLACKBURN: Okay, I talked to my mom two days before uh before I got home. I got home on the 13<sup>th</sup> so it was two days before that.

OFFICER: On the eleventh of what?

BLACKBURN: On the eleventh.

OFFICER: Of what?

BLACKBURN: Around so it may have been the 10<sup>th</sup>.

OFFICER: Okay, of, of what month?

BLACKBURN: Oh, uh five on the fifth month. So this thing

OFFICER: Eleventh of May.

BLACKBURN: Yeah, so it was a couple of days before, matter of fact it says in, in the uh statement and I was getting to this. A couple of days before that uh [PAPER SHUFFLING] I ended up coming home and going over there. And she said that I could come over there and pick up my truck she said call first I did call first there was no answer, my mom's older she didn't answer the phone sometimes she works out in the yard a lot. You know so I just assume she was outside she didn't say anything about leaving okay. Uh apparently her sister or her cousin is dying so she had to leave uh quite quickly and went to Canada. Okay, well I didn't know she was going to Canada because I haven't talked to her since then.

OFFICER: Okay, that, that clears that.

BLACKBURN: Okay.

OFFICER: Okay.

BLACKBURN: Now it's very clear right in here uh right here he and I already talked with his mom and she said that that would be fine. I also have taken have talked with her and his mother.

OFFICER: Who is saying this?

BLACKBURN: This is Leanne.

OFFICER: Okay.

BLACKBURN: Okay, she already she talked to my mom to.

OFFICER: Okay.

BLACKBURN: She was asking her about check book and telling her that I was going to be home on the 13<sup>th</sup>.

OFFICER: Hmm' hmm''.

BLACKBURN: And she was excited and she had also verified that fact that my mom said it was okay that I came over and got my truck.

OFFICER: But to call first.

BLACKBURN: Right. And I did call first okay, but there was no answer.

OFFICER: Okay.

BLACKBURN: Okay.

OFFICER: Okay.

BLACKBURN: Alright Shelley came barging through the door okay. I got the keys for the truck which were in my mom's room. Okay I needed to go in there. Cause when she came in here like that I'm nervous right I'm like oh my gosh why is she acting like that. So I went into my mom's room I couldn't find them in my room because I hadn't been there. Couldn't find the keys in my room so I knew where she kept my spare keys so I went into my mom's room I opened the drawer and grabbed the keys and I was leaving. I just wanted to leave I didn't want any issues and problems okay. So I went ahead and left or I went got in the truck I got the keys for the truck Leanne picked the bag up of clothes and we went out, out side to the truck. Shelley was yelling the whole time she was going to call the cops and swearing at me. She followed us out the out of the house to the porch and, and stood there still yelling, still yelling at us it was crazy. Okay, I did not say anything in the house other than we, we are leaving as soon as I get the keys. We went out to the truck as she was standing as she was standing on the porch. I said we will talk about, about me coming over here over later. When my mother gets back she said oh no we won't I said oh yes we will she said we'll see about that. I said yes we will.

OFFICER: Okay, but, but I don't see the relevance of this cause we are really focused on just one little issue here about the threat to kill.

BLACKBURN: Okay.

OFFICER: So bring it in around you know what ever how ever that relates to that.

BLACKBURN: Okay. Let's see [INAUDIBLE] nervous I okay, this, this is going to say how I felt before this phone call was made.

OFFICER: Okay.

BLACKBURN: Is that, is that . . .

OFFICER: Sure go ahead.

BLACKBURN: Okay, I stayed calm but nervous, okay you know calm, I wasn't mad or upset I was just nervous because she yelling to call the cops.

OFFICER: Hmm' hmm'.

BLACKBURN: I'm on probation and she knows that okay. I could stay calm but nervous I could not understand why she was acting like that. I didn't do anything wrong nor were there papers stating that I could be there, that I couldn't be there. Which, she says there was and there wasn't okay. I had permission, she was lying about the papers to antagonize me uh manipulate me. We got in the truck and tried to start it. The battery was dead blah, blah, blah, I got out to push it just like she said back so we could coast forward to get out of there. Okay now this is saying right here it's saying hey you know I'm just trying to leave this whole situation I am not trying to sit here and have any kind of any kind of uh confrontation with anybody okay. I'm, I'm literally me and my girl friend are pushing the truck backwards because we couldn't get it started to get out of this situation. You see, now I got out and asked the neighbor for a jump start for a jump, she said okay and then we drove off. Okay so we coast it down to the end of the drive way blah, blah, blah okay. Leanne and I were on the way to the DSHS office to get some paper work, some doctor paperwork. Okay and see this to, I'm not, I'm not leaving so irate I can't even think of what to do. I'm leaving to get my ADASA work so my ADASA papers came in I just got out of treatment I'm leaving to take care of what I need to do for the day. That's the only reason why I went over to the house to get my truck. Okay, I needed to drive around I'm not on the bus line. I needed to go see Rob you know because I have to check in. I needed it to get ADASA work set up and I needed to set up my treatment program. Okay, so those are the things that I'm thinking when I went over there to get my truck I didn't go over there to start anything with Shelley. Okay, a few thing uh but here we go I decided to call Dee to ask her for Don's phone number and she gave it to me. Then I asked her, I asked her why oh where my mom was and she wanted and she wouldn't tell me. Okay we discussed that.

OFFICER: Yes.

BLACKBURN: So I asked her why Shelley was acting like that to me? And she said she didn't know why she was or she didn't know why she was. Well Shelley was saying she was acting like that to me because Dee she said Dee I asked she told me to leave and I didn't. Okay do you understand that?

OFFICER: I'm all confused now.

BLACKBURN: Okay, I asked

OFFICER: What is your point?

BLACKBURN: Okay, uh well I'm asking Dee why Shelley was acting like that?

OFFICER: And Dee is?

BLACKBURN: And Dee is

OFFICER: Try and use the last names.

BLACKBURN: Alright. Wolf

OFFICER: This is, this is Wolf right

BLACKBURN: Wolf.

OFFICER: Okay.

BLACKBURN: Okay I'm sorry that's where I'm confusing you. I been going through this so much I'm used to using the first names.

OFFICER: Hmm' hmm".

BLACKBURN: Okay. I didn't realize I need to use the last name. Can I borrow your pen again for a minute again please?

OFFICER: Here.

BLACKBURN: I got it. Alright Mrs. Wolf, Wolf okay. And she didn't know why and she didn't know why she was. Okay then I said then allegedly I said that I was so aggravated with Shelley I could kill her. Okay even though I could never do that, I am just venting. Okay now these were my exact words.

OFFICER: Okay, now we've been through that about four times already.

BLACKBURN: Okay. I'll talk to mom later when she, when she gets home. Now what I don't understand when you refer back to Dee's statement uh Wolf's Mrs. Wolf's statement.

OFFICER: Hmm' hmm".

BLACKBURN: Sorry. Mrs. Wolf's statement why nothing at all she, you know she's pretty clear about the things she saying.

OFFICER: And what you are going to tell me is that she never mentioned the second part of your conversation which you've already mentioned to me before.

BLACKBURN: Okay. I'm sorry I'm not trying.

OFFICER: I've got it.

BLACKBURN: I'm trying to cover all of this stuff I'm not a lawyer I don't . . .

OFFICER: I know. I'm just telling you that I heard that message already.  
BLACKBURN: Alright and the fact that nothing was even said how the conversation ended here it just says uh okay it just says uh I think this is a very important part. It just says and he said he was so aggravated and that was so aggravated with Sherry he could kill her and then and then I called Shelley. It doesn't say she hung up it doesn't say anything about what was said or even what she said after that it just says kill her boom all of a sudden she calls Shelley.

OFFICER: Hmm' hmmm''.

BLACKBURN: Okay. I'm that's a very important issue I think okay.

OFFICER: I agree.

BLACKBURN: Thank you. Okay uh and I hung up shortly after, after that. Don called and told okay Don that's Shelley's wife. Don called and told me to never threaten his wife again or he was going to get a restraining order okay against me. I told him I never did threaten his wife when have you ever known me to threaten anyone ever before. I've never shown that behavior toward him or around him. And what Shelley is saying about me saying I told him you better get your blah, blah you know what she said in order, I don't know where she came up with that.

OFFICER: Okay.

BLACKBURN: I have no idea.

OFFICER: Alright.

BLACKBURN: I have never talked to Don like that. Alright anyways he just hung up. I couldn't understand what he was talking about so I, so I [INAUDIBLE] [PAPER SHUFFLING] so I tried to call him back and he wanted, he wouldn't answer. So I called mom's to talk to Dee, Dee was gone Kirst oh Anna was there she said Dee went to her second job at Radio Shack. Okay right down the road, so I went by there to find out if Dee was there. She was just getting out of her car so I pulled up behind her and asked why Don said I threatened Shelley. He said well you said you could kill her. Then she smiled and walked away. Now I think that is a very important part of the case. If she's really feeling like I'm threatening Shelley, why is she smil, smiling and walking away. Okay and, and uh when you have saw the same thing. And that's referred back to smiled and that's referred back to 4-1. Four, four-one right there. We left DSHS on the way to we ran into the caregiver and Doug asked her about what, what was uh I can't read that word on what was going on and with a smile she said that that's what she said.

OFFICER: Okay.

BLACKBURN: I mean here, here, here the caregiver is supposedly is so scared of me is smiling saying that's what she said. See I also want you to know that Wolf and Blackburn, Shelley are friends. Okay this here does not make sense and what

also does what else does not make sense is the fact that why she doesn't say in the report why which I've already, why she doesn't say anything what I said after

OFFICER: Okay, come on I don't want to hear that ever again okay.

BLACKBURN: Okay. Huh alright and walked away. Oh Shelley said I went over to Deanna's work and harassed her. Is that not correct? When we were when she was talking on the phone it's in her statement. Okay that I went to Deanna's work and harassed her.

OFFICER: Yeah, but you are not being charged with that though.

BLACKBURN: Okay, well, well I'm just trying to state the fact uh I'm just trying to state the fact that I didn't go to her work and harass her and if I would have I'm sure it would have been in her statement she made a very good point that I said that I killed said that I was threatening to kill Shelley. Okay so if I would have went to her work and harassed her it should be in there. I would think anyways I also want to point out one more thing and I did look it up and, and that is the definition of could. [PAPERS SHUFFLING] I need to find it.

OFFICER: The definition of what?

BLACKBURN: Could.

OFFICER: Could.

BLACKBURN: Yes because the wording is I could kill her. I've got it written down on the side of one of these papers okay, right here. Meaning of could might, may possibly, may, perhaps, can. None of these words are saying that I am going to do that. None of these words are saying I will. I think that is a very important issue about all of this, other than the fact of what I said afterwards. [MUMBLING] yeah I was sitting in the lobby waiting to see Rob afterwards and Shelley came in with an attitude just like you heard in that statement. I mean she had, she has it in for me I don't understand why. I mean to be perfectly honest with you I don't want to ever talk to her again. I would like, I'm going to stay away from her whether I get out of here or not [LAUGHING] I am going to stay away from her, she scares me. Minutes later she came back and

OFFICER: Oh I thought you were done? You're not done. You said one more thing and then [LAUGHING] and here we go again. Okay go ahead.

BLACKBURN: Uh this doesn't really refer to anything other than what happened after we went to Rob's office so it doesn't really refer to the threat.

OFFICER: Okay, good.

BLACKBURN: So you just want just keep this [INAUDIBLE] threat.

OFFICER: Yeah pretty much I think you've yeah. You said you have a witness. You said you wanted to call somebody?

BLACKBURN: Yeah that was Leann if you, you know you've got her statements.

OFFICER: Yeah.

BLACKBURN: If you uh if I need to call her to verify with what was said then yeah you can call her.

OFFICER: Um I don't have any reason to doubt that she has already written down would be what she would say now.

BLACKBURN: Okay. Then uh then I guess we don't need to call her.

OFFICER: Okay. Is there anything that you want to say before I make my decision?

BLACKBURN: Uh yes, I do want to say that seven years ago I was making a lot of mistakes I was doing a lot of drugs. Okay and I got found guilty of a charge. I, I plead guilty on a charge at something I was doing and I got a seven year sentence for it that I deserved. I have gone to prison for three and a half years I took DOSA because I have a drug problem. I have done treatment, I have done my classes I have done things I was suppose to do. I have had a couple relapses since I've been out of prison the last two years. There is no denial. I have had three relapses okay. I've gone, I've gone to treatment.

OFFICER: Okay hang on. That's more of your adjustment stuff. I just want to hear if there is anymore facts around um.

BLACKBURN: Oh okay, um no I don't think so.

OFFICER: Okay.

BLACKBURN: I think I've went over it one to many times already.

OFFICER: Okay, well . . .

BLACKBURN: I'm sorry if I . . .

OFFICER: Um, you've done a very good job of trying to show you know of what you really meant in all of this. Um what really matters though primarily is the perception of the person receiving it. And huh you've pretty much uh help me decide on your guilt when you said; well Miss Wolf didn't even hear the second part because she was so upset.

BLACKBURN: Yeah, I'm not denying that I didn't say that.

OFFICER: And so when you used the words could kill or something to that affect. It is the person on the receiving end that gets to decide how serious it was it is to be taken and she's took it so seriously and you said well yeah she was so upset that she didn't hear my second part. I'm finding you guilty of the allegation. So I'm going to ask CCO Garner now to review the department's view of over all adjustment on supervision uh

BLACKBURN: I just don't understand that

OFFICER: Uh Mr. Blackburn, hang on a second. Uh Mr. Blackburn we're done with that part um so it's CCO Garner's turn now

BLACKBURN: Alright.

OFFICER: To cover adjustment.

GARNER: Mr. Blackburn's adjustment to DOSA supervision started off fairly well and ended poorly. Released from prison on 11/18/06 and since release, he maintained fairly steadily employment in landscaping, construction and masonry fields.

The current offense is Manufacture and Possession of Methamphetamine. Mr. Blackburn was given an opportunity for a reduced sentence pursuant to the DOSA 2 (b). Since release, Mr. Blackburn received a verbal reprimand, two stipulated agreements, and, has had three prior full hearings, this being his fourth. The stipulated agreements addressed a dilute UA and failure to attend treatment as directed. The prior hearings addressed alcohol and drug use each.

Um now within one day of returning to Island County from inpatient chemical dependency treatment program ABHS. Mr. Blackburn made a treat to kill sister-in-law Shelley Blackburn. Mr. Blackburn has repeatedly said he had not intention of carrying out the threat and that he did not mean to threaten her. The fact is there has been long-standing tension in the Blackburn family regarding Mr. Blackburn's repeated failure to get his life on track, causing the family much grief and heartache. Mr. Blackburn burned bridges (so to speak) with his family to the point he was no longer allowed to reside on the property.

All threats to kill need to be taken seriously. Mr. Blackburn is a convicted Methamphetamine cook. Um he has numerous felony drug-related convictions stemmed, stemming back to 1988 and has a prior conviction for assault 2 sec, I mean Assault 2<sup>nd</sup> Degree. Mr. Blackburn's threat to kill his sister-in-law is not only unacceptable, it's against the law. [PAPER SHUFFLING] He is um [INAUDIBLE] the offender um this um his targeted intervention um has been um cognitive impairment um um he as mentioned he had Assault DB that was 99 um a theft 3<sup>rd</sup> Degree again he was taken [INAUDIBLE] from um a grocery store for meth purposes. Predominately um he has had drug and substance abuse issues alcohol and drug is high um on his OAP. Um 91 the assault 2<sup>nd</sup> had been reduce um from a rape in the 2<sup>nd</sup> to assault 2<sup>nd</sup> um he was at a party in Arlington um attended um was with an acquaintance um alcohol was being

consumed um Miss Astick um Miss Jenkins would follow him in her call to Everett because he was afraid he might have car problems, she agreed when they got close to Everett Blackburn maneuvered his car so that he was following Jenkins stop in the Motel where she was staying temporarily exited the vehicle went inside before she secured the door to her room Blackburn entered the room uninvited. Um and then um he's had other violation I mean arrests um in the Everett area um

BLACKBURN: What year was that?

