

Civil Commitment of Sex Offenders

“No other crime evokes outrage in a community more than sex crimes against children” (Koenig, 1998, p.722).

The distressing consequences of the heinous and brutal nature of the violent crimes committed against children has prompted the necessity to embark upon the design and implementation of a system of legislation by which the preeminent values of safety and prevention compose the fundamental cornerstone. Although, while the concern regarding the orientation of the sexually motivated offense is not derived from a previously un-witnessed phenomena, the approach that has been undertaken with which to address the issue has altered, in the manner of the course that is chosen to pursue, in the event of the criminal actions of the said offender.

As a group, sex offenders have grown in number as is evidenced by their increasing populace among prison inmates from 6.9 percent of a population of 295,819 inmates in 1980 to 9.7 percent of a population of 906,112 inmates in 1994 (Finn, 1997). By way of estimation, the percentage increase in this subset of the prison population is inclusive of a figure of 12 percent who had previously been convicted for rape or sexual assault, as well as a figure of 61 percent who had previously been convicted for some other type of felony (Center for Sex Offender Management [CSOM], 2000).

Moreover, approximate statistics indicate that of those sexual offenders who are sentenced to jail or prison, about 90 percent are eventually released; while, it has been estimated that about 60 percent of sexual offenders are sentenced to probation or an alternative community control sanction (Jenuwine, Simmons, & Swies, 2003). The significance of this statistic is further magnified in terms of the gravity that it conveys

when the differential increase of offenders is witnessed over the course of one year alone. According to CSOM (2000), the number of convicted sex offenders, who were in some way monitored by correctional agencies, grew from 234,000 in 1997 to 265,000 in 1998; yielding a 13 percent increase.

Thus, the presence of the sexual offender in the community is one that ultimately cannot be ignored in light of the extent of the proliferation of the sexual offense as a perfectly immeasurable yet detrimental societal genre. In so far as this has developed as a concept, it plagues the balance between the interests of crime control and civil libertarian due process, waged in the determination of the acceptance of utilitarian ideologies; while maintaining a mala en se degree of abjectness in the consideration of social norms and mores.

The impetus for legislation directed toward the incidence of the sexual offender in the United States is reflective of the degree of cultural awareness that colors a particular point in the evolution of a society; which may arguably be said to reflect what Edwin Sutherland theorized in his 1950 study entitled “The Diffusion of Sexual Psychopathy Laws”.

According to Sutherland, three influential factors weigh heavily upon the decision to formulate the types of laws that define the stratagem for responding to the egregious acts committed by sexual offenders; the critical roles played by psychiatric professionals in determining who qualifies as an individual suffering from psychopathy, the news and print media, and the fears generated in the minds of the public who are unsure of how to respond. Within the contextual setting of the sexual assault and/or murder of a child, the

three forces then interrelate to drive the momentum that leads to the support of the enactment of sexual psychopathy laws (Lieb, Quinsey, & Berliner, 1998).

Three identifiably interrelated time periods ranging from the 1930s through the mid-1950s, the 1970s, and the 1990s provide the spatial timeframes that have shaped the policies that have been enacted as a means of response to the sexual offender (Lieb, et al., 1998). The motivations of the movement in the 1970s are significant for their contribution to the importance of the recognition of the scope of sexual assaults as well as the occurrence within relationship and familial settings. This is well evidenced by the passage of the federal Violence Against Women Act which became part of the Violent Crime Control and Law Enforcement Act of 1994. However, as is emphasized by Lieb, et al. (1998), it is the first and third of these periods, both of which are greatly similar in ideological purpose, that bespeak of that which is generally considered when the issue of the sexual offender is raised in relation to the best interest of the safety of the community and the protection of those who may become potential victims. The words of J. Edgar Hoover in 1947 and those of President William Jefferson Clinton in 1996, whilst spoken within separate contexts, convey the same strident message that evokes the support of the public in the furtherance of remedial actions as a response to the threat posed by the existence of the sexual offender and the prevalence of the sexual offense (Lieb, et al., 1998). In regard to what was seen to be the increase in crimes of a sexual nature, J. Edgar Hoover declared that:

[I]t was time for the “degeneracy” of sex crimes to “be placed under the spotlight and its evils disclosed so that something may be done to correct a situation that leaves maimed and murdered women lying in isolated areas, which leaves

violated children in a state of hysteria, and which is a perpetual nightmare to the loved ones and friends of the victims”. (p.53)

