



Washington State
**Office of
Public
Defense**

2022 Annual Report

Chapter 71.09 RCW Indigent Defense Representation Program

(Civil Commitment of Individuals Convicted of Sexually Violent Offenses)

July 1, 2021 – June 30, 2022

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Chapter 71.09 RCW Indigent Defense Representation Program

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Initial Commitment (ICT) Filings

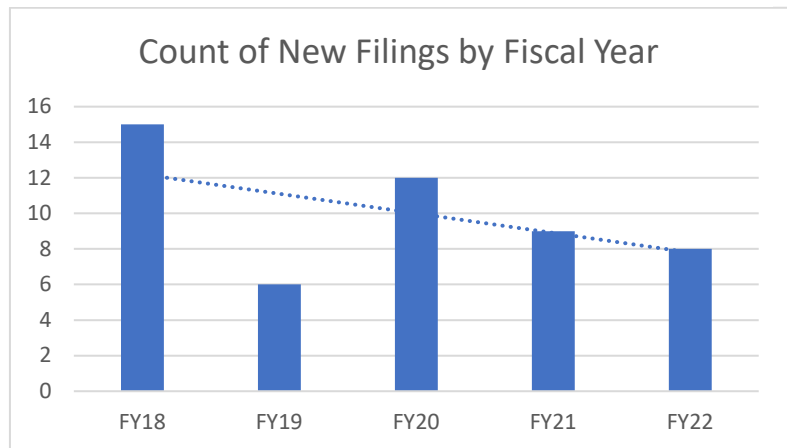
During FY22, prosecutors filed eight new petitions for civil commitment across six counties, compared to nine new petitions filed across five counties in the prior fiscal year (FY21). Table 1 shows the distribution of filings by county over the past two years.

Cases continue to be slightly concentrated in the most populous counties, with multiple cases in King and Pierce counties each year; however, the total number of cases remains small. Overall, the number of new filings has trended down over the last five years (see [Figure 1](#)).¹

Table 1

County	FY22 Filings	FY21 Filings
Franklin	1	0
Grays Harbor	1	1
King	2	2
Pacific	1	0
Pierce	2	3
Spokane	1	0
Thurston	0	2
Yakima	0	1
Grand Total	8	9

Figure 1



ICT Continuances

Within the fourteen initial commitment cases that were resolved during FY 2022, five were never continued, while the other nine cases had between one and seven² continuances each over the course of the case (see [Table 2](#)). Only three of these continuances happened during the FY22 reporting period, each on a separate case. One of the new petitions filed in FY22 also had an initial commitment trial continuance granted during the current reporting period (not included in [Table 2](#)). The reason for the continuance is unknown and that case is still ongoing.

Table 2

ICT Continuances	Count of Cases
Zero	5
One	4
Two	4
Seven	1
Grand Total	14

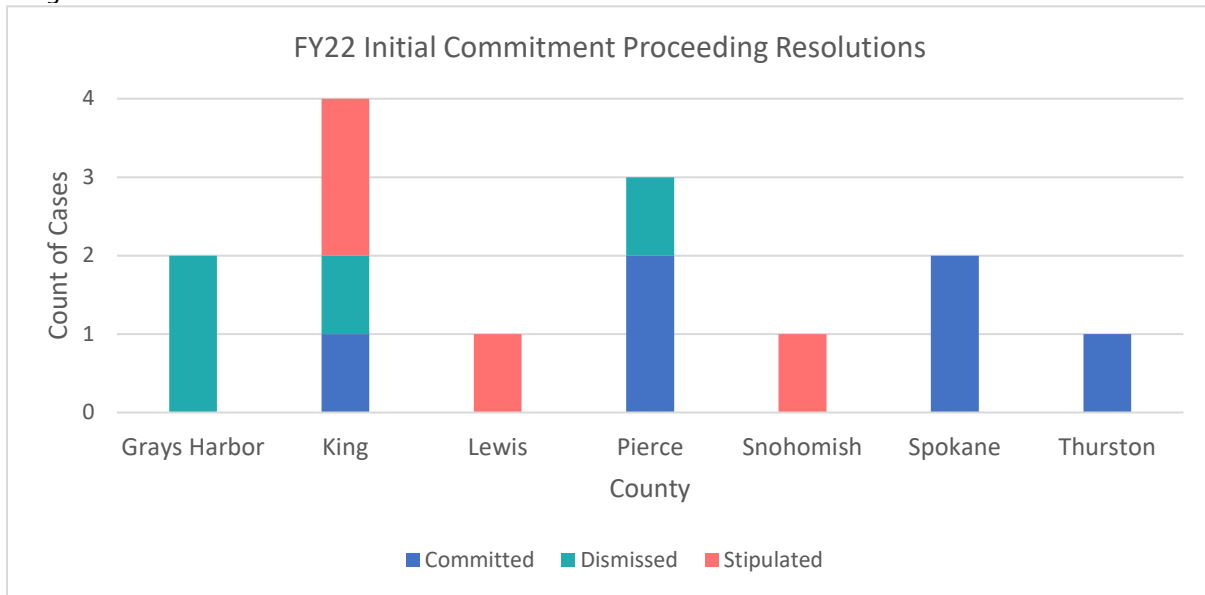
¹ FY18 – FY21 data for [Figure 1](#) is pulled from prior Annual Reports for the Chapter 71.09 RCW Indigent Defense Representation Program. The reports are publicly available here: <https://opd.wa.gov/program/fpc>.

² The case with seven continuances was an outlier attributable to the client being in contempt for several years before the case underwent a change of venue.

Trials and Outcomes

Fourteen initial civil commitment proceedings were resolved during FY22: six resulted in commitment by Order of a Judge and/or by jury verdict, four clients stipulated to commitment, and four cases were dismissed. [Figure 2](#) below shows these results by county.³

Figure 2



In addition to the four cases which were dismissed during initial proceedings, fourteen clients were also unconditionally released post-commitment in the FY22 reporting period. See [Table 3](#) to see the breakdown of releases by county of commitment.

Three clients also passed away between July 1, 2021 and June 30, 2022: two from King County, and one from Pierce County (not included in Table 3).

Table 3

County of Commitment	FY22 Unconditional Releases
Clallam	1
Cowlitz	1
King	1
Kittitas	1
Lewis	1
Pierce	2
Snohomish	1
Spokane	2
Thurston	2
Walla	1
Whatcom	1
Grand Total	14

³ Counties listed are the county where the civil commitment case was originally filed, with two exceptions. These data include two cases that underwent a change of venue. The original venues are not represented in [Figure 2](#). One of the Spokane cases was originally filed in Pend Oreille, and one of the Pierce County cases was originally filed in Grays Harbor.

Policy Recommendations

The Special Commitment Center (SCC) is 18 months into being the primary party responsible for developing, creating and maintaining Less Restrictive Alternatives in the community. The Sex Offender Policy Board has continued to meet around the implementation of SSB 5163. There have been a number of challenges, but also collaboration between the parties. The SOPB monitoring of the implementation will end on June 30, 2023 with a final report to the legislature. OPD anticipates reporting on the progress of 5163 in its 2023 Annual Report.