GARNER: Um it say's 19 or 6/9/91 that the um event happened it says 6/8/01 so. Not sure how that was recorded from um I'm looking for any kind of employment history um . . .

BLACKBURN: I'm not sure what's in here but I've always worked.

OFFICER: Well you'll get your chance to talk about that in a second.

BLACKBURN: Okay.

GARNER: There isn't anything in there.

OFFICER: Anything else then?

GARNER: No.

OFFICER: Alright Mr. Blackburn your turn to talk to me about your perceptions on your adjustment on supervision.

BLACKBURN: Okay.

OFFICER: You said you had employed quite a bit?

BLACKBURN: Yes.

OFFICER: Okay were you employed before your arrest?

BLACKBURN: Uh yes I was.

OFFICER: Doing what?

BLACKBURN: Uh I was building houses with uh Quick and View Homes.

OFFICER: Okay.

BLACKBURN: And I also do uh side employment with a, with a Mason in Kirby Kinger. I do Masonry work to. When my other account gets done [RADIO OR OTHER PEOPLE TALKING CONSTANTLY THROUGH THIS]

OFFICER: Okay.

BLACKBURN: Um I ah have I have some [INAUDIBLE] I've been there a long time and I've been taking care of that. Um like I was saying earlier um one of the best things that has happen to me is uh when I had the chance to go to um ABHS this treatment program. I did really learn a lot it was really . . .

OFFICER: When did you go there?

BLACKBURN: Um I completed it on the 13<sup>th</sup>. I went there on uh

OFFICER: But you completed it just recently?

BLACKBURN: Yes.

OFFICER: The 13<sup>th</sup> of May?

BLACKBURN: Yes.

OFFICER: Okay.

BLACKBURN: And it was a really good program, it really was you know and when this happened and all of this came up you know really wanted to point out the fact that I didn't just run and go and try to get high or anything like that. I still made a very, very effort 100% effort into going take care of what I needed to. Okay I did not want to drugs again I am so tired, I am so tired. I really am and I am trying to make a change and I don't quite understand why this all came up but I guess [INAUDIBLE] [PAPERS SHUFFLING] why this came up and became an issue. The fact of the matter is I'm not going to let this change anything about the way I feel and what I've learned I'm not [INAUDIBLE] I am tired I'm going to I am in the process of changing my life and that's what I'm going to do.

OFFICER: Okay.

BLACKBURN: I work all the time I support myself I take care of my stuff because of my prior history. I have bills of course you know how that goes I'm sure. I have bills, garnishes, this and that I'm taking care you know I'm doing everything I can to take care of it.

OFFICER: Okay.

BLACKBURN: I would like to ask for a chance to go do, I mean as we both know that uh ABHS works well I'm not sure if you know I'm sorry. But they work on your behavior. They try to give you different ideas and different ways to behave and

to react to things okay and if possible I would really like the chance to go back there again and try to miss something I must missed because when I got out and she reacted like that I obviously from what you're say did not react as good as I should have. I really didn't apparently even though I said I didn't mean it I guess I shouldn't have said it at all. Okay, I didn't realize that saying that I don't mean it doesn't make what I said okay. Does that make sense?

OFFICER: Hmm' hmm".

BLACKBURN: Okay, um I would benefit for the fact to be able to go back there and try and second shot at this program sir I really believe it's a darn good program and I really, really learned a lot and going a second time through would not hurt me. I would learn just as I learned up to now. And I really hope that you give me that chance. While I was there I did not receive any write ups no dis, no diapla, disciplinary uh problems nothing I had a perfect stay I did all of my stuff I could graduated I learn a lot, but there are still more things that I can learn. And I'm really hoping that's what I, what I can get to do. [RADIO OR OTHER PEOPLE TALKING THROUGH THIS WHOLE TAPE].

OFFICER: Okay anything else you want to say?

BLACKBURN: I don't think so.

OFFICER: Alright, CCO Garner your recommend issue?

GARNER: Um that the DOSA 2 be revoked.

OFFICER: Okay, and Mr. Blackburn your recommendation is ABHS anything else?

BLACKBURN: Um just please take note that I have been trying.

OFFICER: I think it's very unfortunate that you know that you have been trying and then got into this mess uh

BLACKBURN: Please point out the fact I was, I'm not saying there's and excuse, but she was provoking me I mean you heard the way she was acting toward me.

OFFICER: Okay, you've had your chance now, now it's my turn I have to make my decision and ruling here. Um on a DOSA case you get um you get a lot of time off of your sentence. On the condition that you'll do treatment and stay clean and obey the law and this is now your fourth hearing, it used to be automatically that on your third hearing that you would get revoked and now this is your fourth with uh serious violation I am going to revoke your DOSA. Um records will determine the amount of time of the revocation of the start and end dates. Obey the facility rules and report to your CCO within one business day of your release. I will write this up and give you copies and [INAUDIBLE] just for the record under Island County Cause 04-1-00113-8. Then I'll go off the record.

I, Kathy Branam, hereby certify that I transcribed, to the best of my ability, a true and correct copy of the above Deposition from cassette tape.

EXECUTED this 24th day of December, 2008



---

KATHY BRANAM  
Office Assistant Lead

# **APPENDIX H**



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

HEARING AND DECISION APPEAL

Offender Name: Doug Blackburn DOC # 944347 Hearing Date: 5/27/08  
Hearing Officer: Robert LeLanne Hearing Location: Snohomish County Correction

COMMUNITY CUSTODY HEARING APPEAL

Reason for the Appeal: (Limited to the listed below per RCW 9.94A.737)  
PLEASE CHECK THOSE THAT APPLY:

- Sanction not Reasonably Related to the Crime of Conviction
- Sanction not Reasonably Related to the Violation Committed
- Sanction not Reasonably Related to the Risk of Re-offending
- Sanction not Reasonably Related to the Safety of the Community

NOTE: APPEAL'S PANEL FINDING IS LIMITED TO: Modify or reverse the decision

WORK RELEASE HEARING APPEAL

Reason for the Appeal: (Limited to the listed below per WAC 137-56-250)  
PLEASE CHECK THOSE THAT APPLY:

- Object to the procedures used
- Object to the information available to the Hearing Officer
- Object to the Hearing Officer decision

NOTE: APPEAL'S PANEL FINDING IS LIMITED TO: Modify to a lesser sanction, Reverse the Decision, Remand for rehearing

Describe Reason and/or Provide Supporting Evidence for the Appeal (Based on Reason Checked Above)

(I dont feel my hearing was fair.) or the Decision was (Just). I could not cross exzamen one of the Wittness, or Did they listen to a word I said. (please review.) tape The hearings officer was very rude. Kept cutting me off in the middle of my sentence. I do not Deserve to have my D.O.S.A. Revoked. The hearings Lady picked up a Letter that My mom sent me and started + Reading It, Robert yelled at her Because she Vilated my rights. The hearings was Unjust. I want anew hearings and a new hearings officer. I dont understand how I have Broken the Law + thier has not been Any charges Brought up on me. The Doc. charge is Failure to Obey all Laws I havent Broke any Lawes

This appeal must be mailed to the address listed below within seven (7) calendar days of receipt of the Hearing and Decision Summary. Appeals are heard approximately every two (2) weeks. Sanctions are NOT STAYED pending the outcome of an appeal.

DOC REGIONAL APPEALS PANEL  
HEARINGS UNIT  
1016 So. 28<sup>th</sup> ST. 3<sup>rd</sup> Floor  
TACOMA WA 98409

Received  
June 02, 2008

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

Doug Blackburn

Hearing and Decision Appeal.  
Since I haven't broken any  
laws and was still found guilty,  
I feel that revoking my D.O.S.A.  
was two extremely over sanctioned

I feel the time I have already  
done here should be enough.  
I've been here for two  
weeks. By the time you come  
up with a decision I'll have  
done some time. It's unknown  
how much time I'll have done.  
Please give me credit for time  
served and release me. Or  
at least reconsider the sanction.  
I do not deserve a D.O.S.A.  
Revoke. I have not broken  
any laws.

Doug Blackburn

D.O.C # 944347

I'll probably be at Shelton  
when you get this or by the  
time you make your decision.  
Please look in the computer. Thank You

# **APPENDIX I**

APPEALS Panel Hearings Unit

Please attach this to my Appeal  
Letter sent on 5/27/08 From  
Shohomish County Corrections to  
you from Douglas L Blackburn.  
All of my paper work is here and  
all the statements attached.

Please review very closely everything  
is included

Thank You

Doug Blackburn

Department of Corrections  
RECEIVED

JUN 05 2008

Western Hearings Appeals Unit

APPENDIX I

First: Ask For a stay of Proceedings  
No charges have Ben filled  
Denied 5/27/08 (1)

Refer to:  
Page 26  
Rob

I Don't see how you can make a  
therd Party thret, When you as not  
threting the therd party, Nor asking  
the therd party to thretin them for  
you

Page 17  
Lean

In Wolf's statement notice nothing  
else was said after the eliged  
thret. Wolf did not want to exclose  
the fact that I said (I could  
never do that) (I'm Just Venting)

Wolf  
Page 19  
-4

She was so fast to come to the  
conclusen that I was threting  
Shelly, (When I wasn't) She didn't  
even rely listen to what I was saying.

Page  
17  
4-2  
Lean

I didn't ask Wolf to tell shelly  
aneg thing.

Page 17-4D  
Page 19-4L  
Page 23-4R  
Page 26-4R

I didn't tell shelly I am going to  
kill you.  
I rely didn't talk to shelly about  
any thing, Outher than we weer going  
to talk to mom latter.  
I didn't tell Wolf I am going to

2

Kill her.

I didn't tell wolf (thats it)

Shelly's dead.

I said I was aggrerated not mad

Not Pist off. I was Aggrerated

Aggrerated is not a word that I would use if I was mad.

Ther is no difrents Between what I said than what Diekman says on page 24-5

First:

(3)

- (A) Ask for a stay of Proceedings  
There has Ben No charges filed
- (B) Let the fact Be known that  
I cant have a fair hearing  
if I cant even cross exzamen  
shelly Because I cant talk  
to her throw a therd party  
or throw the phone or any  
outther means of cummunication.  
Then how can I have a fair  
herring when my rite is to Be  
able to cross exzamen the  
witnesses. Thers a restraining order  
agenst me for something I didnt Do.  
Wolf's Statement & Shelly Blackburn  
Statement arnt even close  
to Being the same for exzapall
- (C)

Wolf sayes that she called  
Don and told him I was at  
the house. Don asked her  
to ask me if I had  
permission to be their, if not  
to leve the property. I said  
I did have my mothers  
permission. I said that I  
was getting my truck and

(172)

refer to page  
17 - 1 Deel  
(17)

(4)

Page 15 - Shelly  
Page 19 - Lean  
Page 17 - Wolf

a few things, radio, cloths.  
Shelly stated that Wolf said I was not to be there and needed to leave (I did have permission so I did not have to leave) Shelly said Wolf asked me to leave before she called Don at Work. That's not true according to Wolf's statement.

-2  
-21

Page 12 - Lean  
Page 15 - Shelly  
Page 17 - Wolf

Shelly came barging through the door, yelling get the fu. out. That I had no f-ing rite to be there and she was calling

-21

Page 15 - Shelly  
Page 17 - Wolf

the cops. I got the keys for the truck. Lean picked up the bag of cloths, and we went out side the truck. Shelly was yelling the whole time she was going to call the cops and swarring at me.

-22

Page 11 - Lean  
Page 26 - Rob

She followed us out of the house to the porch and stood there still yelling. I didn't say anything in the house other than we are leaving as soon as I get my keys. We went out to the

-3

Because it wasn't  
to there Benifit  
It would Just make  
her Look Bad

(5)

On the porch I said we will  
talk about me comming over latter  
when my mounther gets back. She  
said oh no we wont, I said  
oh yes we will, she said [we'll  
see about that,] I said yes we  
will. I stayed calm but nevers.

I could not understand why she  
was acting like that. I didnt  
Do aneything rong, nor were there  
papers stating that I couldnt  
be thier. I had permishion. She

was lieing about the pappers  
to intaganize me. Manipyoukete me

We got in the truck and tried  
to start it. The battery was dead  
so Lean & I got out to push the  
truck Back, so we could Cost  
forward to get out of thier. We  
coasted to the end of the  
Driveway and then stoped. I got  
out and asked the nabour for a  
Jump, she said ok and then we  
drove off. Lean and I were on

the way to the D.S.H.S offic to  
get some proper work

Shelly or Dee said  
nothing about the way shelly  
tried me on the front  
porch (why not  
the papers  
net statement  
Shelly have  
anything about  
the papers  
why doesnt  
Shelly

Page 17-2-3  
Page 19-1

Page 19-2-4  
Page 26-2-2  
Page 15-2-1

Page 26  
2-5

~~2-3-19~~  
 I decided to call Wore to ask her for Don's phone number and she gave it to me. Then I asked her what my mom was and she wouldn't tell me, so I asked her why Shelly was acting like that to me, and she said she didn't know why she was. Then

elegitly I said that I was so Aggravated with Shelly I could kill her. Even though I could never do that. I'm just venting. I'll talk to mom later when she gets home. And I hung up. Shortly after that Don called and told me to never threaten his wife again or he was going to get a restraining order against me. I told him I never did threaten his wife when have you ever know me to ever threaten anyone ever before. He just hung up. I couldn't understand what he was talking about so I

Page 19  
 Page 15  
 Page 26

Page 19  
 Page 15  
 Page 26

Page 19  
 Page 15  
 Page 26

(7)

Page 17  
Page 18  
Page 23  
Dec 4-1  
Dec 4-1  
Dec 4-1  
Shelly  
Rob

Tried to call him back and he wouldn't answer. so I called moms to talk to Wolf. (Wolf was gone) Just Alanna was there she said Wolf went to her secant job at Radio Shack. We were Rite Down the road so I went by thier to find out if Wolf was thier. She was just getting out of her car. so I pulled up behind her and asked her why Don said I threatened Shelly. Wolf said Well you said you could kill her. Then she smiled and walked away. I said oh my god are you sefeis and Drove away. She went into work. Lean

and I went to see Rob my P.O. we both sat in the lobie waiting to see Rob. then Shelly came in. She wanted to talk to Rob he was Buisy. So she waited out in her car. About 5 or 10

(8)

minutes later she came back in, this time she had a napkin in her hand. It must of had her phone number on it. Shelly gave it to the secretary and said since Rob is to buy a car to see me, I'm going to leave my number with him so he can call me. I never said a word to her neither did Lean. She went back out to her car and left. Lean & I sat in the waiting room for quite a while finally Rob asked me to come in. I asked if Lean could come too, he said no. We went in the back of the building to the Bathroom so I could give a U.A. It was going to be clean because I haven't used (Nor do I want to.) He asked me how treatment was and I said grate it was the best thing that's ever happen to me. I learned a lot. We were

(9)

walking back to his office and then I sat down. I started to talk to him and he asked me to hold on a minute he was trying to enter stuff in the computer.

Then a oak harbor police officer come to his door to arrest me. He said stand up so I can put the hand cuffs on you. I said what for he said for thretting shelly. I said I didnt thretten her. Lisa asked me if I wonted to talk about it. I said yes and she said (you do), I said yes. I did not thretten her.

