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8 STATE OF WASHINGTON  
SPOKANE COUNTY SUPERIOR COURT

9 In re the Detention of:

NO.

12201532-0

10 SCOTT R. HALVORSON,

PETITION

11 Respondent.

12 COMES NOW Petitioner, State of Washington, by and through  
13 ROBERT M. MCKENNA, Attorney General, and KENT Y. LIU, Assistant Attorney General,  
14 and submits this petition seeking the involuntary civil commitment of the respondent, Scott  
15 Halvorson, as a sexually violent predator pursuant to chapter RCW 71.09 *et seq.* Specifically,  
16 Petitioner alleges Respondent is a sexually violent predator, as that term is defined in  
17 RCW 71.09.020(18), given the following:

18 1. Respondent has been convicted of the following sexually violent offenses, as that  
19 term is defined in RCW 71.09.020(17):

- 20 a. On or about August 18, 1988, in Spokane County Superior Court, Cause No.  
21 87-1-00833-0, Respondent was convicted of Indecent Liberties Against a  
22 Child Under Fourteen-years-old.
- 23 b. On or about August 18, 1988, in Spokane County Superior Court, Cause No.  
24 88-1-00602-5, Respondent was convicted of Rape in the First Degree.
- 25  
26

1 c. On or about August 21, 2008, in Spokane County Superior Court, Cause No.  
2 07-1-01658-0, Respondent was convicted of Assault in the Second Degree  
3 with Sexual Motivation.


4 2. Respondent currently suffers from a mental abnormality, as that term is defined in  
5 RCW 71.09.020(8), specifically: Paraphilia, NOS Non-consent. In addition, Respondent suffers  
6 from a personality disorder as that term is defined in RCW 71.09.020(9), specifically: Antisocial  
7 Personality Disorder.

8 3. Respondent's diagnosed mental abnormalities and personality disorder causes him  
9 to have serious difficulty in controlling his dangerous behavior and make him likely to engage in  
10 predatory acts of sexual violence unless confined in a secure facility.

11 Based upon the foregoing, Respondent should be committed to the custody of the  
12 Department of Social and Health Services for placement in a secure facility for control, care, and  
13 treatment until such time as his condition has so changed that he no longer meets the definition of  
14 a sexually violent predator, or conditional release to a less restrictive alternative is in his best  
15 interest and conditions can be imposed that would adequately protect the community.

16 DATED this 17<sup>th</sup> day of April, 2012.

17 ROBERT M. MCKENNA  
18 Attorney General

19   
20 KENT LIU, WSBA #21599  
21 Assistant Attorney General  
22 Attorneys for Petitioner

STATE OF WASHINGTON  
SPOKANE COUNTY SUPERIOR COURT

In re the Detention of:

SCOTT R. HALVORSON,

Respondent.

NO. 12201532-0

CERTIFICATION FOR  
DETERMINATION OF  
PROBABLE CAUSE

I, KENT Y. LIU, Assistant Attorney General for the State of Washington, am familiar with the investigation conducted by the Washington State Department of Corrections and various law enforcement agencies relating to Respondent, SCOTT R. HALVORSON (Halvorson). Pursuant to RCW 71.09.030, the Attorney General for the State of Washington is filing this Petition at the request of the Spokane County Prosecuting Attorney, STEVE TUCKER. Petitioner, State of Washington, sets forth the following in support of its Motion for Determination of Probable Cause that Halvorson is a sexually violent predator pursuant to Chapter 71.09 RCW et. seq.

**I. OFFENSE HISTORY**

Halvorson was born on July 8, 1960, and is now 51 years old. He has been convicted of three sexually violent offenses as that term is defined in RCW 71.09.020(17).

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CERTIFICATION FOR  
DETERMINATION OF  
PROBABLE CAUSE

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COPY

ATTORNEY GENERAL'S OFFICE  
Criminal Justice Division  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-6430

1 **A. SEXUALLY VIOLENT OFFENSES**

2 **1. Indecent Liberties Against a Child Under Fourteen Years Of Age, Spokane**  
3 **County Superior Court, Cause No. 87-1-00833-0, August 18, 1988.**

4 On April 25, 1987, Halvorson (26-years-old) lured a four-year-old girl, E.M., into his  
5 apartment. Halvorson took E.M. into his bedroom, placed her on his bed, and removed her  
6 clothes. He told E.M. he was a doctor and he was going to make her feel better. He placed  
7 his finger in the girl's rectum. E.M. said it hurt. E.M. said Halvorson "pinched" his penis and  
8 "peed" on the floor. She described the "pee" as being white. Halvorson told E.M. to keep the  
9 incident a secret. When interviewed by police, Halvorson admitted removing E.M.'s jumpsuit  
10 and panties but claimed he was checking for bruising to her back or buttocks. Halvorson said  
11 he found a rash in the area of E.M.'s rectum and he applied medication to her rectal area. He  
12 pled guilty to Indecent Liberties and was eventually sentenced on August 18, 1988, to 20  
13 months in prison, concurrent to the offense that follows.

