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KING COUNTY, WASHINGTON

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SUPERIOR COURT CLERK
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

In Re the Detention of

ROBERT EUGENE LOUGH

09-2-29232-9 SEA

FPE is attached as attachment B.

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**SEXUALLY VIOLENT PREDATOR
UNCONDITIONAL RELEASE EVALUATION**

Date: June 1, 2026

I. IDENTIFYING INFORMATION

NAME: LOUGH, Robert
DOB: 08-23-59 (66 years of age)
DOC No.: 272122
SCC No.: 490362

II. REASON FOR REFERRAL:

This evaluation is being completed pursuant to RCW 71.09, the Sexually Violent Predator Act. The case was referred by the King County Prosecuting Attorney's Office.

On 05-27-26 I saw Mr. Lough via a secure teleconferencing platform (Zoom) for approximately 3 hours and 20 minutes. Mr. Lough was in a private room at the Special Commitment Center (SCC) on McNeil Island in Washington, and I was in my private office in California. Mr. Lough's attorney, Sonja Hardenbrook, was present with him at the SCC.

Prior to beginning the interview, I realized Mr. Lough had not signed a *Notice of Evaluation as a Sexually Violent Predator* form, a document that provides information about the evaluation and civil commitment procedure. I therefore reviewed the form with him verbally. Mr. Lough conveyed his understanding of the process and the confidentiality limitations inherent in this type of evaluation, and agreed to proceed with the clinical interview.

I informed Mr. Lough I would be audiotaping the interview and Ms. Hardenbrook indicated she would be doing the same.

This evaluation will address the following two questions:

- A. Does Mr. Lough have a mental abnormality or personality disorder which predisposes him to the commission of criminal sexual acts in

a degree constituting such person a menace to the health and safety of others?

RCW 71.09 defines "mental abnormality" as "a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others."

RCW 71.09 defines "personality disorder" as "an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, is pervasive and inflexible, has onset in adolescence or early adulthood, is stable over time and leads to distress or impairment. Purported evidence of a personality disorder must be supported by testimony of a licensed forensic psychologist or psychiatrist.

- B. By reason of his mental abnormality or personality disorder, does Mr. Lough continue to pose a more likely than not risk to engage in predatory acts of sexual violence?

III. ADDITIONAL SOURCES OF INFORMATION

1. Bates Stamp Nos. 1-24165
2. Bates Stamp Nos. SCC 1-32646
3. Video RE: Titus Bennett attack; and 15 trial exhibits
4. Deposition and Interview Transcripts:
 - Mary Harm, 12-11-09; and exhibits
 - Richard Pakard, 07-21-14; and 07-24-14

Psychological Testing: Hare Psychopathy Checklist-Revised (PCL-R)

EVALUATION PROCEDURES

- Record Review
- Clinical Interview
- Mental Status Examination
- Actuarial Risk Assessment (Static-99R and Static-2002R)
- Dynamic Risk Assessment (STABLE 2007)

IV. FINDINGS

Pursuant to RCW 71.09 "a crime of sexual violence" is defined as "a sexually violent offense" and means, "an act committed on, before, or after July 1, 1990, that is:

- (a) rape in the first degree, rape in the second degree (by forcible compulsion), rape of a child first or second degree, statutory rape first or second degree, indecent liberties (by forcible compulsion or involving a child under 14), child molestation first or second degree, incest against a child under age 14 or
- (b) felony offense in effect prior to 7/1/90 that is comparable to any of the crimes in (a) above, or any federal or out-of state conviction for a felony that under Washington law would be a sexually violent offense, or
- (c) murder in the first or second degree, assault in the first or second degree, assault of a child first or second degree, kidnapping first or second degree, burglary first degree, residential burglary, or unlawful imprisonment, any of which are proven to be sexually motivated at sentencing for the offense or at the commitment trial, or
- (d) an attempt, criminal solicitation, or criminal conspiracy to commit (a), (b), or (c).

HISTORY OF SEXUAL OFFENSES

The State of Washington, King County Superior Court, Cause No. 86-1-01595-3,
Conviction Date: 09-22-86

A Second Amended Information, filed on 08-05-86 (333-334), indicated that Mr. Lough, age 26, was charged with the following offenses:

COUNT	CHARGE	DATE	VICTIM	AGE
1	Rape, First Degree	04-11-86 to 04-12-86	Jill I.	21
2	Attempted Murder, First Degree	04-11-86 to 04-12-86	Jill I.	21

Verdict Forms A and B, filed on 09-22-86 (6514-6515), showed that Mr. Lough was found guilty, by jury, of Count 1, Rape, First Degree; and Count 2, Attempted Murder, First Degree. On 11-20-86 he was sentenced to a term of 126 months, for Count 1, in the custody of the Department of Corrections (DOC); a term of 30 years, for Count 2, to run concurrently; and a fine, per Judgment and Sentence (6516-6519).

According to the Judgment and Sentence-Appendix D, dated 11-20-86 (6519), the court imposed an exception sentence for Count 2. Mr. Lough had stabbed the victim 10 to 15 times through the vaginal entrance with a long, sharp metal object, approximately 12 to 14 inches, after the rape and while the victim was unconscious and unable to resist. He manifested deliberate cruelty to his victim by the repeated stabbing with the tire iron. The victim was particularly vulnerable and unable to resist because he had choked her to unconsciousness.

A description of the circumstances of the offenses was found in the Kent Police Department Arrest Report, Case No. 86-01995 (3-182); the Presentence and Intake (PSI) Report, dated 12-15-86 (809-815); and the Certification for Determination of Probable Cause (6512), as follows: On 04-11-86 Jill I., age 21, was with some coworkers at the Spot Tavern in Renton, Washington. She met Mr. Lough, and they played a couple of games of pool together. He asked her if she wanted to go to another tavern for an additional drink, and they left in his van. Mr. Lough drove a short distance, pulled off the road, and began making sexual advances to Jill. She resisted, but he became more aggressive. She got out of the car and ran across the highway, but he tackled her and dragged her back to the van. He opened the side door and threw her inside. Mr. Lough beat Jill with his fists, choked her, and raped her vaginally with his penis. She blacked out, and he then raped her with a long metal object.

Jill awoke, approximately 4 hours later, in a field by the side of the highway. She staggered to the side of the road and was observed by a passing motorist, who offered assistance, and then contacted the police. Jill suffered a series of at least 15 wounds, internally. She was treated at the hospital for severe trauma including a severely lacerated vagina and internal bleeding. Both eyes had been blackened and there were finger marks around her neck. She possibly sustained a broken eye socket. During surgery to repair her numerous injuries, a portion of her colon was permanently removed.

Mr. Lough immediately requested an attorney after he was arrested. He made no statement to the police; however, he informed the Community Corrections Officer (CCO) that he was completely innocent.

On 07-25-17 Mr. Lough informed Dawn Pflugrad, Psy.D., of the following, per Evaluation (no Bates No.):

"I was on speed balls during the offense. I have been denying it, but I agree with how she reported it because I didn't want her to testify. All I can remember is her screaming and chasing her across the highway. I guess the murder was part of the rape, not to avoid prosecution. I had an excessive amount of rage."

Unadjudicated Allegations

Child Molestation 1971

B.R., a female former neighbor of Mr. Lough, accused him of sexually molesting her sometime in 1971, when she was 6 or 7 years old, and he was 11 or 12 years old, per Transcript of B.R. Interview, dated 07-30-14 (6992-7003). She stated the following:

"When I was 6 or 7 years old, Mr. Lough came into a cubby asking to help get food for their dog. He pulled down my pants and stuff

and said that he wanted to lick my vagina, and he wanted me to sit on his face and pee in his mouth. He played with my vagina and then he started licking it. And then that's when he turned...he grabbed me and put me on his face and said he wanted me to pee in his mouth. I did not do it and finally was able to get up and run out the door. The incident lasted about 5 minutes, and I was unable to leave because he had me held down. I was crying and telling him let me go. I ran across the street and told my brother who went over there and beat him up. There were no other incidents because I would never go around him by myself."

Child Molestation 1972 to 1977

R.B., a male cousin of Mr. Lough, accused him of sexually molesting him, from 1972 to 1979, when he was ages 4 to 9, and Mr. Lough was ages 12 to 17, per Transcript of R.B. Interview, dated 07-29-09 (5420-5429); and Transcript of Telephonic Interview of R.B., dated 07-11-14 (6808-6845). He stated the following:

"Beginning when I was about age 4, Mr. Lough began touching me on my penis and having me touch his penis. It continued for about 3 years. Mr. Lough and some of his siblings would often visit my family during the summer. He would sometimes work with my father, who drilled wells, and stay with him on the job site.

When I was age 9, my mother let me move upstairs into an unfinished bedroom in the attic. Mr. Lough was with me, told me he wanted to play a game, and said, "You know, I'll lie on my back and you stick your penis in my mouth and go ahead and pee." I told him that I did not think that was right, but Mr. Lough was a manipulator, and he would make people do things. And so, I did. And I don't believe that I ever had my penis in his mouth because when I peed, the bed was just wet. Then he had me lay on my back, and he stuck his penis in my mouth and peed in my mouth. And that went on for oh, you know, I would probably guess maybe an hour. It seemed to go on for a long time. I would have been on my back, and he would have had his head over my head. So, he was basically straddling my face with his hands at the head of the mattress and then the same way and, you know, when I was on top of him. Mr. Lough did not touch my penis with his hands during that time.

If Mr. Lough wanted something, he was usually, you know, very nice and polite and, you know, hey, how are you doing, and what are you doing and stuff like that. It wasn't as though, you know, he threatened to kill me or anything if I didn't do that. It was just, you know, he would get into that

manipulative mode where he just used a skill that he's got to get what he wanted.

There came a time when Mr. Lough stopped visiting my family, and then joined the military. There was a point where I just stopped seeing him...he didn't come around anymore...I remember seeing him when I was -I don't know, I guess I would want to say maybe 13 or something like that when he was on leave from the military, and he was pretty subdued, and...he seemed fine."

Rape 1985

Diane W., the ex-wife of Mr. Lough, accused him of raping her, in 1985, when she was 27 years old, and he was 26 years old, per Transcript of Diane W. Interview, dated 07-29-09 (5408-5419). She stated the following:

"My daughter and I were at Mr. Lough's apartment to help him paint it. They were separated, as they were during most of their marriage, and he was seeing other little girls on the side. I wanted to leave the apartment, but he did not want me to. He pulled out a gun to my head and said, 'You're not going anywhere.' And I said yes, I am. So anyway, we scuffled around with this gun, and I got it away from him. He punched me in the eye and split my eye open, grabbed the gun, went into the bathroom, sat in the bathtub, and then fired the gun, you know, trying to make me think that he shot himself because I was going leave...So, I'm pounding on the door, you know, and I finally got the door open and, and he wasn't. He was just, (sigh), so anyway somebody from upstairs had called the police. He opened up the door, and he hit me after that again. I sat behind the door, and I couldn't get up to tell the police that I was there. My daughter was witnessing this whole thing. And um... and after that I don't...you know, he hit me so many damn times.

Mr. Lough knocked me out, drug me into the bedroom, and raped me as my daughter...when I came to ah...he was on top of me, and my daughter was crying, and she was 3 years old.... He hurt me pretty bad, and then he let me go. And that was probably the last time that we were together.

Mr. Lough was quite a charmer. There were a lot of violent assaults. I learned that he had been molested as a boy by an uncle, and I had heard of him also being molested by his brother, Lynn. I was told by one of his sisters that he had molested her. My younger sister, who would have been about age 10 at the time, told me that Mr. Lough had tried to kiss her when teaching her how to drive.

I filed for divorce on 07-10-85. At the same time, I also filed for a Temporary Restraining Order. I needed a restraining order so that Mr. Lough did not damage my mother's home any more than he had in the past when he got mad. He had broken doors and was unreliable. I had no idea what he would do when he was served with the papers. The divorce was granted, on 12-05-85, after he failed to respond."

Possession of Child Sexual Exploitation Material 2022

On the afternoon of the day I interviewed Mr. Lough for this evaluation I was informed by Charles Sergis, Deputy Prosecuting Attorney with the King County Prosecuting Attorney's Office, that he had that morning received a phone call from a colleague who liaised between the KCPAO and the Federal government. The colleague told Mr. Sergis she had been informed by a federal attorney that a forensic search of a cell phone confiscated from Mr. Lough during a room search at the SCC in November of 2022 had been found to contain images of child sexual exploitation material (CSEM). Federal charges for the CSEM were being considered. Mr. Sergis told me the cell phone was going to be further forensically examined by Washington State police to determine if it contained any other pornographic images.

Please note, I did not receive the phone call from Mr. Sergis informing me of the CSEM until after I finished my interview of Mr. Lough.

CRITERION A. Does Mr. Lough have a mental abnormality or personality disorder as defined in RCW 71.09? NO.

According to RCW 71.09, the basis for an individual's judicial commitment is a mental abnormality or personality disorder that predisposes the person to the commission of criminal sexual acts. A "mental abnormality" is defined in the statute as "a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others." RCW 71.09 defines "personality disorder" as "an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, is pervasive and inflexible, has onset in adolescence or early adulthood, is stable over time and leads to distress or impairment. Purported evidence of a personality disorder must be supported by testimony of a licensed forensic psychologist or psychiatrist."

While the definitions of "mental abnormality" and "personality disorder" are statutorily defined, clinicians utilize the diagnostic categories of the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM-5-

TR) to describe the mental abnormality or personality disorder. Clinicians generally rely on record review, clinical interview with a mental status examination and the use of psychometric procedures to obtain a diagnosis. If a clinical interview is not conducted, a diagnostic impression can be afforded if adequate records are available.

In order to ascertain if Mr. Lough has a mental abnormality or personality disorder, his psychosocial history will be reviewed.

PSYCHOSOCIAL HISTORY

The following information is derived from the clinical interview with Mr. Lough and identified historical records:

Developmental History

Mr. Lough is a Caucasian male, born in Sacramento, California, to Marjorie and Robert Lough, per PSI Report, dated 12-15-86 (813). He is the fourth oldest of four children born to the couple. Lynn, male, is the oldest child born to the couple followed by Denise, Michael, and Robert. Mr. Lough reported that his parents divorced when he was 1½ years old because of his father's alcoholism. His mother later had a daughter, Mary Sue, who is the younger, half-sibling to him and the other children. Mr. Lough's father died, in 1978, of cirrhosis of the liver. Mr. Lough was 14 years old when his mother married a man who was an alcoholic, and they divorced 1 year later.

Mr. Lough's mother stated that her first husband was cruel and did not care for the family, and her second husband was unreasonable with her children. She had been employed with the Boeing Aircraft Company, since 1966, when she and her family moved to the Seattle area. She was a supervisor, and there had never been any serious financial problems in the family.

Mr. Lough reported that he was exposed to mental and physical child abuse, but he was not sexually abused. There was no history of mental illness in the family, but his parents abused alcohol.

Mr. Lough informed Richard Packard, Ph.D., that his oldest brother, Lynn, had been convicted of Indecent Liberties, Attempted Rape, and Burglary, per Psychological Evaluation Report, dated 09-23-14 (no Bates No). Lynn was also the respondent in a lawsuit brought by his younger sister, Denise, alleging extensive sexual abuse during her childhood, beginning when she was 7 years old until she was 17. Lynn testified that on one occasion he witnessed Michael performing what he believed to be oral sex on Denise. According to Denise, Michael also molested her, although less extensively.

Mr. Lough told Dr. Packard that he is partially Native American; although he was not enrolled in a tribe. He identified as Native American and had participated in their religious and cultural activities for a number of years.

Mr. Lough described his mother as a "functioning alcoholic" who could go to work as an engineer for Boeing and then "definitely she was drinking when she got home." He said that his mother was in a relationship with Lee Kolb for about 8 years, and they maintained separate households. Mr. Lough advised that Mr. Kolb was "probably the closest thing to a dad I ever had. He was very respectful and took me fishing, that kind of stuff." However, when Mr. Lough was around the age of 11 or 12, his mother ended the relationship.

Mr. Lough recalled an incident that occurred when he was about age 10 or 11. His mother grabbed his left hand and slammed it down on top of a hot burner for saying the word "fuck" after he had hit his knee on a counter. He said that he ran away for 3 days after that incident. Mr. Lough stated that he was 12 or 13 years old when his mother dragged him into the bathroom by the arm, lit a newspaper on fire, and held it under his hand. He ran away to a friend's house. He said that he got beatings practically every day. Mr. Lough reported that he was frequently beaten with a variety of objects including electrical cords, hot wheel tracks, and a ping pong paddle. Mr. Lough also recalled being beaten by his Uncle Gene when he was 11 years old. Uncle Gene was drunk and had been smoking marijuana when he began beating him with a 3-foot section of garden hose for about 5 minutes.

Mary Sue reported that Mr. Lough physically assaulted her at home beginning when she was in the third grade and continuing through the eighth grade. She commented that "the older I got, the more deadly it got" until the last time he "beat me up, he thought he'd killed me, and he was really, really scared and told me he'd never hit me again." She also reported that Mr. Lough would throw kitchen knives "of all sorts, butcher knives down to little knives, whatever he could grab, and he used to throw them at me. It happened frequent enough ... but he would throw them hard at me, and I would try to dodge them." He was described to have a fetish with knives. Mary Sue stated that Mr. Lough had a history of starting several fires, including almost burning down a house. She recalled him setting fires from about age 7 until age 10 or 11.

On 02-20-17 Mr. Lough reported that, at age 5, he burned down a garage, per Polygraph Examination Report (SCC 4050). At age 8, he was smoking a cigarette with his sister in the blackberry patch by his house. He advised that he threw a match down, and the grass and bushes caught on fire. He stated that he was punished for his behavior.

Educational History

Mr. Lough stated that he liked going to school as a child because it got him out of the house, per Dr. Packard's Evaluation, dated 09-23-14 (no Bates No.) He said that he did not have very good grades and often had problems sitting still "because my butt was sore." Mr. Lough explained that it was never more than a couple of days between spankings. He indicated that he was not diligent about homework.

Mr. Lough reported that he was suspended from school for drug use as well as for slashing a teacher's tires. He did not complete high school, estimating that he dropped out in the 10th grade, and he entered the military shortly after his 17th birthday. Mr. Lough stated that he participated in a 2-year training program for an offset press operation when he was incarcerated at Fort Leavenworth.

On 12-08-86 Mr. Lough was given a test in the DOC to determine his educational/ academic achievement, and his grade-level scores were noted as follows, per Offender Profile Report (807):

Total Reading	12.9
Vocabulary	12.9
Reading Comprehension	12.9
Mathematic Computation	8.2
Math Concepts and Problems	8.3
Total Math	8.2
Language Mechanics and Expression	10.3
Spelling	9.8
Total Battery	9.8

Mr. Lough was also given the BETA-II test, and his I.Q. score was 108 in the 70th percentile. He was functioning in the average range of intelligence. There was no evidence suggesting the presence of a learning disability.

On 05-10-89 he was awarded his General Equivalency Diploma (GED) Certificate at the Walla Walla Corrections Center (2625).

Military History

On 09-20-76 Mr. Lough entered the United States (U.S.) Army, per Record of Trial by General Court-Martial (4545). He said that his mother signed a waiver for him to enter the military after he dropped out of high school, per PSI Report, dated 12-15-86 (814). He received a bad-conduct discharged following his conviction and imprisonment for Aggravated Assault. He was released from prison in 1979.

Employment History

Between 1979 and 1981, Mr. Lough was employed as a floor manager at the Pier 70 Restaurant in Seattle, per PSI Report, dated 12-15-86 (814). Between 1981 and 1982, he worked for Budget Rent-A-Car as a counter person. Between 1982 and 1983, he was the owner-operator of a small remodeling business in Enumclaw, Washington. Between 1983 and 1984, he was employed as a warehouseman and a driver for Northwest Trucking in Seattle. In 1985 he was employed by Seattle Seafoods helping to process frozen fish. He was also working as a Kirby vacuum cleaner salesman on a commission basis.

Sexual History

Mr. Lough's younger sister, Mary Sue, reported that Mr. Lough would peep on her through holes between the walls at home when Mary would be dressing and when putting in tampons, per Dr. Packard's 2014 Evaluation (no Bates No.). Mary stated that she would try and cover the holes with various objects, but he would knock them down or cut them up. Mary said that Mr. Lough told her he would beat her if she did not let him watch her dress.