Upon signing Megan’s Law into federal legislation in 1996, President William Jefferson Clinton stated:

We have taken decisive steps to help families protect their children, especially from sex offenders, people who, according to study after study, are likely to commit their crime again and again...the law should follow those who prey upon America’s children wherever they go, state to state, town to town. (p.73)

Beginning in the 1930s, the concept of the sexual psychopathy law was implemented in Michigan, in 1937, in Illinois, in 1938, and in California and Minnesota, in 1939, as a means of targeting sexual offenders for specialized medical and legal treatment. Predicated upon the belief that the actions of the offender coupled with the “underlying mental condition” (p.55), generated a hazard in the interest of public safety and diminished the degree of acknowledgement of the offender in terms of the purpose of criminal sanctions, these acts, which garnered wide public support, as evidenced by several states following suit in the adoption of similar statutes, were meant to serve the goal of maintaining public safety by “remov[ing] the sex offender from the community, and treat[ing] the underlying mental condition” (p.55) (Lieb, et al., 1998).

A typical statute described a psychopath as someone “suffering from such conditions of emotional instability or impulsiveness of behavior, or lack of customary standards of good judgment, or failure to appreciate the consequences of his acts, or a combination of any such conditions, as to render him irresponsible

for his conduct with respect to sexual matters and thereby dangerous to himself and other persons”. (p.55)

The method by which the statute was relayed consisted of a determination of psychopathy, by psychiatrists and other professionals within the mental health field, which could then be applied as an alternative to the traditional sentencing method of incarceration. Thus, upon the determination that an individual offender was deemed to be a sexual psychopath, they were then subject to a term of “indefinite involuntary commitment in a mental health facility” (p.56). However, despite the recognized difficulties in applying the description of characteristics, formulated by Harvey Cleckley in 1941 and regarded as “the most complete clinical description of the decade” (p.56), to the identification of abnormal sexual behavior, the utilization of the sexual psychopathy law continued into the mid 1970s and early 1980s; when it was either modified and fell into disuse or entirely abandoned (Lieb, et al., 1998).

The inherent problems associated with sexual psychopathy legislation were derived from a myriad of forces that the law was either centered upon or assisted in creating. The heightened centrality of the role of the psychiatrist and the effectiveness that was achieved from the application of this method when confronting the socio-criminological issues raised by the sex offender were brought into question, both by psychiatrists and criminologists, such as Norval Morris; who believed that the laws were poorly constructed in terms of the defining grounds upon which they were based and the degree of discretionary authority vested within psychiatrists in making proper judgments, predicated upon their view of the offender, as to when an offender no longer posed a threat to the community. These views are axiomatic of several studies that were

conducted from the 1940s through the 1960s, that found a grossly misused application of psychopathy to a wide range of offenders whose offense may not have been based upon a violent pretense; as well as a call for the repeal of these laws by the Group for the Advancement of Psychiatry in 1977, on the pretext that the laws constituted “social experiments that have failed and that lack redeeming social value” (p.65) (Lieb, et al., 1998).

In response to the incidences of overzealous application, several states amended their statutes to indicate the specificity of the type of offender to whom the sexual psychopathy designation was to be applied. Although, the most striking example of the ferventness of the use of the designation is taken from California; who proceeded to confine 1,000 sex offenders per year from 1940 until 1980 based upon the extensiveness of the scope of the statute in terms of the type of offender who may be adjudged as eligible for commitment. Beyond the concerns associated with the levels of confinement, as the highest in the nation, were those which regarded the rate of recidivism as found by a study conducted in 1980 which reported that offenders involved in treatment programs had recidivism rates comparable to those offenders who had been incarcerated and did not receive treatment (Lieb, et al., 1998).