14 **2. Rape in the First Degree, Spokane County Superior Court, Cause No. 88-1-**  
15 **00602-5, August 18, 1988.**

16 Halvorson's guilty plea to the above indecent liberties charge occurred on March 31,  
17 1988. He was released into the community pending sentencing. On June 8, 1988, he was  
18 arrested for kidnapping and raping a 10 year-old girl, D.H. At approximately 10:30 p.m., D.H.  
19 was asleep in her bedroom when she was awakened by Halvorson. D.H. had never met him  
20 before. He had broken into her residence and was standing next to her bed, armed with a knife.  
21 Her mother was asleep in another room. When she tried to scream, he placed the knife against  
22 her stomach and placed a gloved hand over her mouth. Halvorson forced D.H. out of the house  
23 and into the back yard where he forced her to lay face down on the grass. He pulled her  
24 panties off and licked her anal and vaginal areas with his tongue. He then forced D.H. to a  
25 nearby house as he covered her eyes. Halvorson took her to the bedroom and forced her to lay  
26 face down on the bed. He then placed a pillow over her head. Over the course of several  
hours, Halvorson raped D.H. anally and vaginally with his fingers and penis. He also forced

1 his penis into her mouth. During the rape, D.H. told Halvorson that it hurt. He threatened to  
2 hurt her even more if she did not keep quiet. Halvorson told D.H. that he had been watching  
3 her. He told her that he was not supposed to do this and that he was not supposed to be in love  
4 with a girl her age. He threatened to kill D.H. if she reported the rape. After the rape,  
5 Halvorson walked D.H. back to her house with a towel draped over her head. She immediately  
6 reported the rape to her mother. Halvorson was arrested and subsequently pled guilty to rape  
7 in the first degree. He was sentenced on August 18, 1988, to 133 months in prison.

8 **3. Assault in the Second Degree with Sexual Motivation, Spokane County**  
9 **Superior Court, Cause No. 07-1-01658-0, August 21, 2008.**

10 On April 23, 2007, D.S. was asleep in her residence when she was awakened by a  
11 knock on the door at approximately 1:30 a.m. She looked outside and saw Halvorson standing  
12 at the door. She had never met him before. She asked Halvorson what he wanted and he  
13 replied "Debbie, its Scott from the Flame." She did not know anyone by that name but thought  
14 he looked somewhat familiar. Halvorson said he was too drunk to drive and needed to use her  
15 phone to call a cab. D.S. let him inside her residence. Once inside, Halvorson grabbed D.S.  
16 and forced her into the bedroom and bent her over the bed. He pulled her clothes off and threw  
17 her to the floor and called her a "little whore." He told her that he was going to "have her in  
18 the ass." Halvorson told D.S. that he had a knife and he would kill her if she did not do what  
19 he said. He then told her that she had a "cute butt like a fourteen year old." Halvorson raped  
20 D.S. by anal penetration for nearly three hours. During most of that time, he choked her and  
21 pulled her hair. After the rape, Halvorson drank a beer that he had brought with him. After he  
22 left the residence, D.S. called the police. Officers observed large blood clots below D.S.'s  
23 pupils and bruising in her neck area caused by the choking inflicted by Halvorson. On  
24 June 18, 2008, Halvorson was convicted by a jury of rape in the third degree and assault in the  
25 second degree with sexual motivation. He was originally sentenced to life imprisonment as a  
26

1 “persistent offender.” However, that sentence was reversed on appeal and he was re-sentenced  
2 to 48 months in prison on February 11, 2010.

3 **B. OTHER OFFENSES**

4 In addition to Halvorson’s sexually violent offense convictions, he has been convicted  
5 of, or disclosed other acts of a sexually deviant nature:

6 **1. Attempted Rape and Burglary, Spokane County, January 20, 1980.**

7 On January 20, 1980, at approximately 2:00am, 16-year-old C.O. was asleep in her  
8 bedroom when she awoke and felt someone touching her panties. She felt someone touching  
9 the middle part of her buttocks. She immediately sat up and Halvorson was at the side of her  
10 bed. He quickly covered his head with a jacket and ran out the door. C.O. discovered that her  
11 panties had been cut by a pair of scissor in the space between her buttocks. Halvorson was  
12 identified, arrested, and charged with indecent liberties. When interviewed by police, he  
13 admitted he had broken into C.O.’s residence, entered her room and decided to cut off her  
14 underwear. He further said that when C.O. woke up, he covered his head with his coat and ran  
15 out the back basement door. Halvorson eventually pled guilty to criminal trespass in the first  
16 degree.