I said over and over then thay took me to Jail. The only reson I went to my mothers house was to get my truck so I could take care of my responsibility. Going to see my P.O., Going to D.S.H.S., Going to

10

check in with Connors Health  
for my treatment program, going  
to meetings. I do not live  
on a bus line so I have  
to drive or move. I had  
permission to go there. I was not  
going there to threaten or  
harass Shelly at all. I drove  
by her house. I didn't call  
her. I didn't even want to  
see her. I just wanted  
my truck! In all reality  
Shelly was the one harassing  
me. Threatening to call the  
cops on me when I didn't  
do anything wrong. Following  
me around swarming at me  
trying to provoke me. Having  
a temper-tantrum that I  
was there.

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

5.4 RESTITUTION HEARING.

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

5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634.

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

Cross off if not applicable:

~~6.7 SEX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.200. Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.130, you are required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.~~

~~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 being co-located 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 20 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 that 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 out of Washington State, you must also send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington State.~~

~~If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination.~~

~~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 coming 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 weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require you to list the locations where you have stayed during the last~~

707 99P257

seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

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

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

- 5.8  The court finds that Count \_\_\_\_\_ is a felony in the commission of which a motor vehicle was used. The court clerk is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.
- 5.9 OTHER: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Bail is hereby exonerated in this matter if applicable.

DONE in Open Court and in the presence of the defendant this date: 8-19-04

*Dickie L. Churchill*  
 JUDGE Print name: \_\_\_\_\_

*M. L. Carter*  
 Deputy Prosecuting Attorney  
 WSBA #26432, OIN 91047  
 Print name: Margot L. Carter

*Thomas Pacher*  
 Attorney for Defendant  
 WSBA #18273  
 Print name: Thomas Pacher

*Douglas Lewis Blackburn*  
 Defendant  
 Print name: Douglas Lewis Blackburn  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_

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

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CAUSE NUMBER of this case: 04-1-00113-8

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

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

Clerk of said County and State, by: \_\_\_\_\_, Deputy Clerk

IDENTIFICATION OF DEFENDANT

SID No. WA12172773  
(If no SID take fingerprint card for State Patrol)

Date of Birth: 09/06/1963

FBI No. 279925AA0

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

PCN No. 006023827

Other \_\_\_\_\_

Alias name, SSN, DOB: 537-82-2372

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

FINGERPRINTS I attest that I saw the same defendant who appeared in Court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk Duff P. ... Dated: 8/19/04

DEFENDANT'S SIGNATURE: Doug ... Island

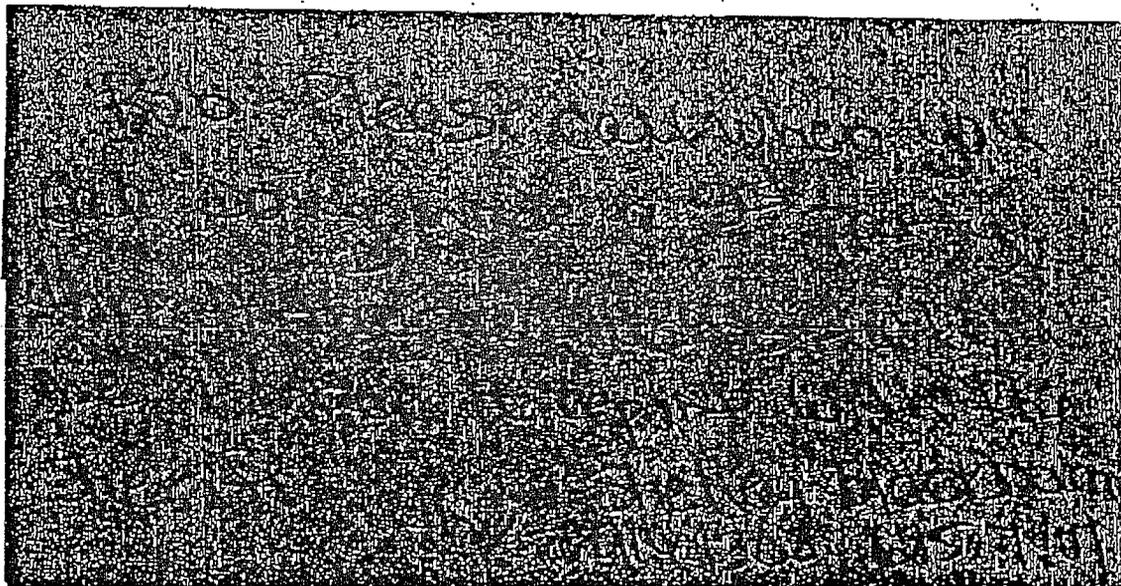
Left four fingers taken simultaneously	Left Thumb	Right Thumb	Right four fingers taken simultaneously
--	------------	-------------	---



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This is a photo copy of the NAPKIN STATEMENT  
WRITTEN & submitted by Shelley BLACKBURN ON  
5-14-08 to OAK HARBOR DOC.

CCO: *[Signature]*  
5-14-08



I, Shelley Blackburn certify that the following statement is true and correct.

We live at 3022 Brentwood Place. It is 5 acres with two houses. In the upper (big) house is my mother-in-law and her developmentally disabled sister. My mother-in-law is elderly and in poor health and requires care-givers to come in to assist her. Her sister also has care-givers to assist her. In the lower (small) house is my husband and myself.

My brother-in-law Douglas Blackburn is a life long meth addict and has just returned from yet another stint in rehab. He has been told numerous times he is not to come over without contacting his mother first and never when she is not home. On May 14<sup>th</sup>, 2008, he came to the upper house. My mother-in-law was out of town visiting a relative. Her care-giver was at the house when he arrived. She stated that

Doug was not to be there and needed to leave. When he did not, she contacted my husband at work, who then contacted me. I went up to the house and told him to leave and that he was not to be there. He stated he was there to pick up some of his things. I said I didn't care that he needed to leave. He was in the spare bedroom and then entered his mom's room. I then told him he had no business in her room and had to threaten calling 911 before he would leave, which he did. I thought it was over, however, he then went down the road and called the care-giver, Deanna Wolf and wanted to know where his mom was and when she would be back. Deanna stated that she could not give out any information that is was not her place. He then stated that I was "a fucking bitch" and he wanted to kill me." It was disturbing enough for Deanna to call me and I then went to the OHPD to have it put on record. I then went to his probation officer Rob Diekman and also wanted it put on file there. Doug also went to Deanna's 2<sup>nd</sup> job and harassed her there. She is 6 months pregnant and is afraid and uncomfortable around Doug and is considering leaving her job as care-giver due to yet another incident with Doug.

1 -

-1

2-1 -

-2-1

2-3

2-3

4 -

-4

4-1

4-1

Page (16)

shelley

I take threats against my life very seriously and am more concerned by the fact that we are dealing with this life long meth addict who is unpredictable and full of hatred towards me. I request a restraining order to help me feel safer in my home and to deter him from the continued harassment against me.

---

I would like to thank the court for your consideration in the embarrassing and upsetting family matter that we have found ourselves in.

Sincerely,

*S Blackburn*

5/15/08

Shelley D. Blackburn

Home: [REDACTED]

Cell: [REDACTED]

5/11/05 4:37pm

1

2-1

2-4

2-3

4

4-2

4-1

I was on phone with Ail's Dr.'s office when Doug and female friend washed in between 11am and 11:30 am. I got off phone and called Don Blackburn and told him that his brother had shown up to property. He told me to ask him if he had permission to be there and if not to leave property. I asked Doug if he had permission to be here and he said he had ~~his~~ Ail's permission and was getting his truck & radio and leaving 5 minutes later. Shelley Blackburn walked in and asked where he was I pointed towards the bedrooms. She told him he needed to leave he wasn't allowed on property that there was papers stating this. Doug then went into his mother's bedroom. Shelley told him to get out of there and leave or she was going to call 911. Doug & female friend left 10-15 minutes later. Doug called saying he was upset and that Shelley was a stupid bitch cause there was no papers. He wanted his brothers cellphone number I gave it to him. He then proceeded to ask me where his mother was at location, return, etc. By law I can't discuss any information about her. I told him this and he said he was so aggravated and that he was so aggravated with Shelley he could ~~kill her~~ then called Shelley to let her know of the conversation and the threat he had made. I left Ail's house at 12:30 pm to go to my second job in which I arrived approximately 1:05 pm to tell him I had left my home. I went into work and was stopped by Doug in his ~~white~~ truck to question me about his threat in which I didn't want to speak to him and lurked in a my job shortly thereafter. I received a call from the Sheriff's department and the ~~Parole~~ Parole officer.

Dolma [Signature]

18



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

MIRANDA WARNING WAIVER

Douglas Blackburn  
Offender Name

944347  
DOC Number

1. You have the right to remain silent.
2. Anything you say can be used against you in a court of law.
3. You have the right at this time to talk to a lawyer and have him/her present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

WAIVER

After the warning and in order to secure a waiver, the following questions should be asked and an affirmative reply secured to each question.\*

1. Do you understand each of these rights I have explained to you?
2. Having these rights in mind, do you wish to talk to us now?

Regardless of Miranda applicability, Washington State requires that the following advisement be given to every person taken into custody:

You have the right to Counsel. If you are unable to pay for Counsel, you are entitled to have one provided without charge.

ADDITIONAL WARNING TO JUVENILE

If you are under the age of 18, anything you say can be used against you in a juvenile court prosecution for a juvenile offense and can also be used against you in an adult court criminal prosecution if the juvenile court decides that you are to be tried as an adult.

\*I have been given the Miranda warning on 5-14-08 Date. I understand each of the rights explained to me. I am willing to talk to the Community Corrections Officer now.

in cuffs unable to sign  
Offender's Signature

5-14-08  
Date

[Signature]  
CCO'S Signature

5-14-08  
Date

[Signature]  
Witness's Signature

5-14-08  
Date

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



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS  
OFFICE OF CORRECTIONAL OPERATIONS  
OAK HARBOR OFFICE

499 NE Midway Blvd - Suite #1 - Oak Harbor, Washington 98277 - (360) 675-9031  
1-888-801-6618 FAX (360) 675-2556

My name is Leanna Christian, I am Doug Blackburns girlfriend. On the morning of May 14<sup>th</sup> 2008 we had a friend drop us off at Doug's moms house so that he could pick up his truck and some clean clothes of his. He had already talked with his mom and she said that would be fine. I also had talked with her on mothers day and let her know I would be picking Doug up on tue. May 13<sup>th</sup> I also ask her if she could get me Doug's checking account # so that I deposit some money into his account. Mom called me back about 15 min. later with the # and she said she was glad I was feeling so positive. When we arrived at his moms house Alonna was there, they said hi and then Doug and I went to his room to get some of his clothes when Shelby came in yelling that he (Doug) needed to get the F. out, that he had no fing. I right to be there and she was calling the cops. Doug got the keys to his truck, I picked up the bag of his clothes 3 pairs of socks and 2 pairs of undr pants and we went to his truck. The hole time is yelling fits fists at us and that she was calling the cops. The truck didn't start so we had to push it back so we could let it coast down the driveway. She stayed standing on the porch yelling. After we got the truck started jump started the neighbors Doug called back to his moms house to get his brother (Dons) cell # from from his mom care giver. He did say something about being mad enough to kill her but she never said was he could never do that and that he was just venting. He got Dons # and was able to talk to him.

"Working Together for SAFE Communities"

Leanna Christian

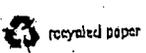


STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS  
OFFICE OF CORRECTIONAL OPERATIONS  
OAK HARBOR OFFICE

499 NE Midway Blvd • Suite #1 • Oak Harbor, Washington 98277 • (360) 675-9031  
1-888-801-6618 FAX (360) 675-2556

It was brief. Don said there were restrictions, from needed to  
be there if he come there. we continued on with our things to  
do. As we were on our way to see Rob a D.O.C, we got a call  
from Don yelling at Doug about threatening Shelly and Doug  
said he hadn't threaten anyone. then Don said if it happened  
again they would really put a restraining order on Doug. We left  
DASH on our way to D.O.C. we ran into the core giver and  
Doug ask her about what was going on and with a snide she said  
that's what you said. we then went to D.O.C. so Doug could check  
and as we were sitting there Shelly walked in with an attorney  
and she left. Dorey check in and then OHPD took him away.

Leanna Christian  
Leanna Christian 5/14/08



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STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

**DOC-REPORT OF ALLEGED VIOLATION**

**REPORT TO:** DOC Hearing Unit  
**OFFENDER NAME:** BLACKBURN, Douglas  
**AKA:** Blackburn, Douglas Louis  
Blackburn, Doug  
**CRIME:** Drugs-Mfg, Deliver, Poss.  
**SENTENCE:** 9-12 months community custody  
(if revoked)  
**LAST KNOWN ADDRESS:** 1389 N. Zylstra Road  
Oak Harbor, WA 98277  
**MAILING ADDRESS:**

**DATE:** 5/15/2008  
**DOC NUMBER:** 944347  
**FOS NUMBER:**  
**DOB:** 09/06/1963  
**Island COUNTY CAUSE #:** 04-1-00113-8  
(AD)  
**DATE OF SENTENCE:** 08/19/04  
**TERMINATION DATE:** 06/06/2010  
**STATUS:** Active  
**CLASSIFICATION:** RMB

**PREVIOUS ACTION:**

**COMMUNITY SERVICES TOLLING - SRA & PAROLE**

Tolling Type	Action Date	Start Date	End Date	Days
SANC/TOLLS	09/07/2007	09/07/2007	09/26/2007	19
NONDOCCONF	03/20/2008	03/20/2008	03/21/2008	1
SANC/TOLLS	03/21/2008	03/21/2008	04/15/2008	25

**STIPULATED AGREEMENTS**

Violation Date : 08/22/2007  
 Violation(s) : ABIDE UA/BA MONITORING  
 Agreement Date : 08/31/2007  
 Sanction(s) : ENHANCED SUPERVISION  
 Days Ordered/Suspended : 000 / 000

Violation Date : 02/14/2008  
 Violation(s) : NON PARTICIP. TRT/COUNSELING  
 Agreement Date : 02/20/2008  
 Sanction(s) : DAILY REPORTING  
 Days Ordered/Suspended : 000 / 000

**COMMUNITY CUSTODY HEARINGS/NEGOTIATED SANCTIONS**

Violation Date	Conditions Violated	Hearing Group	Hearing Date	Sanctions	Days Ordered/Suspended	Sanction Start Date
08/29/2007	USING CONTROLLED SUBSTANCE	01				
08/29/2007		01	09/26/2007	DEPT SANC (CONF DOP FACILITY); INCREASED UAS; SOBER SUPPORT GROUP	0019/0000	09/07/07
09/26/2007	USING CONTROLLED SUBSTANCE	02				
11/01/2007	CONSUMING ALCOHOL; USING CONTROLLED SUBSTANCE	02				
11/01/2007		02	12/04/2007	INCREASED REPORTING; THINKING REPORTS; CHEM DEPEND EVAL AND FOLLOW-UP	0000/0000	12/04/07
03/05/2008	ABIDE UA/BA MONITORING	03				
03/11/2008	USING CONTROLLED SUBSTANCE	03				
03/13/2008	UNAPPROVED EMPLOY/RESIDE CHGE	03				
03/13/2008		03	04/02/2008	DEPT SANC (CONF DOP FACILITY); INPATIENT TREATMENT	0039/0000	03/20/08

**ALLEGATION(S) SPECIFIED:**

The above-named offender has violated conditions of supervision by:

ALLEGATION #1

Failure to obey all laws; specifically, threatening to kill Shelley Blackburn on 5/14/08

WITNESS(ES):

- 1) CCO Rob Diekman
- 2) Shelley Blackburn
- 3) Deanna Wolf

SUPPORTING EVIDENCE:

On 8/19/04, Douglas Blackburn was sentenced in Island County Superior Court. At that time, he was directed to obey all laws.