Despite the perceived failures of the sexual psychopathy laws, state legislatures remained dedicated to finding ways with which to protect the community against the dangers posed by sex offenders. Therefore, beginning in the 1990s with the example set by Washington State, states began to craft what Lieb, et al. (1998) refer to as “second generation” sexual predator laws “focus[ing] on social control mechanisms” (p.67); drawing upon existing registration laws, which have been in place in some form since the

1930s, in combination with the new concept of community notification, and the option for civil commitment (CSOM, 1999, 2001; Lieb, et al., 1998). The culmination of the sex offender registration, community notification, and civil commitment laws resulted in the compilation of Megan's Law (Brooks, 1995); which came to affect the states nationally in 1996 when President Clinton signed Megan's Law into federal legislation as an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994 (Koenig, 1998)

Megan's law began as a piece of New Jersey legislation that was drafted in October 1994 in response to the vicious rape and murder of a seven year old girl named Megan Kanka. In July of the same year, she was killed by a neighbor who was a twice convicted sex offender and who lived with two other sex offenders just across the street from her home (Brooks, 1996). Neither her parents nor other community members had been aware of these individuals' backgrounds and after the rape and murder of an innocent young girl, the anger and outrage that they felt moved them to fight for the creation of a law that would protect their children from future violence committed by sex offenders.

With the implementation of Megan's Law on a national level, the federal government was prompted to provide states with a preemptive carrot in order to comply with federal legislation. Thus, if states did not pursue the implementation of Megan's Law in so far as creating sex offender registration programs, they would be forced to deal with a percentage loss of federal aid in the form of the Byrne formula grant funding (CSOM, 1999).

The origins of the sexually violent predator specification are derived from actions that were recommended by a panel of individuals in Washington State in 1990 as a means of restructuring the types of laws available for the sentencing and release of sex offenders (CSOM, 2001; Lieb, et al., 1998). The rationale behind the perceived necessity to reexamine the state of current legislation arose from crimes that were committed by violent sexual offenders; two of which were particularly atrocious, having occurred in 1989 and 1990 (CSOM, 2001; Koenig, 1998; Lieb, et al., 1998).

The first of the two incidents involved an individual named Earl Shriner, who had been convicted of several sexual offenses against children and was currently released on bail, pending a rape charge, when he “lured [a seven-year-old boy] into the woods...[and] abducted, raped, and mutilated [him]” (Koenig, 1998, p.723). What is especially alarming in regard to Shriner is that prison officials had become aware of Shriner’s intent to torture children upon the expiration of his sentence in 1987. However, despite their efforts, the officials were deemed to have not presented “a recent overt act” (Lieb, et al., 1998, p.66) that would show proof of his dangerousness; resulting in the only available option, which constituted release.

Then in 1990, an individual by the name of Westley Dodd proceeded to stalk, sodomize, and stab two young boys who he had seen riding their bicycles in the park while he picnicked there with the purpose of “stalking children without interruption” (Koenig, 1998, p.723). A mere month later, Dodd struck again and in this instance, not only did he repeatedly sexually abuse and strangle a four-year-old boy, but continued to sexually abuse the child’s corpse upon returning from work the day after the murder. Upon his capture, Dodd stated that in his belief, he had molested approximately 30

children and in his statement to the court, Dodd asserted that, “[i]f I [Dodd] do escape, I promise you I will kill again and rape again, and I will enjoy every minute of it” (Koenig, 1998, p.723).

The sickening images portrayed by these gruesome examples, of the degree to which an offender violates an innocent child as well as the shattering of society’s entrustment of the belief in the ability to safeguard their children from harm, compelled the creation of the law that would come to serve as an example for several other states; as of 2000, 16 states have enacted commitment programs for sex offenders (Janus, 2000). This law, Wash. Rev. Code 71.09.010, focused upon “a group described as small but exceedingly dangerous, those ‘sexually violent predators’ who ‘do not have a mental disease or defect that renders them appropriate for the existing involuntary treatment’” (Lieb, et al., 1998, p.67). From this point forward, the foundation for the sexually violent predator legislation was put into place; in the same token, this action paved the way for the implementation and ardent use of the civil commitment statute, as a means of protecting the public from the offender upon the expiration of the offender’s prison sentence (La Fond, 2000). An examination of this is provided by “Inside Civil Commitment: Competing Rights, Competing Interests” (2003), with a particular emphasis on the study of the Sexually Violent Predator Act that was passed by New Jersey in 1999.