When Mary was in the fourth grade, Mr. Lough kicked her in the crotch as hard as he could in the living room in front of their sister. He would also steal and wear Mary's clothing, particularly her low-waisted culotte jeans. She teased him once, and "he definitely lost it on that occasion."

Mary advised that Mr. Lough possessed "tons of porn magazines." She remembered their mother throwing him down the stairs and yelling at him about the pornographic magazines. She also stated that Lynn managed to turn the cable in order to view porn channels, and their mother was furious that Lynn had Mr. Lough watch pornography on TV.

Herbert B., a same-age cousin of Mr. Lough, advised that on one occasion Mr. Lough told him that if he showed his sister, Denise, his penis, she would show him her vagina. However, after he did so, Denise did not reciprocate and walked away. Mr. Lough and Lynn then trapped her in the shower. She was screaming and upset, and they had Herbert come and look at her vagina.

Herbert stated that he and Mr. Lough had "sexual escapades" when they were young. He described Mr. Lough playing "little sex games. One of his favorite topics was doing sexual stuff... figuring out weird ways to have sex...I wasn't interested; I didn't know what it was about."

On 07-25-95 Greg Miller, M.S.W., interviewed Mr. Lough who stated the following, per Psychosocial History (796):

"I first had sex with a 15-year-old female at age 11. I never had sex with men or prostitutes. I was not involved in unusual or bizarre

sexual behaviors. I used pornographic magazines, and I am heterosexual."

On 02-20-17 Brooks Raymond conducted a sexual history interview with Mr. Lough, per Polygraph Examination Report (SCC 4047-4051). Mr. Lough reported the following:

"At age 11, Mr. Lough first engaged in sexual activity with a 14-year-old female. It consisted of intercourse on one occasion.

From age 11 to 17, Mr. Lough engaged in sexual activity with approximately three peer-age females.

At age 17, Mr. Lough and several friends hired a prostitute. They all engaged in sexual activity with her.

From age 17 to 26, Mr. Lough was dealing drugs. He would frequently exchange narcotics with females for sexual activity.

As an adult, Mr. Lough engaged in sexual activity with between 25 and 50 adult females. The majority of those were one-time occurrences with females he met at parties or other social events.

Prior to age 26, Mr. Lough viewed pornography two times. He viewed it one time at a bachelor party, and another time he was at an adult theater in San Francisco. Since entering prison at age 26, he was exposed to pornography, regularly. He fantasized 100 percent of the time to adult females.

Mr. Lough's mother reported that Mr. Lough viewed pornography at home with his brother.

Mr. Lough reported no experience with the following: being victimized as a child; having sexual contact with relatives or family members; sexual contact with anyone 3 years younger than he, when he was under age 18; frottage; public masturbation; voyeurism; exposing; stalking; bestiality; institutional sexual contact; or telephone/ written scatologia.

Relationship History

Mr. Lough married Diane W., on 10-02-82, in Seattle, and they separated on 07-18-84, per Petition for Dissolution of Marriage, Pierce County Superior Court, Cause No. 85-3-02892-8 (1177). They divorced on 12-05-85 (1184). There were two children born to the couple, Tesha Waun, born on 09-07-80; and Tawny Lough, born on 09-02-84.

Mr. Lough stated that his marriage to Diane was tumultuous, per Annual Review, by Daniel Yanisch, Psy.D., dated 01-25-19 (no Bates No.). He reported they did not live together for more than a year during any point of their marriage. He was arrested at least four times during their marriage. Diane stated that she had "continual domestic problems" with Mr. Lough and requested a No-Contact Order. She described him as "quite a charmer," but he violently assaulted her on many occasions.

Mr. Lough stated that he then met Karen Olson and moved into her house in Snohomish the next day, per Dr. Packard's 2014 Evaluation (no Bates No). He stated the following:

"She was just spun on me. I mean, she wanted to get married and do all this stuff, and no, no ... I was polite, you know. I paid a lot of the bills. I tried to compensate my being there. But I was there for an, I had an agenda with her. I was simply there to get my life in order so I can get somewhere and get my girls on a joint custody thing. That was my whole focus. So we were, it was definitely one-sided. Karen was in love with me; I was there to facilitate a future. My daughters were my whole sole purpose in life."

Mr. Lough acknowledged that he did not love Karen. After a year of living together, "it was starting to unravel." He stated that she went to see an old boyfriend, who gave her chlamydia, which she then gave to him. Mr. Lough stated that he moved out of the bedroom into another room. He stated that the sexual relationship with Karen stopped about a month before he was arrested.

Karen informed Dr. Packard that Mr. Lough "seemed promiscuous ... he'd get dressed up and leave, not saying where he was going." A friend told her that Mr. Lough was "hitting on" her, and Karen stated that she saw Mr. Lough at a party with another woman. She was not aware of any unusual sexual behavior; although, he once took pictures of them having sex which made her uncomfortable. She said that "it was very awkward ... I destroyed the film."

On 02-20-17 Mr. Lough reported that, at age 20, he physically threw his girlfriend out of his home, per Polygraph Examination Report (SCC 4051). He stated that the police were not called. At age 24, he got into an argument with his wife, while they were separated, and threw a plant out of the window. He said that the police were called, but he was not arrested. Mr. Lough advised that, at age 24, he was accused of holding his wife at gunpoint and forcing her to have sexual intercourse.

Substance Use History

Mr. Lough reported smoking marijuana at age 11, and he smoked it daily as a teenager, per PSI Report, dated 12-15-86 (814). He informed Dr. Packard that

he was smoking cigarettes by around age 10 or 11, per Evaluation, dated 09-23-14 (no Bates No). He said that he was getting high on marijuana with Uncle Gene. Mr. Lough he also used speed, mescaline, and LSD. He recalled using LSD at school for which he was detected and suspended from school.

Mr. Lough advised that he was drinking alcohol long before he was smoking. He estimated that he began drinking at least by age 9 or 10. He said that he used drugs and alcohol pretty much continuously until he was arrested in 1986. He stated that when he was with his ex-wife, Diane, "she got me back into acid...got me back into the cocaine and, then just the stress of, being with her I was drinking more and then I started selling again...and then we'd separate and get back together and separate, get back together, and now I have two daughters. I've got to support... so I got two jobs and selling drugs and pretty soon I'm just...you got to be able to go to sleep and then I'd do a little more heroin...get up in the morning, do a line and drinking it just, it got stupid."

On 02-20-17 Mr. Lough reported that he first tried alcohol at age 7, per Polygraph Examination Report (SCC 4051). He drank alcohol, daily, at times, and it continued into his adulthood until his incarceration at age 26. He attributed his alcoholism to childhood physical abuse.

Mr. Lough advised that he began using illegal drugs, around age 11, when he first tried marijuana. He ingested marijuana, regularly, and then began selling it at age 14. He stated that during that time he also began to experiment with LSD and speed. His drug use began to progressively increase as he got older. He ingested many hallucinogenic drugs into his adulthood. He said that after getting out of the military, he began dealing cocaine and marijuana and also using. His drug use continued to age 26 when he was arrested.

Criminal History

The U.S. Department of Justice, Federal Bureau of Investigation Identification Record, dated 08-10-11 (6053-6055); the Washington State Criminal History Record, dated 06-22-11 (6243-6261); and specified records indicated the following criminal history:

Juvenile:

1973 Mr. Lough, age 14, was convicted of Count 1, Possession of Marijuana, per PSI, dated 12-15-86 (2671). He was sentenced to 30 hours of community service.

Mr. Lough informed Dr. Pflugradt that he had run away from home, per Evaluation (no Bates No.). His bedroom was searched and marijuana was found.

01-20-77 Mr. Lough, age 17, was charged at the U.S. Army Infantry Center, Fort Benning, Georgia, with Count 1, Shoplifting, per Military Police Report, Case No. 00239-77 (5405). On 02-12-77 he was found guilty of the charge and sentenced to a \$75 forfeiture for 1 month; and 7 days of extra duties, per Commander's Report of Disciplinary Action (5404).

A description of the circumstances of the offense was noted as follows: Mr. Lough entered the Mall Post Exchange, at Fort Benning, and put on a denim jacket valued at \$15. He walked through the cashier's line without paying for the jacket.

08-03-77 Mr. Lough, age 17, was arrested at Fort Richardson, Alaska, and charged with Count 1, Unlawful Carry of a Concealed Weapon; and Count 2, Aggravated Assault, per General Court Martial Order, dated 11-23-77 (4543-4545). On 09-30-77 he was found guilty of the charges, by plea, and sentenced to a term of 2 years to be confined to hard labor; a reduction to grade E-1; a forfeiture of two-thirds pay per month; and a bad-conduct discharge from the service. He was confined at the U.S. Disciplinary Barracks at Fort Leavenworth, Kansas. On 10-06-78 Mr. Lough was retried, and his sentence was reduced to confinement at hard labor for 18 months; a \$220 per month fine for 18 months; and a bad-conduct discharge, per Memorandum, dated 10-11-78 (5396). He was released from prison in 1979.

A description of the circumstances of the offenses was found in the CID Report of Investigation, dated 09-27-77 (5400), as follows: Mr. Lough and another service member, Patrick Englert, got into a fight.

Mr. Lough stabbed and cut Mr. Englert numerous times with a folding pocket knife. Mr. Englert received wounds to his abdomen, back, right buttocks, and left deltoid. Mr. Lough fled the scene and later surrendered himself to military police. Mr. Englert was found to have a small amount of marijuana in his right front pants' pocket.

Adult:

06-11-80 Mr. Lough, age 20, was arrested in Seattle, Washington, and charged with Count 1, Possession of Stolen Property, Second Degree, per Amended Information, King County Superior Court, Cause No. 80-1-02373-6 (681). On 07-17-80 he pleaded guilty to the charge, per Statement of Defendant on Plea of Guilty (676-677). On 10-27-80 he was sentenced to a term of 5 years in the DOC, suspended; a term of 3 months in the custody of the King County Jail; a term of 3 years of probation; and a fine.

A description of the circumstances of the offense was found in the Seattle Police Department Arrest Report, Case No. 80-200856 (5470-5472), as follows: Mr. Lough stole a motorcycle off of the street, took it home, and attempted to sand down the serial number.

01-07-82 Mr. Lough, age 22, was arrested in Tacoma, Washington, and charged with Count 1, Possession of Stolen Property, Second Degree. On 04-15-82 the charge was dismissed.

03-01-82 Mr. Lough, age 22, was arrested in Buckley, Washington, and charged with Count 1, Obstruction of a Police Officer; and Count 2, Disorderly Conduct. The disposition of the charges was unknown.

A description of the circumstances of the alleged offenses was found in the Buckley Police Department Incident Report, Case No. 82-0274 (6965), as follows: On 03-01-82, at 12:35 a.m., the police found Mr. Lough in a parking lot playing loud music in his car. The police asked him to turn it down, provide his I.D., and step out of the car. He refused, was forcibly removed from his car, and was arrested.

07-16-83 Mr. Lough, age 23, was arrested in Tacoma and charged with Count 1, Property Destruction. On 07-18-83 he was convicted of the charge in the Tacoma Municipal Court, per Notice of Probation Hearing (699). Mr. Lough was sentenced to a term of 30 days in the custody of the Pierce County Jail; and his probation was extended to 10-26-84.

A description of the circumstances of the offense was found in the Tacoma Police department Arrest Report, Case No. 83-197151 (5455-5457), as follows: Diane Lough, age 24, called the police to report that her estranged husband, Mr. Lough, had forced himself into her residence. They argued, and Mr. Lough picked up a potted plant. He then threw it through the living room window. They had been separated for the past year and were getting a divorce. Diane stated that she had continuing domestic problems with Mr. Lough and wanted a No-Contact Order.

Mr. Lough informed Dr. Pflugradt of the following, per Evaluation (no Bates No.):

"I was drunk. I broke in to see my daughter. A man answered the door in his underwear. I heard my daughter and got upset. I have zero recollection of taking the plant and throwing it."

08-09-83 Mr. Lough, age 23, was charged with the following probation violations: 1. Failure to pay attorney's fee; 2. Failure to report to probation officer (P.O.); and 3. Conviction of Property Destruction, in the Tacoma Municipal Court, on 07-18-83, per Notice of Probation Hearing (699). On 08-18-83 he was found guilty of the probation violations, per Order Modifying Probation (700). Mr. Lough was sentenced to a term of 30 days in the custody of the Pierce County Jail; and his probation was extended to 10-26-84. On 10-08-84 his probation was terminated, per Order of Termination of Suspended Sentence and Restoration of Civil Rights (702).

07-11-85 Mr. Lough, age 25, was arrested in Tacoma and charged with Count 1, Theft, Third Degree. The disposition and circumstance of the charge was unknown.

Mr. Lough informed Dr. Pflugradt of the following, per Evaluation (no Bates No.):

"When I left Diane, she let her uncle take my tools. I took back what was mine. I wasn't charged or convicted."

04-12-86 Mr. Lough, age 26, was arrested in Kent, Washington, and charged with Count 1, Rape, First Degree; and Count 2, Attempted Murder, First Degree. On 09-22-86 Mr. Lough was found guilty, by jury, of Count 1, Rape, First Degree; and Count 2, Attempted Murder, First Degree. On 11-20-86 he was sentenced to a term of 126 months, for Count 1, in the custody of the DOC; a term of 30 years, an exceptional sentence, for Count 2, to run concurrently; and a fine. A description of the circumstances of the offenses is found in the History of Sexual Offenses section of this evaluation.

04-16-86 Mr. Lough, age 26, was charged with Obstructing a Public Servant. On 07-03-86 the charge was dismissed, Federal Way District Court, Cause No. 4471291. There was no information available about the circumstances of the alleged offense.

06-24-10 Mr. Lough, age 50, was charged in the Special Commitment Center with Count 1, Assault, Third Degree, per Third Amended Information, dated 06-02-11, Pierce County Superior Court, Cause No. 10-1-02620-9 (5954-5955). On 06-02-11 he pleaded guilty to the charge, per State of Defendant on Plea of Guilty to Non-Sex Offense (5957-5965). On 06-17-11 Mr. Lough was sentenced to a term of 60 months in the custody of the DOC; 12 months of

community custody; and assessed a fine, per Judgment and Sentence (5988-5995).

A description of the circumstances of the offense was found in the Pierce County Sheriff's Department Incident Report, Case No. 01-HRSA-2628 (6377-6412), as follows: Resident Bennett Titus owed Mr. Lough \$7 and attempted to pay him with a burrito shoved under the door. Mr. Lough shoved the burrito back under Mr. Titus' door and went back to his room to change from tennis shoes to boots. Staff observed Mr. Lough approach Mr. Titus and repeatedly punch him driving him first into the wall and then to the ground. Staff directed him to stop, but he continued assaulting Mr. Titus by punching, kicking, and kneeing him in his face and body. Staff restrained Mr. Lough, and Mr. Titus was sent to the hospital where it was noted that he suffered a collapsed lung, five rib fractures, and two cuts to the top of his head and above his left eye. Mr. Lough sustained injuries to his right hand and broke his left hand.

Mr. Lough informed Dr. Pflugradt of the following, per Evaluation (no Bates No.):

"I was treated differently from other residents when I arrived here. I was taken to segregation instead of receiving. I was there for 4 months. Then they moved me to IMU which is the unit that handles the worse of the worst. They kept me there for 6 months. He [victim] gave me a 'feces burrito.' I was trying to let it go, but then he came at me. I beat him pretty bad, but it was the stress related to living on that unit. I don't go seeking out violence, but I will defend myself."

Institutional Adjustment

First Term:

On 12-03-86 entered the DOC at the Washington Corrections Center-Reception Center (WCC-RC) after he was convicted of Count 1, Rape, First Degree; and Count 2, Attempted Murder, First Degree, per Offender Management Network Information (OMNI) Legal Face Sheet, dated 07-02-09 (2247). His Earned Release Date was calculated to be 08-07-09 (2227).

On 12-08-86 Mr. Lough was assessed by staff and rated for the following risks, per Offender Profile Report (806):

Suicide Potential	Moderate
Potential for Victimization	Moderate

Violence Potential	Low
Potential for Substance Abuse	Slight

On 03-10-87 staff noted that Mr. Lough had been referred for Administrative Segregation (Ad. Seg.) placement for posing a threat to female staff in the dining room where he worked, per Classification Referral (954). Staff stated the following:

"Mr. Lough stood out of sight when the riot door was closed on the south steam line. When he was discovered by staff (standing behind and staring at a female staff officer), the main line chow was in progress, and the riot door could not be reopened. He was ordered several times by staff to come through the serving window, but he refused to do so.

There were several complaints about Mr. Lough from female staff. Whenever a female staff officer was in the area, Mr. Lough would leave his work post to be close to the female officer. On 02-24-87 there was a female staff member on the south steam line, and he placed himself directly behind her so that he could observe her throughout the meal. A female staff member at the gate also complained about him."

On 06-05-87 Mr. Lough received a Certificate of Completion (2642). He had completed a 2-hour course in Anger/ Stress Management. On 05-10-89 he was awarded his GED Certificate at the Walla Walla Corrections Center (2625).

On 07-12-89 Mr. Lough was placed in Ad. Seg. after he was suspected of stabbing his cellmate, Inmate Graham, per Classification Referral, dated 07-12-89 (941). He denied any involvement, but he stated that he knew who stabbed Inmate Graham.

On 08-04-94 staff noted that Mr. Lough had been a constant management problem at several institutions, per Classification Referral (920). He had been uncooperative with the counselor and the unit team. He was retained in Ad. Seg.

On 07-25-95 Mr. Miller noted that Mr. Lough had received numerous major infractions, per Psychosocial History Report (794). Mr. Lough had been physically uncooperative and assaultive requiring numerous uses of force. He had assaulted a cellmate by nearly stabbing him to death.

Mr. Lough was placed on maximum custody status often throughout his incarceration as a result of his repeated rule violations, per OMNI: Legal Face Sheet (2252). He spent most of his time in the DOC in Ad. Seg. However, on 07-23-97 he was released from Ad. Seg at Washington State Prison (WSP) and given a work assignment in the kitchen, per Classification Referral, dated 10-23-

97 (893). His supervisor rated his overall performance as average and noted that he showed up regularly for work, was respectful of staff, and showed pride in his work. On 11-14-97 he was reassigned to Industries where he was rated as above-average and average, per Classification Referral, dated 10-18-99 (889). His supervisor stated that he was a good welder, took pride in his work, and insisted that the work be done right. He got along well with staff and took an active role in teaching his fellow workers skills and attitude. It was noted that Mr. Lough was involved in Native American activities and made beading items for his friends and family.

On 11-17-00 Mr. Lough was placed in Ad. Seg. after he was recruiting assistance from security threat group (gang) members to assault staff, per Classification Referral, dated 11-21-00 (885). His actions were instrumental in causing staff to be assaulted (882).

On 08-14-03 Mr. Lough was awarded a Certificate of Completion from the Walla Walla Community College (2548). He successfully completed the Food Service Handling, Safety, Health, and Sanitation Class. On 04-22-04 he was awarded a Certificate of Completion for ITC Keyboarding.

On 06-23-05 Mr. Lough participated in an anger management class at WSP; per OMNI: Chronos Quick Search Results, dated 07-07-09 (735). On 08-09-05 he successfully completed it. He had previously been removed from another anger management class after he refused to move to a different seat. He intimidated the instructor by stating, "I better not lose my job over this. You are making a big mistake, lady."

On 07-15-11, 10-13-11, and 03-09-12, Mr. Lough was assessed for his potential for sexual assault and sexual victimization, per Screening Report (5732-5754). It was noted that his risk level as a victim was low and his risk level as a perpetrator was high.

On 08-09-09 Mr. Lough was released from the DOC and transferred to the SCC pursuant to Certification for Determination of Probable Cause issued by King County on 08-05-09, per SCC New Admission Profile, dated 08-18-09 (6456).

Second Term:

On 06-11-11 Mr. Lough entered the DOC at WCC-RC, from the SCC, after he was convicted of Assault, Third Degree. He was placed at Airway Heights Corrections Center and given medium custody status, per OMNI Chronos Search Results (5619). On 07-23-13 he was transferred to Coyote Ridge Corrections Center after he refused to participate in sex offender treatment (5615). On 10-17-13 he was transferred back to the SCC (5614).