After releasing from prison an intake was completed. On 2/28/07, Douglas Blackburn signed the Department's Standard Conditions, Requirements and Instruction form, acknowledging his responsibility to obey all laws

Mr. Blackburn completed American Behavioral and Health Sciences (ABHS) treatment program on or about 5/13/08. On 5/14/08, Mr. Blackburn returned to Island County to reside with his girlfriend Leanna Christian. Mr. Blackburn went to his mother Gail's home (Blackburn's former residence) at 3022 Brentwood Place to pick up some of his belongings. Gail's caretaker Deanna Wolf was present at the home.

2-1-	A short time later, Mr. Blackburn's sister-in-law Shelley Blackburn arrived at the house. A verbal altercation ensued between Mr. Blackburn and Shelley Blackburn when Shelley demanded Mr. Blackburn leave the property. Mr. Blackburn left the residence after Shelley threatened to call 911. <i>I was already leaving</i>	-2-1
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4-	Approximately 10 minutes after leaving the residence, Mr. Blackburn made a phone call to Deanna Wolf saying he (Mr. Blackburn) was upset and so aggravated with Shelley he could "kill her". Ms. Wolf took the threat seriously so called Shelley to advise her of the threat. Ms. Wolf left Gail's home around 12:30 p.m. to head toward her second job.	-4
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\*Please review attached written statement from Deanna Wolf and Shelley Blackburn dated 5/14 and 5/15/08 for further details.

4-1-	*Note: Mr. Blackburn went to Ms. Wolf's other job site to question her about his threat. Ms. Wolf did not want to speak to Mr. Blackburn so she walked into her job.	-4-1
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4-2	Later on 5/14/08, Mr. Blackburn reported to DOC and was arrested without incident. After Officer Carter read Mr. Blackburn his Miranda Rights from a card, Mr. Blackburn agreed to discuss the threat. Mr. Blackburn reportedly did not mean to threaten her (Shelley Blackburn),	4-2
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*Elegided was not threatening*

and was not intending on killing her. Mr. Blackburn admitted saying something to the affect "I feel so upset I could kill her". Over and over, Mr. Blackburn commented he did not mean to threaten her and did not intend on carrying out the threat.

**ADJUSTMENT AND SUPERVISION SUMMARY:**

Mr. Blackburn's adjustment to DOSA supervision started off fairly well and has ended poorly. He released from prison on 11/18/06. Since release, he maintained fairly steady employment in landscaping, construction and masonry fields.

The current offense is Manufacture and Possession of Methamphetamine. Mr. Blackburn was given an opportunity for a reduced sentence pursuant to the DOSA 2 (b). Since release, Mr. Blackburn received a verbal reprimand, 2 stipulated agreements, and, has had 3 prior full hearings, this being his 4<sup>th</sup>. The stipulated agreements addressed a dilute UA and failure to attend treatment as directed. The prior hearings addressed alcohol and drug use.

Now, within 1 day of returning to Island County from inpatient chemical dependency treatment, Mr. Blackburn made a threat to kill his sister-in-law Shelley Blackburn. Mr. Blackburn has repeatedly said he had no intention of carrying out the threat and that he did not mean to threaten her. The fact is there has been long-standing tension in the Blackburn family regarding Mr. Blackburn's repeated failure to get his life on track, causing the family much grief and heartache. Mr. Blackburn burned bridges (so-to-speak) with his family to the point he was no longer allowed to reside on the property.

All threats to kill need to be taken very seriously. Mr. Blackburn is a convicted Methamphetamine cook. He has numerous felony drug-related convictions stemming back to 1988 and has a prior conviction for Assault 2<sup>nd</sup> Degree. Mr. Blackburn's threat to kill his sister-in-law is not only unacceptable, it's against the law.

**RECOMMENDATION:**

Revoke DOSA 2(b).

*I certify or declare under penalty of perjury of the laws of the state of Washington that the foregoing statements are true and correct to the best of my knowledge and belief.*

Submitted By:

Approved By



Robert Dielman  
COMMUNITY CORRECTIONS OFFICER 3  
NW OAK1  
499 N.E. Midway Blvd. #1



Gregg P Freeman  
COMM CORR SUPERVISOR

Re: BLACKBURN, Douglas  
DOC# 944347  
5/15/2008 - Page 5 of 5

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Oak Harbor WA 98277  
Telephone (360) 675-9031

RAD: RAD/5/15/2008

Distribution:	COMMUNITY	ORIGINAL: Hearing Officer/File (via Discovery Packet)
	CUSTODY	COPY: Offender (via Discovery Packet), Field File.
		ORIGINAL: Hearing Officer / File, (via Discovery Packet)
	DOSA I	COPY: Offender (via Discovery Packet), Court (by Hearings Unit following DOC hearing), Must be forwarded within 72 hours of Hearing.

*The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted*

DT37 4 944347 051408 051408  
EM3 DORO037

05/15/08 10.09.37  
PAGE 1

OFFENDER CHRONO REPORT

NAME: BLACKBURN, DOUGLAS LOU

OFFICE: Z31 SNHMSH CNTY VIOL  
OFFICER:

05/14/08 ON 04 P'S SISTER IN-LAW SHELLY BLACKBURN IN OFFICE BUT HAD TO LEAVE BEFORE I COULD MEET W/HER. SB PROVIDED OUR SUPPORT STAFF A NOTE TO GIVE TO ME: "ROB-PLEASE CALL WHEN YOU CAN. DOUG MADE A 3RD PARTY THREAT THE (SIC) HE WANTS TO KILL ME". I MADE A REPORT WITH THE SHERIFF. THX-SHELLEY BLACKBURN

05/14/08 R DIEKMAN  
05/14/08 ON 08 CONT... CALLED SHELLY SHORTLY AFTER SHE LEFT THE OFFICE, SHELLY MADE A VERBAL REPORT W/DEPUTY DAVISON, ICSSO TODAY. SHELLY TOOK P'S COMMENT AS A THREAT AND SHE IS CONCERNED FOR HER SAFETY, SHE PLANS ON TRYING TO OBTAIN AN NCO TOMMOROW IN SUPERIOR COURT. SHELLY INDICATED P MADE THE THREAT TO P'S MOM GAILS CAREGIVER DEANNA WOLF TODAY BY PHONE. 308 05/14/08 R DIEKMAN

05/14/08 TC 12 CALLED DEANNA WOLFE, GAILS CAREGIVER. DW IS WILLING TO TESTIFY BY PHONE AND PROVIDE A WRITTEN STATEMENT AS TO WHAT TRANSPIRED TODAY. DW STATES P SHOWED UP TODAY AT HIS MOMS HOUSE TO PICK UP HIS BELONGINGS, P'S MOM IS OUT OF THE COUNTRY VISITING FRIENDS. DW SAID SHELLY SHOWED UP AND DIRECTED P TO LEAVE THE PROPERTY RIGHT AWAY. P SAID HE HAD PERMISSION TO BE AT THE HOME, SHELLY REITERATED P IS NOT TO BE ON THE PROPERTY AGAIN TELLING P TO LEAVE. DW SAID "THEY BATTLED BACK AND FORTH ABOUT IT FOR A FEW MINUTES" THEN P LEFT. SHELLY STAYED FOR A FEW MORE MINUTES TO MAKE SURE DW AND GAILS SISTER ALANA WHO WAS PRESENT WAS ALSO OK.

(CONT) 05/14/08 R DIEKMAN  
05/14/08 TC 16 (CONT) SHELLY THEN LEFT. ABOUT "10 OR 15 MINUTES" LATER P CALLS DEANNA SAYING SHELLY "DOES NOT KNOW WHAT SHE IS TALKING ABOUT, THAT SHE IS A STUPID BITCH" P ASKED FOR HIS BROTHERS PHONE NUMBER, DW PROVIDED NUMBER TO P. THEN P ASKED WHERE HIS MOM GAIL WAS, WHEN SHE WAS COMING BACK. DW ADVISED P SHE CAN'T DISCLOSE DUE TO CONFIDENTIALITY REQUIREMENTS. P SAID "I AM SO AGGRAVATED WITH THIS, I AM AGGRAVATED WITH SHELLY, I COULD KILL HER". DW TOOK P'S THREAT SERIOUSLY AND REPORTED IT TO SHELLY RIGHT AWAY. DW WILL PROVIDE WRITTEN STATEMENT TO DOC AND TRY AND HAVE IT TO DOC BY TODAY. I PROVIDED OUR FAX #.

05/14/08 R DIEKMAN  
05/14/08 JS 20 STAFFED CASE/SITUATION W/CCS FREEMAN; DECISION MADE TO ARREST P AND HOLD FOR AN IN-CUSTODY HEARING. 05/14/08 R DIEKMAN  
05/14/08 OP 24 P REPORTED; RELEASED FROM ABHS YESTERDAY, MADE APPOINTMENT W/COMPASS HEALTH FOR 5/21/08 AT 1PM. UA TAKEN TODAY; P LEARNED A LOT AT ABHS, 28 DAY PROGRAM. P NOW LIVING WITH HIS GIRLFRIEND LEANNA CHRISTENSON ON ZYLSTRA ROAD (DP34 UPDATED). P WENT TO DSHS THIS MORNING AND PICKED UP PAPERWORK FOR ADATSA. P ARRESTED W/OUT INCIDENT. 05/14/08 R DIEKMAN

05/14/08 OP 28 (CONT)... P WAS ADVISED HE WAS BEING ARRESTED FOR MAKING A THREAT TO KILL. P WAS READ HIS MIRANDA RIGHTS BY OFFICER CARTER OF OHPD WHILE IN CUFFS. ALSO PRESENT WERE CCO LISA LEE AND MYSELF. P AGREED TO DISCUSS THE THREAT TO KILL. P SAID HE DID NOT THREATEN HER, THAT HE WAS NOT INTENDING ON KILLING HER. P ADMITTED SAYING SOMETHING TO THE AFFECT "I FEEL SO UPSET I COULD KILL HER". AGAIN, P RE-ITERATED HE DID NOT THREATEN HER. 05/14/08 R DIEKMAN 05/14/08

Meaning May, Perhaps, Can

2-1

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[REDACTED]

(27)

DT37 4 944347 051408 051408  
EM3 DORO037

OFFENDER CHRONO REPORT

05/15/08 10.09.37  
PAGE 2

NAME: BLACKBURN, DOUGLAS LOU

OFFICE: Z31 SNHMSH CNTY VIOL  
OFFICER:

05/14/08 OC 36 P'S GIRLFRIEND LEANNA CHRISTENSON BACK IN THE OFFICE. STATING P CALLED HER FROM THE JAIL ASKING IF SHE WILL WRITE STATEMENT AS TO WHAT SHE HEARD. LC ASKED IF SHE CAN MAKE A STATEMENT, ADVISED YES, LC IS REPORTEDLY WILLING TO TESTIFY. LC WILL WRITE A STATEMENT TODAY AND PROVIDE TO DOC TOMMOROW. 05/14/08 R DIEKMAN

05/14/08 LC 40 EMAIL REQUESTING PROBABLE CAUSE. 05/14/08 R DIEKMAN

05/14/08 LC 44 EMAIL REQUESTING TRANSPORT 05/14/08 R DIEKMAN

05/14/08 TP 48 P CALLS FROM THE JAIL TRYING TO PLEAD HIS CASE FOR NOT "TRYING TO THREATEN" SHELLEY. P WANTED TO MAKE SURE "I PUT IN THE DISCOVERY HE SCHEDULED AN APPOINTMENT W/COMPASS HEALTH TODAY AND THAT P DID NOT DIRECTLY THREATEN SHELLEY AND HE DROVE RIGHT BY SHELLEY'S TO GET TO HIS MOMS HOUSE. I EXPLAINED TO P IT IS NOT OK TO THREATEN TO KILL SOMEONE WHETHER DIRECTLY OR INDIRECTLY, P SAID HE UNDERSTOOD WHAT I WAS SAYING BUT KEPT RE-ITERATING HE DID NOT MEAN TO THREATEN ANYONE. P ASKED THAT I COME SEE HIM TOMMOROW MORNING BEFORE TRANSPORT. TOLD P I WILL TRY. P WOULD LIKE RELEASE OF INFO SIGNED FOR HIS GIRLFRIEND LEANNA CHRISTENSON ALSO. 05/14/08 R DIEKMAN

05/14/08 OP 52 KIOSK REPORTING SESSION STATUS: SUCCESSFUL, DATE TIME: 2008-05-14-13.12.09.906000, LOCATION: OAK HARBOR OFFICE KIOSK, UA MESSAGE: NO 05/14/08 SYSTEM

(28)



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

### CONDITIONS, REQUIREMENTS, AND INSTRUCTIONS

OFFENDER BLACKBURN, DOUG	Doc# 944347	FOS# NA	COUNTY/CAUSE # ISLAND / 041001138
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I understand that under the provisions of RCW 9.94A or 9.95 or 9.95.270 or 10.77, I am subject to all conditions and requirements the Court/ Indeterminate Sentence Review Board/Department of Corrections (DOC) has Imposed and that the terms of supervision can be revoked, modified, or changed at any time during the course of supervision. Furthermore, I understand that I am under the supervision of the Department of Corrections and that I must comply with the instructions of the Department herein. Should I violate any of these conditions, requirements or instructions, I understand that I may be brought before the Court/Indeterminate Sentence Review Board/Department of Corrections Hearing Officer for a hearing and/or imposition of additional sanctions.

#### STANDARD CONDITIONS:

- Secure written permission from the community corrections officer before leaving the state of Washington.
- Remain within a geographic area as directed by the Department of Corrections as follows:

#### REMAIN WITHIN THE STATE OF WASHINGTON

- Obtain written permission from the community corrections officer before travelling outside the county in which you reside, unless you have been advised in writing by your community corrections officer that it is not necessary to do so.
- Notify the community corrections officer before changing residence or employment.
- If sex offender who committed your crime(s) on or after 6/6/96, with a minor child victim, avoid contact with victim or minor children of similar age UNLESS authorized by the community corrections officer.
- Abide by written or verbal instructions issued by the community corrections officer.
- CCI and OAA Only:** Abide by any DOC imposed conditions:
  - OAA Only:** Obey all municipal, county, state, tribal, and federal laws.

#### COURT-ORDERED CONDITIONS/REQUIREMENTS:

AS SET BY THE COURT UNDER THE ABOVE ENTITLED CAUSE

#### FINANCIAL OBLIGATIONS: (NOT APPLICABLE TO FOS CASES)

The Court has ordered me to pay legal financial obligations, including accrued interest. I am required to make payments under the following cause numbers and in the amounts listed:

Restitution:.....	\$	Court Costs:.....	\$127	Attorney Fees:.....	\$400
Fine:.....	\$2,000	Victim's Compensation:.....	\$500	Other:.....	\$100
Drug Fund:.....	100	Lab Fee:.....	\$100		

I agree to pay not less than \$50 per month beginning 30 DAYS AFTER RELEASE FROM CONFINEMENT to the Clerk of ISLAND County, until my financial obligation is paid in full. ~~3,327~~ **3,327 total**

#### COMMUNITY SERVICE HOURS:

Complete \_\_\_\_\_ hours of community service at a rate of \_\_\_\_\_ hours per  week  month as directed by the Department of Corrections. Report as directed to the Department of Corrections.

#### REPORTING INSTRUCTIONS:

(29)

- I am required to report and be available for contact with the assigned community corrections officer as directed until instructed to no longer report, or a court order is issued closing the case.
- Failure to report and/or provide a valid address may result in the filing of escape charges if on community custody status.

