

Statement of Alan McLaughlin

I swear under penalty of perjury the following facts are true to the best of my recollection. I am submitting this statement pursuant to a request from the Commission on Judicial Conduct. I did not seek them out; I was contacted by them.

I am employed as the Associate Superintendent of Treatment and Care for the Special Commitment Center (SCC) on McNeil Island. Prior to that position I was employed as the Residential Care Manager. I was engaged in that work for about three years. I was responsible for the supervision of the residential units at that secure facility, and for the staff that supervised those units.

From time to time, I assist in conducting tours for visitors to the facility. Generally the people touring the SCC are legislators, law enforcement personnel, members of the press and others with some particular interest in the facility. It is not open to the general public. Though it is a publicly-owned facility, it is also a secure unit, and people live there and receive treatment. Those who do visit must be cleared for security purposes.

I believe I first became aware that State Supreme Court Justice Richard Sanders wished to visit the unit a short time before I received a memo dated January 24, 2003 from Bonni Parker, the Associate Superintendent of the facility, advising us of the anticipated tour. I had heard of the likelihood of a tour, since some of the residents, members of the African American Collective, had extended an invitation to the Supreme Court justices to visit.

On the date of the visit, January 27, 2003, I met the justice and a small group of people accompanying him at the McNeil Island side of the ferry. I did not recognize any of the attorneys who represent the state or counties in special commitment cases as being among the group, and my understanding is that the visitors were all people affiliated with the justice and/or the court. We provided them with paperwork about the facility: a basic description of the program, an itinerary of the tour, and a copy of the Resident Handbook containing rules of the facility. Mark Davis, the Facilities Manager of the Secure Community Transition Facility (SCTF), a Less Restrictive Alternative (LRA) placement alternative, was also there to meet the group at the dock, with a van. We all got on the van, and Mr. Davis took us on a tour of the LRA. Dr. Vince Gollogly, the Clinical Director of the facility, was also present. We drove around the portion of the facility that was under construction, and took a view of the new facility from the bluff above it.

From there we went on to the secure facility. The first stop was the recreation center, containing a gym, wood shop, weight lifting equipment, and a music room. At that point Dr. Gollogly had to leave, and Cathi Harris, Forensic Therapist Supervisor, took his place. There were some other staffers present as well, and Justice Sanders had a conversation with a resident about woodworking. From there they went to B Pod, where men from the African American

Alan McLaughlin Statement

Collective (AAC) were waiting to greet the justice. Rick Calhoun was one of the men from the (AAC) who greeted the justice on behalf of the group. Mr. Calhoun and other members of the collective seemed to have the impression that they were going to conduct the tour since they had invited the visitors. I clarified that was not to be the case. Mr. Calhoun lived at the time in lower B Pod, and had an intermittent one-on-one conversation with Justice Sanders. Mr. Calhoun initiated the conversation and expressed the concern that he'd been living on lower B for six months, and that he felt he didn't need or want to be there, since that location is for people with special needs, and he did not feel he was such a person.

The group walked from lower B to lower A pod, and Justice Sanders expressed his wish to meet and to speak with more residents. That was one of the intentions he had expressed in his letter responding to the invitation, which I had seen. We were in the open area of lower A, and given the justice's expressed desire to talk with the residents I recommended they go to a classroom for more privacy and a more quiet setting. Justice Sanders told the residents that he was interested in talking with them but he needed to make it clear that he didn't want to have to recuse himself from cases involving them or the facility, and that he would only listen to what they had to say but he'd have to limit the conversations if they included a lot of personal information. He reiterated that a number of times.

In the classroom there were about three staffers, five of the people from the Supreme Court group, and about five to seven residents at a time. When one would finish his conversation with the justice, he'd leave and another would cycle through. The justice would periodically announce to the group: "I do not want to get into your individual cases" or "your personal case" but he would then inquire "What brought you here?" or "What did you do to get here?" (I had a hard time understanding the distinction the justice was striking between announcing he did not want to hear about individual cases and then inquiring about individual cases.) Justice Sanders said to a number of residents that he wondered if they had heard about the issue of volitional control, and what they thought about that. That was notable to me, as I had never heard a visitor initiate that kind of conversation with the residents. He followed up on this subject individually with some of the residents, for example, Christopher Rudolph. It seemed odd to me that the individual residents were sharing information about their criminal histories and current hopes, as well as the issue of volitional control.

The original plan had been for the group to depart the island on the 1:30 pm ferry. They were still in the classroom shortly before that time, and Justice Sanders asked if they could have the opportunity to stay longer. I understood that he wished to talk with more residents. I offered the option to the visitors to catch the 1:30 boat or to take the 2:30 ferry. Justice Sanders and, I believe, one aide opted to remain longer.

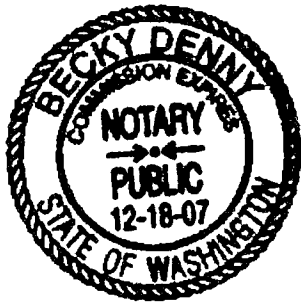
From A Pod, the justice proceeded to upper A West, which houses about 24 individuals. There the justice met with a larger group, and I made mental notes of those who spoke with him individually. (I wrote down my recollection of this visit the day of the visit and the day after it took place.) We went to the open day room, where we were met by people anticipating the visit, including Andre Young, who had written the letter of invitation. Justice Sanders spoke with

Andre about his criminal history, the alternative forms of treatment he advocated, and why he was refusing treatment at the SCC. Resident Herman Paschke told the justice he was awaiting the completion of an appeal.

I have a clear recollection that Justice Sanders was offered documents by two residents during this visit and that he accepted those documents and retained them, placing them among the papers he had received at the outset of the tour. Ralph Spink handed the justice a folded piece of butcher block paper, and Keith Rogers handed the justice an 8" by 11" envelope, saying to him there was a court document inside. Our rules prohibit residents from passing paperwork or other items to visitors; they are normally required to use the mail. This was an unusual and unexpected set of circumstances, and I did not feel it was my place to tell a State Supreme Court Justice he could not do that.

Alan McLaughlin
Alan McLaughlin

March 10, 2004
Date



Becky Denny BECKY DENNY
Signed and sworn before me this
10th day of March, 2004.
Notary Public, in and for the State of Washington,
residing at Olympia. My commission
expires 12-18-07.