Institutional Disciplinary:

Mr. Lough was found guilty and sanctioned for the following disciplinary behavior, per OMNI: Legal Face Sheet, dated 06-11-08 (2258-2265); and specified documents:

- 02-24-87 Staff Interference.
- 08-18-87 Theft; Refusing a Search; and Refusing a Test.
- 12-02-87 Staff Interference; and Dangerous Infraction.
- 01-19-88 Theft.
- 01-22-89 Fighting.
- 03-29-89 Dangerous Infraction.
- 04-06-89 Theft.
- 08-21-89 Staff Interference; Attempted Infraction; and Dangerous Infraction.
- 11-22-89 Threatening.
Mr. Lough threatened to kill a correctional officer (C/O) at WSP because he got passed by for a meal, per Classification Referral, dated 11-14-90 (937). The C/O tried to give him his tray. However, he would not come to the cuff port to get it, so he was passed by.
- 03-10-90 Dangerous Infraction.
While working as a tier porter, Mr. Lough was observed picking something up off of the tier and putting it in his pocket by a C/O, per Classification Referral, dated 11-14-90 (937). When approached by the C/O, a pat search revealed 16 yellow beads in his pocket.
- 03-28-90 Interfering with Count.
While conducting count, C/Os at WSP noticed that Mr. Lough was completely covered up, per Classification Referral, dated 11-14-90 (937). He refused to stand for count.
- 05-15-90 Throwing Objects; and Assault.
Mr. Lough threw a liquid substance on another inmate while the other inmate was cleaning in front of Mr. Lough's cell, per Classification Referral, dated 11-14-90 (937).
- 06-22-90 Refusing a Search; and Dangerous Infraction.
Mr. Lough was ordered to stand for a search, back up to the cuff port, and put his arms up to be cuffed, per Classification Referral, dated 11-14-90 (937). He refused to do so.
- 08-03-90 Refusing a Search; and Dangerous Infraction.
Mr. Lough was ordered to stand for a search, and refused to comply with the order, per Classification Referral, dated 11-14-90 (937).
- 08-13-90 Refusing a Search; and Dangerous Infraction.
Mr. Lough was again ordered to stand for a search, and he refused to do so, per Classification Referral, dated 11-14-90 (937).
- 06-16-91 Threatening; and Dangerous Infraction.
Mr. Lough told a C/O that something had to be done with one of the other C/Os in the unit, and if something was not done, he would have to take one of the other C/Os out, per Classification Referral,

dated 07-11-91 (934). A C/O then ordered Mr. Lough to back up to the bars and cuff up, and he refused.

10-22-91 Dangerous Infraction.
Mr. Lough used a fish line to pass food stuffs from one cell to another, per Classification Referral, dated 12-05-91 (930).

01-28-92 Fighting; and Dangerous Infraction.
Mr. Lough and Inmate Graham were fighting on the tier at WCC/IMU, per Classification Referral, dated 06-04-92 (928). Mr. Lough had previously been suspected of stabbing Inmate Graham when they were cellmates.

04-02-92 Group Demonstration.
Mr. Lough was ordered to remove the paper from his window so he could be counted, per Classification Referral, dated 06-04-92 (928). He was part of a group of inmates refusing to uncover their windows as a demonstration against the administration at Clallam Bay Corrections Center (CBCC), per Classification Referral, dated 06-04-92 (928).

04-03-92 Group Demonstration.
Mr. Lough had covered his windows and hid under his bunk, per Classification Referral, dated 06-04-92 (928). He continued to participate in the group disturbance that began on 04-01-92.

07-18-92 Refusing to Work.

01-18-93 Fighting.
Mr. Lough was observed striking Inmate Leuluaiali, Inmate Thompson, and Inmate Leonard with closed fists while in the C-Unit Rotunda, per Classification Referral, dated 12-29-93 (924). Despite several direct orders to stop fighting, he continued to strike the other inmates.

01-18-93 Dangerous Infraction.

03-11-93 Failure to Perform.
Mr. Lough was out of his cell while on cell confinement, per Classification Referral, dated 12-29-93 (924). On his way back to his cell, he stated to another inmate, "That bitch won't let me have the book."

03-13-93 Failure to Perform.
Mr. Lough came out of his cell while on cell confinement and began beating his shoes together, per Classification Referral, dated 12-29-93 (924).

04-22-93 Failure to Perform; and Dangerous Infraction.
Mr. Lough was found standing on the stairway while on cell confinement, per Classification Referral, dated 12-29-93 (924).

04-23-93 Failure to Perform; and Dangerous Infraction.
Staff observed Mr. Lough in the day room while on cell confinement,

05-31-93 Dangerous Infraction.

06-11-93 Dangerous Infraction.

06-30-93	Dangerous Infraction.
07-04-93	Dangerous Infraction.
08-27-93	Refusing a Search
11-12-93	Dangerous Infraction. Mr. Lough refused a cell assignment to the general population, per Classification Referral, dated 12-29-93 (924).
01-28-94	Lying to Staff. Mr. Lough accused the Grievance Coordinator of lying and covering up for other staff, per Classification Referral, dated 11-09-94 (916).
03-01-94	Dangerous Infraction.
04-07-94	Offering a Bribe. Mr. Lough offered a unit C/O \$5 worth of stamps to be moved from the lower tier cell to an upper tier cell, per Classification Referral, dated 11-09-94 (915).
07-06-94	Threatening. Mr. Lough was called back to the unit and ordered to tuck in his shirt, per Classification Referral, dated 11-09-94 (915). He stated, "You are deliberately fucking with me." He then tensed his body and clenched his fists, apparently preparing to strike the C/O. He stated, "You don't want to do this."
07-20-94	Possession of a Weapon; and Possession of an Unauthorized Tool. As Mr. Lough was being escorted, he was observed pulling something from under his pants and tossing it into a laundry cart, per Classification Referral, dated 11-09-94 (915). The item was discovered to be a 6 1/2" Phillips screwdriver.
05-25-95	Threatening. Mr. Lough made a threatening statement to a counselor while they were talking on the tier.
06-21-95	Threatening; Staff Interference; and Dangerous Infraction. After telling Mr. Lough to remove his contraband shoelaces, he became argumentative, per Classification Referral, dated 11-02-95 (902). Mr. Lough then stepped away and took a fighting stance. He then stated he would kick the first C/O that came near him. Force had to be used to regain control of him and prevent him from assaulting staff.
09-09-95	Refusing to Leave. Mr. Lough refused repeated orders to leave the shower area.
11-16-95	Threatening. A search of Mr. Lough's cell revealed detailed instructions for making and sending a parcel bomb. He had made verbal threats of bodily harm toward staff and their family.
12-07-95	Threatening. Mr. Lough used abusive language directed toward staff, refused orders to give up contraband items, and threatened staff with bodily harm.
01-06-96	Tampering with a Lock.

A search of Mr. Lough's cell revealed a "fishing line" weighted by a hard rubber square bumper which was removed from the cell door jamb.

02-18-96 Abusive Language Toward Staff; and Sexual Harassment of Staff.
On 07-26-96 Mr. Lough was found guilty of the charges and sanctioned to 7 days Isolation because of the seriousness of the offenses, per Serious Infraction Report (837). Mr. Lough had pushed an emergency call button. When the female C/O answered, he stood in his window and rubbed his groin area up and down. He said, "Hey baby, you know what I got for you? It's the biggest you've ever had! You know you want it. Oh baby, I'm gonna come for you. I'll be the last you ever have." He then laughed and said, "Fucking whore."

03-07-96 Failure to Perform.

03-17-96 Failure to Perform.

05-12-96 Failure to Perform.

06-25-96 Refusing to Leave.
Mr. Lough refused to be escorted to the sergeant's office when ordered to do so.

07-26-96 Tampering with a Lock.
A cell-check revealed damage to Mr. Lough's door after he removed a rubber piece that prevented metal parts from rubbing.

11-19-96 Threatening.
Mr. Lough used abusive language directed at staff in the Intensive Management Unit (IMU). He threatened bodily harm to staff upon his release. He said that he would "get" staff and was "coming for" staff.

11-20-96 Lying to Staff.
Mr. Lough submitted a grievance complaint against a staff which proved to have no merit. He lied with the intent to retaliate against staff who had written him a disciplinary report.

12-28-96 Refusing a Search.
Mr. Lough repeatedly refused to cuff-up when ordered to do so for a cell search.

01-27-97 Throwing Objects; and Assault on Staff.
Mr. Lough threw a cup of urine and feces on staff's hand and pants through the food port in IMU.

01-31-97 Threatening.
Mr. Lough used abusive language toward staff and threatened staff with bodily harm.

07-20-00 Threatening; Refusing to Leave; and Strong-Arming.
The chaplain informed Mr. Lough that dangerous contraband would be confiscated from him. Mr. Lough became agitated and raised his voice.

11-17-00 Threatening.

Mr. Lough instigated assaults on staff and recruited security threat group members to assault them.

12-10-00 Threatening.

Mr. Lough wrote the following on a T-shirt: Sock a cop- \$100; Stab a cop-\$1,000; Stab Lt. Gleason-\$5,000; Stab Lt. Andring-\$5,000.

12-02-01 Tampering with a Lock.

Mr. Lough was kicking his door and banging on the cuff port.

07-15-04 Fighting.

Mr. Lough fought with another inmate.

08-16-04 Possession of Obscene Material.

Mr. Lough was found in possession of sexually-explicit material with full-frontal nudity.

08-22-04 Hunger Strike Participation.

08-29-04 Strong-Arming.

Mr. Lough attempted to check the paperwork of another inmate to verify his crime before he allowed him into the Native American Circle. He was using coercion and intimidation.

09-16-04 Threatening; and Strong-Arming.

Mr. Lough wrote a letter to Jan and Dan Piepgrass, in Seattle, demanding that they send \$2,500 to Lee Kolb, or he would have a Native American male personally come to them to get the money. He wrote a second letter demanding Jan send all of her beadwork to Mr. Kolb, or she would get hurt.

03-30-05 Strong-Arming.

Mr. Lough disrupted class and was asked to change seats. He refused and made intimidating statements.

05-07-05 Failure to Perform.

06-12-06 Strong-Arming.

Mr. Lough threatened another inmate with bodily harm.

05-27-08 Strong-Arming.

12-06-12 Refusing to Work, per Serious Infraction Report (6203).

Mr. Lough failed to participate in the mandatory chemical dependency assessment.

Psychiatric History

On 12-03-86 Felix Massaia, Ph.D., evaluated Mr. Lough in the DOC, per Mental Health Screening Report (802). He provided the following provisional diagnoses:

Axis I: Deferred (Rule Out Sexual Sadism)
Axis II: Deferred

On 07-25-95 Mr. Lough denied that he ever had any inpatient or outpatient mental health treatment, per Psychosocial History Report, by Greg Miller, M.S.W. (793 and 798). On 08-09-95 a psychiatric evaluation, conducted by Fred Davis, M.D.; and Thomas Foley, Ph.D., provided the following diagnoses:

Axis I: None

Axis II: Antisocial Personality Disorder With Narcissistic Traits

Dr. Davis stated that Mr. Lough was sociopathic and dangerous. He said that care should be taken to not underestimate the danger he presented.

On 08-04-09 Richard Packard, Ph.D., evaluated Mr. Lough to determine if he met criteria as an SVP, per Psychological Evaluation (5545-5562). Dr. Packard stated that Mr. Lough met the criteria as an SVP and should be confined to a secure facility. He provided the following diagnoses:

- Paraphilia, Not Otherwise Specified (NOS) (Non-Consent)
- Antisocial Personality Disorder
- Personality Disorder, NOS, With Narcissistic and Paranoid Features

On 09-23-14 Dr. Packard re-evaluated Mr. Lough to determine if he met criteria as an SVP, per Psychological Evaluation (no Bates No.). Dr. Packard stated that Mr. Lough met the criteria as an SVP and provided the following diagnoses:

- Antisocial Personality Disorder With Paranoid Features
- Posttraumatic Stress Disorder (PTSD)
- Cannabis Use Disorder, In a Controlled Environment
- Alcohol Use Disorder, In a Controlled Environment
- Stimulant Use Disorder, In a Controlled Environment
- Rule Out Sexual Sadism Disorder
- Rule Out Intermittent Explosive Disorder

On 10-01-14 Michael First, M.D., evaluated Mr. Lough to determine if he met criteria as an SVP, per Forensic Evaluation (no Bates No.). Dr. First stated that Mr. Lough did not meet the criteria as an SVP. He provided the following diagnosis:

- Antisocial Personality Disorder

On 09-29-17 Dawn Pflugrad, Psy.D., evaluated Mr. Lough to assess his best interests regarding treatment and if an outpatient/ community or residential setting would best meet his needs, per Psychological Evaluation (no Bates No.). She stated that Mr. Lough must first address his barriers to treatment before he could successfully participate in treatment. She provided the following diagnoses:

- PTSD
- Antisocial Personality Disorder With Narcissistic Features
- Alcohol Use Disorder, In Sustained Remission, In a Controlled Environment

- Cannabis Use Disorder, In Sustained Remission, In a Controlled Environment

On 02-17-20 Amy Phenix, Ph.D., evaluated Mr. Lough to determine if he continued to meet criteria as an SVP, per SVP Evaluation (14339-14395). She provided the following diagnoses:

- Antisocial Personality Disorder
- Alcohol Use Disorder, In a Controlled Environment, Moderate to Severe
- Stimulant Use Disorder, In a Controlled Environment, Moderate to Severe
- Opioid Use Disorder, In a Controlled Environment, Moderate to Severe

Dr. Phenix stated that Mr. Lough no longer met the criteria of an SVP. In a letter to Mr. Lough's defense attorney, dated 02-23-20 (14399), Dr. Phenix indicated that although Mr. Lough did not participate in SOTP, his progress in dealing with his substance use disorders was significant. She said that those disorders played a central role in his sexual offending and that their control would enhance the probability of him not sexually reoffending in the future.

On 05-28-21 Erik Fox, Ph.D., evaluated Mr. Lough to determine if he continued to meet criteria as an SVP, per SVP Civil Commitment Evaluation (13731-13782). Dr. Fox noted that there had been a decrease in Mr. Lough's physical violence, over the past 2 years, and his antisocial behavior had also decreased. However, he did not find that those changes were the result of an internalization of treatment concepts or understanding, but rather an iron-fisted approach that might not be sustainable. Mr. Lough had directed anger and aggression at a number of SCC staff, but he had also developed a good rapport with others.

Dr. Fox provided the following diagnoses:

- Antisocial Personality Disorder with Narcissistic Personality Traits
- Alcohol Use Disorder, Moderate, In Sustained Remission, In a Controlled Environment
- Cannabis Use Disorder, Moderate, In Sustained Remission, In a Controlled Environment
- Stimulant Use Disorder, (Amphetamine-Type Substance and Cocaine Type Substance) Moderate, In Sustained Remission, In a Controlled Environment
- Opioid Use Disorder, Moderate, In Sustained Remission, In a Controlled Environment

Dr. Fox stated that Mr. Lough continued to meet criteria as an SVP. He said that a conditional release to a LRA placement was not in Mr. Lough's best interest

and that conditions could not be imposed that would adequately protect the community.

On 05-21-24 Dr. Fox evaluated Mr. Lough to determine if he continued to meet criteria as an SVP, per SVP Civil Commitment Evaluation (15682-15748). Mr. Lough indicated that he had taken everyone off of his visiting list, about 2 years previously, because he did not see "a light at the end of the tunnel." He said that he did speak to one of his daughters, a month prior, and that he maintained regular, often weekly, phone contact with a number of friends in the community that he found to be positive social supports. He advised that he spoke to Rhonda several times a day and that she was a very good friend.

Mr. Lough informed Dr. Fox that he masturbated about once a month. He said that he did not engage in any type of deviant sexual fantasies.

Dr. Fox provided the following diagnoses:

- Antisocial Personality Disorder with Narcissistic Personality Traits
- Alcohol Use Disorder, Moderate, In Sustained Remission, In a Controlled Environment
- Cannabis Use Disorder, Moderate, In Sustained Remission, In a Controlled Environment
- Stimulant Use Disorder, (Amphetamine-Type Substance and Cocaine Type Substance) Moderate, In Sustained Remission, In a Controlled Environment
- Opioid Use Disorder, Moderate, In Sustained Remission, In a Controlled Environment

Dr. Fox stated that Mr. Lough continued to meet criteria as an SVP. He said that a conditional release to a LRA placement was not in Mr. Lough's best interest and that conditions could not be imposed that would adequately protect the community.

DOC Sex Offender Treatment Program

Mr. Lough did not participate in the sex offender treatment program (SOTP) because of his ongoing disciplinary behavior (961). He had denied his offense and stated that his lawyer was working on DNA evidence to appeal his case.

After Mr. Lough re-entered the DOC from the SCC, he was asked if he was interested in participating in SOTP, per OMNI Chronos Search Results (5623). He stated that he was not interested in participating and said, "If anyone was going to have me do this, it should have been done 20 years ago."

Special Commitment Center

Mr. Lough was admitted to SCC, on 08-19-09, pursuant to certification for determination of probable cause, King County Superior Court, Cause No. 09-2-29232-9 SEA, per New Admission Profile, dated 08-18-09 (6456). On 6-11-11 he was returned to the DOC after he was convicted of Assault, Third Degree. On 10-17-13 he returned to the SCC, and, on 02-19-15, he was committed to SCC for care, control, and treatment of his sexually violent behaviors and mental abnormality.

Annual Reviews

On 03-16-16 Steven Marquez, Ph.D., prepared an Annual Review for Mr. Lough (SCC 2808-2844). He stated the following regarding Mr. Lough's treatment progress:

"Mr. Lough had never participated in sex offender treatment. He did, however, participate in some monthly case management sessions. His assigned case manager was John Rockwell, MSW, and common discussions included housing unit placement, his communication style, perception taking, paranoia of others' motives, and engaging in problem resolution. Mr. Lough refused to sign his treatment plan because he stated the diagnoses were incorrect, specifically, that Dr. Richard Packard's 2014 report should only have included antisocial personality disorder (ASPD) and posttraumatic stress disorder (PTSD). He reported that the substance use disorders, in controlled environment; and the rule out diagnoses were incorrect. (Dr. Packard included rule out sexual sadism, rule out intermittent explosive disorder, and four substance use disorders, in a controlled environment, as well as ASPD and PTSD in his 2014 report.) Additionally, Mr. Lough stated that he was the 'only one' civilly committed without a paraphilia disorder. He said that he was not interested in participating in substance abuse treatment or sex offender treatment.

Mr. Lough's treatment plan, dated 7-01-15, identified ongoing dynamic risk factors that included: Sexual deviance; Problems establishing stable sexual relationships; Failing to establish stable employment; History of serious nonsexual violence; History of nonviolent, nonsexual offenses; History of failure in community supervision; History of multiple types of sexual offenses; Evidence of serious physical harm to victims; Use of weapons or threat of death in sex offenses; Escalation in frequency or severity of sex offenses; Extreme minimization or denial of sex offenses; Attitudes that support sex offenses; and Negative attitude toward intervention. He was in Phase 1 of treatment (precontemplation) and 'continued to express suspiciousness toward psychological interventions.' His personality functioning had a large effect on his

willingness to participate in treatment, specifically, grandiose sense of self-importance; interpersonally exploitive; empathy deficits; suspicious without sufficient basis that others are deceiving him; reluctance to confide in others; and persistent bearing of grudges, including perceived insults or slights.

When asked how often he thought about sex, Mr. Lough stated that he masturbated 'once or twice a month. When I have a sexual thought, I redirect the thoughts.' When asked about who he fantasizes about when masturbating, he described celebrity women such as Jessica Alba and Salma Hayek. Mr. Lough was asked if he ever masturbated to his girlfriend, Rhonda, and he said 'Never... she's obese. I love her as a person, but I don't find her attractive.' He indicated that he did not have intrusive thoughts about his victim and that his fantasies never included violence or his victim. Mr. Lough indicated that he did not have the urge to masturbate often and explained, 'My intention is to stay celibate for the rest of my life... Rhonda would have to lose a lot of weight (for that to change).' Mr. Lough said he 'wouldn't know' if he has had any sexual dreams. When asked the last time he had an inappropriate sexual thought, he responded, 'Zero' and explained he had never had an inappropriate thought of raping women or touching children."

Dr. Marquez noted that Mr. Lough was frequently described as maintaining a clean room and passing all room inspections. He generally had limited interactions with staff and peers; however, when he did interact with residential staff, they were appropriate. He was noted to play chess with a staff member on multiple occasions. He received his Level 4 privilege status on 01-08-15.

