

# SENATE BILL REPORT

## SB 5402

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As Reported by Senate Committee On:  
Human Services & Corrections, February 7, 2013

**Title:** An act relating to allowing residents of total confinement facilities and secure community transition facilities to engage in therapeutic occupational assignments within the confines of McNeil Island.

**Brief Description:** Allowing residents of total confinement facilities and secure community transition facilities to engage in therapeutic occupational assignments within the confines of McNeil Island.

**Sponsors:** Senators Carrell and Pearson; by request of Department of Social and Health Services.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/22/13, 2/07/13 [DPS].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5402 be substituted therefor, and the substitute bill do pass.

Signed by Senators Carrell, Chair; Pearson, Vice Chair; Baumgartner, Darneille, Ranking Member; Hargrove, Harper and Padden.

**Staff:** Joan Miller (786-7784)

**Background:** The Department of Social and Health Services (DSHS) operates the Special Commitment Center (SCC) on McNeil Island to provide mental health treatment to civilly committed sexually violent predators after they have been released from criminal incarceration. The SCC includes both a total confinement facility and a secure community transition facility.

For approximately 30 years, the Department of Corrections (DOC) also operated a correctional facility on the island. During this time, inmates would perform required maintenance work around the island. In December 2010, state law mandated closure of the DOC facility. After the correctional facility was shut down in April 2011, all inmates were transferred to other institutions. DSHS has now assumed responsibility for daily management and maintenance of infrastructure necessary to support the SCC's operations.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Currently, the Juvenile Rehabilitation Administration (JRA) within DSHS performs some of the maintenance work on McNeil Island.

**Summary of Bill (Recommended Substitute):** The Secretary of DSHS, or the Secretary's designee, is authorized to select residents from the SCC's total confinement facility and secure community transition facility to participate in therapeutic occupational assignments to provide a way for residents to learn valuable work skills and earn money to help in their transition into the community. These assignments may occur outside the perimeter of the total confinement facility or the secure community transition facility but must be within the confines of McNeil Island.

When youth under the care of JRA are performing maintenance work on the island, the Secretary, or the Secretary's designee, must keep the youth separated by sight and sound from the SCC residents performing therapeutic occupational assignments on the island.

The Secretary or the Secretary's designee must determine the appropriate direct staffing ratio and impose conditions on the resident that are necessary to ensure the safety of the community.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute):** Subsection (5) is added, which requires DSHS to keep the youth from JRA separated by sight and sound from SCC residents when performing maintenance work on McNeil Island.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: DSHS needs help in finding ways to cost effectively perform maintenance activities on McNeil Island. The current 1:1 ratio of staff to residents was determined when DOC had families and staff living in houses around the island. Currently, SCC residents are the only persons occupying the island. The 1:1 ratio makes it cost prohibitive because DSHS must pay the resident for the labor and the staff to monitor resident. Allowing a single staff person to monitor more than one resident would reduce the cost. SCC residents will gain needed vocational training and fiscal resources for their transition. Residents have difficulty supporting themselves when transitioning to the community and often end up homeless because they do not have employable skills. The partnership with JRA would not have to end, as there is enough work to be done on the island that could be shared by JRA and the SCC.

**Persons Testifying:** PRO: Don Gauntz, Interim CEO, DSHS SCC.