



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
P.O. Box 45010, Olympia, Washington 98504-5010

February 9, 2011

The Honorable Christine O. Gregoire
Governor of Washington
Post Office Box 40002
Olympia, Washington 98504-0002

Dear Governor ~~Gregoire~~: *Governor*

This letter is in response to the statutory requirement that the Department of Social and Health Services (the Department) report to the Governor and the appropriate legislative committees any use of the authority granted to the Secretary by RCW 10.77.091 [Chapter 263, Laws of 2010 – ESB 6610 Section 2].

This legislation provides that:

"If the secretary determines in writing that a person committed to the custody of the secretary for treatment as criminally insane presents an unreasonable safety risk which, based on behavior, clinical history, and facility security is not manageable in a state hospital setting, the secretary may place the person in any secure facility operated by the secretary or the secretary of the department of corrections. Any person affected by this provision shall receive appropriate mental health treatment governed by a formalized treatment plan targeted at mental health rehabilitation needs and shall be afforded his or her rights under RCW 10.77.140, 10.77.150, and 10.77.200. The secretary of the department of social and health services shall retain legal custody of any person placed under this section and review any placement outside of a department mental health hospital every three months, or sooner if warranted by the person's mental health status, to determine if the placement remains appropriate.

Beginning December 1, 2010, and every six months thereafter, the secretary shall report to the governor and the appropriate committees of the legislature regarding the use of the authority under this section to transfer persons to a secure facility. The report shall include information related to the number of persons who have been placed in a secure facility operated by the secretary or the secretary of the department of corrections, and the length of time that each such person has been in the secure facility."

As of January 1, 2011, the Secretary of the Department has made no use of the authority afforded her under this section to transfer persons into any secure facilities within the Department or the Department of Corrections.

The Honorable Christine O. Gregoire
February 9, 2011
Page 2

This same legislation, Chapter 263, Laws of 2010 – ESB 6610, established the Public Safety Review Panel (PSRP) to make recommendations to the Secretary regarding leaves and discharges of persons acquitted by reason of insanity. Members of the PSRP were appointed by you effective December 6, 2010 for a renewable term of three years. The PSRP includes the following members:

- A psychiatrist;
- A licensed clinical psychologist;
- A representative of the Department of Corrections;
- A prosecutor or a representative of a prosecutor's association;
- A representative of law enforcement or a law enforcement association;
- A consumer and family advocate representative; and
- A public defender or a representative of a defender's association.

The PSRP is drafting the necessary policies and procedures to begin its work in the near future. Department staff are supporting the PSRP and facilitating their coordination with the state psychiatric hospital staff.

If you have questions regarding the use of the transfer authority or the operation of the PSRP, please contact Keri Waterland, Ph.D., PSRP Administrator, Division of Behavioral Health and Recovery at 360-725-3745 or keri.waterland@dshs.wa.gov.

Sincerely,



Susan N. Dreyfus
Secretary

cc: Senator James Hargrove, Chair, Human Services and Corrections
Senator Adam Kline, Chair, Judiciary
Senator Ed Murray, Chair, Ways and Means
Representative Ruth Kagi, Chair, Early Learning and Human Services
Representative Jamie Pedersen, Chair, Judiciary
Representative Ross Hunter, Chair, Ways and Means
Representative MaryLou Dickerson, Chair, Health and Human Services Appropriations and Oversight