Mr. Lough informed Dr. Marquez of the following:

"He worked on his unit from 2:00 p.m. to 3:30 p.m., daily, and it was going fine. The primary reason he worked was because the SCC made such a big deal of his friend sending him money. He also participated in sweat lodge, every other week, and in a trauma group led by community elders during the weeks that sweat lodge are not held. He had helped his peers make drums but did not use the hobby shop regularly. He was in his cell 90 percent of the time and only left his room is when he went to the dining hall, mail room, work, and religious activities. He did hang out, but he had interactions mostly with others from the Native American circle. He did interact with a few staff because they were consistent, but some staff he stayed away from because they could not be trusted."

Dr. Marquez provided the following diagnoses:

- Antisocial Personality Disorder With Paranoid Features
- Sexual Sadism, Rule Out
- PTSD
- Cannabis Use Disorders, In Sustained Remission, In a Controlled Environment
- Alcohol Use Disorders, In Sustained Remission, In a Controlled Environment
- Stimulant Use Disorders, In Sustained Remission, In a Controlled Environment
- Opioid Use Disorders, In Sustained Remission, In a Controlled Environment

Dr. Marquez stated that Mr. Lough continued to meet the definition of an SVP. Conditional released to an LRA was not in his best interest and conditions could not be imposed that would adequately protect the community.

On 03-10-17 Daniel Yanisch, Psy.D., prepared an Annual Review for Mr. Lough that covered the period from 02-16 through 01-17. He stated the following about Mr. Lough's treatment progress:

"Mr. Lough declined to participate in any sex offense specific treatment within the facility. He had not participated in the Awareness and Preparation group or treatment team meetings.

Mr. Lough was more involved in individual case management sessions with Mr. Rockwell who ran the Counselor Assisted Self Help (CASH) Group for residents with substance abuse issues. With Mr. Rockwell's prompting, Mr. Lough eventually was convinced to participate in the CASH Group. His first group session took place on 09-26-16. Mr. Rockwell noted that over time Mr. Lough appeared to grow more comfortable and willing to talk more about substance abuse and violence risk as the group progressed. He appeared capable of expressing his emotions and thoughts appropriately in that setting.

Mr. Lough reported that he rarely masturbated, and that 'I stopped that with everything else' (apparently referring to his use of drugs and alcohol). He stated, 'Sex is what got me here, so I quit it. I been without sex for over 30 years, so it is not difficult not to think about it. I can go without sex to the grave if I am released. Now I am here because of sex, but sex is not a priority. I am not a rapist.' When pressed he estimated it had been 4 to 5 months since he last masturbated.

Asked about his ability to get and maintain an erection currently, Mr. Lough again referenced his living situation and his avoidance of sexual activity. 'To me I am here in the most horrible environment imaginable. What do I have to do? Abstain from sex, drugs, and alcohol. I am a black-and-white thinker. If it is bad or looked upon as bad, it is a zero. I have absolute control over myself.' He emphasized that he has remained abstinent from drugs or alcohol for many years and had not even been administered a urine drug screen in 15 years because there had been no need or indication for it. Again, when pressed about the last time he got an erection, he estimated 4 to 5 months ago and even then he 'had to work at it.'

Asked what he thought about when masturbating, Mr. Lough referenced a movie with Salma Hayek and Jessica Alba in bikinis. 'It was more of a nostalgia, look at how ugly my life is. No sexual thoughts in that regard during the day. If that movie was on and I had a sexual thought, I redirected my thoughts. Get into a beading project. If it is construed as bad behavior, don't do it.' Mr. Lough reported, 'That has never been, so no' when asked about the last time he had a sexual thought involving rape."

Dr. Yanisch noted that Mr. Lough resided on the medium-management Fir Unit. He kept his room clean, and his personal hygiene was adequate or better. He successfully passed all regular room inspections, and he continued to be active in the Native American Circle. He had a series of contentious contacts with the SCC Chaplain starting in the fall of 2015. He expressed suspicion and skepticism of the current chaplain and openly criticized him as part of the SCC administration.

Residential staff stated that Mr. Lough had a few friends on the unit, in the yard, or on other units. In his room he watched movies or played chess on his computer; otherwise, he stayed to himself. Mr. Lough worked on the residential unit cleaning crew. He also collected the garbage and brought out cleaning towels on the fresh air pad. Staff stated that he was always on time.

Dr. Yanisch provided the following diagnoses:

- Antisocial Personality Disorder
- Paranoid Personality Disorder
- PTSD
- Cannabis Use Disorders, In Sustained Remission, In a Controlled Environment
- Alcohol Use Disorders, In Sustained Remission, In a Controlled Environment

- Stimulant Use Disorders, In Sustained Remission, In a Controlled Environment
- Opioid Use Disorders, In Sustained Remission, In a Controlled Environment

Dr. Yanisch stated that Mr. Lough continued to meet the definition of an SVP. Conditional release to an LRA was not in his best interest and conditions could not be imposed that would adequately protect the community.

On 12-28-17 Dr. Yanisch prepared an Annual Review for Mr. Lough that covered the period from 02-17 through 11-17 (SCC 6410-6449). He stated the following regarding Mr. Lough's treatment progress:

"Similar to previous years, Mr. Lough refrained from participating in any sex offense specific treatment, and he had not participated in the Awareness and Preparation group. He was at Phase 1 of the five-phase inpatient treatment program.

Mr. Lough reported that he last masturbated 6 to 7 months ago. He intentionally did not keep a journal or log about his sexual thoughts or masturbation practices because he did not want 'to give you guys anything to work with. I have taken eight polygraphs that confirm I am telling the truth.' He indicated some level of difficulty in getting or maintaining an erection. 'Last time I tried I had to work on it, and I gave up. It wasn't hard, per se, but hard to complete, not that much arousal; it wasn't happening so I gave up.' He reported thinking about fairly simple and straightforward things when he masturbated, such as two celebrities who 'are pretty gorgeous, so I think of them.' He denied ever having had any sexual thoughts involving force or rape. When asked what he did to manage any sexual thoughts, he said, 'If I have some, I just change my mind. If I am watching TV, I just turn the channel. I just don't watch that stuff. I just don't partake in anything. These are all negative areas for me, so I don't allow myself any of it.'

Mr. Lough participated in the CASH group from 09-16 until 02-17, and then he stopped coming to the group when he did not receive a CASH Certification of Completion. Mr. Rockwell noted that he had strained interactions with authority and imputed hostile intentions frequently. He felt either put down or set up by staff, and when he experienced conflict, he tended to use avoidance rather than directly addressing what he was upset about.

However, in their individual case management sessions together, Mr. Rockwell observed that Mr. Lough's behavior and attitude had shown improvement in the areas of self-control, willingness to

discuss problems and explore solutions, and his ability to tolerate uncertainty and to acknowledge areas of need. In CASH group, he was rated as 'fair' in the areas of acknowledging lifetime risk of substance abuse and being able to identify relapse risk in multiple life domains. In 06-17 Mr. Lough resumed his participation in the CASH group. He had also started the Power to Change Group."

Dr. Yanisch noted that, in 08-17, Mr. Lough transferred to Redwood East which was a low-management placement for residents who were not considered behavioral concerns. Staff stated that Mr. Lough kept his room clean, and his personal hygiene was adequate or better. He successfully passed all regular room inspections. He was a low-profile resident, he worked out and looked to be in excellent condition, and when interacting with staff he was polite and cordial. On 10-02-17 Mr. Lough discussed his difficulty with changing the way he approached staff and other residents from the many years of being incarcerated. He said that he was trying to work on his approach to issues that came up.

Mr. Lough was working as a custodian on Fir Unit which was a position that he had held for a number of years. His Job Performance Report, dated 03-01-17, included ratings of "Excellence" for all performance areas and "Among the Best" for overall job performance. His supervisors stated that Mr. Lough was their best worker. He showed up on time, every day, ready to work, which he worked thoroughly. If something was wrong, he would let staff know.

Dr. Yanisch stated that Mr. Lough had submitted a number of grievances complaining about staff. He had a history of filing grievances at the SCC.

Dr. Yanisch provided the following diagnoses:

- Antisocial Personality Disorder
- Paranoid Personality Disorder
- PTSD
- Cannabis Use Disorders, In Sustained Remission, In a Controlled Environment
- Alcohol Use Disorders, In Sustained Remission, In a Controlled Environment
- Stimulant Use Disorders, In Sustained Remission, In a Controlled Environment
- Opioid Use Disorders, In Sustained Remission, In a Controlled Environment

Dr. Yanisch stated that Mr. Lough continued to meet the definition of an SVP. Conditional released to an LRA was not in his best interest and conditions could not be imposed that would adequately protect the community.

On 01-25-19 Dr. Yanisch prepared an Annual Review for Mr. Lough that covered the period from 02-17 through 11-17 (SCC 7726-7786). He stated the following regarding Mr. Lough's treatment progress:

"Mr. Lough was participating in the Awareness and Preparation (A&P) class, and it was the first time he was willing to engage in any formal part of SCC treatment. He successfully completed the A&P group in 04-18.

Mr. Lough started the Power to Change Group in late fall of 2017. He actively participated in the group, and appeared to take notes about what was discussed. Over time he became increasingly comfortable in the group and would share his perspective even when it was different from others in the room.

Mr. Lough did not keep a log or journal containing any sexual thoughts, fantasies, or masturbation practices. He said that he had not masturbated 'in a while. It's not even something I consider anymore. It is not an issue. I am not a weirdo or freak, and to keep a journal around it doesn't make sense. My not making a log is not me being antisocial or hiding anything, there is just nothing there.' He estimated the last time he attempted masturbation he was unable to achieve a full erection, 'and I gave up after that.... I took a polygraph test to evaluate that, and I have no deviances whatsoever. I fucked up one day, one time, end of story.'

Mr. Lough denied having sexual thoughts, currently. 'None now. You guys have pretty much beaten out of me any enjoyment whatsoever. No impact whatsoever. You paint such an ugly picture about anything that could be seen as normal, I just say fuck it. As easy to walk away from that as it was to walk away from drugs. There never was for rape or assault ever. No other needs or frustrations now. And the eight polygraphs and plethysmograph validate that. Zero arousal.' He specifically denied ever having sexual thoughts involving rape or coercion."

Mr. Lough met with Mr. Rockwell, monthly, for case management sessions. Areas they addressed included:

- Anger and emotion management.
- Mr. Lough's behavior when he felt disrespected.
- How Mr. Lough's distrust impeded deeper work for him; although, there appeared to be some improvement in that area.
- Loss, guilt, and shame about some things Mr. Lough had done in his life.
- Mr. Lough's desire to one day be a substance abuse counselor to

Native People.

- Mr. Lough's concern that staff were being disrespectful and had desecrated the Native American space by "roughly examining the drainage system near the sweat lodge and some other areas which residents spent time and resources installing."

In 12-17 Mr. Lough resumed his participation in the CASH group. On 04-30-18 he was placed on Maximum Benefit Status. Mr. Rockwell wrote to Mr. Lough the following:

"After an initial adjustment period, you became a group member I could count on to provide reasonable and meaningful disclosures and emotional support and feedback to other members that was accurate and caring. You improved your own receptiveness to critical feedback, showed enthusiasm for topics of discussion, were attentive to issues introduced by fellow group members, and shared your struggle to overcome abuse of various substances. You shared with group the interventions you use to remain sober and that you used to discontinue using.

As well, you requested help from the group to challenge and test your own actions, thoughts, and responses to daily stressors and to examine lifetime risks, vulnerabilities, and strengths. Your written work demonstrated understanding of core intervention competencies and knowledge of the abuse, addiction, and recovery cycles."

Dr. Yanisch advised that Mr. Lough was involved in an incident in the mailroom and he was transferred to the medium-management Gingko Unit. He was then less responsive to staff interactions. In 03-18 he asked staff if "some man was bothering" a female RRC, and if he was, "he would kick his ass." It appeared to come out of nowhere as Mr. Lough had never approached her or ever tried to converse with her. On 10-28-18 Mr. Lough was overheard referring to a therapist as a "bitch" when telling a peer how to handle getting something signed.

Staff stated that Mr. Lough spent the majority of his time on the unit in his room. He would play computer games, work on his legal documents or assignments, and make beaded jewelry. He did not interact much with other residents on Gingko Unit because he said that he did not want "any trouble." He consistently passed all room inspections, kept himself and his room in good order, and maintained his hygiene without reminders. He was noted to go to meals in the dining hall and to work out in designated areas. Mr. Lough was the leader of the Native American Circle. He participated regularly in the monthly sweat lodge.

Mr. Lough was consistently employed on the residential unit often working as a porter cleaning the dayroom. On 11-16-18 he was noted to do very good work

and to be both reliable and responsible. If for some reason he was not able to work a shift, he would notify staff as soon as possible to arrange a fill-in for him. He established strict boundaries for himself, not wanting to have any job duties that would have him in close proximity to staff areas. On at least one occasion he politely declined work offered to him that would have placed him behind the staff desk.

Dr. Yanisch provided the following diagnoses:

- Antisocial Personality Disorder
- Paranoid Personality Disorder
- PTSD
- Cannabis Use Disorders, In Sustained Remission, In a Controlled Environment
- Alcohol Use Disorders, In Sustained Remission, In a Controlled Environment
- Stimulant Use Disorders, In Sustained Remission, In a Controlled Environment
- Opioid Use Disorders, In Sustained Remission, In a Controlled Environment

Dr. Yanisch stated that Mr. Lough continued to meet the definition of an SVP. Conditional release to an LRA was not in his best interest and conditions could not be imposed that would adequately protect the community.

On 02-18-20 Elizabeth Bain, Ph.D., prepared an Annual Review for Mr. Lough (SCC 8756-8806). She stated the following regarding Mr. Lough's treatment progress:

"Mr. Lough had declined to participate in sex offender treatment throughout his time at the SCC. He was in Phase SOC 1 (corresponding to the pre-contemplation stage of the stages of change model; this stage of change is often when an individual is not thinking about change), and he was given Level 4 privilege status.

Mr. Lough routinely participated in monthly case management. He identified conflict, mistrust, and expecting the worst as factors underlying his conflict with others. He said that he defeated his interests when he allowed suspiciousness or cynicism to color his thinking about others.

Mr. Lough began participating in counselor assisted self-help (CASH), in 09-16, and continued participating in the adjunct group focusing on substance use treatment principles. He was placed on maximum benefit status, on 04-30-18; however, he continued to

participate in it. Additionally, he participated in Power to Change, an adjunct group focusing on current barriers to sex offender treatment participation, beginning in 2017, and continued to intermittently participate.

Mr. Lough reported that he had been in a relationship with a woman named Rhonda since 06-06. He met her through a website and was attracted to her stating, 'She has a very nice spirit. We're a match because she's very passive... she's been taken advantage of in her life. Why her family likes me is that I've never taken money from her. She's a good balance for me, a calming effect.'

Mr. Lough said that he had zero sexual outlets and last attempted masturbation over a year ago to thoughts of engaging in 'missionary' sexual intercourse with Selma Hayek and Jessica Alba. He said that Rhonda wanted to have sex when he got out. He denied ever experiencing sexual thoughts and/ or fantasies of minors, males, peers in the DOC or at the SCC, or staff. He denied ever experiencing a sexual thought or fantasy involving forced sexual activity."

Dr. Bain noted that Mr. Lough was moved to the Cedar Unit, and his behavior, overall, was appropriate. Mr. Lough interacted with peers on his unit, but he spent most of his time working with the Native Circle. He was cordial in his conversations with staff and peers. He was consistent with his spiritual smudging, 7 days a week; had not missed any days of work; and worked his entire shift. He maintained room standards, interacted with a few peers, and stayed clear of the desk unless he needed assistance for his job.

Dr. Bain indicated that Mr. Lough was employed as a unit porter, and a job performance report, spanning 01-19 to 06-19, rated him as "good" in all domains including his overall work performance. Mr. Lough completed "B" certification for food service, safety, and sanitation in 05-19. He was approved to access the Pierce College computer lab, and he successfully completed the course "Planning for Successful Community Transition." He was approved to access the hobby shop, wood shop, music program, and fitness program. Also, he was an active part of the Native Circle and continued in various leadership positions with it.

Dr. Bain provided the following diagnoses:

- Antisocial Personality Disorder
- PTSD

Dr. Bain stated that Mr. Lough continued to meet the definition of an SVP. Conditional release to an LRA was not in his best interest, and conditions could not be imposed that would adequately protect the community.

In 11-20 the court reviewed Mr. Lough's request for an evidentiary hearing on unconditional release, per Order Termination 2020 Annual Review and Denying Respondent's Petition for an Evidentiary Hearing, King County Superior Court, Cause No. 09-2-29232-9 SEA (14505-14506). The court said that the State had established that Mr. Lough continued to meet the definition of an SVP, an LRA placement was not in his best interest, and conditions could not be imposed that adequately protected the community.

The court denied Mr. Lough's petition for an evidentiary hearing on unconditional release. Facts had not been presented that would warrant a trial addressing either an unconditional or conditional release.

On 01-25-21 Dr. Bain prepared an Annual Review for Mr. Lough (SCC 12878-12914). She stated the following regarding Mr. Lough's treatment progress:

"Mr. Lough continued to decline to participate in sex offender treatment. He was in Phase SOC 1, and he retained Level 4 privilege status. He participated in several case management sessions.

Mr. Lough's treatment plan, dated 10-20 to 04-21, identified goals including: stay clean and sober; get out of the SCC; obtain treatment for PTSD from certified provider; demonstrate ability to utilize treatment to address dynamic risk factors; re-enter treatment including sex offender cohort group; engage in honest, respectful discussions with case manager about pros/ cons of sex offender treatment; discuss barriers to engaging in treatment; and address mistrust of clinical staff. Mr. Lough's treatment plan identified that he should develop the capacity for collaborative risk management including a willingness to work with his case manager and potential group facilitators in a collaborative fashion. Additionally, the treatment plan suggested that Mr. Lough maintain a journal about his views on collaborative relationships, barriers to developing collaborative relationships, the role transparency plays in collaborative relationships, and work on dialectical behavior therapy (DBT) worksheets."

Dr. Bain indicated that, in 02-20, Mr. Lough got into a disagreement with staff and quit his job. After that, Mr. Lough kept to himself and remained in his room most of the time. However, when he approached staff at the desk, he had been respectful. He then began working as a video clerk. A job performance report, spanning the first 6 months of his employment, rated him as outstanding

or good in all domains. His supervisor stated that he was always on time, did his job, and did not have problems with other residents. However, he received a corrective action notice, during the summer of 2020, after he made verbal insults to recreation staff's prior decisions with working schedules.

Dr. Bain provided the following diagnoses:

- Antisocial Personality Disorder
- PTSD

Dr. Bain stated that Mr. Lough's condition had changed to the extent that she was unable to opine that, as a result of his mental condition, he would have serious difficulty controlling his sexually violent behavior if not confined. Likewise, she was unable to opine that Mr. Lough was more likely than not to commit a crime of predatory sexual violence if unconditionally released to the community.

On 04-25-22 Deirdre D'Orazio, Ph.D., prepared an Annual Review for Mr. Lough (SCC 14380-14420). She stated the following regarding Mr. Lough's treatment progress:

"Mr. Lough consistently declined and had not participated in sexual offense specific treatment; although, he had taken a preparatory group. He said that he would not enroll in the sexual offense treatment program because it was designed for repeat rapists and child molesters, and he did not feel that he fit into either of those categories. He did not show motivation to ally with the offense-specific treatment programming and did not access the benefits it could offer or the opportunity for the professional staff to interact with him in ways that explored, assessed, and tested his risk factors for reoffending.

Mr. Lough did not show accountability or insight. When asked to describe what happened in the 1986 offense, he declined to respond, stating the topic was too emotionally triggering for him. When approaching the topic of his sexual abusive acts, he reverted to an indignant position of external blame. He maintained that the State made up evidence against him, witnesses lied, and the police falsified evidence.

On 03-17-21 the Senior Clinical Team met to discuss Mr. Lough's previous Annual Review in which it was recommended that he be released unconditionally from the SCC. The team was concerned about Mr. Lough's inability to regulate his emotions, the potential for a violent reaction, and his perceived attitudes toward women. After

a review of his treatment progress, the team did not support the conclusion that he no longer met criteria as an SVP."

Dr. D'Orazio noted that Mr. Lough had been working as a Library/ Video Clerk for about a year. His work supervisor stated that Mr. Lough's job performance started out shaky, and his coworkers did not like him. However, Mr. Lough's work performance improved to an acceptable level and had remained that way.