Sign with Initials

Report to: ROB DIEKMAN

Address: 499 NE MIDWAY BLVD., STE 1, OAK HARBOR, WA, 98277

Telephone: (360) 675-9031 OR TOLL FREE (888) 801-6618

Reporting Instructions: In person on the day(s) listed below, or as otherwise directed by my CCO.

- 1<sup>st</sup>     2<sup>nd</sup>     MONDAY     TUESDAY  
 3<sup>rd</sup>     4<sup>th</sup>     WEDNESDAY     THURSDAY     FRIDAY  
 Other:

\*REPORT IN PERSON TO DOC, ADDRESS LISTED ABOVE, WITHIN 48 HOURS OF RELEASE...

AND...

REPORT (IN PERSON) TO THE ADDRESS LISTED ABOVE (2ND WEDNESDAY OF EVERY MONTH) BETWEEN THE HOURS OF 8:00AM AND 11:30AM AND/OR BETWEEN 1:00PM AND 4:30PM UNTIL DIRECTED OTHERWISE BY YOUR CCO. ON YOUR REPORT DAY, YOU MUST SPEAK WITH YOUR ASSIGNED OFFICER IF S/HE IS IN THE OFFICE.

\*EVERY TIME YOU REPORT TO THE DOC, FOR ANY REASON, REPORT TO THE KIOSK MACHINE, FOLLOW ALL INSTRUCTIONS/MESSAGES LISTED ON THE KIOSK MACHINE. \*\*\*YOU MUST SEE ME AFTER REPORTING TO THE KIOSK MACHINE\*\*\*

\*YOU MUST IMMEDIATELY REPORT VIOLATIONS OF PROBATION, NEW ARRESTS, AND LAW ENFORCEMENT CONTACT TO THE DOC.

**COST OF SUPERVISION:**

• Unless waived by the Court or DOC, I will be assessed a supervision fee of \$20 to \$40 monthly while on active supervision. The amount charged will vary depending on my supervision status and classification level. I will be sent a billing statement detailing my costs of supervision and the amount I am required to pay. **Beginning (AS BILLED) I will mail my supervision fee payments only in the form of a cashier's check or money order, made payable to: The Department of Corrections, PO Box 9700, Olympia WA 98507-9700. I will put my name and DOC number on every cashier's check or money order.**

**NOTICES:**

• **Firearms:** I have been advised and understand if I have been convicted of a crime in category checked below, I am prohibited by law from owning, possessing, receiving, shipping, or transporting a firearm, ammunition, or explosives. I understand the prohibition extends to every sort of gun, rifle, or explosive device or similar device including the frame or receiver of firearms. I understand that this may also be a violation of my supervision per RCW 9.94A.120(16).

- ✓ Any Felony Offense
- ✓ Misdemeanor Offense (RCW 9A.04.040, 10.99.020):

Includes the following misdemeanor offenses, when committed by one family or household member against another, committed on or after July 1, 1993:

- Stalking\* (RCW 9A.46.110)
- Assault 4 (RCW 9A.36.041)
- Reckless Endangerment 2 (RCW 9A.36.050)
- Coercion (RCW 9A.36.070)
- Violation of a Protective Order - No Contact (RCW 10.99.040)\*, (RCW 26.50.060, 070, 130)

\*Can also be a felony offense.

I further understand that I should seek legal advice if I wish to possess a firearm after I am discharged from supervision.

30

• **Debt:** I have been advised and understand that failure to make payments toward my legal financial obligations as scheduled can result in an increase in my monthly payment rate and/or referral of my case to the county clerk's office for collection. Should I fall behind in my monthly payment in an amount equal or greater than the amount payable for one month, the Department of Corrections may issue a Notice of Payroll Deduction. Without further notice, my employment earnings are subject to a Notice of Payroll Deduction and my earnings or property, or both, are subject to an Order to Withhold and Deliver. Any net proceeds obtained through either a Notice of Payroll Deduction or an Order to Withhold and Deliver will be applied to my court-ordered financial obligations. (Not Applicable to FOS Cases)

• **Grievance Procedure:** The DOC grievance procedures have been explained to me and I understand them.

**Registration:** I have been advised and understand the registration requirements for offenders. \_\_\_\_\_  
Sign with initials

• **Arrest, Search, and Seizure:** I am aware that I am subject to search and seizure of my person, residence, automobile, or other personal property if there is reasonable cause on the part of the Department of Corrections to believe that I have violated the conditions/requirements or instructions above.

• **Computerized Billing System:** I am aware I will receive a monthly bill from the Department of Corrections for each cause number on which I owe legal financial obligations. I understand I am to mail the stub along with my payment to the appropriate county clerk. (Not Applicable to FOS Cases)

**Tolling:** I have been advised that those periods that I am unavailable for supervision (i.e., in jail, on abscond status) will not count towards my supervision period. (FOS Cases subject to Home State rules regarding tolling.)

• **Imposed Conditions:** I am aware that I must submit a written request to my CCO within 24 hours of being served with a DOC Imposed Condition if I wish to appeal the condition.

• **Threats to Staff:** I am aware that if I threaten my Community Corrections Officer or other Department of Corrections staff or contractors, I may be arrested and charged under RCW 9A.46.195 Obstruction of Public Servant, and that this may also be a violation of my supervision.

I have read or have had read, to me the foregoing conditions and sentence requirements which are applicable in my case. Each of these conditions/requirements have been explained to me and I hereby agree to comply with them.

• I have received a copy of the Judgment and Sentence on this cause. \_\_\_\_\_  
Sign with initials

OFFENDER SIGNATURE <i>Dennis [Signature]</i>		DATE 2/28/07
CURRENT ADDRESS 3022 Brentwood PL Oak Harbor Wa. 98277		MAILING ADDRESS: (IF DIFFERENT)
HOME PHONE: <del>360-240-9229</del> 360-240-9229	WORK: 360-293-3456	
CELL PHONE: 360-672-0995	EMAIL:	
CCO SIGNATURE <i>Rob [Signature]</i>	DATE 2-28-07	
LOCATION OAK HARBOR FIELD OFFICE	TELEPHONE (360) 675-9031; OR TOLL FREE: (888) 801-6618	

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STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

HEARING AND DECISION SUMMARY

RELEASE FROM DOC CUSTODY/CONFINEMENT:  YES  NO (See Confinement Order DOC 09-238)

OFFENDER NAME (LAST, FIRST) <i>Blackburn, Douglas</i>	DOC # <i>944347</i>	RMI/LSI <i>B/30</i>	DATE OF BIRTH <i>9-6-63</i>
CAUSE NUMBER(S) <i>Island 04-1-00113-8</i>			
OFFENDER STATUS <input type="checkbox"/> CCI <input checked="" type="checkbox"/> CCP <input type="checkbox"/> CCJ <input type="checkbox"/> CCM <input checked="" type="checkbox"/> DOSA <input type="checkbox"/> W/R <input type="checkbox"/> FOS			

DATE OF HEARING *5-27-08* LOCATION OF HEARING *SCJ*  
 CCO NAME *Robert Dickman*  
 OTHER PARTICIPANTS *Debbie Blumstein (presenting)*  
*Shelby Blackburn*  
*Dennis Wolf*

WAIVED APPEARANCE  YES  NO  
 COMPETENCY CONCERN  YES  NO  
 WAIVED 24 HOUR NOTICE  YES  NO  
 INTERPRETER/STAFF ASSISTANT  YES  NO

PRELIMINARY MATTERS: \_\_\_\_\_

ALLEGATIONS	PLEA	FINDING Guilty / Not Guilty Probable Cause Found
<i>1. FTOH by threat to kill 5-14-08</i>	<i>NIG</i>	<i>G</i>

EVIDENCE RELIED UPON (LIST)

J&S  Notice of Allegation, Hearing, Rights and Waiver form  Report of Alleged Violations  
 Conditions, Requirements, and Instructions form  Chronological Reports  Other Listed Below:

*Letter to warden Shambaugh, Nishiki statement Shelby Blackburn & statement; warden Wolf statement.*



HEARING AND DECISION SUMMARY

SUMMARY OF FACTS PRESENTED/ REASONS FOR FINDINGS:

1. Obey Jail Ord. per wolf passed could kill her referring to  
 Mrs. Blackburn - statement of Blackburn & her in court.  
 CCO: Deichmann: uphinder statement 3rd party threat,  
 Shelby Blackburn: worried to party's brother: 911 if not leave  
 then call from caregiver may wanted more & caregiver so  
 concerned she called her would never agree to coming to house  
 unless he not there. very history of beating her & took  
 it seriously & has threatened her in past. said feel threatened & still  
 do.  
 CCO Deichmann: admitted he said it after private rights. Deichmann statement  
 was consistent & described in affidavit. RCW (10)(5) person placed in cell there carried out.

SANCTIONS AND REASONS FOR SANCTION

Adm: CCO: Early already compl 4th full hearing  
 long term best & report account 2. RMB must  
 cognitive impairment. alcohol/drug.  
 P: was employed building houses & side job on mason. Person child  
 support went to RMB's 5-13-08. track of using drugs & wishing to pay  
 past bills.

**\*\*OBEY ALL FACILITY RULES**  
**\*\*REPORT IN PERSON TO CCO WITHIN ONE BUSINESS DAY OF RELEASE**

Blackburn 944347

Doug B. Lasker  
OFFENDER SIGNATURE

5-27-08  
DATE

Robert L. Lanne  
HEARING OFFICER SIGNATURE

Robert L. Lanne  
HEARING OFFICER NAME (PRINTED)

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

# **APPENDIX J**

RECEIVED

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ATTORNEY GENERAL'S OFFICE  
CORRECTIONS DIVISION

STATE OF WASHINGTON

**DEPARTMENT OF CORRECTIONS**

P.O. BOX 41100 • Olympia, Washington 98504-1100

**REGIONAL APPEALS PANEL DECISION**

FROM: DOC Regional Appeals Panel, Northwest Regional Appeals Panel, Longview, WA

TO: Doug Blackburn

DOC #: 944347

Date: 06/23/08

On 5/27/08, a DOC Hearing was conducted by, Hearings Officer Robert LaLanne, at the Snohomish County Jail and the Hearing Officer found you guilty of; 1) Failure to obey all laws specifically; threatening to kill Shelley Blackburn on or about 5/14/08, which is a violation of the conditions of your supervision/custody. The Hearing Officer issued a Hearing and Decision Summary on 5/27/08, and imposed the following sanction(s) upon you: Revocation your DOSA.

On 6/4/08, your appeal was received in which you requested a review of the Hearing Officer's decision and/or sanction. You specifically appealed:

- The finding(s) of guilt
- X The sanction(s) imposed
- X Other, as explained below:

Specifically, you denied that you were guilty of the violation.

**The DOC Regional Appeals Panel has investigated your appeal request and finds that:**

- You were found guilty based upon sufficient evidence.
- There was insufficient evidence for a finding of guilt as explained below.
- A procedural error was made as explained below.
- A guilty finding was made based on unconfirmed allegations as explained below.
- X Other as explained below:

The appeals panel reviewed your written appeal, the Hearings Officer's written report as well as all accompanying discovery documentation. The appeals panel also listened to the hearing transcript in its entirety.

First, the panel notes that this was an administrative Dept. of Corrections hearing conducted under the "preponderance of evidence standard." This means that any proceedings in criminal court or lack thereof are irrelevant to your situation. DOC Hearings Officers are responsible to hold you accountable for your behaviors, not for criminal convictions. In this case, RCW 9A.46.020 states:

A person is guilty of harassment if:

- (a) Without lawful authority, the person knowingly threatens:
  - (i) To cause bodily injury immediately or in the future to the person threatened or to any other person...

The appeals panel unanimously agreed that you were found guilty of this behavior by a preponderance of the evidence.

Second, the panel notes that you were convicted of Manufacture and Possession of Methamphetamine on 8/19/04. That conviction carried a standard range of 68 – 100 months confinement. The sentencing judge decided to forgo that standard range and imposed a DOSA allowing you to forgo approximately half of the confinement based upon your agreement to remain law abiding and to participate in drug and alcohol treatment. It was explained to you that violations of your supervision may result in revocation of your DOSA. You were given several more opportunities to avoid return to confinement when Hearings Officers did not revoke your DOSA at violation hearings on; 9/26/07, 12/4/07, and 4/2/08. Additionally, your CCO gave you two more chances when you were given stipulated agreements on 8/22/07 and 2/14/08 rather than being brought before a Hearings Officer.

At this time, it is clear that you have been given multiple opportunities to comply, yet continue to engage in unlawful behavior. You gave the Hearings Officer no other choice but to revoke your DOSA. The panel concurs that the sanction imposed was consistent with current state law and DOC policy.

**APPENDIX I**

**AND THEREFORE**

The decision of the Hearing Officer is:

- Reversed and vacated
- Reversed and remanded for a new hearing. You will be notified of the hearing date, when scheduled.
- Modified as follows:
- Affirmed

*Brent Kitchens*

---

DOC REGIONAL APPEALS PANEL MEMBER Brent Kitchens

DATE 6-23-08

*Tina Miller*

---

DOC REGIONAL APPEALS PANEL MEMBER Tina Miller

DATE 6-23-08

*Nanci A Parks*

---

DOC REGIONAL APPEALS PANEL MEMBER Nanci A. Parks

DATE 6-23-08

09-235draft

Distribution: ORIGINAL - Hearing File COPY - Offender, CCO, Hearing Officer, Hearing Officer 2, Work or Pre-Release Sup., Facility / Unit Evidence Custodian, Field File, Hearings Manager

# **APPENDIX K**

**SUPREME COURT OF THE STATE OF WASHINGTON**

In re Personal Restraint Petition of:

DOUGLAS LOUIS BLACKBURN,

Petitioner.

DECLARATION OF  
LORI RAMSDELL-  
GILKEY, HEARINGS  
UNIT PROGRAM  
ADMINISTRATOR

I, LORI RAMSDELL-GILKEY DO DECLARE AND STATE:

1. I am the Hearings Unit Program Administrator for the Department of Corrections (hereinafter DOC). I was originally hired in 1989 by the DOC as a Community Corrections Officer 2 (CCO). As a CCO, I was responsible for supervising a case load of offenders in the community who were on community placement. In 1992 I promoted to a CCO 3 position. After working as a field CCO for ten years, in August of 1999, I moved to a CCO 3 position in Work Release.

In June of 2000, I was hired as a Hearings Officer in the Hearings Unit. I worked as a Hearings Officer for approximately one year and was moved to a Hearings Officer Supervisor position in March of 2001 until August of 2001. In August of 2001, I was moved to a position as the Hearing Staff Coordinator serving as an assistant to the Hearings Unit Program Administrator. In January of

2004 I took my current position as the Hearings Unit Program Administrator.

2. I am familiar with the Washington statutes and DOC policies governing community custody violation hearings and sanctions.

3. The Hearings Unit functions within the Department of Corrections as an independent unit outside the normal chain-of-command. In accordance with RCW 9.94A.737(7)(a), the Hearings Unit officers are not within the same chain-of-command as CCOs.

4. Under the Offender Accountability Act (OAA), 1999 Laws of Washington, ch. 196, § 8, and the development of an independent Hearings Unit, safeguards have been put in place to protect due process and provide fairness throughout the hearing process. There is a policy prohibiting the discussion of cases between CCOs and Hearing Officers outside of the offender's presence. The Hearings Unit chain-of command flows through the regional Hearing Supervisors to the Hearings Unit Program Administrator, who is located at DOC Headquarters. The Hearings Unit Program Administrator reports directly to the Assistant Secretary to Government, Community Relations, and Regulatory Compliance.

5. The DOC Hearings Unit is divided into five geographical areas of operation to include: Eastern Washington (all counties east of the

mountains), Northwest (Snohomish, Skagit, Whatcom, Clallam, Kitsap Counties), North (King County), SouthWest (Pierce County), and the SouthWest South (Thurston, Clark, Mason, Lewis, Grays Harbor, Counties). There are approximately 35 Hearing Officers divided amongst the various geographic regions and a Supervising Hearing Officer for each geographic region who reports directly to the Hearings Unit Program Administrator.

