

Sex Offenders-Treatment & Transition

Special Commitment Center (SCC)

Many argue that sex offenders, particularly predators that seek out victims, cannot be treated. However, Washington state operates a specialized sex offender treatment program on McNeil Island called the Special Commitment Center (SCC). The SCC is operated by the Department of Social and Health Services (DSHS) and provides a specialized mental health treatment program for civilly committed sex offenders who have completed their prison sentences.

When a sex offender is about to be released from confinement and is assessed as still very dangerous to the community, the county prosecutor or Attorney General's office may file a petition alleging the person meets the legal criteria of a "sexually violent predator." These are considered the worst of the worst sex offenders. The offender is then detained at the SCC and evaluated. The SCC program staff makes a recommendation to the court, and persons found by the court, or the jury, to meet the criteria of a sexually violent predator are sent to the SCC for confinement and specialized treatment indefinitely. Only upon a finding that the offender no longer meets the definition of a sexually violent predator or court order can an offender leave the SCC.

The SCC was previously under a court injunction for failing to provide an atmosphere for sex offenders to progress in their treatment so they can be released to a less restrictive living environment. The federal judge lifted the injunction in June 2004 after the state showed it was working toward a better system.

In 2008 there were an average annual 271 offenders at the SCC, which has a capacity for up to 400. The population is expected to rise to 282 in fiscal 2009. An offender allowed to leave the SCC must be (1) released to a Secure Community Transition Facility (SCTF), (2) released to a Less Restrictive Alternative (LRA) such as a work-release facility or home detention, or (3) unconditionally released back into society. For fiscal year 2008 the projected annual cost of treating and confining SCC residents was more than \$169,000 per offender.

Secure Community Transition Facilities (SCTF)

As noted, sex offenders may be released from the SCC back into the community through a SCTF or other less restrictive alternative. The SCTF is the Legislature's response to the federal judge's order that Washington create a less restrictive living environment for sex offenders who have progressed through treatment enough that they no longer need a total confinement setting. An SCTF provides an environment in which sex offenders continue their treatment and engage in work and recreational activities to help reintegrate them into society.

In 2001, SB 6151 provided for a SCTF in Pierce County on McNeil Island next to the SCC. This was not satisfactory to the federal court. Because Pierce County had taken a disproportionate share of sex offenders in recent years, a joint select committee of legislators was convened during the 2001 interim to make recommendations on how to site SCTFs in other parts of the state.

Legislation implementing the recommendations of the joint select committee was passed as SB 6594 in the 2002 session. This legislation required SCTFs to be sited in counties that as of April 2001 had committed more than five offenders to the SCC. The SCTF-eligible counties are King, Snohomish, Kitsap, Spokane, Thurston, Clark and Pierce. The bill also allowed DSHS to preempt local government land use regulations to site and operate an SCTF as an essential public facility. King County was the first to test the new law on

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SCTFs. Three sites in unincorporated King County were chosen. DSHS has indicated there is enough room at the Seattle SCTF that is no need for additional facilities in King or other counties for the foreseeable future.

The Secure Transitional Community Facilities are extremely expensive to operate. The average annual cost per offender at the Pierce County SCTF for fiscal year 2008 is \$399,833, and at the King County County SCTF \$971,000. (Those figures are expected to decline somewhat in FY 09 as the number of residents at each facility increases.)

Limiting Sex Offender Residences

Under limited circumstances, DOC may restrict where sex offenders under its supervision can live once they are released. For any sex offender convicted of an offense involving a minor after June 6, 1996, DOC can reject a residence if a minor victim or child of similar age as a previous victim resides there whom DOC determines may be put at substantial risk of harm by the offender's residence in the household, or if the residence is in close proximity to the residence of a minor victim unless the whereabouts of the victim is unknown or the restriction would impede family reunification efforts ordered by the court or directed by DSHS. (RCW 72.09.340.) DOC is further authorized to reject a residence location if the proposed residence is in close proximity to schools, child care centers, playgrounds or other grounds or facilities where children of a similar age as a previous victim are present whom they determine may be put at substantial risk of harm by the sex offender's residence at that location.

In 2005, the Legislature passed SHB 1147 which prohibited all offenders sentenced to a "two-strike" offense against a minor victim from living within an area 880 feet (two blocks) of a public or private school. The residential prohibition was effective for the duration of the offender's term of community custody.

In 2006 legislation, SSB 6325, the Legislature repealed the residential prohibition established the year before in SHB 1147 and preempted all local governments, except those who had adopted their own laws before March 1, 2006, from adopting any laws restricting where sex offenders convicted of any sex offense at any time may live.

Other than the above-noted restrictions, released sex offenders have the same constitutional rights and freedoms that law abiding citizens enjoy and are free to live where they wish.

During 2005-06, the Legislature passed the following two bills:

SHB 2654 prohibited the Department of Health from certifying a person as a sex offender treatment provider if the person had been convicted of a sex offense.

HB 3205 allowed a law enforcement officer responding to a request for assistance from an employee of the DSHS, to arrest a conditionally released sexually violent predator if the officer reasonably believed that the person was not complying with the terms of his or her conditional release.