Dr. D'Orazio provided the following diagnoses:

- Other Specified Paraphilic Disorder
- Antisocial Personality Disorder
- Stimulant Use Disorder, In Sustained Remission, In a Controlled Environment
- Opioid Use Disorder, In Sustained Remission, In a Controlled Environment
- Cannabis Use Disorder, In Sustained Remission, In a Controlled Environment
- Alcohol Use Disorder, In Sustained Remission, In a Controlled Environment

Dr. D'Orazio concluded that Mr. Lough remained more likely than not to engage in predatory acts of sexual violence if not confined in a secure facility. She did not find him managing his risk factors and mental conditions to a degree sufficient, nor was he interested or willing, to participate in conditional release to an LRA placement. Also, an LRA placement was not in the best interest of Mr. Lough nor could conditions be imposed that would adequately protect the community.

On 01-27-23 Dr. Bain prepared an Annual Review for Mr. Lough (SCC 16520-16562). She stated the following regarding Mr. Lough's treatment progress:

"Mr. Lough had declined to participate in sex offender treatment throughout his time at the SCC. He was in Phase SOC 1 and retained a Level 4 privilege status. He declined to participate in case management sessions, but did meet with his case manager, in 05-22 and 06-22, to discuss a contact restriction.

Mr. Lough stated that he last attempted to masturbate, about a month ago, to thoughts and fantasies of Selma Hyak and Jessica Alba."

Dr. Bain stated that Mr. Lough had been transferred to the Alder West Unit on 12-21-22. He passed all room inspections, slept through the night, participated

in COVID safety screenings, and had no issues on the unit, but he had very little interaction with staff.

Dr. Bain noted that Mr. Lough told the Religious Coordinator he was stepping down as the Chief of the Native American group and that he would just become the Ceremonial Leader because he was getting out of the SCC soon. However, he continued to strongly identify with Native American culture and traditions and participated actively in ceremonial and spiritual activities such as Sweat Lodge, Native Circle, White Bison, and drumming. Dr. Bain stated that Mr. Lough also produced precise, beautiful beadwork reflecting traditional themes, colors, and stories.

Dr. Bain provided the following diagnoses:

- Antisocial Personality Disorder
- PTSD

Dr. Bain advised that Mr. Lough's dynamic risk increased as a result of possessing sexually-based contraband, institutional rule violations, and increased rule noncompliance. Mr. Lough was not participating in sex offender treatment, and he had demonstrated a decreased ability to manage antisocial attitudes and behaviors.

Dr. Bain said that Mr. Lough continued to meet criteria as an SVP and was more likely than not to commit a crime of predatory sexual violence if unconditionally released to the community. Conditions could not be imposed that would adequately protect the community, and an LRA placement was not in his best interest.

On 02-01-24 Dr. Bain prepared an Annual Review for Mr. Lough (SCC 17050-17096). She stated the following regarding Mr. Lough's treatment progress:

"Mr. Lough had declined to participate in sex offender treatment throughout his time at the SCC. He was in Phase SOC 1 and retained a Level 4 privilege status. He participated in six case management sessions. He participated in a DBT group, from 01-18-23 to 06-21-23, and he participated in Treatment Readiness, from 04-17-23 to 06-19-23.

Mr. Lough reported ongoing sexual interest toward adult female actresses Selma Hyak and Jessica Alba. He said that he experienced sexual thoughts and fantasies and masturbated to them about once per month. He stated that he used a process of visual guided imagery when in a negative place and often imagined rebuilding an engine thinking about every little detail. He reported that he also used physical activity to manage negative emotional

states. He denied any interest in developing a future sexual relationship."

Dr. Bain advised that Mr. Lough continued to live on the Alder Unit. There was no information that he was employed.

Dr. Bain provided the following diagnoses:

- Antisocial Personality Disorder
- PTSD

Dr. Bain stated that Mr. Lough's diagnoses did not constitute a mental abnormality. She was unable to opine that, as a result of his mental condition, he would have serious difficulty controlling his sexually violent behavior if not confined. She was also unable to opine that he was more likely than not to commit a crime of predatory sexual violence if unconditionally released to the community.

On 02-04-25 Dr. Bain prepared an Annual Review for Mr. Lough (SCC 21457-21502). She stated the following regarding Mr. Lough's treatment progress:

"Mr. Lough participated in the sex offender treatment program's responsivity group, Here and Now. The group facilitators described him as engaged in the discussions, and he actively participated in the group. However, Mr. Lough offered minimal self-reflective feedback. He also participated in some case management sessions. On 12-27-24 he told his therapist that therapy was a futile effort and that he just wanted to be left alone in his room. He was rated to be in the pre-contemplation-to-contemplation stage of change.

Mr. Lough denied being in a current intimate or dating relationship. He stated, 'A couple people I've always found attractive and masturbated to in the past included Selma Hyak and Jessica Alba. I don't even think they're cute anymore. He estimated that he last masturbated about a year ago to sexual thoughts of an adult female actress, Cody DePablo, who was on the show NCIC."

Dr. Bain indicated that Mr. Lough continued to live on the Alder Unit and passed his room inspections. Mr. Lough's job in the video library had been reinstated. He was generally described as cooperative and respectful when interacting with residential staff. However, in 04-24, he was involved in a disagreement with a staff member who was using the resident exercise equipment. Mr. Lough was overtly hostile and stated, "If I have to fight, I will." A second staff member overheard the interaction and was able to deescalate the conflict.

Dr. Bain advised that Mr. Lough participated in Native spiritual, religious, and cultural activities (once authorized by the SCC in 04-24). He also engaged in solitary recreational activities including exercise, beadwork, and drumming.

Dr. Bain provided the following diagnoses:

- Antisocial Personality Disorder
- PTSD

Dr. Bain stated that Mr. Lough's diagnoses did not constitute a mental abnormality. She was unable to opine that, as a result of his mental condition, he would have serious difficulty controlling his sexually violent behavior if not confined. She was also unable to opine that he was more likely than not to commit a crime of predatory sexual violence if unconditionally released to the community.

Behavior Management Reports and Incidents

On 03-16-16 Dr. Marquez noted the following behavioral incidents for Mr. Lough at the SCC, per Annual Review (SCC 2810-2811, and 2839-2841):

- 10-03-09 Mr. Lough was restricted to the unit over the weekend of 10-03-09. During the unit restriction, he became loud and started gesturing with his arms, "Why don't you have the bitch that said something come to my face! You guys know I didn't do anything, or there would be a body! You might as well bring 'em now because I'm not doing this shit! I ain't following no restriction! I'll leave when I leave, ain't nobody stopping me! You might as well bring your security now! Bring 'em on, and there will be bodies!"
- 12-20-09 Mr. Lough was scheduled to move to Dogwood Unit, but he said that he would not go because he wanted a room with a toilet. He stated, "You better put me in the hole, because I am going to fight if you move me. You want to play games with me, and I am not like the others that you move around. If you move me there is going to be continual problems, and they won't stop." He earlier stated that he would "live and die in the room." He asked for boxes to pack his property so he could go to IMU. It was noted that his body was very rigid with the muscles on his arms being very tight.
- 12-22-09 Staff had observed Mr. Lough trying to "incite" other residents to challenge, question, and oppose staff authority. Although not overtly violent, he was noted to have made threats of violence and to have willfully interfered with staff.

- 12-22-09 Mr. Lough refused to voluntarily move and was moved by staff in restraints. He then stopped eating; although, he was taking fluids. On 01-05-10 he was noted to begin taking meals.
- 01-06-10 Mr. Lough was appealing a Behavior Management Report (BMR) and stated, "And if you think I'm ever going to take any of those behavior intervention classes you people keep ordering me to take, you're as retarded as these infractions and the committees that always find me guilty!"
- 01-06-10 Mr. Lough got into an argument with another resident over whether the other resident was going to move and let other residents finish a card game. When the other resident would not move, Mr. Lough said, "If he doesn't want to move, I'll move him." The other resident got up and moved toward Mr. Lough saying he wanted to fight. Mr. Lough then taunted the other resident saying, "Come on, hit me. Hit me." Mr. Lough eventually complied with the direction to return to his room.
- 01-30-10 Mr. Lough arrived in the front of the unit and kicked one of the chairs at the table. He then told another resident, "If you broke that microwave, I will kick your ass." He obeyed directives and returned to his room.
- 05-22-10 Mr. Lough assaulted another resident as described in the Criminal History section of this evaluation.
- 06-10-10 Mr. Lough stated to a nurse, "If you can't bring me the meds I want, then fuck off, just forget about it, I don't need your help."
- 06-13-10 Mr. Lough became verbally aggressive when his left hand was placed through the cuff port, stating, "I'm going to kick your ass. Fuck off!" Medical staff were unable to complete the examination.
- 06-20-10 Mr. Lough was suspected of making a shank.
- 06-21-10 Mr. Lough stated, "I told you guys that I didn't belong over there (in Alder North) with those dinks. It's not like I killed the man! So be it if I killed him, because he attacked me! He came after me, and I defended myself. I'm not a dink! I told you guys I don't belong with those dinks!"
- 10-21-13 Mr. Lough was asked to move to Alder North from the IMU. He stated that if he was forced, he would only be there for 1 hour or less and that he could not have another homicide on his record. He also stated that he was willing to move to another unit with a dry

cell, but putting him on Alder North was putting him in a bad situation. He said that he would rather stay in IMU.

- 11-07-13 Mr. Lough received a BMR for Threatening. The BMR was later dismissed because it was not delivered to Mr. Lough in a timely manner. Mr. Lough had approached the staff desk in an angry manner and stated that security staff in the mailroom had denied him his legal mail. He then stated, "I'm trying to be cool, but you guys are pushing my buttons. When I get like this, I want to fight." He then threw the envelope he had in his hand and began to breathe heavily. He stated, "See, you guys are trying to push me. I've been trying to be a nice guy, but I see being nice doesn't get you anywhere." He then drew a line with his finger and threatened staff stating, "This is where I draw the line. If I go back to prison, I'm going to make it count. I'm coming after one of ya'll" and pointed at staff. He then went to the smoking pad.
- 05-16-14 Mr. Lough received a BMR for Refusing Directives. He had been in the yard and did not have his ID badge visible. When told he needed to make his ID visible, he responded, "I will get right on that" then closed his jacket and covered up his ID. Staff stood there for a moment, and he resumed his conversation with the other resident.
- 08-05-14 Mr. Lough received a BMR for Threatening; Intimidation; and Unsanitary Conditions. He was found guilty of Threatening; and Intimidation. When walking out of his room, staff noticed that Mr. Lough had a bottle labeled "Lough," which had urine in it. He was informed he would be given a BMR for Unsanitary Conditions. He eventually replied, "I walk past this bitch ass desk every morning and now it's a problem." His hands were flat on upper desk, eyes narrowed, and he appeared tense. Mr. Lough walked around the desk, gripped the door to the staff desk, eyes narrowed, and said, "Are you threatening me?! Because if you are, that's the last thing you'll ever do!" He then made a slight movement with his left hand moving toward the lock on the door, which was not completely closed, then pointed his finger at the RRC and again threatened, "Don't ever threaten me! If you do, it's the last thing you will ever do!"
- 03-17-15 Mr. Lough had been approved to move to Fir, a medium-management unit; however, he initially refused to move to Fir and repeatedly requested to move back to Dogwood. Staff stated that he was being moved because of his previous threatening behaviors toward two specific residential staff and his indirect threats to peers in passing. He continued to argue and was rigid about moving to

Dogwood. He became angrier and was shifting in his seat. On 05-20-15 he moved to Fir Unit.

- 04-28-15 Mr. Lough was intrusive to the Wiccan Circle, when they were holding their Beltane observance, by insisting he be allowed to cut firewood and prepare for the following days sweat lodge. It was noted that he was dismissive toward a sign that said only Wiccan members were allowed in the religious yard at the specified time and of the Chaplin's concerns.
- 10-23-15 Mr. Lough was in the dining hall during lunch, and another resident sat next to him and then tried to grab his food tray. He put his hand on the resident's shoulder and appeared to be lecturing the resident. A few seconds later, Mr. Lough placed the other resident on the ground. He later explained that he put his hand on the resident because he "wanted to control him, because not many people know how to fight like [he does], and [he] didn't want to hit the ding (mentally ill patient)." He reported that he felt the resident move, interpreted his movement as hostile, and then decided to place him on the ground. Mr. Lough began talking over staff, tore his badge and badge cover, and handed it to staff. It was noted that Mr. Lough began to escalate. He was placed on unit restriction for 1 day and restricted from interacting with the other resident.

On 12-28-17 Dr. Yanisch noted the following behavioral incidents for Mr. Lough at the SCC, per Annual Review (SCC 6411-6412):

- 07-12-17 Mr. Lough went to another residential unit (Dogwood) and took an Aloe Vera plant that he insisted belonged to a former resident of the Native American Circle who had been discharged. He told the investigator he was "mad and didn't care and went over there and took it." Mr. Lough reported that the plant "belongs to us." The other resident from Dogwood reported he had owned the plant since 2012, and eventually the plant was placed in the Dogwood dayroom once again.
- 07-14-17 Mr. Lough was working at his job cleaning the bathroom. Another resident, M.C., decided to clean his room and took the dustpan from the closet. Mr. Lough had to go looking for the dustpan and took it from M.C.'s room. They "exchanged words" there and 5 minutes later at the utility closet. Both residents were described as angry, loud, and gesturing with their hands and arms. They walked toward each other. Mr. Lough put his hands up to stop M.C. from walking any closer to him. It appeared that Mr. Lough pushed M.C. Staff contacted Central Control for backup and closed the dayroom. At that point Mr. Lough and M.C. separated, with Mr. Lough

returning to his job and M.C. going to his room. They were talked to by staff and shortly afterwards normal operations were resumed. RRC Moore later reported he did not see any direct physical altercation between the two residents, and neither one received a BMR.

On 01-25-19 Dr. Yanisch noted the following BMR that Mr. Lough received, per Annual Review (SCC 7729):

01-15-18 Mr. Lough received a BMR for Physical Aggression; Threatening; and Intimidation. On 02-08-18 he was found guilty of Threatening; and Intimidation. He was transferred the medium- management Gingko Unit. He was on a 30-foot restriction from the mailroom. On 02-05-18 the restriction was lifted, but for several months he was required to use a staff escort when he went to the mailroom.

Mr. Lough was upset at mailroom staff. He approached the mailroom window and learned that a package he had ordered was being returned to the sender because it was 3 pounds over the allowed weight limit. He became verbally abusive to mailroom staff and stated, "You bitches can't pick up a 28-pound box. This is why I have so many staff assaults. Fuck you, bitches. I'll beat the black off your ass." Mr. Lough became more aggressive and was posturing as if he would come over the counter to attack staff. Another resident tried to keep him from going over the counter, and moved with Mr. Lough toward the door. Mr. Lough called the staff members "bitches" one last time and then left the mailroom with the other resident. Mr. Lough acknowledged that he used inappropriate language in telling the staff person that he would "beat the black off your ass," and he alleges that it was prompted by staff laughing at him as he was walking away.

On 01-25-21 Dr. Bain reported that Mr. Lough had received the following BMR, per Annual Review (SCC 12879):

05-08-20 Mr. Lough received a BMR for Physical Aggression Toward Another Resident. He was placed on unit restriction, and he was given a no-contact order. On 07-10-20 the BMR was dismissed on appeal. Mr. Lough had walked into the dining room, gotten a meal tray, and waited to be served. Another resident got his tray and stepped in front of Mr. Lough who pushed him backward. The other resident struck Mr. Lough with a dinner tray. Staff intervened, grabbed Mr. Lough, and moved him away.

On 04-25-22 Dr. D'Orazio stated that Mr. Lough had received the following BMR, per Annual Review (SCC 14392-14393):

02-16-21 Mr. Lough received a BMR for Disruptive Behavior; and Verbal Harassment. On 03-15-21 a hearing was conducted, but there was no information available about the disposition. Mr. Lough had wanted a male staff member to allow him to go to the recreation center for work before the yard was open. A female staff member, V. Marquez, asked him to come back on the tier to discuss the early release. Mr. Lough stated to the first staff member, "Why do you let this bitch run your life?" However, he did step back on the tier.

Mr. Lough then filed a complaint against Ms. Marquez stating that she had been harassing him and refusing to allow him to go to work. He believed that she was interfering in his chances for release and requested that she be fired.

On 01-27-23 Dr. Dr. Bain reported that Mr. Lough had received the following BMR and Incident Report (IR), per Annual Review (SCC 16522):

07-07-22 Mr. Lough received a BMR for Possession of Contraband. The disposition of the charge was unknown. Mr. Lough's computer was confiscated after a search of his room revealed the following relevant contraband: a white legal pad containing an email address, credit card number, and pin number. A second legal pad was found with two pages of website names/ addresses for pornography websites. There were approximately three to five site names per line, and the sites filled the entire page on both pages of the legal pad. Some of the website names included, Hardcorejanapense GFs.com, MyDirtyHobby.com, PissWiz.com, Fetish Woman.Co.KR, AsianTeenGFs, TrikePatrol.com, FuckedHardIS.com, PissUP.com, and HollywoodHardcore." The websites had been accessed¹ through Mr. Lough's computer including "Madthumbs.com, Huster-exclusive.com, and Galleries.payserve.com." The forensic analysis report noted, "These were researched, and they are pornography sites." The information was located in a hidden file created by the operating system called Pagefile.sys."

11-06-22 Mr. Lough received an that's the problem of 56 right before the IR for Possession of Contraband after a reasonable suspicion room search was completed to look for a photocopy or printout of a photograph of a little girl. He was suspended from his job in the SCC Library. The room search found contraband including a TracFone cell phone, multiple photos, instructions describing how

¹ Per the Final Report from Northwest Digital Forensics, dated 09-27-22, (SCC 16130 - 16134), review of the computer determined *no* internet activity or network connections either wired or wireless were located and it was "unknown" if the sites had been visited.

to clear the phone cache and internet search history, cellphone charger, an unlabeled floppy disc, and handwritten instructions on how to use the smart phone device. Additionally, staff found a black and white photocopy of a photograph with faces of a little girl and an adult woman. Staff noted the photocopied printout matched several color photograph prints found in a blue envelope of a personal letter and fit the description of the item of interest.

On 01-27-23 Paul McShane from Northwest Digital Forensics, LLC, informed the SCC Chief Investigator of the following, per Email (SCC 16168-16169):

"During my examination of Mr. Lough's cellphone, I believe I located a few photos which may be illegal. They are close-up photos of a vagina which I believe may be of a minor. There were several others where they showed the exposed breast of a prepubescent female. I believe these would constitute a crime, and I had to report it.

I called Pierce County SO Det. Sgt. and advised him of what I had. He stated that since the violation occurred in a State Facility, it would be the responsibility of Washington State Patrol to investigate.

I turned over the cell phone and a thumb drive with all of the evidence on it to the Marysville Police Department under Case #2032-000004834. I was given a property form which I will turn in with the chain of custody. NW Digital Forensics is no longer in possession of any data from the phone.

For follow-up, I talked with Amanda Smitley, as you requested. She referred me to Jennifer with King County Prosecutor Violent Offender Unit since Mr. Lough's initial violation was out of King County. I advised her that I was booking the phone and thumb drive into evidence and that she or whoever was going to investigate could pick up the evidence."

There was no further information available about the status of the case.

On 02-01-24 Dr. Bain indicated that Mr. Lough had received the following BMRs and IRs, per Annual Review (SCC 17058-17059):

02-07-23 Mr. Lough was charged with Threatening Staff. There was no information available about the disposition of the charge; however, Mr. Lough reported that the charge was dismissed. Mr. Lough had given Amanda McDowell, Psychology Associate, a letter at the beginning of the DBT group. He stated, "My emotional mind wants very much to rearrange Ms. Hawkins' face for taking my computer and everything else that has been taken from me. My rational mind tells me that if I assault another staff, I will be sent back to prison instead of going home. My wise mind tells me to simply withdraw from continuing any more treatment classes due to my now being so emotionally out of balance because of all of the unprofessional and unethical treatment by various SCC staff toward me that would be made exponentially worse with physical pain due to my severe chronic carpal tunnel syndrome that is well documented; thus, I truly do need my computer to continue treatment core group assignments."

