

## Special Commitment Center Frequently Asked Questions

### **How is a resident of the Special Commitment Center found to be a sexually violent predator?**

1. After completing their prison sentence, a person identified as potentially being a sexually violent predator goes through a psychological evaluation by a licensed psychologist.
2. The evaluation must identify that the individual suffers from a personality disorder and/or mental abnormality that makes them likely to commit an act of sexual violence if not confined to a secure facility.
3. The superior court judge (court system) in the county of conviction will review the evaluation to make the final decision. The defense attorney and prosecutor may have experts provide additional evaluations.
4. If the court determines a person to be a sexually violent predator, the person is then civilly committed to the Special Commitment Center for public safety and treatment.

### **Who decides a resident no longer meets SVP criteria?**

Residents have a new psychological evaluation and court review every year to determine if they still meet the criteria stated in FAQ 1. This process is outlined in Revised Code of Washington [71.09.070](#).

### **What is a less restrictive alternative?**

A less restrictive alternative, or LRA, is court-ordered treatment in a setting less restrictive than McNeil Island. The rules for an LRA are set in [RCW 71.09.020](#) and [RCW 71.09.092](#).

### **How/why would a resident be released to an LRA placement?**

1. A resident must first become eligible for an LRA. To be eligible, a forensic evaluator must find in an annual review that the placement is in the resident's best interest and conditions can be imposed to ensure community safety.
2. The resident petitions the court for an LRA.
3. Department of Corrections investigates the proposed placement, and files a report with the court recommending additional conditions and restrictions for the person.
4. The prosecutors in the case often obtain an expert to assess the plan and also offer an opinion on whether the plan is in the person's best interests and is adequate to protect the community.
5. All parties collaborate to create supervision conditions.
6. These conditions are reviewed by the court. The superior court also has an obligation to "impose any additional conditions necessary to ensure compliance with treatment and to protect the community." [RCW 70.09.096](#).

**Note:** Ultimately, courts approve the conditions and order the release of a resident to an LRA.

### **How many counties currently have SVPs on LRA?**

Currently six counties provide services to LRAs: King, Pierce, Spokane, Walla Walla, Kitsap and Snohomish.

### **What does “fair share” mean?**

“Fair share principles” and “fair share principles of release” mean that each county in Washington state should have adequate options for conditional release housing so that people granted conditional release are not placed disproportionately in any particular county. [RCW 71.09.020\(2\)](#) governs these principles.

### **Why are residents being released to counties other than the county where they committed their crime?**

The Department of Social and Health Services is required to first look for options within the county where the resident committed their crime, also known as the county of commitment. If no options exist, then DSHS must look for housing options in other counties while considering fair share principles.

A resident’s defense attorney is not required to consider a resident’s county of commitment or “fair share principles” and may develop an LRA plan anywhere housing exists in the state. This LRA plan must still be approved and ordered by the court.

### **How are the residents monitored?**

A great deal of effort goes into making sure releases of residents to LRAs are done safely. Residents released on LRAs are subject to stringent monitoring requirements and supervision. They are uniformly required to be on GPS monitoring. Additionally, they are often further required to be escorted by an approved monitoring adult to chaperone them during any trips outside of their immediate residence. All trips have to be pre-approved. They are required to attend treatment, report in person to their supervising DOC officer on a weekly basis, submit travel plans in advance for any trips into the community, and have the destinations site surveyed by DOC. Residents released on LRAs are also subject to a long list of court-imposed requirements related to their specific risks and offense patterns. This is a much higher level of supervision than what is ordinarily imposed upon regular level three sex offenders who are not subject to civil commitment. If a person on LRA violates any of these conditions, they may be returned to McNeil Island.

#### **Team Assigned**

- Residents on an LRA have a team assigned to them that consists of a DOC corrections specialist, an SCC social worker and a certified sex offender treatment provider.
- This team meets with the resident as a team once a month or more as needed.

- The individual members of the team have frequent contact with the resident, resulting in, at minimum, weekly contacts with the resident.

