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SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF KING

01/ivier
In re the detention of
Plaintiff/Petitioner,) NO. 17-2-09074-SEA³
v.) ORDER ON ~~CIVIL~~ MOTION
Defendant/Respondent.) ^{SVP}
(Clerk's Action Required)

The above-entitled Court, having heard a motion

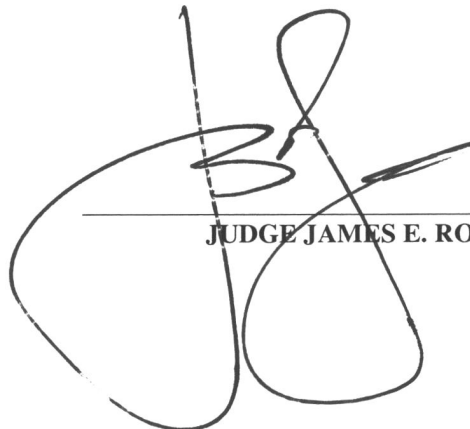
For annual review show cause
for an LRA trial

IT IS HEREBY ORDERED that

per the attached order

The annual review is terminated
The motion for an LRA trial is denied.

DATED: 3/28/2024



JUDGE JAMES E. ROGERS

1 In re Ollivier 17-2-09074-3 SEA

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3 Motion to Grant Unconditional Release Trial/Failure of Annual Eval

- 4 1. The parties agree that through Dr. Shaw's report, the State has met its burden under
5 RCW 71.09.090(2).

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7 Motion for LRA Trial Based Upon Evidence of Probable Cause

- 8 2. Ollivier presents his own evidence to establish probable cause under RCW
9 71.09.090(2)(d). In the last year's hearing, this Court found that Dr. Plaud's
10 opinion was conclusory. This year the issue is a bit different.
11 3. Mr. Ollivier is now (since October) in Cohort SOTP treatment.
12 4. Dr. Plaud's report is based in part upon SCC treatment records, but he only
13 reviewed January to (early) March of this last year. For whatever reason, he did not
14 review the remainder of the year's records. He discusses an employee who testified
15 about the inadequacy of Mr. Ollivier's treatment. She only worked with Ollivier
16 for a few months at the beginning of the year. But Mr. Ollivier is now in Cohort
17 treatment at the SCC, a substantial change. Dr. Plaud certainly does not consider
18 the records for over nine months including when Mr. Ollivier was in regular
19 treatment at the SCC.
20 5. One of Dr. Plaud's opinions is that Mr. Ollivier is not being properly treated for his
21 sexual deviancy. Dr. Plaud also generally criticizes the treatment at the SCC that
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1 Mr. Ollivier has been offered (at least as to March for records). Of course, that has
2 changed.

- 3 6. Dr. Plaud's opinions lack foundation, for the reason that he reviewed only a few
4 months of records at the beginning of the year before reaching his opinion. It is not
5 even clear to the Court whether he understood that Mr. Ollivier was in Cohort
6 treatment. Thus, his opinion is inadmissible.
- 7
- 8 7. Therefore the only expert evidence in front of the Court on this issue is Dr. Shaw's
9 report. She did review all records. She opines against release and a trial. Thus, the
10 evidence on this relevant time period is undisputed.
- 11
- 12 8. The Court is well aware that this is the second time Dr. Plaud's reports have been
13 inadequate. This Court can only assess what it receives.
- 14 9. Assuming that Dr. Plaud gets records for the time period for his next year's report
15 and thus has foundation for his next opinion, and Mr. Ollivier remains in treatment
16 with some progress, the parties should meet and confer before the next year's
17 hearing. A similar opinion by Dr. Plaud with foundation could lead to an Order for
18 an LRA trial. If the parties have difficulty with document production they should
19 consult this Court.
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1 It is ORDERED that

- 2 1. The DSHS Annual Report by Dr. Shaw provides prima facie evidence that a
3 less restrictive alternative is not in the best interests of the Respondent and
4 conditions cannot be imposed that would adequately protect the community.
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6 2. Respondent's Motion for a trial on conditional release pursuant to RCW
7 71.09.090(2)(ii) is Denied.

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10 IT IS SO ORDERED March 25, 2024

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14 Hon. James E. Rogers
15 King County Superior Court
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