02-14-23 Mr. Lough was charged with Possession of Alcohol; and Possession of Contraband. There was no information about the disposition of the charges. Staff searched Mr. Lough's room and found the following: a notepad with a list of pornographic websites; a list of names of staff, supervisors, and the name of a website to obtain their personal information; a checkbook with entries; and a Tide plastic container, with a brown liquid substance, that tested positive for alcohol.

On 02-20-24 an Investigative Services Bureau Investigation Report, from the Washington State Patrol (15523-15525), indicated the following:

12-26-23 Mr. Lough assaulted Resident Zackery Haugh and was recommended to be criminally charged with Count 1, Assault, Third Degree, Case No. 23-022991. However, Mr. Haugh refused to speak with investigators and did not want to bring charges against Mr. Lough who had admitted to assaulting him. Mr. Lough was given a BMR for the behavior. There was no information available about the disposition of the BMR.

Mr. Lough and Mr. Haugh were both housed in the Alder West Unit. At 9:00 p.m., Mr. Lough was walking in the common area holding a cleaning spray bottle and a rag. Mr. Haugh exited his room, and as they approached one another, both of them slightly moved to walk past one another. Mr. Lough then dropped his cleaning supplies, turned around, and pushed Mr. Haugh in the back. He grabbed him by his long hair and pushed him into a table and chairs before throwing him backward onto the ground. Mr. Lough held Mr. Haugh from the back and began punching him in the face repeatedly,

approximately 20 times, with unobstructed blows while Mr. Haugh's hands were down and not defending the strikes. Mr. Haugh worked his way to his feet while Mr. Lough maintained control of his back grabbing his long hair and clothing. Mr. Haugh was trying to get away from Mr. Lough who then forcefully pushed Mr. Haugh's head repeatedly, slamming his face into a metal door frame and door.

Two SCC security intervened while Mr. Lough continued to push Mr. Haugh's head into the door. Mr. Lough refused to release Mr. Haugh, pushed him toward a security desk, and then released his grasp him. As a result of the assault, Mr. Haugh sustained a cut or laceration above his right eye and was bleeding. Mr. Lough sustained a broken finger. Both men refused medical treatment for their injuries.

On 04-04-24 a Resident Notification of BMR (SCC 17170) indicated that Mr. Lough received the following BMR:

04-02-24 Mr. Lough was charged with Threatening Staff. On 05-23-24 the charge was dismissed, per Administrative Review Hearing Finding Report (SCC 21337). Mr. Lough was speaking with Khalil Howse, Residential Rehabilitation Counselor (RRC) 2, in an aggressive manner causing RRC2 Howse to continually move backward. Mr. Lough, who was very animated, reached toward RRC2 Howse with his left arm while raising his right arm in the air. Mr. Lough stated, "You need to get the fuck up out of here, or I am going to beat your ass right now."

On 02-04-25 Dr. Bain indicated that Mr. Lough had received the following BMRs, per Annual Review (SCC 21466 and 21467):

04-12-23 Mr. Lough was charged with Threatening Another Resident. On 05-23-24 the charge was dismissed, per Administrative Review Hearing Finding Report (SCC 19823). Medical staff reported that Mr. Lough had made a threatening statement to them stating that he was going to work out so that he could "kick Resident John Doe's ass" when he got there.

06-03-24 Mr. Lough was charged with Resisting Placement. On 06-27-24 he was found guilty of the charge, but there was no sanction imposed, per Administrative Review Hearing Finding Report (SCC 21339). Mr. Lough had been notified that he was required to move to Cedar West. He stated, "No. If you want me to move, then suit up."

06-24-24 Mr. Lough received an IR after he threatened Resident P.M, per General Event Reports (GER) (SCC 19807-19808). He had asked

staff to move out P.M. and move in Resident T.C. in his place. Mr. Lough stated, "If I see P.M. coming toward the day room, I am going to beat the blackness off of him."

07-07-24 Mr. Lough was charged with Verbal Altercation with Another Resident. On 07-08-24 the charge was dismissed. Mr. Lough and another resident were involved in a verbal altercation after the other resident reportedly threw feces down the tier. Mr. Lough went up to the other resident's door and stated, "I'm gonna get you. If the staff won't take care of you, I will."

09-30-24 Mr. Lough received an IR after he aggressively approached Resident Zackery Haugh, who was quietly walking to the dinning room, per GER (SCC 21329-21331). When Mr. Lough saw that staff was observing him, he turned around and stated, "I'll beat his ass."

Polygraph Examinations and Penile Plethysmograph Assessment

On 10-26-14 Rick Minnich administered a Penile Plethysmograph (PPG) Assessment to Mr. Lough, per PPG Report (9229-9231). Mr. Lough appeared cooperative during the procedure. However, he did not receive any arousal throughout the assessment. He did not appear to physically dissimulate the results. Mr. Lough did report that he had in his head he would be celibate for the rest of his life as Michelangelo was for most of his life.

Mr. Minnich also conducted a polygraph examination of Mr. Lough, per Polygraph Examination Report, dated 10-26-14 (9171-9172). Mr. Lough was asked the following two questions to which he responded, "No:"

1. Did you do anything in an attempt not to become aroused during the PPG you just completed?
2. Did you use any form of thought blocking during the PPG you just completed?

Mr. Minnich stated that Mr. Lough answered truthfully to the questions, and no deception was indicated.

On 02-20-17 Brooks Raymond conducted a polygraph examination of Mr. Lough, per Polygraph Examination Report (SCC 4052). Mr. Lough was asked the following two questions to which he responded, "No:"

1. Other than who we discussed, have you physically forced someone to have sexual contact with you that you are knowingly withholding from me?

2. Since age 18, have you had sexual contact with anyone under 16 that you are knowingly withholding from?

Mr. Raymond stated that Mr. Lough answered truthfully to the questions, and no deception was indicated.

Medical

On 03-16-16 Dr. Marquez noted that Mr. Lough had been diagnosed with the following conditions and prescribed medication for them, per Annual Review (SCC 2812):

Hypothyroidism- Fibercon, Fish Oil, Synthroid
High cholesterol-Pravastatin
Breathing problems-Ventolin inhaler
High Cholesterol-Lipitor
Cold sores-Campho-Phenique
Excedrin Extra Strength, Psyllium (for fiber), and Bayer Aspirin

On 03-10-17 Dr. Yanisch stated that Mr. Lough had been treated for dyslipidemia, and it was adequately controlled with statin medications, per Annual Review (no Bates No.). He also suffered tension and migraine headaches on a regular basis, and he was receiving Levothyroxine to moderate his thyroid. Regular lab reports indicated his previous treatment for Hepatitis C was effective as those tests measured within normal limits. He also had a number of supplements and topical medications prescribed or available as recommended.

On 12-28-17 Dr. Yanisch advised that Mr. Lough's primary complaints were of tinnitus in both ears, migraine headaches, and painful arches which all received treatment, per Annual Review (SCC 6411). Mr. Lough was taking medications to control his cholesterol, treat nail fungus, and moderate his thyroid functioning. It was noted that before he would agree to take any prescription medication, he consulted with his daughters, both of whom were nurses. Mr. Lough had not been seen for psychiatric services.

On 01-25-19 Dr. Yanisch noted that Mr. Lough had received treatment for migraine headaches and painful arches, per Annual Review (SCC 7727). He took medications to control cholesterol, assist with lung capacity, and moderate his thyroid functioning.

Dr. Yanisch indicated that, in 11-18, an MRI of Mr. Lough's left shoulder was ordered due to his complaints of chronic pain, limited range of motion, and difficulty lifting anything more than 10 pounds. No separations or fractures were identified, and he was assessed with mild degenerative joint disease of his left shoulder. He was noted to be "doing more intense cardio & leg exercises."

On 02-18-20 Dr. Bain indicated that Mr. Lough had a medical history notable for hypothyroidism, high cholesterol, tension/ migraine headaches, and successful treatment of hepatitis C, per Annual Review (SCC 8767-8768). He underwent surgery on his left shoulder for surgical arthroscopy and mini-open rotator cuff repair. He was prescribed Ventolin, Levothyroxine, and Lipitor. He was also prescribed several over-the-counter medications including Tylenol, fish oil, Motrin, Excedrin Migraine, Lamisil, Naproxen, and Magnesium Oxide. Mr. Lough did not receive psychiatric services.

On 04-25-22 Dr. D'Orazio stated that Mr. Lough was not receiving any medical, psychiatric, or substance abuse treatment, per Annual Review (SCC 14395).

On 09-11-24 Mr. Lough was given a physical examination, per History and Physical, by John Hamill, M.D. (SCC 2240-22403). It was noted that he had hearing aids and wore glasses. His medical conditions were listed as follows:

1. Hypothyroidism - stable. Repeat TSH yearly.
2. History of latent TB - treated, no symptoms. Annual CXR very low yield, not recommended.
3. History of Hepatitis C - successfully treated.
4. Tobacco use - in sustained remission.
5. History of alcohol and drug abuse - in sustained remission.
6. Hyperlipidemia - well controlled with atorvastatin, well tolerated.
7. History of transient leukopenia and macrocytosis - but has resolved with recent complete blood count (CBC).
8. Colon polyps - last polyp 3mm, repeat colonoscopy in 2028.
9. Headaches - stable.
10. Hearing loss - stable and addressed, abnormal exam.
11. Onycholysis - likely to tolerate and complete terbinafine, not clear if it would affect either nail satisfactorily.
12. Toe pain.
13. Abdominal wall pain - likely small muscular or fascia! injury, slowly improving but symptomatic.
14. Depression - seems to have situational depression based on current life events, withdrawal from activities. Not suicidal nor interfering with function - monitor. Note brief attempt at interaction by Dr. Horwitz (psychiatry) earlier this year.

On 02-04-25 Dr. Bain advised that Mr. Lough complied with medical/ nursing case management and was taking his medications as prescribed, per Annual Review (SCC 21471-21472). Mr. Lough was prescribed albuterol (for shortness of breath), atorvastatin (for mixed hyperlipidemia), and levothyroxine (for hypothyroidism). He was also prescribed several over-the-counter medications including fish oil, ibuprofen, naproxen, and vitamin D3.

Dr. Bain indicated that Mr. Lough participated in an annual psychiatry appointment. Mr. Lough had never been followed by the SCC psychiatrist and was informed that all SCC residents were scheduled for psychiatry consultations. He was cordial and polite, but he expressed his preference to skip further interaction with psychiatry. He did not have any psychiatric complaints or concerns and was not prescribed any psychiatric medication.

Release Plans

On 01-25-19 Mr. Lough informed Dr. Yanisch that his preparations for release to the community had been in place since at least 2016, per Annual Review (SCC 7763). He stated that he could live in a remote cabin setting outside of Gorst, Washington, and that he had been offered a contract to work with a community-based sex offender treatment provider. Mr. Lough said that he was willing to comply with the requirements of a treatment provider, the court, and supervision as provided by the DOC.

On 05-28-21 Mr. Lough informed Dr. Fox that he had stopped planning for a release from the SCC a year ago and felt relief in doing so, per SVP Civil Commitment Evaluation (13763-13764). He had saved nearly \$3,000 for his release but recently spent \$1,000 on movies because he had given up. He said that he had no intentions of participating in a LRA process.

Mr. Lough told Dr. Fox that if he were unconditionally released, there were several people available for him to live with, including his last girlfriend Rhonda. Other options would be for him to live with a couple he knew, or there was a former SCC employee, whom he had done substance use counseling with, that had a room for rent. Another choice would be to live with a couple who were in poor health and wanted him to care for them.

On 05-21-24 Mr. Lough stated that if he were released from the SCC, he would live with a couple who was looking for a caregiver, per SVP Civil Commitment Evaluation, by Dr. Fox (1572815729). He said that he could also live with his friend, Rhonda, who had a long list of tasks that she needed help with at her home. Mr. Lough said that he had a reasonable sum of money saved to live on that's the problem so 56 right before the clinical and a job already lined up. If his job opportunity fell through, he was willing to work at any job as he could do carpentry, painting, or wash dishes.

Mr. Lough advised that he could access therapy for his PTSD, as he was a veteran, and that substance abuse treatment could be relevant. However, he said that dealing with his anger was his focus. He stated that he did not want an LRA placement "only to be brought back for some minor issue."

On 02-04-25 Dr. Bain indicated that a Conditional Release Proposal, dated 05-09-24, was developed by Mr. Lough's attorney, per Annual Review (SCC 21472). A defense-retained social worker outlined a proposed an LRA placement. Mr. Lough would reside in a private home in Enumclaw, Washington, owned by a long-term community support. He said that he would obtain community-based employment and would apply for social assistance as needed. He would receive community-based medical services through Seattle Indian Health Board. He reportedly produced a Canadian-issued certificate of Aboriginal status to evidence his enrollment with the Cree Nation.

Clinical Interview

Mr. Lough relayed the following during our roughly three-and-a-half-hour interview.

Family and Community Support

His father died in 1978. Sometime around 2005, while he was in the DOC, he was summoned to a counselor's office and told his mother had also died. In 2009 he spoke with his older sister, Denise, who told him no, their mother was still very much alive. She had remarried and was living in Las Vegas with her husband. As of a little over a year ago, when he "separated" himself from his family, his mother was still alive.

When asked why he had discontinued contact with his family, he said if he was going to "live and die" at the SCC, he did not want people he cared for to have to witness the process. As well, he had been a "rotten dad" and cutting contact was the best thing he could do for his two daughters. He does not want them exposed to the level of hostility people in the community have toward sex offenders and he fears for their safety if others come to know they are his children. Finally, he said if he has no relationship with his family members, "they cannot be harassed by the prosecution."

I asked about his relationship with his daughters. He was told in 2000 by a DOC counselor they wanted nothing further to do with him. He accepted this, and other than writing to each of them to ask if this was true, made no further attempts to stay in touch. They did not reconnect until he arrived at the SCC in 2009. They had a good relationship after this, and up until 2024 he talked to Tawnee every week, with less frequent but still regular contact with Tesha.

Prior to 2024 he maintained a good relationship with Denise. She is living in Arizona. His last contact with his younger sister, Mary Sue, was in the late 1990s. They were writing each other and she "suddenly stopped." Mary Sue was upset he had not intervened when their older brother, Lynn, was abusing her. He said he would have but he did not know Lynn was molesting Mary Sue, he only knew he (Lynn) was molesting Denise. His last contact with his older brother, Michael,

was in 2015, after he was committed to the SCC. His last contact with his oldest brother, Lynn, was in 2009. He said Lynn's wife was a "Christian fanatic" and did not want Lynn having anything to do with him. He does not know if Lynn is still alive. He is of the belief that if he were released to the community, he could get in touch with any of his siblings and they would be willing to renew a relationship and be supportive of him.

He has friends he has made over the years in the DOC and SCC who are now in the community. All are in prosocial roles, are supportive, and are willing to help him. He remains friends with a former romantic partner, Rhonda. He is not currently in a romantic relationship as that would likely involve "drama" he neither wants nor needs. If released to the community he feels sure he could find someone with whom he could have an intimate relationship; he is just not interested.

Substance Abuse

His last use of substances was the day he was arrested in 1986 for the assault against Jill. Prior to this he abused heroin, cocaine, amphetamine, and alcohol. I asked about a 2023 report from the SCC that manufactured alcohol had been found in a plastic container in his room. He scoffed and described how he has difficulty sleeping and often wakes during the night. He is in a dry cell, meaning there is no water piped into it. If he wants to use the bathroom he must go out into a brightly lit hallway, which makes it difficult to fall back asleep. As a result, he was given a urine bottle from the medical department to urinate in during the night. This was mistaken for alcohol. He was not incarcerated over this incident once the substance was identified.

He currently has no thoughts of using substances and no desires or urges to use. He said he could go into a bar (not that he has any intention of doing so) and feel no desire to drink. Any such desires were quashed after he committed the offense against Jill. He noted that drugs and alcohol are readily available in the DOC and he remained abstinent not just because he was in a controlled environment, but because he chose to do so. Anytime he wanted to access drugs and alcohol, he could have done so.

Psychosexual History

He had sex for the first time when he was 11 years old, with 15-year-old Mary. Mary was the younger sister of Denise's boyfriend at the time. Prior reports may not include Mary as his first sexual partner as she was "a nice girl and a devout Christian" and he did not want to embarrass her or her family by reporting the encounter.

He denied any childhood exposure to adults having sex, stating that while Denise had boyfriends and Mike would talk about sex, he never witnessed anyone engaging in sexual behavior.

He didn't really know much about sex before having intercourse with Mary. His stepfather had a collection of pornographic magazines, but he was not even sure where they were kept and he never saw them. He knows Mary Sue has stated the pornography was his and he looked at it all the time, but it was not his and he did not view it. He asked rhetorically how he could have even bought pornography at the age of 11? The first time he saw pornography was after he was discharged from the Army. He had gone into a bar, and it had a theater in the back that was playing a pornographic movie. He had not realized the bar had a theater when he went into it. He did not find the film particularly interesting and left. The second time he saw pornography he was at a bachelor's party. It again did not particularly interest him and he left. He did not see pornography again until he was in custody at Walla Walla, where every week, he said, they would show pornographic movies. This continued until pornography was finally banned by the DOC in 2000.

His only other sexual contact as a young teen was with peers when they would be at a party or some other event and there would be some groping and heavy petting. He was more interested in alcohol and drugs than sex at that age.

He is heterosexual in orientation. His first real girlfriend was Julie. They were in the seventh grade and dated for about a year. Julie would manually masturbate him, but they never had intercourse. In high school he dated several girls. He recalls one whose name was Nancy, but he could not recall the other girls' names. Altogether he had sex with maybe three girls in high school. Prior to age 20, he had intercourse with a total of seven or eight girls. He recalled working at a Black Angus restaurant at one point and the waitresses liking him and inviting him to parties. This was at age 14. He called having sex with a librarian once and sex with a girl in a theater once. He was caught for the latter. He had two or three sexual partners while in the military. One was a prostitute. This was not his idea. He was in basic training when he and some friends went downtown on their first leave. His friends hired the prostitute, and they all went to a motel room together. At 17 he was sent to the Army's correctional facility at Fort Leavenworth, after which, of course, he had no sexual partners until he was released at age 20.

After his release from Fort Leavenworth, he was selling drugs. He exchanged sex for drugs a handful of times. These encounters were "quickies" that generally occurred in bars or similar settings. Altogether he estimates around a half dozen or so of his sexual partners in his early to mid-20s were one-night stands or hook ups. When with a steady sexual partner, such as Karen or Diane, they would have sex "pretty much" every day. He was satisfied with the sexual activity both with regard to its frequency and its quality. He said these were very straightforward sexual encounters and involved "nothing weird." One time he took

some photos of Karen while they were having sex, but they were both so uncomfortable with it he never developed the role of film, putting it straight into the garbage. When asked about infidelity, he admitted to having sex with other women during times when he and Diane were separated.

When asked to describe his sex drive when he was younger he said he thought it was average. Currently, he does not think much about sex. It used to be when he had sexual thoughts he would become aroused but that doesn't happen anymore. He must really try to get aroused even when looking at something that previously would have been arousing to him. Over the course of the last year, he has been masturbating or trying to masturbate once or twice a month. He has difficulty getting an erection and ejaculating. The last time he tried to masturbate was a couple of weeks prior to our interview when he was watching a cooking show where he found one of the cast members attractive. He was able to become half erect, but he really had to work at it. He had tried to masturbate about four weeks earlier. This also took a lot of work and while he got close to ejaculating, he could not do so. He reports it's been at least 2 to 3 months since the last time he was able to ejaculate when masturbating.

He commented on the PPG he was given in 2014 and the fact he was a non-responder. He said the stimuli included photos of children, which he found repellent, and themes of rape and violence, none of which he was aroused to. He said regardless, how was he supposed to become aroused by even the normative sex scenes with a rubber band wrapped around his penis?

He denied engaging in any of the following sexual behaviors: Exhibitionism, masturbating in public, voyeurism, group sex, bondage or sadomasochistic types of sexual activities, any interest in sex involving animals or substances such as urine or feces, sex in a public place, the use of sex toys, any fetishes.