17 **2. Self Disclosed Sexual Offenses.**

18 On March 22, 1988, Halvorson’s sat for a polygraph examination arranged by his  
19 attorney, Steve Reich. During the pre-polygraph interview, Halvorson admitted to a long  
20 history of sexual offending against his family members. He admitted that he fondled his sister  
21 Jenney’s buttocks and had attempted anal intercourse with her when she was between 5 and  
22 11-years-old. He admitted committing the same acts against his sister Carol when she was  
23 between 5 to 6-years-old. Halvorson admitted that he sexually assaulted Stacy, the 3 to 4-year-  
24 old daughter of his cousin, by “violating” her buttocks with his penis. He also disclosed that  
25 when he was 11 to 12-year-old, he engaged with his 8 to 9-year-old brother in mutual fondling.  
26 In addition, Halvorson admitted he attempted anal intercourse with past girlfriends who were

1 under aged. Halvorson acknowledged that he has a buttocks fixation and needs sexual therapy  
2 because he was out of control.

3 Additionally, during the 1988 investigation into the kidnap and rape of D.H., officers  
4 spoke to Mark Lax, an acquaintance of Halvorson. Lax said Halvorson told him he was in  
5 trouble and that he was a pedophile. When Lax asked Halvorson if he meant young girls 13 or  
6 14-years-old, Halvorson responded "No, I like young girls."

### 7 C. PRISON VIOLATIONS

8 Halvorson has spent a significant amount of time in prison during which he engaged in  
9 drug use and improper conduct. On February 10, 1989, while incarcerated at Twin Rivers  
10 Corrections Center (TRCC), corrections officers searched Halvorson's cell and discovered a  
11 brown leafy substance that tested positive for marijuana. He was sanctioned to loss of good  
12 time and 5 days in segregation. On January 16, 1992, while incarcerated at TRCC, Halvorson  
13 tested positive for cannabis in three separate tests. He was sanctioned to loss of good time and  
14 7 days in segregation. On January 31, 1992, Halvorson was placed in segregation after  
15 corrections officers received confidential information that he was involved in drug trafficking.  
16 He received a custody demotion and was transferred out of TRCC. On August 4, 1994,  
17 Halvorson received a serious infraction for engaging in a physical fight with another inmate.  
18 He refused orders from correction officers to stop and officers had to physically separate and  
19 restrain him. Halvorson was sanctioned to loss of good time and 15 days in segregation.

## 20 II. SEX-OFFENDER TREATMENT

21 When Halvorson was placed at the Twin Rivers Corrections Center, he participated in a  
22 pre-treatment group. However, he was removed from the group and transferred out of Twin  
23 Rivers after he was suspected of drug trafficking. Halvorson has never formally enrolled or  
24 completed a full sex offender treatment program (SOTP), thus, he is considered an untreated  
25 sex offender. When asked by Dr. Judd why he never enrolled in SOTP, Halvorson explained  
26

1 "I didn't feel that I needed it and if I was involved with it, it was likely to do me more harm  
2 than good."

### 3 III. SEXUALLY VIOLENT PREDATOR EVALUATION

4 Dr. Brian Judd, Ph.D., conducted an evaluation of Halvorson at the request of the End  
5 of Sentence Review Committee of the Department of Corrections (DOC) to determine  
6 whether Halvorson meets the definition of a sexually violent predator. Dr. Judd is a licensed  
7 psychologist who has testified in Sexually Violent Predator (SVP) cases. Dr. Judd is familiar  
8 with RCW 71.09 and has considerable expertise in the evaluation, diagnosis, and treatment of  
9 sex offenders, including evaluations conducted for civil commitment purposes. A true and  
10 accurate copy of Dr. Judd's Curriculum Vitae is attached hereto as Exhibit A.

11 In conducting his evaluation, Dr. Judd reviewed voluminous records involving  
12 Halvorson, including police reports, court documents, criminal history records, DOC records,  
13 and treatment records. Dr. Judd also interviewed Halvorson for approximately six hours on  
14 August 12, 2011. A true and accurate copy of Dr. Judd's 32-page evaluation dated  
15 August 21, 2011, is attached hereto as Exhibit B.