#### Reporting Violations

- Each of the individuals on the team and the housing provider are required to report any violations to the court and parties involved.
- If the resident violates a condition of their LRA as dictated by the court, SCC and DOC staff have the authority to return the resident to the SCC.
- Violations of conditions do not mean that a resident has committed a new crime; in fact, no resident in the history of LRAs from SCC has committed a new crime. Instead, violations of conditions could include not returning to the residence by the established curfew, looking at an unauthorized website or traveling outside of their restricted area. Additionally, if at any time a modification to the LRA is in the community's or the resident's best interest, the SCC, the state, or the resident's defense attorney can ask the court for modification to placement. The state bears the burden of proof at those hearings.

#### **What happens when a resident violates the conditions of supervision?**

Conditions ordered by the court are long and thorough. These conditions, by law, are based on the needs of each resident. Each case is managed by a team who reviews the resident's history and monitors compliance.

The team has several options when addressing violations of any conditions. These include, but are not limited to:

- Return to McNeil Island.
- Movement restriction to specific areas of the community.
- Restriction to the residence other than court-mandated trips (e.g., legal, medical, therapy).
- Therapeutic mitigation (treatment provider assigns a particular assignment or activity).

The severity of the violation will determine the response. For any violation that presents an imminent safety risk to the community, the resident will be returned to McNeil Island.

#### **How long is an SVP required to be under the conditions of an LRA? If it "depends," what is the average time?**

All LRA cases are under the jurisdiction of the court. There is no set time for how long a resident must be under the court order. Most residents at the Special Commitment Center will reside in the facility on McNeil Island and participate in treatment programs for several years before transitioning to an LRA.

The resident is allowed to petition the court for unconditional release once each year.

A resident can only be unconditionally released if they are found to no longer meet SVP criteria as explained in Question 1.

**Is there a statutory requirement to notify the public about the release of these individuals into the community? If not, who should citizens contact to make a change?**

[RCW 71.09.335](#) requires DSHS' Special Commitment Center to provide local law enforcement with notification of the release of a resident 30 days prior to release.

Local law enforcement is responsible for determining the appropriate level of notification to the community and whether they would like to hold a community notification meeting ([RCW 4.24.550](#)).

DOC, DSHS, the local sheriff's department and the local police department collaborate to ensure the community is safe and has the appropriate information to stay informed.

**What is the difference between a secure community transition facility or SCTF and a community LRA?**

- Secure community transition facilities (SCTF) have specific operating and security requirements determined by law ([RCW 71.09.250](#) through .330, and .341-.344). Currently, there are only two state-operated SCTF facilities that meet these requirements: one is on McNeil Island (Pierce County) and one is in Seattle in the Sodo District (King County).
- Community housing for LRAs is operated by private providers and may also offer 24-hour staffing and trained escorts. The staff and any other community chaperones are all subject to background checks.

**Is there a greater attempt to depopulate McNeil Island and place sex offenders in privately run homes?**

No. There is no plan to close the total confinement facility (TCF) on McNeil Island. Some residents transition from the TCF on McNeil Island to less restrictive alternatives. Our clients have served their criminal sentence and are being held under a civil law. In order to abide by the 5th Amendment (which states that people cannot be deprived of their liberty without due process of law), residents are entitled to a yearly evaluation to determine if they still meet criteria for commitment and if a less-restrictive alternative is in their best interest and if conditions can be imposed that adequately protect the community (RCW 71.09.090).

**How was this Tenino location picked?**

This LRA was selected for this resident due to the "fair share principles" and "fair share principles of release" as explained in Question 6 because Thurston County has no LRA options.

### **Is there an alternative to conditional release?**

There is no alternative to a conditional release. Based on the statute, the constitution, and case law residents have a right to an LRA if deemed appropriate and ordered by the court.

### **Why does DSHS contract with LRA providers?**

Based on new changes to the law, DSHS is required to develop these housing options ([RCW 71.09.097](#)).

***Note:** Even though DSHS is required to develop the housing options, LRA housing providers are not required to have a contract with DSHS in order to accept individuals.*

Contracts help DSHS hold contractors accountable to the conditions outlined in the court order. Additional oversight standards and deliverables required in a contract include, but are not limited to, DSHS policy compliance, funding oversight in accordance with DSHS policy, compliance with reporting and documentation expectations, and maintenance of the environment of care.

### **How many providers are contracted?**

Currently, DSHS has four contracts to provide LRA housing in the state.

### **How many providers are not contracted?**

There are 15 non-contracted providers providing LRA housing.