Account of 1986 Offense

He had quit his job and gone to live with his mother after Denise reported she [their mother] was being harassed by a stalker. A few weeks after he moved in he got into a fight with a man who had crept up to his mother's window during the night. He ended up staying with his mother for six months. He then met Karen and moved in that same day. They lived together for about a year. They were having a party at which he was selling cocaine. As he had a fair number of customers he left to go obtain more cocaine. He stopped at a bar about a mile away from where he was to meet his contact, to wait for the contact to get home. He was playing pool, drinking, and did the last of the cocaine he had. He said he did not know how "it" happened, how it started, or how it ended so badly. He noted he had a house full of people waiting for him to get back so it was not like he planned the offense. "It just, I don't know what went wrong. I got back home. I was a monster for five minutes and I have no idea how I was a monster for those five minutes. I don't have any comprehension what happened." He said he

thought of the incident often and had done Native American ceremonies to "ease Jill's spirit." He said he had nightmares and he can only imagine what Jill's nightmares must be like. He reiterated he did not know how the incident happened and that all he can do now is remain clean and sober. He described how the night of the assault he had been drinking alcohol and had injected a "speed ball." He had not been coherent. He had never hurt anyone before this. He had no, "How could I have done this?" answer for me. It was not in his nature. It was not something he had thought of doing before our since. All he could do was make sure it never happened again by remaining clean and sober and focusing on the here and now. What he did was not part of his make-up.

I asked if, since he does not know what triggered the five-minute monster, he had any concerns something like it might happen again. He replied, "None at all." He no longer uses substances of any kind, which he appeared to perceive as his primary risk factor. He said various clinicians over the years have suggested he assaulted Jill violently because he hated his mother due to how she abused him. He said this was not true, that he did not understand everything his mother did when he was a child, but he did not hate her. He believes her abuse of him was due to the fact he so physically resembled his father, who used to beat his mother badly. He noted she raised five children on her own, which says something about her character. Also, why would he quit a job on the spot to move in and help her with a stalker if he was that angry with her? He does not believe his actions reflected displaced anger at his mother. He does believe his mother's abuse of him when he was a child did reflect displaced anger toward his father. He feels he has dealt with his anger toward his mother during the years he has been at the SCC through talking to people and going to sweat lodges.

I noted he has previously described being in a rage during the time he was attacking Jill. He has said his substance abuse and frequent fights when younger was largely driven by his anger. He acknowledged he was a "hurt kid." After he was diagnosed with PTSD at the SCC, he began to understand his past behavior better. He began focusing on how to deal with the PTSD and this helped him improve.

He said he was tired of talking about the offense against Jill as thinking of her pain makes him want to cry. Not a day goes by, however, that he does not think about what he did. He said he has promised himself and everybody else that never again will he hurt anyone. He will defend himself if someone tries to hurt him, but that is all. He feels he can legitimately say "never" to his risk of committing another sexual offense.

Other allegations of sexual misconduct

Regarding his neighbor, B.R., stating he sexually molested her in 1971 when she was six or seven years old, he said he never touched her. He said the accusation came up in the context of a civil court case between Lynn and Mary Sue. As part

of the case, Mary Sue claimed she saw him (Robert) and Lynn molest RB. He has no recollection of any of this happening and does not believe he ever hurt this girl. He said Mary Sue's accusations were all about getting money from Lynn after Lynn received an inheritance. He said Mary Sue was simply trying to drag him into things after he refused to be part of the lawsuit.

Regarding his cousin, R.B., stating he had repeatedly molested him between the ages of four and nine (from 1972 to 1977), he explained that he, Lynn, and Mike used to go to visit an uncle every summer. They slept in the attic while there. R.B. did not sleep with them in the attic. R.B. was making his accusations 50 years after the fact. He never touched R.B., though he believes Lynn and Mike did. R.B.'s accusations only came up during a sexually violent predator evaluation conducted by Dr. Richard Packard. There had been no allegations he had molested R.B. prior to Dr. Packard contacting R.B.

Regarding his ex-wife, Diane, stating he raped her at gunpoint in 1985, he said in 1982 he walked in on Diane and Mike having sex. He filed for divorce from Diane the next day. He kept going back to Diane because he loved her so much. Then, in 1983, he walked in on Denise's boyfriend and Diane having sex and that was the last straw. He moved away but was evicted from several apartments when Diane would show up and they would end up yelling and screaming at each other. He was repainting a basement apartment one day when the apartment maintenance man brought Diane and Tesha to him. Diane was saying she wanted to get back together and he said no. An argument ensued. He had a .38 caliber pistol he took into the bathroom with him, locked the door, and pulled the trigger. Diane was knocking on the door, but he wouldn't open it. He said Diane then left, came back, and said he assaulted her while holding the gun to her. He said Diane made all sorts of claims about what happened that day but there was no proof of any of them.

I noted Mary Sue was on record as saying he used to peep at her. He said it was Lynn who used to peep on Denise and that Mary Sue took everything Denise said happened to her, and said it happened to her too. He admitted he did pull a door off one time so he could beat her up. He admitted he kicked her in the crotch when she was seven years old.

He denied the incident where a cousin, Herbert, said he and Lynn trapped Denise in the shower so Herbert could look at her vagina. He said Denise has given an affidavit to the effect that this never happened.

Treatment History

He did not participate in sex offender treatment while at the DOC. His first term, it was never offered. He was 20 months into his 40-month 2011 sentence when he was asked if he wanted to participate in SOTP. He said no. It was not part of his

sentence, and he was not doing it. He said life was hard enough in prison without being "in one of those classes for everyone to see."

I noted his participation and treatment at the SCC had been erratic over the years. He said his lawyer initially told him not to participate. After coming back to the SCC from the DOC in 2013 he realized it was "all politics." He saw a lot of people going through treatment and not getting anywhere. There was a lot of homosexuality and residents would talk about their sexual orientation while in treatment and he found this "disgusting." He did not want to hear their stories. He did participate in the pre-core treatment groups. He said he tried for years to get treatment for PTSD, but it was not offered. He felt as the PTSD had been a contributor to his offending, the SCC should offer treatment for it. They refused to give him the help he needed. He said he was then told by a judge that he needed to get into a core group; however, one of the clinicians at the SCC refused to allow him into a core treatment group for five years. His attorney made an issue out of it and got him enrolled. He was in a core treatment group for a time until a Dr. Weaver accused him of bullying other residents. He denied he ever bullied anyone. He said Dr. Weaver kicked him out of group for six months and it took the intervention of other staff to get him re-enrolled.

He has no plans to continue sex offender treatment in the community as he does not think he would benefit from it. As a veteran, he would look to the Veteran's Administration for treatment for PTSD.

He commented several times during the interview that he has a single conviction for sexually offending from 40 years ago. He stated several times that he was a "monster for five minutes," but that he has never a monster before assaulting Jill and had never been a monster since. He was not a sexually violent predator. He stated several times he did not appeal his 1986 conviction as he did not want to "do that to Jill." He feels he has already been punished for what he did. He is not a sexually violent predator, he was "a messed-up kid who committed a horrible crime under the influence of drugs and alcohol."

I asked if there was anything at the SCC from which he had benefited and he said if there was, it was from being around "crazy people." He said he had always been an introvert. Being at the SCC has forced him to be around people more, which in turn has forced him to learn to be more sociable. This has probably been good for him. He decision to participate in Native American practices, such as circles and sweat lodge, and taking jobs while at the SCC, are examples of things that have forced him out of his comfort zone and pushed him to develop more social skills.

I noted over the years he has demonstrated a lot of aggression toward others. He said he committed a crime 40 years ago, but he was not that person afterward. Then he was brought to the SCC, where he was surrounded by "ugly people." He stated 70 to 80% of the residents at the SCC are homosexual and some of them

think he has been locked up so long that he is probably gay too, or at least, he should be. His aggression and hostility were in response to the "ugliness" that was around him. He said he was far more sociable in prison, but the SCC residents are not people he would normally want to be around. He does not want to know what crimes they committed and when someone tries to tell them what they have done, he tells them he does not want to know. Over the years he has realized he needs to be nicer to people in general and he has been practicing on the other SCC residents, using the techniques he learned in treatment groups. He noted society is "full of crazy people too" and this will help him deal with them once he is out in the community.

I asked what, if he were in the community, might trigger an aggressive or hostile response. He said it depended on the environment. The reason he has been more violent in fights while in custody is because of his size. He is only 5'7" tall, relatively short for a man, and so he has had to be aggressive. He has been subjected to attempted rapes and, "If someone is trying to hurt you, and you hurt them back even more, not only did you win that fight, but you won the one after that." He stated his violence was a result of the environment he has been in, not his nature. "People go for smaller people to pick on so you fight back 100%." He did not have the luxury of just engaging in a "slapping fight." Since he has been at the SCC, the only "real fight" where he hurt someone was in 2011. In that instance, he fought back like he was still in prison. He was subsequently "charged for something." The last altercation staff seemed to "think was something," he "controlled it [his response]." He said the other resident assaulted him twice and when he attacked the third time, he "snatched him up and hit him in the face only." He then walked him down the tier and gave him over to staff. He told them if they let the resident back on the tier he would hurt him. But, "I only gave him a black eye. I could have broken every bone in his body, but I didn't. I just bruised his face."

He commented that out in the community one can walk away from a potential fight. He is almost 67 years old now and "in no way, shape, or form" does he want to come back to the SCC or prison. He is going to be careful to avoid any situation that might lead to violence. He is "good at talking" and feels he can talk down potentially troublesome encounters. Plus, "I will stay the hell away from potential situations." He said he was not a violent person if one looked at what started the fights he has been in. He was "not going to be anyone's punk," but on the other hand, "who is going to [try to] make me a punk on the streets?" It was not going to be a problem.

Release Plans

He has a recreational vehicle and a space to put it on, and he also has friends who are willing to let him stay with them. He does not want to call his friends to the attention of the DOC and have them investigated so he is not identifying them as potentially providing him with housing. I asked about employment and he said

he was "not a welfare baby." He has worked his entire life. He has been a mechanic and a welder, and he has the ability and motivation to work. He has an offer from the RV park where he expects to live to do maintenance and upkeep in exchange for rent. He will look for what public benefits he is eligible, including Native American health services and veteran's benefits. He has worked the entire time he has been in custody and so has almost \$8000 in savings.

At the conclusion of the interview, when I asked if there was anything he wanted to add, he repeated again that not appealing his conviction for assaulting Jill was the "closest thing" he could "ever give that woman."

MENTAL STATUS EXAMINATION

Mr. Lough was generally cooperative with the interview process; however, did everything possible to present himself in a favorable light. He was also defensive, refusing to acknowledge past highly problematic behavior other than having been a "five-minute monster" 40 years ago. Despite a long history of assaultive and threatening behavior, violence was "not in [his] nature" and he repeatedly excused and minimized his conduct. For example, he could have "broken every bone" in the body of his 2024 SCC assault victim but he "only" gave him a black eye and bruised his face. His efforts to portray himself as forgiving and empathic flew in the face of his actual conduct.

At times, Mr. Lough was evasive. For example, when I asked for specifics regarding his social contacts in the community, his responses were vague. He multiple times suggested I contact individuals in the community who, he says, would corroborate various statements he made, only to have these offers deflected by his attorney.

Regarding other facets of his mental status, Mr. Lough's speech was normal in rate, volume, and tone. He described his current mood as good and his affect was appropriate for the situation and topic of conversation. There were no signs of delusional thought content and no indications he was responding to internal stimuli. An informal assessment of his cognitive functioning suggests he falls into the average range. There were no signs of gross memory impairment and his ability to engage in abstract thinking appeared intact. He denied any thoughts, plans or intentions of hurting himself and denied any thoughts, plans or intentions of harming anybody else.

MENTAL ABNORMALITY:

The following diagnosis is listed in the Diagnostic and Statistical Manual of Mental Disorders—Fifth Edition-Text Revision (DSM-5-TR):

Antisocial personality disorder, with narcissistic traits

Antisocial Personality Disorder²

Mr. Lough meets criteria for an antisocial personality disorder. He was repeatedly arrested prior to being sentenced to an extended prison term in 1986 and has engaged in a truly remarkable number of acts of institutional misconduct since. He is a pathological liar and has a long history of impulsivity and aggressiveness, as demonstrated by his substance abuse and many instances a violent and aggressive outbursts. With his many assaults he has demonstrated disregard for the safety of others. He has displayed little remorse for his assault on Jill I. and has repeatedly denied, minimized, rationalized, or been indifferent to the physical injuries he has caused others.

Regarding evidence for the presence of a conduct disorder prior to age 15, records reveal Mr. Lough began drinking and using drugs when he was 11 years old. He was physically violent with other children and violent toward his sister, Mary Sue. His juvenile criminal history began when he was 14 years old.

Taking all these factors into consideration, I conclude criteria for an antisocial personality disorder are met.

Mr. Lough also has many narcissistic traits. He has a grandiose sense of self-importance and a history of exaggerating his accomplishments. He has presented as boastful during interviews with other evaluators. He has a strong sense of entitlement, as evidenced by the many grievances he has filed over the years, and his high expectations of what others will do for him. He clearly lacks empathy, as demonstrated by his many acts of aggression and violence over the years and his derogatory comments about those who have been the objects of those aggressions. He has also displayed arrogance, stating repeatedly that he does not belong at the SCC with the other civil detainees and speaking of the other residents at the SCC with disdain and contempt.

Other Diagnostic Considerations

² Antisocial personality disorder is indicated when an individual meets at least three of the following seven criteria: 1) Failure to conform to social norms with respect to lawful behaviors as indicated by repeatedly performing acts that are grounds for arrest; 2) Deceitfulness, as indicated by repeated lying, use of aliases or conning others for personal profit or pleasure; 3) Impulsivity and failure to plan ahead; 4) Irritability and aggressiveness as indicated by repeated physical fights or assaults; 5) Reckless disregard for the safety of oneself or others; 6) Consistent irresponsibility as indicated by repeated failure to sustain consistent work behavior or honor financial obligations; 7) Lack of remorse as indicated by being indifferent to, or rationalizing, having hurt, mistreated or stolen from another. In addition, the individual under consideration must be at least 18 years old, there must be evidence of a conduct disorder prior to age 15, and the occurrence of the antisocial behavior is not exclusively during the course of schizophrenia or bipolar disorder. A conduct disorder is defined as a repetitive and persistent pattern of behavior in which the basic rights of others or major age-appropriate societal norms or rules are violated.

Historically, Mr. Lough met criteria for several substance use disorders, including alcohol use disorder, cannabis use disorder, stimulant use disorder, and opioid use disorder. As he has not used substances for 40 years, in my opinion, these diagnoses should no longer be considered active.

I considered a diagnosis of a paraphilia involving coercion for Mr. Lough (other specified paraphilic disorder – arousal to nonconsent). A coercive paraphilic disorder involves the individual enjoying and becoming sexually aroused by forcing the victim to have sex with him. That is, it is not just sex the perpetrator is seeking, though that is certainly part of it, but it is the experience of sex combined with the experience of forcing someone to do something he or she does not wish to do. This may or may not be accompanied by arousal to physically harming the victim. The urges to engage in this type of sexual conduct must be intense and persistent.

Given the savagery with which Mr. Lough attacked Jill I., I also considered a diagnosis of sexual sadism disorder. Sexual sadism disorder involves an individual experiencing recurrent, intense, sexually arousing fantasies, urges, or behaviors involving actual (not imagined) acts in which the psychological or physical suffering of the victim is sexually exciting to the individual.

In Mr. Lough's case, he stands convicted of committing acts of rape and attempted murder against Jill I. in 1986. That it was an act of rape is uncontested by both the official records and Mr. Lough. There are allegations Mr. Lough committed other acts of forced sexual contact during the 1970s and 1980s; however, these are unproven.

A diagnosis of a paraphilia requires the individual experience sustained and intense urges to engage in the paraphilic behavior. That there have been no expressions of an interest in coercive or sadistic sexual activity in the last 40 years argues against the presence of such urges. I thus do not see support for the presence of a paraphilia involving an arousal to coercive or sadistic sex.

With the discovery of CSEM on a cell phone Mr. Lough had in his possession at the SCC I also considered a diagnosis of a pedophilic disorder. While the presence of the CSEM is deeply troubling, Mr. Lough is now 66 years old and does not appear to have been previously suspected of harboring pedophilic interests. He is not known (as an adult) to have had sexual contact with children. He is not known to have displayed an inordinate interest in children's toys, hobbies, games, or other activities. He is not known to have displayed an interest in child-oriented media, drawings, or stories. He is not known to have tried to solicit the company of children. As far as is known, he has had only adult, female sexual partners. For him to use CSEM, therefore, is inconsistent with what we know of his sexual orientation. In sum, I do not currently see a basis for a diagnosis of pedophilia.

Emotional and Volitional Impairment

As described previously in this report, according to RCW 71.09, the basis for an individual's judicial commitment is a mental abnormality or personality disorder that predisposes the person to the commission of criminal sexual acts. A mental abnormality is defined as "a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others." A personality disorder is "an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, is pervasive and inflexible, has onset in adolescence or early adulthood, is stable over time and leads to distress or impairment."

I find the weight of the data does not support an opinion Mr. Lough is currently emotionally or volitionally impaired as a result of the antisocial personality disorder he has, such that he is predisposed to the commission of criminal sexual acts.³ The data I considered in reaching this conclusion include:

- Mr. Lough has a single conviction for a sex crime in his history, and that occurred 40 years ago.
- There are allegations of other sexual misconduct prior to his assault of Jill I.; however, all are problematic in one way or another in terms of their credibility.
- Mr. Lough has had instances of sexual misconduct since he has been in custody. Specifically:
 - Three incidents while in the DOC. The first, in 1987, involved a referral for Administrative Segregation placement for posing a threat to the female staff in the dining room where he worked. The second, in 1996, involved sexually explicit, threatening, and harassing behavior toward a female corrections officer. The third, in 2004, involved possessing obscene material (images showing full frontal nudity).
 - Two incidents while in the SCC. The first, in July 2022, involved a random room search finding a yellow pad with a handwritten list of

³ If, upon further forensic examination, Mr. Lough's cell phone is found to have sado-masochistic, rape-themed, or violence-themed pornography on it, I would certainly reconsider this opinion.

more than 100 pornographic websites. A pagefile.sys⁴ file containing the names of additional pornography websites were located on Mr. Lough's confiscated computer. Mr. Lough also had USB and other external devices attached to his computer, which was not permitted. The second incident occurred in November 2022 and involved a reasonable suspicion room search finding a cell phone that turned out to contain child pornographic images in Mr. Lough's possession.

- There is no question these incidents are concerning. They must, however, be taken in context. Mr. Lough accrued some 70 institutional disciplinarys for non-sexual violence and other rule violating behaviors during the 20 years he was in the DOC, and approximately 35 Behavior Management Reports and Incident Reports during the 11 years he has been in the SCC. In other words, the number of incidents of sexual misconduct committed by Mr. Lough are relatively small compared to the number of incidents involving non-sexual institutional misconduct.

In sum, while Mr. Lough's antisocial personality disorder traits impair his functioning by affecting his impulse control, judgment, and ability to experience empathy, and have led to greatly increased levels of interpersonal aggression, they have historically been more likely to result in the commission of nonsexual criminal acts and rules violations than acts involving criminal sexual conduct. Given these circumstances, I do not see a basis for currently concluding Mr. Lough currently has a mental abnormality or personality disorder as defined under RCW 71.09.

V. RISK ASSESSMENT

CRITERION B: By reason of his mental abnormality, does Mr. Lough continue to pose a more likely than not risk to engage in predatory acts of sexual violence? NO.

I approach my assessment of an individual's risk for committing future sexually violent predatory offenses in four ways. I utilize actuarial instruments to assess his static risk factors, perform an assessment of his dynamic risk factors, review possible ideographic (idiosyncratic, case specific) risk factors, and review possible protective factors. The actuarial and dynamic risk assessments allow me to consider the extent to which the individual has more in common with offenders who are known to have reoffended at relatively low rates after they were released to the community, to those who are known to have reoffended at

⁴ A pagefile.sys file is an overflow file where a machine, when running out of RAM memory, will move data to an empty space on the disc, to be retrieved later if needed. This per a report on Mr. Lough's confiscated computer prepared by Northwest Digital Forensics (SCC 16130 – 16134).

relatively high rates. A review of idiographic factors allows me to consider case-specific factors that apply only to Mr. Lough. Consideration of protective factors allows me to look at variables that might mitigate his risk for reoffense.

Actuarial Risk Assessment

I scored Mr. Lough on two actuarial instruments, the Static-99 Revised (Static-99R) and the Static-2002 Revised (Static-2002R).

Static-99R

The Static-99R^{5, 6} is an empirically derived risk tool designed to evaluate the risk of sexual reconviction based on commonly available demographic and criminal history information. The Static-99R contains 10 items, which are added together to create a total score.