6. The total number of community custody hearings completed by the Hearings unit has gradually increased from 19,516 hearings in 2005, to 20,336 hearings in 2006, and 24,889 hearings in 2007. There were 25,747 hearings conducted in 2008.

7. In 2005, there were 2,023 hearings with 682 offenders revoked; in 2006, there were 1,713 DOSA hearings with 597 revoked; in 2007, there were 1,700 DOSA hearings with 535 offenders revoked, and in 2008, there were 1,292 DOSA hearings with 353 revoked.

8. When an offender who has violated his community custody conditions has been arrested on the basis of his sentence violation, an in-custody hearing can be scheduled. Following a warrantless arrest by the CCO, the CCO must contact the Hearings Unit for a probable cause determination, no later than the next working day following the

arrest. In its probable cause determination, a Hearings Supervisor determines whether there is sufficient evidence to hold an offender in custody. If no probable cause is found, the Hearings Unit notifies the CCO to issue the paperwork to release the offender immediately.

9. DOC hearings are open to the public; however, the majority of the hearings take place either at the local county jail or in prison, where access may be denied due to institutional safety and security reasons. The institutions may also limit access for witnesses to the hearings based on institutional concerns. Where in person access is denied, witness testimony is accepted telephonically.

10. A community custody hearing is an informal hearing process where neither the Hearing Officer nor the CCO is an attorney. The Hearings Officer conducts the hearing by following a standard script and step-by step hearing process established by Hearings Unit policies. At the conclusion of the hearing, the Hearing Officer will render a decision and complete a summary form or they will inform the participants that he or she will be exercising the option of taking a deferred decision. In the event the offender appeals the sanction to the Regional Appeals Panel, the Hearings Officer will complete a final detailed Hearing Report before the sanction decision is reviewed.

11. Once the hearing has begun, the CCO is responsible for stating the alleged violations, presenting evidence, and offering a recommendation for disposition and the rationale for the recommendation.

12. At the start of hearing, the Hearings Officer turns on the digital recorder, and introduces himself or herself. The Hearings Officer will explain that the hearing is being recorded, that the recording will be saved per policy, and instructions how to obtain a copy of the recording. The Hearings Officer states the date, time, and location of the hearing, and the full name and titles of all participants. The Hearing Officer then describes the three phases of the hearing: confirmation that the offender has received timely discovery and notice of the hearing, fact-finding regarding the allegations, and the adjustment phase where both the offender and the CCO give a summary of the offender's adjustment to supervision and a recommendation regarding the sanction that should be applied.

13. The Hearing Process follows the following steps:

- (1) Introduction
- (2) Preliminary matters (amend allegations, withdrawals, dismissals).
- (3) The Hearing Officer will remind the offender of the right to appeal the sanction to the Regional Appeals

Panel and provide the Hearing and Decision appeal form for the offender.

- (4) The Hearing Officer reviews the service paperwork and confirms the documentary evidence was provided to the offender through discovery, including notice of any testifying witnesses for the DOC.
- (5) Swearing in of the witnesses.
- (6) Reading of allegations and plea entries for each.
- (7) CCO's presentation of the evidence and witnesses.
- 8) Cross-examination by the offender and questioning by the Hearing Officer.
- (9) Presentation of the offender's evidence and witnesses.
- (10) Cross-examination by the CCO and questioning by the Hearing Officer.
- (11) Findings of the Hearing Officer on each allegation(s).
- (12) If guilty of one or more of the allegations, the offender's adjustment to supervision is presented by the CCO.
- (13) The offender presents a rebuttal to the CCO's version of the offender's adjustment.
- (14) A disposition/sanction recommendation is made by the CCO.
- (15) A disposition/sanction recommendation is made by the offender.

- (16) The Hearing Officer makes a sanction decision.
- (17) In the fact-finding portion of the hearing, the CCO has the burden of proving by a preponderance of the evidence that the offender has violated their conditions and/or requirements of Community Custody. Both sides may call and examine witnesses and cross-examine the opposing side's witnesses. The Hearing Officer may question any party in order to elicit the facts pertinent to the allegations.

14. In the fact-finding portion of the hearing, the CCO has the burden of proving by a preponderance of the evidence that the offender has violated his or her conditions and/or requirements of Community Custody. Both sides may call and examine witnesses and cross-examine the opposing side's witnesses. The Hearing Officer may question any party in order to elicit the facts pertinent to the allegation.

15. Hearsay evidence is admissible, however, uncorroborated hearsay alone is not sufficient evidence for a finding of guilt.

16. The offender has the right to appeal the sanction in all DOC hearings. A Regional Appeals Panel, consisting of a DOC employee appointed by the Regional Administrator, a community member appointed by the Regional Administrator, and a Hearings Unit Supervisor, reviews the decision to determine if the sanction was reasonably related to the crime of conviction, the violation committed, the offender's risk of reoffending, or the safety of the community. The Regional Appeals Panel

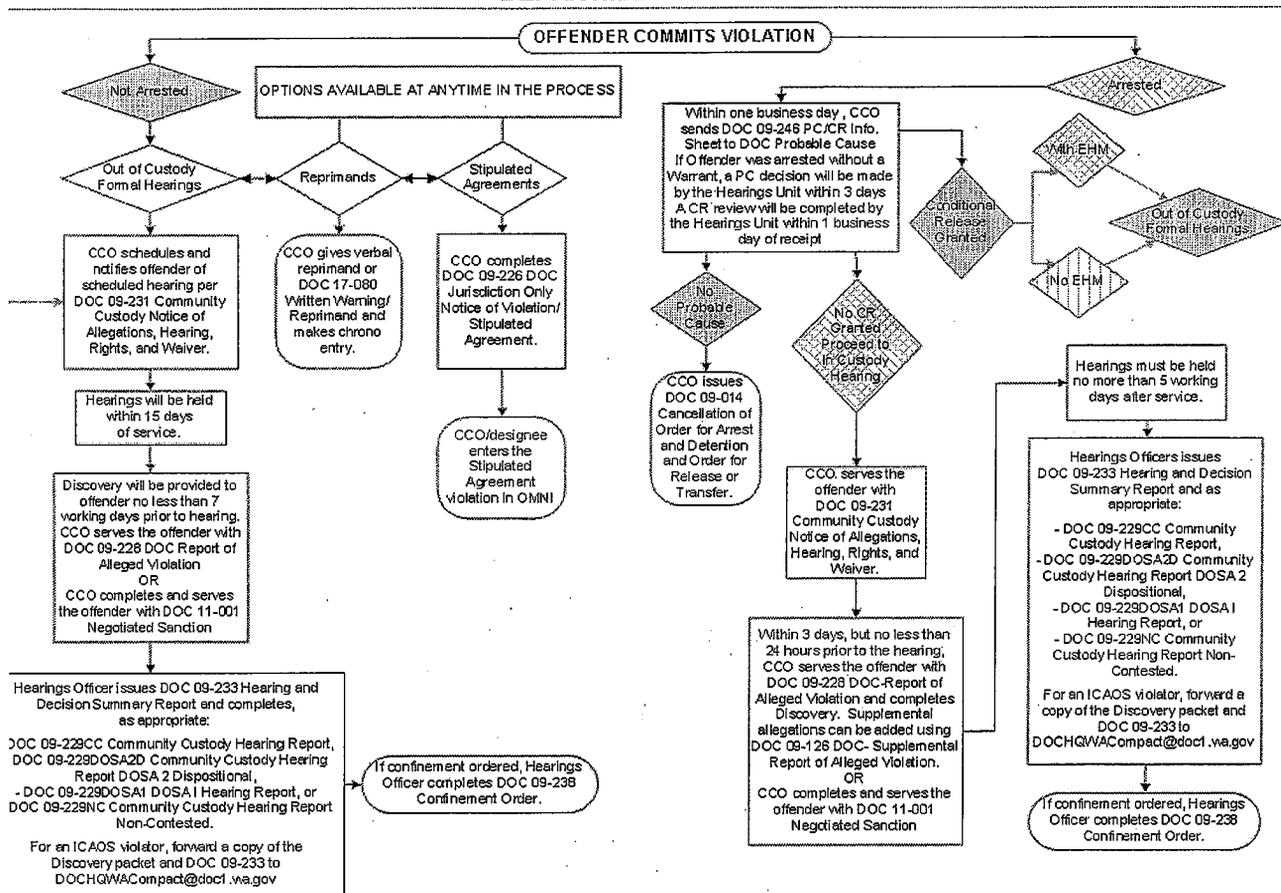
may affirm, modify, or reverse the sanction imposed by the Hearing Officer. If the offender is incarcerated as a result of the sanction and the sanction is reversed on appeal, the DOC orders the immediate release of the offender with instructions to report to their supervising CCO the next business day. The offender has the right to file a personal restraint petition to appeal the decision and sanction through the Court of Appeals.

17. An offender violation process flow chart is attached to this declaration.

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

  
LORI RAMSDELL-GILKEY

**DEPARTMENT JURISDICTION**



# **APPENDIX L**



NUMBER <b>DOC 460.130</b>	TITLE <b>HEARINGS FOR COMMUNITY CUSTODY WORK RELEASE AND PRE-RELEASE</b>	EFFECTIVE DATE 11/7/02	PAGE NUMBER 2 of 7
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## II. The Hearing

- A. It is the responsibility of Department Hearing Officers to conduct all Interstate Compact Preliminary, Community Custody violation, and Work Release and Pre-Release major infraction hearings, assess the evidence, and render decisions in a fair and impartial manner in accordance with statute, case law, Washington Administrative Code (WAC), and Department Policy Directives.
  1. The Hearing Officer will excuse him/herself in instances where a conflict of interest exists and/or where impartiality cannot be maintained.
- B. If the Hearing Officer determines that the hearing location does not provide for sufficient safety and security, the hearing may be continued, or the Hearing Officer may exclude person(s) who may present a security risk.
  1. Hearing Officers may continue a hearing, with good cause, for other reasons.
- C. The Hearing Officer will control the conduct of the hearing and maintain orderly decorum. The Hearing Officer will:
  1. Treat all parties equally and with due respect; and
  2. Verify prior to the hearing that all participants have been screened by a Department staff member and are, with the possible exception of Police Officers, unarmed.
- D. Hearing Officers will not discuss hearing matters with persons who do not have a legitimate interest in the hearing.
- E. Hearing Officers will comply with DOC 280.510 Public Disclosure of Records.
- F. Hearing Officers may accept telephonic or video testimony. It is the responsibility of the Hearing Officer to weigh the credibility of this evidence.
- G. It is the Community Corrections Officer (CCO)'s responsibility to state the violations alleged, present the supporting evidence, and offer a disposition recommendation and the basis thereof at the hearing.
- H. Hearings shall be electronically recorded and the tape shall be retained by the Department for 12 months. An offender may request a copy of the hearing tape by submitting a written request and a blank tape to the Hearings Records Unit.
- I. The factual allegations may be amended and/or new allegations added prior to the disciplinary hearing, provided the offender is given notice of such new or amended allegations at least 24 hours prior to the disciplinary hearing, unless such notice is waived in writing by the offender.
- J. If an offender waives his/her right to be present at a hearing, a Hearing Officer shall make a determination that the waiver was knowingly, intelligently, and

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voluntarily given. If the Hearing Officer accepts the waiver, the hearing may be conducted in the offender's absence.

### III. Conditional Release Authority

- A. Department Hearing Officer 2s, the Hearings Staff Coordinator, and the Hearings Administrator are authorized to grant a conditional release from pre-hearing confinement.
- B. Risk Management (RM)-A offenders can only be conditionally released by the Hearings Administrator or Hearings Staff Coordinator or designee.
- C. The CCO can request a conditional release if s/he has done a current records check, completed a Risk Management Identification (RMI), and obtained supervisory approval.
  - 1. The CCO shall staff all detained cases with his/her Supervisor within 3 working days of arrest to determine:
    - a. If conditional release is appropriate;
    - b. If conditionally released, whether the offender's violations will be addressed in an out of custody hearing or by a Stipulated Agreement; and
    - c. How the violation behavior will be managed.
  - 2. A Conditional Release Request can be emailed directly to the appropriate Hearings Unit staff and must include:
    - a. Date of arrest/detention;
    - b. Offender name;
    - c. DOC number;
    - d. DOB;
    - e. LSI-R score;
    - f. Status (i.e., CCJ, CCI, etc.); and
    - g. Classification. If no RMI has been completed, the CCO should assign an initial classification based upon available information. The RMI will then be completed by the CCO after the conditional release.
- D. If the Hearings Unit grants a conditional release, Unit staff will fax a copy of the Hearings Summary Sheet granting the release from custody to the CCO and note on Offender Based Tracking System (OBTS) DT37 that the conditional release was granted.

### IV. Hearing Decision

- A. The Hearing Officer shall:

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1. Consider only the evidence presented when making a decision;
  2. Decide if the offender committed the conduct and whether the conduct constitutes a violation of the conditions of supervision; and
  3. Impose, upon finding of guilt, appropriate sanctions consistent with the offender's identified risk characteristics and the Offender Behavior Response Guide (attached).
    - a. Hearing Officers are authorized to suspend a sanction or impose a suspended sanction if appropriate.
    - b. Hearing Officers are not authorized to change or modify offender supervision conditions.
- B. The Hearing Officer shall issue DOC 09-233 Hearing and Decision Summary at the conclusion of the hearing unless the Hearing Officer takes a deferred decision. A deferred decision must be resolved within 2 working days of the hearing, unless the offender waives the right to a decision within 2 working days.
- C. The Hearing Officer will fax a copy of DOC 09-233 Hearing and Decision Summary to the sending state and will ensure a chronological record entry is made regarding the hearing.
- D. Within 14 working days of the hearing, the Hearing Officer shall issue the appropriate DOC 09-229 Hearing Report. The decision shall be forwarded to the offender and the presenting CCO.
- E. The offender will be reminded of the right to appeal and will be provided with DOC 09-225 Hearing and Decision Appeal to request an appeal.
- F. If an offender is incarcerated as a result of a sanction, the supervising CCO will retain the offender case file until the appeal period has expired, or if appealed, until the appeal is resolved. The CCO will be notified if an appeal is filed.
- G. If an offender is found guilty of a violation of supervision conditions and is returned to custody as a result of the violation, the Risk Management transition process will be reinitiated as soon as possible after placement at the assigned facility.
- H. If the offender is found guilty of violation for escape, the Hearings Correctional Records Specialist (HCRS) will advise the Region Records Unit staff to prepare written notification to the Prosecuting Attorney per local practice for possible escape prosecution based on circumstances, location, and risk posed to the community.
- I. The HCRS will send an Email to the Headquarters Warrants Desk at DOCmail address "hdq records" and to the Regional CRM if the offender is found not guilty of violation for escape.