16 It is Dr. Judd's opinion, to a reasonable degree of psychological certainty, that  
17 Halvorson meets the criteria as a sexually violent predator. Dr. Judd diagnosed Halvorson as  
18 suffering from Paraphilia Not Otherwise Specified (NOS) Non-consent, rule-out<sup>1</sup> Pedophilia,  
19 Sexually Attracted to Females, Nonexclusive Type; and Antisocial Personality Disorder, as  
20 well as Alcohol Dependence, and Cannabis Abuse. In reaching these diagnoses, Dr. Judd  
21 relied on the Diagnostic and Statistical Manual of Mental Disorders (4<sup>th</sup> Edition, Text Revision)  
22 (DSM-IV-TR). The DSM-IV-TR is the primary authoritative resource relied upon by mental  
23 health professionals in the diagnosis and evaluation of individuals. It is used as a guide for  
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25 <sup>1</sup> The term "Rule out" means the diagnosis is still a possibility but more information is needed in order to  
26 make the diagnosis.



1 mental health professionals to classify and describe mental disorders and is generally accepted in  
2 the mental health community.

3 Dr. Judd concluded that Halvorson's Paraphilia NOS Non-consent constitutes a mental  
4 abnormality as defined by RCW 71.09.020(8); and Halvorson's Antisocial Personality Disorder  
5 constitutes a personality disorder as defined by RCW 71.09.020(9). These disorders combine to  
6 affect Halvorson's emotional and volitional capacity in ways that predispose him to sexual re-  
7 offense. According to Dr. Judd, these mental disorders make Halvorson likely to engage in  
8 predatory acts of sexual violence if not confined in a secure facility.

9 In determining whether Halvorson is likely to engage in predatory acts of sexual  
10 violence if not confined, Dr. Judd assessed Halvorson's risk using two actuarial instruments.  
11 Actuarial instruments have been developed to assist evaluators in determining an offender's  
12 risk level if returned to the community. The actuarial instruments provide a baseline  
13 indication of recidivism risk. Dr. Judd used the Static-99R, and the Sex Offender Risk  
14 Appraisal Guide (SORAG). Dr. Judd also relied on the Hare Psychopathy Checklist.

15 On the Static-99R, Halvorson's received a score of 6. Offenders that scored similarly  
16 to Halvorson re-offended at a rate of 31.2 percent in five years and 41.9 percent in ten years.  
17 Compared to a representative sample of adult male sexual offenders, Halvorson's score falls  
18 within the 89.7 to 94.9 percentile. In other words, 89.7 to 94.9 percent of sex offenders in  
19 these samples scored at or below Halvorson's score. Conversely, 5.1 to 10.3 percent of this  
20 sample of sex offenders scored higher.

21 The SORAG measures recidivism for violent offenses, including sex offenses.  
22 Halvorson received a score of 26, placing him in the 93<sup>rd</sup> percentile. Offenders with  
23 Halvorson's score re-offended at a rate of 75% within seven years and 89% within ten years  
24 after release from custody.

25 Dr. Judd also scored Halvorson on Hare Psychopathy Checklist (PCL-R, 2nd Edition).  
26 Scores on the PCL-R range from 0 to 40. Categorically, individuals obtaining scores of 30

1 and above are regarded as being psychopathic and therefore at a significantly higher risk for  
2 violent and antisocial recidivism. Halvorson scored a 31.1, which corresponds with a high  
3 level of psychopathy and places him in the 88th percentile of prison inmates scored on this  
4 instrument.

5 The risk assessment data suggests that Halvorson's combination of: high level of  
6 psychopathy; mental abnormality; alcohol and drug problems; and antisocial personality, limit  
7 his self-control and empathy for victims in ways that place him at substantial risk for  
8 reoffense.

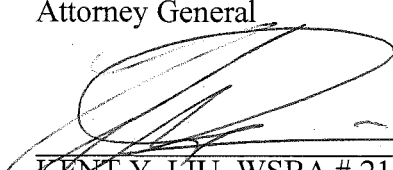
9 In conclusion, it is Dr. Judd's opinion, to a reasonable degree of psychological  
10 certainty, based on Halvorson's mental abnormalities and personality disorder and overall risk  
11 assessment, that he is more likely than not to engage in predatory acts of sexual violence if not  
12 confined in a secure facility.

13 Respondent is scheduled to be released to the community on April 24, 2012.

14 Under penalty of perjury under the laws of the State of Washington, I certify that the  
15 foregoing is true and correct to the best of my knowledge.

16 RESPECTFULLY SUBMITTED this 17<sup>th</sup> day of April, 2012.

17  
18 ROBERT M. MCKENNA  
19 Attorney General

20  
21   
22 KENT Y. LIU, WSBA # 21599  
23 Assistant Attorney General  
24 Attorneys for Petitioner  
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