The Static-99R has moderate accuracy in ranking offenders according to their relative risk for sexual recidivism.⁷ On average, there is a 70 percent chance that a randomly selected recidivist would have a higher score than a randomly selected non-recidivist. The ability of the Static-99R to assess relative risk has been fairly consistent across a wide variety of samples, countries, and unique settings. The Static-99R is widely accepted by the scientific community, by courts and by applied evaluators. For further information, see www.saarna.org.

Static-99R Score Summary

	Risk Factor	Yes = 1, No = 0	Scores
1	Age at Release? (Score range is -3 to 1)		-3
2	Ever lived with (no 2-year relationship)?		1
3	Index non-sexual violence, any convictions?		0
4	Prior non-sexual violence, any convictions?		1
5	Prior sex offenses? (Score range is 0-3)		2
6	Prior sentencing dates (excluding index)?		1
7	Convictions for non-contact sex offenses?		0
8	Any unrelated victims?		1
9	Any stranger victims?		1

⁵ Hanson, R. K., & Thornton, D. (2000). Improving risk assessments for sex offenders: A comparison of three actuarial scales. *Law and Human Behavior*, 24(1), 119-136. doi:10.1023/A:1005482921333

⁶ Helmus, L., Thornton, D., Hanson, R. K., & Babchishin, K. M. (2012). Improving the predictive accuracy of Static-99 and Static-2002 with older sex offenders: Revised age weights. *Sexual Abuse: A Journal of Research and Treatment*, 24(1), 64-101. doi:10.1177/1079063211409951

⁷ Babchishin, K.M., Hanson, R.K., & Helmus, L. (2012). Even highly correlated measures can add incrementally to predicting recidivism among sex offenders. *Assessment*, 19, 442-461. doi:10.1177/1073191112458312

10	Any male victims?	0
		TOTAL SCORE = 4
		RISK CATEGORY= Above-Average

Mr. Lough received a total score of 4, which places him in the above-average risk category for being convicted of another sexual offense. Compared to other adult male sex offenders, his score falls at the 80th percentile. The sexual recidivism rates of sex offenders with the same score as his have been found to be 1.9 times higher than the recidivism rates of the typical sexual offender (defined as the median Static-99R score of 2). The Static-99R does not measure all relevant risk factors, and Mr. Lough's recidivism risk may be higher or lower than that indicated by the Static-99R based on factors not included in this risk tool.

In order to use the Static-99R to estimate recidivism rates, it is necessary to select the norm group the offender most closely resembles. Recidivism rate norms are provided for routine samples and samples that have been preselected to be high risk and high needs. The determination of which group to use is based on the density of external risk factors (that is, those not measured by the Static-99R). To assess those external factors, I used the STABLE 2007. (See below.)

Mr. Lough scored a 4 on the Static-99R. Based on his score on the STABLE 2007, he is most appropriately compared to the high risk/ high need normative group. Offenders with the same score as his from the high risk/ high need sample have been found to sexually reoffend at a rate of 17 percent in 5 years.⁸

Static-2002R

I scored Mr. Lough on the Static-2002R. The Static-2002R is an empirically derived risk tool designed to evaluate the risk of sexual reconviction based on commonly available demographic and criminal history information. The Static-2002R contains 14 items reflecting 5 categories of risk listed below in the Static-2002R Score Summary.

The Static-2002R has moderate accuracy in ranking offenders according to their relative risk for sexual recidivism.⁹ On average, there is a 70 percent chance that a randomly selected recidivist would have a higher score than a randomly selected non-recidivist. Like the Static-99R, the Static-2002R's ability to assess relative risk has been fairly consistent across a number of samples from different

⁸ I do not offer 10- and 20-year recidivism rates as once an offender enters his 70's, idiosyncratic factors can play as large, or even larger, a role in reoffense risk as actuarial factors.

⁹ Babchishin, K.M., Hanson, R.K., & Helmus, L. (2012). Even highly correlated measures can add incrementally to predicting recidivism among sex offenders. *Assessment*, 19, 442-461.
doi:10.1177/1073191112458312

countries and variable settings. For more information on the research pertaining to the Static-2002R, the reader is referred to www.saarna.org.

Static-2002R Score Summary

Category		Sub-Score*	Possible Range	
I.	Age (1 item)	-2	-2	2
II.	Persistence of sexual offending (3 items)	1	0	3
III.	Deviant sexual interests (3 items)	0	0	3
IV.	Relationship to victim (2 items)	2	0	2
V.	General criminality (5 items)	3	0	3
TOTAL SCORE =		4	-2	13
RISK CATEGORY= Average				

Mr. Lough received a total score of 4 on the Static-2002R which places him in the average risk category for being convicted of another sexual offense. Compared to other adult male sex offenders, his score places him in the 64th percentile. The sexual reconviction rates of sex offenders with the same score as his would be expected to be approximately 1.4 times higher than the recidivism rate of the typical sexual offender (defined as the median Static-2002R score of 3).

As with the Static-99R, in order to use the Static-2002R to estimate recidivism rates it is necessary to select the norm group that the offender most closely resembles. Recidivism rate norms are provided for routine samples and samples that are designated high risk and high needs. This determination is based on the density of risk factors not measured by the Static-2002R. Again, as with the Static-99R, I used the STABLE 2007 to assess these factors. (See below.)

Mr. Lough scored a 4 on the Static-2002R. Based on his score on the STABLE 2007, he is most appropriately compared to the high risk/ high need normative group. Offenders with the same score as his from the high risk/ high need sample have been found to sexually reoffend at a rate of 16 percent in 5 years.¹⁰

The following table provides a comparison of each risk instrument utilized:

Instrument	Score	Risk Category	Percentile	5-Year % Risk and (Confidence Interval)	Relative Risk Ratio
Static-99R	4	Above Average	80 th	17.3 (14.5-20.5)	1.9
Static-2002R	4	Average	64 th	16.0 (12.6-20.0)	1.4

Additional Consideration

¹⁰ As with the Static-99R, I do not offer 20-year recidivism risk rates for individuals in their 60s. Ten-year recidivism risk rates are not yet available for the Static-2002R.

It is important to note that the Static instruments predict whether an offender will be charged with or convicted of a new sexual offense. Consequently, both actuarial instruments underestimate the probability that an offender will commit a new sexual offense. In other words, it is well known that many sexual offenses go unreported and undetected. Therefore, the probability that an offender will commit a new sexual offense is necessarily higher than the probability that he will be detected, arrested, prosecuted, and convicted of committing a new sexual offense.

Dynamic Risk Assessment

The Hare Psychopathy Checklist (PCL-R)

The Hare Psychopathy Checklist, revised, 2nd edition (PCL-R) was scored to ascertain the presence and degree of psychopathy. The PCL-R manual describes a psychopath as having a distinct personality pattern involving interpersonal, affective, and behavioral symptoms. I use the PCL-R for making diagnoses, and to help me score an individual's dynamic risk.

Interpersonally, psychopaths are grandiose, egocentric, manipulative, dominant, forceful, and cold-hearted. Affectively, they display shallow and labile emotions, are unable to form long-lasting bonds to people, principles, or goals, and are lacking in empathy, anxiety, and genuine guilt and remorse. Behaviorally, psychopaths are impulsive and sensation seeking, and they readily violate social norms. The most obvious expressions of these predispositions involve criminality, substance abuse, and failure to fulfill social obligations and responsibilities.

Psychopathy is a concept that is similar to antisocial personality disorder; however, it represents a more extreme form of dangerousness. On the PCL-R, this examination found Mr. Lough to have an overall score of 29. This places him in the high range for psychopathy and at the 80th percentile compared to other North American prison inmates.

The PCL-R is subdivided into 2 factors. Factor I measures psychopathic personality tendencies or interpersonal and affective styles such as glibness, grandiosity, need for stimulation, pathological lying, etc. Factor II measures a history of actual psychopathic behaviors or social deviance. Mr. Lough's Factor I score was 12 out of a possible 16 points, placing him at the 83rd percentile compared to other male prison inmates. His Factor II score was 14 points out of a possible 20 points, placing him at the 68th percentile compared to prison inmates.

STABLE-2007

I scored Mr. Lough on the STABLE-2007, an instrument that measures empirically derived dynamic risk factors for sexual reoffense.^{11 12} Dynamic risk factors are also referred to in the literature as criminogenic need factors, as they indicate those areas of risk which need to be addressed in treatment. The STABLE-2007 consists of 13 items related to psychological, interpersonal, and sexual functioning, which are added together to create a total score. (For individuals who have not offended against a child, there are 12 items.) The variables are rated by considering both current and historical information. Research has demonstrated that amongst adult males convicted of sexual offenses, high scores on the STABLE-2007 add to static risk measures in the prediction of sexual recidivism.

STABLE-2007 Score Summary

Item	Section Total
Significant Social Influences	0
Capacity for Relationship Stability	2
Emotional Identification with Children (Score only for individuals with child victims)	Omit
Hostility toward Women	0
General Social Rejection	1
Lack of Concern for Others	2
Impulsivity	2
Poor Problem-Solving Skills	2
Negative Emotionality	2
Sex Drive/Sexual Preoccupation	1
Sex as Coping	0
Deviant Sexual Preference	1
Cooperation with Supervision	1
TOTAL SCORE (Out of 24 for those without a child victim)	14 26

- Significant Social Influences

The nature of an offender's social network, that is, whether the important people in his life are positive or negative influences, is an important predictor of criminal

¹¹ Fernandez, Y., Harris, A.J.R., Hanson, R.K. & Sparks, J. (2014). *STABLE-2007 coding manual – revised 2014*. Unpublished report. Ottawa, ON: Public Safety Canada.

¹² Hanson, R.K., Helmus, L.M., & Harris, A.J.R. (2015). Assessing the risk and needs of supervised sex offenders: A prospective study using STABLE-2007, Static-99R and Static-2002R. *Criminal Justice and Behavior*, 42,, 1205-1224. Doi.10.1177/0093854815302094

behavior. Criminal peer associations in particular are one of the most well-established predictors of general recidivism.

Mr. Lough was not overly forthcoming when I asked him about community contacts during our interview. He made vague references to individuals who sound like they would likely be prosocial (a chaplain, Native American elders, a former counselor). The extent of these individuals' relationship with him is unclear, however, as is how much of a support they would actually be. He said he was sure his immediate family would all be supportive, this despite the fact he has had no contact with some of them for years.

Mr. Lough may or may not deserve the "0" I give him for this item, then. However, he identifies no obvious negative social influences and describes, albeit in vague terms, his contacts in the community as all prosocial.

- Intimacy Deficits

This cluster is evaluated by examining five components that represent potential problem areas for sexual offenders. These include a capacity for relationship stability, emotional identification with children (only scored when there is a child victim age 13 years or younger), hostility toward women, social rejection and/or loneliness, and a lack of concern for others.

Relationship Stability: Examples of significant difficulties with an intimate partner that result in relationship instability include infidelity, sexual problems with partners, distrust, jealousy, physical violence, general conflicts and long-term separations (for example, due to incarceration). Highest risk is associated with not having had any intimate relationships.

Mr. Lough has never lived with an intimate partner for at least two years. He is not currently in an intimate relationship. Per the STABLE-2007 Coding Manual, he scores a 2 for this item.

Emotional Identification with Children: Emotional identification with children refers to child molesters who feel that children are their peers and that their relations with the child/children are more rewarding and/or easier than their relationships with adults. When the offender has no obvious identification with children they pose a low risk on this factor. Highest risk is associated with offenders who feel more comfortable with children than adults and have children as "friends."

This item is omitted as Mr. Lough has never had a child victim.

Hostility Toward Women: This refers to an inability to form warm, constructive relationships with women. Deficits can be expressed as sexist attitudes,

adversarial relationships with women, and general prejudice toward women (i.e., viewing women as unworthy of respect).

I do not see evidence for negative attitudes toward women across situations and domains.

Social Rejection/Loneliness: An inability to make friends and feel close to others is predictive of reoffense.

Mr. Lough appears to have some weak connections to others, but no long-term friends. He describes himself as happy being a "loner" and as not needing many social contacts. He has no connections with his family currently. Per the STABL2007 Coding Manual, he scores a 1 for this item.

Lack of Concern: A lack of concern for others addresses issues such as remorse, callousness, little consideration for the feelings of others and acting solely with self-interest. Low risk individuals have a normal range of emotional expression, including caring for others. Increased risk is associated with a lack of remorse and interactions with others that are utilitarian rather than based on an attachment. High risk individuals do not have any "in group" to whom they feel connected and have shown a lack of attachment in all their relationships.

Mr. Lough displays little caring for others. He has narcissistic traits and is concerned primarily with himself. Relationships tend to be utilitarian and lacking in consideration for the feelings of others. He has repeatedly demonstrated callousness and indifference for the welfare of others. This factor is present.

- General Self-regulation
 - Impulsivity (nonsexual)
 - Poor problem-solving skills
 - Negative emotionality

The degree to which the offender is able to self-monitor and inhibit antisocial thoughts and behaviors is important to his risk for reoffense. Offenders often have unstable lifestyles characterized by behavioral impulsivity, including frequent or poorly planned changes in work, residences, and relationships. The ability to self-regulate is important for offenders wishing to change their behavior. The presence of impulsive acts, poor cognitive problem-solving, and negative emotionality/hostility would increase risk for reoffense.

Impulsivity: This looks at whether the individual is easily bored, seeks thrills, and has little regard for his own or other's personal safety.

Mr. Lough has demonstrated a high degree of impulsivity over the years, including substance abuse, repeated interpersonal aggression, repeatedly performing acts that have been the grounds for arrest, and repeatedly engaging

in institutional rule violating. He has demonstrated little concern for the safety of others. Overall, he has frequently engaged in behaviors that have a high likelihood of negative consequences. This factor is present.

Poor Cognitive Problem Solving: This looks at an individual's ability to accurately identify problems and develop realistic solutions.

Mr. Lough frequently demonstrates poor problem-solving skills. He has difficulty accurately identifying problems or generating solutions to problems (e.g., as he is at no risk to sexually reoffend he has no need to consider sex offender treatment in the community; as he is at no risk for further substance use so he has no need to identify situations in the community that might stress his sobriety; as he is at no risk for becoming violent in the community he has no need to seek treatment for his anger and impulsivity). This factor is present.

Negative Emotionality: This refers to a tendency toward feeling hostile, victimized, or resentful, or being vulnerable to emotional collapse when stressed.

Mr. Lough has repeatedly expressed hostility and resentment over his civil commitment. He believes he has been victimized by an unfair and unjust system. This factor is present.

- Sexual self-regulation
 - Sex drive/Preoccupation
 - Sex as coping
 - Deviant sexual interests

Individuals who have poorly controlled sexual impulses are at greater risk for sexual reoffense. The STABLE-2007 divides sexual self-regulation into three components, including sex drive/preoccupation, sex as coping and deviant sexual interests.

Sex Drive/Preoccupation: Sexual preoccupation focuses on recurrent sexual thoughts and behaviors that are not directed to a current romantic partner. Examples of behaviors that indicate sexual preoccupation would be sexual misconduct, inappropriate and/or excessive use of pornography, excessive masturbation, sexual content in ordinary conversations, numerous sex partners, sexual overtures toward prison or hospital staff, and sex with other inmates or patients that is against institutional rules.

Mr. Lough has engaged in sexual misconduct, sexual assault, excessive use of pornography (per reports of others), numerous sexual partners (per prior self-reports), and sexual harassment of prison staff. He demonstrated a continued interest in pornography as recently as 2022. Overall, however, signs of sexual preoccupation have declined. He reports little current interest in sex. As this is consistent with his increasing age and normal, age-related declines in

testosterone levels, I am inclined to believe him. I assess this factor as currently only partially present.

Sex as Coping: Sex as coping refers to an offender thinking sexual thoughts or engaging in sexual behaviors as a means of managing emotions. Increased risk is associated with an occasional lapse into sexual fantasy when stressed, but this is not the typical response. Highest risk is associated with offenders who react to negative emotions or life events by engaging in sexual thoughts or behaviors.

Mr. Lough denies using sex as a means of coping with stress or negative emotion. Taking him at his word, this factor is not present.

Deviant Sexual Interests: Deviant sexual interest refers to whether the offender is sexually aroused or interested in people, objects or activities that are illegal, inappropriate or highly unusual. Examples include sexual interest in children or nonconsenting adults, voyeurism, exhibitionism, cross-dressing, and fetishism. Increased risk is associated with some behavioral history of deviant sexual behavior but one that is insufficient to establish a pattern or preference. Highest risk is associated with a history of repeatedly engaging in specific types of deviant sexual behavior, self-report of deviant sexual interests, or phallometric assessment indicating deviant sexual preferences.

Mr. Lough has several times engaged in nonconsensual sexual activity (with Jill I., with female correctional staff, possibly with his former wife). He may have a deviant interest in children, based on the CSEM that was found on a cell phone he had in his possession. I assess this factor as partially present.

- Cooperation with supervision

This variable examines an individual's ability to self-monitor and comply with the conditions of his parole. It looks at whether he sees himself as at risk to reoffend and at whether he places himself in high-risk situations. Higher risk offenders will miss scheduled appointments, show up late for appointments, frequently reschedule appointments, and/or violate the conditions of their supervision. If the offender believes that he is not at risk for sexual reoffense, his ability to cooperate with conditions of community supervision would be compromised.

Mr. Lough had several minor supervision violations when he was younger. He has demonstrated a pattern of refusing to cooperate with rules and regulations in custodial settings. I assess this factor as at least partially present.

Summary

Mr. Lough obtained a total score of 14 on the STABLE-2007, which indicates a high density of criminogenic need and places him at the 80th percentile compared to other sex offenders in the sample.

Ideographic (Case-Specific) Risk Factors

There are no ideographic factors in Mr. Lough's case.

Protective Factors

The variables below, if present, have been associated with reduced risk for sexual reoffense.

- Has been in the community without sexually reoffending for three to five years.

Mr. Lough has yet to be released to the community since he was imprisoned for the 1986 sex offense he committed.

- Issues around age or poor health not accounted for elsewhere

Mr. Lough is now 66 years old and in good health. Any decrease in risk associated with his age is accounted for in the Revised versions of the Static instruments.

- Completion of a sex offender treatment program.

Mr. Lough has not completed a sex offender treatment program.

Predatory

According to RCW 71.09, "predatory" is defined as an act directed toward a stranger, a person of casual acquaintance with whom no substantial relationship exists, or an individual with whom a relationship has been established or promoted for the primary purpose of victimization.

Jill I. was a woman Mr. Lough met the evening he raped and almost killed her. As such, she was a stranger and his conduct was predatory under the statute.

Summary

In sum, Mr. Lough scored in the average to above-average range of risk for sexual reoffense on the Static instruments. He has a high density of criminogenic need factors. He has no ideographic factors or protective factors to consider. Taking all this into consideration, it is my opinion Mr. Lough does not pose a more likely than not risk for committing predatory acts of sexual violence. Regardless, as I do not find Mr. Lough has an RCW 71.09 defined mental abnormality, this criterion cannot be met. In other words, I cannot find Mr. Lough to be more likely than not to engage in future predatory sexual offending by

reason of an RCW 71.09 mental abnormality when I do not find him to have such a mental abnormality.

CONCLUSION

I wish to emphasize this evaluation considered two very specific and limited questions. First, is Mr. Lough predisposed to committing criminal sexual acts as a result of a mental abnormality or personality disorder, and, second, does he pose a more likely than not risk to commit future predatory sexually violent offenses. It does not address his likelihood of committing offenses not defined by the law as "sexually violent" (e.g., misdemeanor sex offenses, non-contact sexual offenses) and it does not address the question of whether he is at risk for committing future non-sexual violence. Mr. Lough has a long history of violence, including an assault as recently as 2024 and the threat of an assault against an SCC staff member as recently as 2025. It would not be surprising if, upon release, he engaged in future acts of non-sexual violence. That is not the focus of RCW 71.09, however, which asks an evaluator to look only at risk for sexual violence. In that regard, for the reasons described throughout this report, I do not find Mr. Lough to currently meet criteria as a sexually violent predator.

In sum, based on the above information, it is my opinion Mr. Lough **does not continue to meet** the criteria as a sexually violent predator as described in RCW 71.09. Under penalty of perjury under the laws of the State of Washington and the State of California, I certify that the foregoing statements are true and correct.

Signed and dated by me in Los Osos, California.

Marianne Davis, Ph.D.
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Date: June 1, 2026