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- J. Hearing Officers will sanction DOSA 2 offenders found guilty of violations using the following presumptions:
1. 1<sup>st</sup> violation - 1 to 30 days and enter into treatment. The balance of DOSA time to be used to leverage treatment enrollment and compliance.
  2. 2<sup>nd</sup> violation - revocation of DOSA 2 sentence or 30 to 60 days with treatment participation requirements, depending upon the nature, seriousness, and willfulness of the violations.
  3. 3<sup>rd</sup> violation - presumption of revocation. If found guilty of violations, DOSA will be revoked. Exception to the revocation presumption must be approved by the Hearing Administrator.
- V. Hearings Appeal Process
- A. The appeal process applies to all Community Custody, Work Release, and Pre-Release hearing decisions that occur on or after July 1, 2000.
- B. The hearings appeal process will be implemented and administered regionally.
1. The Regional Appeals Panel will be responsible for Community Custody violation hearing appeals and Pre-Release and Work Release major infraction appeals.
  2. Each Regional Appeals Panel will consist of:
    - a. A Department employee appointed by the Regional Administrator;
    - b. A community member appointed by the Regional Administrator;  
and
    - c. The Hearings Program Administrator or designee.
  3. Department and community Panel members will serve a one-year term. Initial terms may be extended to allow for staggered rotation. These Panel members may be reappointed at the discretion of the Regional Administrator.
  4. The Regional Appeals Panel will administer their duties in a fair and impartial manner.
- C. Offenders may appeal a hearing decision made by a Department Hearing Officer.
1. The offender may submit DOC 09-225 Hearing and Decision Appeal to the Regional Appeals Panel within 7 calendar days of receipt of DOC 09-233 Hearing and Decision Summary.

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- D. The Regional Appeals Panel will respond to appeals. The Regional Appeals Panel may consider, but is not limited to, the following questions:
  - 1. Was there a violation of due process?
  - 2. Was there sufficient evidence to support a finding of guilt?
  - 3. Was the sanction reasonably related to the crime of conviction, the offender's risk of reoffending, or the safety of the community?
  - 4. Was the finding based on unconfirmed allegations?
- E. The Regional Appeals Panel may affirm, modify, or reverse the decision of the Hearing Officer. The Panel may not increase the severity of the sanction. In the event a decision is reversed, the Panel may remand for a new hearing.
- F. If the Regional Appeals Panel overturns or modifies a decision of the Hearing Officer, the Panel's decision will be submitted to the Hearings Unit Area Records staff who will take mandated action.
- G. The offender, CCO, Hearing Officer, Work Release Supervisor, Pre-Release Superintendent, and Hearings Administrator will be sent a copy of DOC 09-235 DOC Regional Appeals Panel Decision.
- H. If an offender is incarcerated as a result of a sanction and the sanction is reversed upon appeal, the Department shall release the offender. The offender shall be instructed to report to his/her CCO within 24 hours of release.
- I. An offender has the right to file a Personal Restraint Petition to appeal the Department's decision through the Court of Appeals.

## VI. Quality Reviews

- A. Department Review
  - 1. The Hearings Unit will provide a process for Department personnel to voice concerns about the hearing conduct, findings, or disposition.
    - a. CCOs are encouraged to contact the Hearing Officer directly, at the conclusion of the hearing, regarding any concerns.
    - b. CCOs will submit unresolved concerns in writing to their Field Administrator (FA) with a copy to their Supervisor. The FA will determine the merits of the inquiry, and if warranted, further forward inquiries to the Hearings Administrator/designee.
    - c. The Hearings Administrator/designee will investigate the matter and provide a written response to the FA.

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2. The Hearings Administrator/designee will provide a process of case analysis for the members of the Hearings Unit to review the performance of their peers and provide feedback.

**DEFINITIONS:**

Words/terms appearing in this Policy Directive may be defined in the Glossary section of the Policy Directive Manual.

**ATTACHMENTS:**

Offender Behavior Response Guide

**DOC FORMS (See Appendix):**

DOC 09-225 Hearing and Decision Appeal  
DOC 09-229 CC Community Custody Hearing Report  
DOC 09-229 DOSA I Hearing Report  
DOC 09-229 DOSA Institution / Work Release / DOSA 2 Revocation Hearing Report  
DOC 09-229 FOS Interstate Hearing Report  
DOC 09-229 PR Pre-Release Hearing Report  
DOC 09-229 WR Work Release Hearing Report  
DOC 09-233 Hearing and Decision Summary  
DOC 09-235 DOC Regional Appeals Panel Decision

# **APPENDIX M**

# Department of Corrections Community Corrections Division

## Behavior Sanction Response Guide

### Sanction Guide Use Instructions

This guide is for the use of Community Corrections and Hearing Officers in developing appropriate responses to the conduct of offenders that are supervised in the community. The guide contains a non-exclusive list of violations, along with a list of graduated sanctions that should be imposed upon a finding that a violation has occurred.

Community Corrections Officers (CCOs) are authorized to use this guide to impose sanctions in the Low range using verbal or written reprimands. In handling minor or less serious violations that fall within the Medium or High range, CCOs may impose slightly higher sanctions by entering into a stipulated agreement.

CCOs are not permitted to impose sanctions for conduct falling within the Confinement range of the guide. Confinement range sanctions may only be imposed by a Hearing Officer following a full hearing, or by approving a Negotiated Sanction. CCOs may recommend sanctions, but Hearing Officers are not bound by the recommendations. As quasi-judicial officers, they are responsible for receiving and reviewing allegations in a manner consistent with well-established principles of neutrality and independence.

### **Step One: Identifying Violations**

Violations, or prohibited conduct, may occur with one event or over time. In order to report violations, the CCO must have sufficient information and/or documentation to support a belief that the offender has engaged in prohibited conduct that constitutes a violation of a condition of supervision. Once the CCO has determined that a likely violation of condition(s) of supervision exists, they are required to respond to the violation(s) within 14-days.

### **Step Two: Determining the Sanction**

The point at which the offender's risk level, located at the top of the response chart, intersects with the violation listed on the left side of the chart represents the presumptive response. To determine the appropriate response, use the following guiding principles to see if the sanction/intervention is appropriate or should be higher or lower:

- The risk that the offender poses to the community
- The severity of the offender's violation
- The offender's assessed community risk level
- The offender's programming/treatment needs
- The offender's performance while on supervision
- Previous violations by the offender while under supervision
- The offender's receptiveness to supervision
- The relationship of the violation to the offender's crime of conviction
- The availability of other intervention means and the anticipated affect on the offender

CCOs and Hearing Officers should also refer to the aggravating and mitigating circumstances listed, following step 2 of these instructions, as aids in determining and supporting a decision regarding whether to recommend or impose a sanction/intervention outside of the guide. CCOs

and Hearing Officers are reminded that the Indeterminate Sentencing Review Board's (ISRB) rules must be followed in addressing violation(s) by ISRB offenders.

CCOs must consult with his/her supervisor and obtain approval to impose a sanction that falls above or below the levels shown in this guide.

Note: Unclassified offenders who violate should be handled as follows

- Current conviction is violent crime: RMA
- Current conviction is non-violent crime: RMB

Note: CCOs may, with the exception of offenders under the ISRB, request a conditional release for an offender pending resolution of the alleged violation, when the release would not pose an increased risk to the safety of the community. CCOs are also authorized to place offenders in a treatment program immediately in those instances where treatment could likely assist in addressing the offender's conduct and needs.

**\*Pursuant to ESSB 6157, offenders who violate with a felony arrest are not eligible for conditional release.**

### Step 3: Documenting Violations

CCOs must complete required documents such as notice, statements of rights, and discovery within the timelines set out in the Department's Policy Directives. CCOs shall document applicable decisions and actions on DT37.

### Violations – Sex Offender

#### Step 1 – Determine Intervention Level

Violation Behavior	A	B	C	D
Possessing or perusing pornography	H	H	M	M
Failing to submit to polygraph	C	C	H	M
Failing to submit to plethysmograph	H	H	M	M
Contact with prohibited class/minors	C	H	H	M
Accessing the Internet	H	H	M	M
Accessing sexually explicit telephone service/chat lines	H	H	H	M
Entering playground/school	H	H	H	M
Entering sex related business	H	M	M	L
Failing to complete sexual deviancy treatment as directed	C	H	M	M
Failing to enter sexual deviancy treatment as directed	C	H	M	M
Failing to register	H	M	L	L
Contact with crime victim	C	C	C	C

### Violations – Contact

#### Step 1 – Determine Intervention Level

Violation Behavior	A	B	C	D
Contact with crime victim	C	C	C	H

Contact with a specified class of individuals	M	M	L	L
Contact with prohibited class/minors	C	H	H	M
Contact with prohibited class/co-defendants	M	M	L	L
Contact with prohibited class/drug user/seller	M	M	L	L
Contact with prohibited class/known felons	M	L	L	L
Associating with known gang members	H	H	M	L

**Violations – Offender Programs** Step 1 – Determine Intervention Level

Violation Behavior	A	B	C	D
Failing to attend sober support group, i.e. AA/NA	M	M	L	L
Failing to complete victim education program	H	H	M	L
Failing to complete Relapse Education Program	H	H	M	L
Failing to complete Moral Reconation Therapy	M	M	L	L
Failing to complete Getting It Right Program	M	M	L	L
Failing to complete Nurturing Fathers Program	M	M	L	L
Failing to complete Partners in Parenting Program	M	M	L	L
Failing to complete Job Hunter Program	M	M	L	L
Failing to complete Thinking for a Change	M	M	L	L
Failing to attend gambling support group	M	M	L	L
Failing to attend school or training program	M	M	L	L
Failing to complete shoplift cessation class	M	M	L	L
Failing to participate in reintegration program	M	M	L	L
Failing to complete other programming as directed	M	M	L	L

**Violations – Geographic** Step 1 – Determine Intervention Level

Violation Behavior	A	B	C	D
Outside geographic boundary	H	M	M	M
Unapproved residence	H	M	L	L
Unapproved travel	H	M	M	L
Leaving Washington State without permission	H	M	L	L
Unapproved employment/residence change	H	M	M	L
Non-compliance with Stay Out of Areas of Prostitution	H	M	M	L
Non-compliance with Stay Out of Drug Areas	H	M	M	L
Non-compliance with Do Not Enter Known Narcotic Areas	H	H	M	L
Frequenting places where known gang members congregate	H	M	M	L

**Violations – Reporting**

Step 1 – Determine Intervention Level

Violation Behavior	A	B	C	D
Abscond	H	H	M	M
Escape	H	H	M	M
False monthly report	M	L	L	L
Failing to report	H	M	M	L
Failing to show for a hearing	C	H	H	M

**Violations – Financial**

Step 1 – Determine Intervention Level

Violation Behavior	A	B	C	D
Failing to pay legal financial obligations	L	L	L	L
Non-payment of cost of supervision fees	L	L	L	L
Entering into financial contract without permission	L	L	L	L

**Violations – Prohibitions**

Step 1 – Determine Intervention Level

Violation Behavior	A	B	C	D
Possessing a firearm/deadly weapon	C	H	H	H
Possessing non-firearm weapons	H	M	M	M
Possessing ammunition or explosives	H	H	M	M
Committing a like offense	C	H	M	M
Gambling	L	L	L	L
Possessing checking account/checks without approval	M	L	L	L
Possessing burglary tools	H	H	H	M
Operating a motor vehicle without permission	M	L	L	L
Operating a motor vehicle without license and/or insurance	M	M	L	L
Possessing access device or PIN without permission	H	H	M	M
Possessing drug paraphernalia	M	M	L	L
Displaying gang names	M	M	L	L
Wearing/displaying gang clothing/paraphernalia	M	M	L	L
Entering alcohol establishment	H	M	M	L
Non-compliance with crime related prohibitions	H	M	L	L
Changing treatment providers without prior approval	M	L	L	L

**Violations –Affirmative Conduct Requirements Step 1 – Determine Intervention Level**

<b>Violation Behavior</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
Violation of Affirmative Conduct Requirement	M	L	L	L
Failing to work	M	L	L	L
Failing to perform community restitution hours	M	L	L	L
Failing to attend victim impact panel	H	H	M	L
Failing to obtain a mental health evaluation as directed	H	M	L	L
Failing to complete mental health treatment as directed	H	H	M	M
Failing to abide by treatment rules	H	H	M	L
Non-participation in mental health treatment	H	H	M	M
Failing to obtain a domestic violence evaluation as directed	H	H	M	M
Failing to complete domestic violence treatment as directed	H	H	M	M
Failing to obtain an anger management evaluation as directed	H	H	M	L
Failing to complete anger management as directed	H	H	M	L
Failing to complete DNA testing as required	M	M	M	M
Failing to complete HIV testing as required	M	M	M	M
Failing to participate in job search as directed	M	L	L	L
Fail to obey all laws - Felony - Sex	C	C	C	C
Fail to obey all laws - Felony - Violent	C	C	C	C
Fail to obey all laws - Felony - Drugs	C	C	C	C
Fail to obey all laws - Felony - Property	C	C	C	C
Fail to obey all laws - Felony - Other	C	C	C	C
Fail to obey all laws - Misdemeanor - Sex	H	H	H	H
Fail to obey all laws - Misdemeanor - Violent	H	H	H	H
Fail to obey all laws - Misdemeanor - Drugs	H	M	M	L
Fail to obey all laws - Misdemeanor - Property	H	M	L	L
Fail to obey all laws - Misdemeanor - Other	H	M	L	L

**Violations – Drug Alcohol Violations Step 1 – Determine Intervention Level**

<b>Violation Behavior</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
Failing to obtain substance abuse evaluation as ordered	M	M	L	L

Consuming alcohol	H	M	M	L
Using controlled substance	H	M	M	L
Abide UA/BA monitoring	H	M	M	M
Possessing controlled substance	H	M	L	L
Possessing alcohol	H	M	L	L
Failing to notify CCO of controlled substance prescription	M	M	L	L
Termination from Drug Offender Sentencing Alternative program	C	C	C	N/A
Submitting a diluted or adulterated UA	H	H	M	M
Failing to obtain a chemical dependency evaluation as directed	M	M	L	L
Failing to complete chemical dependency Treatment as directed	H	H	M	M
Failing to abide by treatment rules	H	H	M	L
Failing to comply with Drug Offender Sentencing Alternative requirements	H	H	M	N/A

### Violations – Other

### Step 1 – Determine Intervention Level

Violation Behavior	A	B	C	D
Search refusal	C	H	M	M
Breaking curfew	M	M	L	L
Failing to abide by DOC imposed sanctions	M	M	L	L
Willful cause placement failure	M	M	L	L
Failing to complete original jail time	C	C	C	C
Failing to comply with court ordered impositions	M	M	L	L
Failing to abide by CCO verbal directive	M	L	L	L
Failing to notify CCO of arrest/citation	M	M	L	L
Failing to notify employer of convictions	M	M	L	L
Failing to complete electronic home monitoring as ordered	C	C	C	C
Failing to advise CCO of motor vehicle	M	M	L	L
Failing to follow facility rules	H	H	H	H
Failing to abide by Indeterminate Sentencing Review Board special condition not listed elsewhere in the guide.	M	M	N/A	N/A
Failing to comply with rules of electronic home monitoring	H	H	H	M

### Sanctions - LOW

### Step 2 – Select Appropriate Intervention

<b>Sanctions – LOW</b>	<i>Availability of resources varies by location</i>
▪ Apology letter	
▪ Case staffing	
▪ Community restitution hours (16 hours or less)	
▪ Curfew (30 days or less)	
▪ Daily log/letter Writing	
▪ Getting it Right (specific exercise)	
▪ Health education Classes	
▪ Increased reporting	
▪ Structured job search	
▪ Support group meetings	
▪ Thinking report	
▪ Travel restrictions (30 days or less)	
▪ Verbal reprimand	
▪ Written reprimand by CCO	

**Sanctions - MEDIUM** Step 2 – Select Appropriate Intervention

<b>Sanctions – MEDIUM</b>	<i>Availability of resources varies by location</i>
▪ Additional UA testing	
▪ Adjustment in contacts	
▪ Anger management classes	
▪ Community Accountability Board (CAB)	
▪ Community Justice Center (specialized programs)	
▪ Community restitution hours (more than 16 hours)	
▪ Counseling from a community agency	
▪ Curfew (longer than 30 days)	
▪ Daily breathalyzer testing (30 days or less)	
▪ Day reporting	
▪ Drug/Alcohol assessment	
▪ GED- Adult Basic Education	
▪ Getting it Right (full program)	
▪ Increased structured job search	
▪ Increase support group meetings	
▪ Moral Reconation Therapy	
▪ Relapse Education Program	

▪ Thinking For A Change
▪ Travel restrictions (over 30 days)
▪ Verbal/Written reprimand by Community Corrections Supervisor
▪ Victim education program

**Sanctions - HIGH**

Step 2 – Select Appropriate Intervention

<b>Sanctions - HIGH</b>	<i>Availability of resources varies by location</i>
▪ Daily reporting with option of UA testing	
▪ Daily UA testing	
▪ Detention pending hearing	
▪ Drug/Alcohol treatment	
▪ Evaluation & completion of recommended mental health, sexual deviancy, or anger management	
▪ Geographic restrictions – specific limitations	
▪ Intensive curfew	

**Sanctions - CONFINEMENT**

Step 2 – Select Appropriate Intervention

<b>Sanctions – Confinement Options</b>	<i>Availability of resources varies by location</i>
▪ Detention prison/jail	
▪ Electronic home monitoring	
▪ Global Positioning System	
▪ In-Patient treatment	
▪ Work Release	

**Recommended Confinement Time**

Risk	1 <sup>st</sup> Hearing	2 <sup>nd</sup> Hearing	3 <sup>rd</sup> or more Hearing
<b>A</b>	0-30 days confinement	30-45 days confinement or inpatient treatment	45-60 days confinement or inpatient treatment
<b>B</b>	0-20 days confinement	20-35 days confinement or inpatient treatment	35-50 days confinement or inpatient treatment
<b>C</b>	0-15 days confinement	15-30 days confinement or inpatient treatment	30-40 days confinement or inpatient treatment
<b>D</b>	0-10 days confinement	10-20 days confinement or inpatient treatment	20-30 days confinement or inpatient treatment

The following are well established lists of circumstances that have been found to be sufficient to support a CCO's or Hearing Officer's decision to impose sanctions higher or lower than required

by this guide. Please note that the lists are not exclusive. CCOs and Hearing Officers may seek approval of other factors to support a recommendation or decision.

### **Sanctions – CONFINEMENT- Mitigating Circumstances**

#### **Mitigating Circumstances for Exceptional Sanctions: Non-Exclusive List**

- Before detection, the violator compensated or made a good faith effort to compensate the victim of the violation conduct for any damage or injury sustained.
- The violator committed the violation under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.
- The violator, with no apparent predisposition to do so, was induced by others to participate in the violation.
- The violator's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. (Voluntary use of drugs or alcohol is excluded.)
- To a significant degree, the victim of the alleged violation was an initiator, willing participant, aggressor, or provoker of the incident.
- The violation was principally accomplished by another person and the violator manifested extreme caution or sincere concern for the safety or well-being of the victim.
- The violator or the violator's children suffered a continuing pattern of physical or sexual abuse by the victim of the violation and the violation behavior is a response to that abuse.

### **Sanctions – CONFINEMENT- Aggravating Circumstances**

#### **Aggravating Circumstances for Exceptional Sanctions: Non-Exclusive List**

- The violator and the DOC both stipulate that justice is best served by the imposition of an exceptional sanction.
- The violator has committed multiple current violations and standard sanction results in some conduct going unaddressed.
- The violator has had multiple prior hearings.
- The violator knew or should have known that the victim of the violation was particularly vulnerable or incapable of resistance.
- The current violation was a violent offense, and the violator knew that the victim of the current offense was pregnant.
- The current violation was a major economic offense or series of offenses, and involved multiple victims or multiple incidents per victim; or involved attempted or actual substantial monetary loss; or involved a high degree of sophistication or planning or occurred over a lengthy period of time; or the violator used his or her position of trust, confidence, or fiduciary responsibility to facilitate the violation.

- The violation behavior was of a sexual nature.
- The violation involved domestic violence.
- The violation was part of an ongoing pattern of psychological, physical, or sexual abuse of a victim under 18 and/or manifested by multiple incidents over a prolonged period of time;
- The violation occurred within sight or sound of the victim's or the violator's minor children under the age of eighteen years; or
- The violator's conduct during the commission of the current violation manifested deliberate cruelty or intimidation of the victim.
- The violation involved a high degree of sophistication or planning.
- The violator used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the violation.
- The violator committed a sex offense, has a history of sex offenses, and does not appear to be amenable to treatment.
- The violator demonstrated or displayed an egregious lack of remorse.
- The violator committed the current violation shortly after being released from confinement.
- The violation was committed against a CCO or law enforcement officer who was performing his/her official duties at the time of the offense.
- The violator committed the violation against a public official or officer of the court in retaliation of the public official's performance of his/her duty to the criminal justice system.

## **Violation Sanction Descriptions**

**LOW**

### **Apology Letter:**

An apology letter is most appropriate for a minor violation where the offender has been inconsiderate of another person through being late for appointments, forgetting appointments or other inconsiderate actions where proper social etiquette would warrant an apology.

### **Case Staffing:**

This may be an effective sanction for those offenders that have good community support structures but are struggling. A case staffing with family members (mom, dad, spouse), members of the clergy, counselors, CCO's supervisor or others that may be offering support or structure in the community to assist the offender with understanding and changing their behaviors.

### **Community Restitution Hours (16 Hours or Less):**

Community Restitution can serve as a meaningful sanction for dealing with a broad range of violations such as not reporting as scheduled, failure to maintain employment or attendance for other programs.

### **Curfew (30 Days or Less):**

This may be an effective sanction for offenders that need to be at their place of residence vs. being on the streets, out late and not able to get up in the mornings for work or other reporting requirements. Ordering the restriction of the time spent in the community protects the community from the offender and keeps the offender from a negative peer group on the streets.

### **Daily Log/Letter Writing:**

The requirement to keep a daily log or to write a daily/weekly/monthly letter is a continual reminder to the offender that the supervising CCO will be monitoring his/her behavior and provide ongoing reinforcement of appropriate behavior.

**Getting It Right (Specific Exercise):**

This program assists offenders in personal growth, responsible thinking, life management, relapse prevention, change plans, and a passport to action. This sanction involves assigning the offender an exercise from the book that addresses the specific non-compliant behavior.

**Health Education Classes:**

Ordering an offender to participate in Health Education classes will provide education and information to promote offender health, teach offender self-care, and address disease prevention, early detection, and treatment.

**Structured Job Search:**

For the offenders with no or poor work histories, who are frequently unemployed and need assistance with resume writing, employment application completion, job interviewing procedures, and career exploration should be referred to available community resources.

**Support Group Meetings:**

Requiring an offender to attend scheduled meetings for chemical dependency/addictive behavior programming provides learning on addiction and maintaining sobriety in a structured environment. This sanction should be used for offenders who have had a minor relapse or had a positive UA.

**Thinking Report:**

This sanction involves the writing of a report by the offender and is to be used when offenders are using criminal thinking to excuse their behavior. The CCO should review the report and reinforce the learning with the offender.

**Travel Restrictions (30 Days or Less):**

This may be an effective sanction for offenders who frequently travel to meet family and friends in the state or who often travel to larger cities for entertainment or shopping.

**Verbal Reprimand by CCO:**

Counseling or a reprimand is the most common response to a minor violation of supervision. It involves confronting the offender with the apparent violation, listening to his/her side of the story, and delivering a warning.

**Written Reprimand by CCO:**

A written reprimand is used when a verbal reprimand has not been effective. A written reprimand has the additional benefit of putting in writing what the problem is, and exactly what needs to be done to change the behavior causing the violation of the conditions of the supervision agreement.

**Violation Sanction Descriptions**

**MEDIUM**

**Additional UA Testing:**

An increase in UA testing is designed to assist the offender in breaking the cycle of substance abuse by providing close monitoring. This sanction is most often used when an offender has an extensive background in using chemicals or after an offender has had a positive UA.

**Adjustment in Contacts:**

For the offender who has demonstrated multiple minor violations such as not keeping appointments or finding full-time employment, an effective strategy is to increase his/her reporting requirements to multiple times per week, and a restriction of the time spent with negative peers on the streets

**Anger Management Classes:**

The sanction involves requiring an offender to attend anger management classes and is to be used when offenders are using anger to control others or are allowing anger to control their behavior.

**Community Accountability Board (CAB):**

This sanction involves ordering an offender to appear before a CAB. A CAB is based on restorative justice principles and seeks to engage the community and victims with the offender to restore the harm done as a result of the offender's behavior. The offender is held accountable to the community for the harm done by his/her criminal behavior. This is achieved by appearing before the CAB and developing a Community Negotiated Action Plan (CNAP) that effectively addresses behavior. The CAB consists of volunteers from local communities who want to impact crime by being involved in the decisions made about an offender's behavior.

**Community Justice Center (Specialized Programs):**

This sanction requires an offender to report to a Community Justice Centers (CJC) to complete specialized programming.

**Community Restitution Hours (More Than 16 Hours):**

Community Restitution can serve as a meaningful sanction for dealing with a broad range of violations such as not reporting as scheduled, failure to maintain employment, failure to follow through on treatment or education, or failure to follow through on program attendance.

**Counseling from a Community Agency:**

Requiring an offender to participate in Counseling should be used as a sanction when a offender has mental health issues and a condition of supervision has been violated, but the offender's mental health are exacerbating their problems.

**Curfew (Longer Than 30 Days):**

This may be an effective sanction for offenders that need to be at their place of residence vs. being on the streets, out late and not able to get up in the mornings for work or other reporting requirements. Ordering the restriction of the time spent in the community protects the community from the offender and keeps the offender from a negative peer group on the streets.

**Daily Breathalyzer Testing (30 Days or Less):**

This sanction is most often used when an offender has a history of alcohol abuse problems and recent alcohol use that includes two indications of alcohol use within a six month period.

**Day Reporting:**

Requiring an offender to report to his CCO daily allows the CCO to check on the offender's sobriety, drug usage or employment status. Offenders under this sanction should be deterred from further violation of the condition of their supervision agreement by the increased risk of discovery of behavior that violates his/her supervision agreement and should, over time, develop the skills needed to succeed in the community.

**Drug/Alcohol Assessment:**

An offender with a history of substance abuse problems and recent drug use should be referred to a designated program for screening for an outpatient treatment program, after increased urine testing, Relapse Education Program and other intermediate sanctions have been used without success. Mandatory aftercare and regular substance abuse testing are all part of the outpatient treatment protocol.

**GED:**

Participation in this program assists in increasing reading, writing, and math levels to a 9.0 grade level in order to obtain a GED certificate.

**Getting it Right (Full Program):**

This program assists offenders in personal growth, responsible thinking, life management, relapse prevention, change plans, and a passport to action. This sanction involves enrolling the offender in the full program.

**Increased Structured Job Search:**

Creating a structured job search plan and requiring the offender to follow it may be an effective sanction for offenders that need assistance in finding and maintaining jobs (at a more intensive level).

**Increased Support Group Meetings:**

Increasing the number of scheduled meetings to attend weekly chemical dependency/addictive behavior programming (addictive behavior support groups) provides enhanced learning on addiction and maintaining sobriety and the opportunity to address this through a structured environment. This sanction should be used for offenders who have had a minor relapse or who have had a major relapse but have had a long period of sobriety prior to their relapse.

**Moral Reconciliation Therapy (MRT):**

Ordering an offender to complete MRT can help those correct thinking errors and take responsibility for actions. If this is not available locally, Thinking For A Change is a good alternative program.

**Relapse Education Program (REP):**

Ordering an offender to complete REP can help offenders understand and change the self-defeating behaviors that may result in relapse.

**Thinking For A Change:**

Ordering an offender to complete this program helps offenders correct thinking errors and take responsibility for their actions.

**Travel Restrictions (Over 30 Days):**

This may be an effective sanction for offenders who frequently travel to meet family and friends in the state or who often travel to larger cities for entertainment or shopping.

**Verbal/Written Reprimand from Community Corrections Supervisor (CCS):**

A verbal/written reprimand by the CCS is used when a verbal/written reprimand by the CCO has not been effective. A written reprimand has the additional benefit of putting in writing exactly what the problem is and what needs to be done to change the behavior.

**Victim Education Program:**

Ordering an offender to complete this program can help offenders understand the impact of crime and accept responsibility.

**Violation Sanction Descriptions**

**HIGH**

**Day Reporting With Option of Daily UA Testing:**

Requiring an offender to report to his CCO daily allows the CCO to check on the offender's sobriety, drug usage or employment status. Offenders under this sanction should be deterred from further violations of the conditions of their supervision agreement by the increased risk of discovery of behavior that violates his/her supervision agreement. Daily UA testing can assist the offender in breaking the cycle of substance abuse by providing close monitoring. This sanction is most often used when an offender has an extensive background in using chemicals or after an offender has had a positive UA.

**Daily UA testing:**

Daily UA testing can assist the offender in breaking the cycle of substance abuse by providing close monitoring. This sanction is most often used when an offender has an extensive background in using chemicals or after an offender has had a positive UA. The objective is to work with the offender to increase the amount of time where the offender remains clean and sober with the goal of achieving this for life.

**Detention Pending Hearing:**

CCO uses a DOC detainer or Secretary's Warrant to place offender in custody **pending** a hearing. The imposition of jail/detention time should be used in cases where offenders have willfully and consistently failed to abide by the conditions of supervision, a conditional release has been used previously and the offender failed to follow through with the requirements, or less severe sanctions have been unsuccessful or would significantly detract from the seriousness of the situation.

**Drug/Alcohol Treatment:**

An offender with a history of substance abuse problems and recent drug/alcohol use should be referred to a designated program only after the CCO has made treatment referrals, increased urine testing, and used other intermediate sanctions without success. The offender will complete the program per their assessed needs. Mandatory aftercare treatment and regular substance abuse testing are all part of the treatment protocol.

**Evaluation & Completion of Recommended Mental Health, Sexual Deviancy, and Anger Management:**

Requires an offender to receive an evaluation from a provider and to successfully complete treatment as recommended by the evaluator.

**Geographic Restrictions – Specific Limitation:**

Restricting the locations in which an offender frequents may be an effective sanction for offenders who have demonstrated the inability to control their traveling activities, which puts them at risk for non-compliant behavior.

**Intensive Curfew:**

This sanction is for individuals needing more restriction on their movement in the community. Offenders are to remain at their residence at all times leaving only for employment, treatment, education/training, reporting, and other activities approved by the CCO. This sanction would be used when the offender has demonstrated that other less restrictive measures are not preventing him/her from violating the conditions of supervision.

Violation Sanction Descriptions      CONFINEMENT

**Detention Prison/Jail:**

CCO recommends continued total confinement based on the severity of the behavior and risk to re-offend.

**Electronic Home Monitoring:**

The offender wears a tamper-resistant device, which monitors when the offender is in his/her residence 24 hours a day. This sanction would be used when the offender has demonstrated that less restrictive measures have been ineffective and partial confinement is warranted.

**Global Positioning System (GPS):**

The offender wears a tamper-resistant device and carries a location tracking device, which monitors and tracks the offender's location 24 hours a day. The technology allows the CCO to monitor if the offender is at certain locations during the day such as residence, work, treatment, etc. (inclusion zones) or is at or near prohibited locations such as parks or school grounds (exclusion zones). This sanction and technology should be used only when location tracking is identified as a necessary component of the sanction.

**In-Patient Treatment:**

An offender who is sanctioned to the completion of an inpatient chemical dependency program based on their assessed need.

**Work Release:**

Work Release allows an offender to be removed from the community for a period of time to deal with the relapsing behavior and make appropriate plans to continue to address the behavior when he/she returns to the streets. This sanction is most often used when an offender has an extensive background in using chemicals or needs a structured transitional program to successfully maintain him/her in the community.