While the recommendation of the Washington panel sounds somewhat similar to the sexual psychopathy laws that were abandoned in the late 1970s and early 1980s, in terms of the confinement of the offender, the procedural methods that were proposed to guide the commitment process reflect the gross inadequacies that the previous laws

served to generate; in addition to the concerns regarding the perception that the sentences of violent sex offenders did not possess either an appropriate length of time, nor a flexible means of continuing to confine the offender, as a result of several states reforming their sentencing structures from indeterminate to determinate sentences in the 1970s and 1980s (Janus, 2000). As is outlined by the Washington Revised Code, the sexually violent predator laws place the authority of seeking the confinement of offenders within the discretion of the prosecuting attorney through civil proceedings that may be instituted in cases “for those sexual offenders with at least one prior crime of sexual violence and who suffer from a ‘mental abnormality or personality disorder’ that makes the person likely to engage in future predatory acts of sexual violence” (Lieb, et., al, 1998, p.67). As Janus (2000) states, “[w]hereas the old laws were explicitly designed to replace penal incarceration for those too ‘sick’ to deserve punishment, the new are designed and justified as supplements to criminal sentencing for those too dangerous to release after prison” (p.9).

While retaining the conceptual grounds of police power and *parens patriae*, as the elements that enable a state to involuntarily confine an individual in order to protect the public (La Fond, 2000; Janus, 2000), La Fond (2000) further differentiates the ways in which the sexual predator laws differ from the sexual psychopathy legislation and civil commitment laws which preceded them; in so far as that the sexual predator laws of the 1990s do not include the requirement that an offender suffer from a serious mental disorder nor do they require “any allegation or even proof of *recent* criminal wrongdoing, dangerous behavior, deteriorating mental state, or even inappropriate behavior before the state may seek commitment” (p.159). Furthermore, the new laws have in place the

requirement that offenders complete the duration of the time to which they were sentenced for their conviction before the initiation of commitment proceedings. While variation exists between jurisdictions, Janus (2000) enumerates the essential elements that must be proven beyond a reasonable doubt in order to obtain a finding that the offender should be confined; including “[a] *past course of sexually harmful conduct...., [a] current mental disorder or ‘abnormality’, [a] finding of risk of future sexually harmful conduct...., [and] some form of connection between the mental abnormality and the danger....*” (p.9). Thus, once the offender was convicted, they would then be committed for treatment purposes and confined for a period of time until a jury would again be entrusted with the decision to release the offender when sufficient evidence proves beyond a reasonable doubt that the offender is no longer a threat to the safety and security of the community (Lieb, et. al, 1998).

Moreover, whereas, the sexual psychopathy laws prior to the 1990s were predicated upon a finding of sexual psychopathy, in terms of sexual behaviors that are deemed abnormal, by psychiatrists who would ultimately be the party responsible for assessing whether the offender should be released; the authority of making this type of judgment, although still dependant upon the evaluation performed by a psychiatrist, was now vested within the arbitrary legal environment in which the determination would be made by a jury upon the conviction of the offender based upon the importance of the usage of the risk assessment (Janus, 2000).

Due in part to perceived errors in the performance of risk assessments, DeClue (2005) proposes three approaches that may assist evaluators in making more accurate determinations in terms of static and dynamic factors. The significance of a proper risk

assessment thus becomes highly critical in terms of the tools that are used to assess risk factors as well as the types of risk factors that are assessed. As DeClue (2005) states, in regard to his review of a poorly conducted assessment, “this was a real-life case with important consequences for the respondent and for potential future victims, and unfortunately, the errors in the risk assessment were not unique to that case” (p.180).

Washington State, once again, provides an insightful illustration into the process of civil commitment, most notably in regard to the facility in which sexual offenders are confined. McNeil Island, located in southern Puget Sound, has served the State of Washington as a site for a territorial prison in 1875, a federal penitentiary from the early 1900s until the late 1970s, and a correctional center under the authority of the Washington State Department of Corrections since 1981. Furthermore, McNeil Island retains the unique status of being the last prison in North America to be located on an island (Washington State Department of Corrections [WSDC], 2005). Of particular interest is the Special Commitment Center, operated by the Department of Social and Health Services, which is located on the island and that serves as a facility for the confinement of convicted sex offenders who have been found to be sexually violent predators who are then eligible for commitment (Washington State Department of Social & Health Services, 2005).

Within the similar contextual arena as concerns civil commitment are the actions taken on the part of the state to seek methods by which to confine individuals through enhanced criminal sanctions. The purpose of the design of lengthening sentences for violent sexual offense convictions is utilized in much the same way as committing sexual offenders upon the expiration of their prison sentence in order to protect the community

from further potential victimizations. As Lieb, et al., (1998) note, this schema is visible in the trend of the 1990s that witnessed the incorporation of “Three Strikes” and even “Two Strikes” laws that are meant to target sex offenses that constitute felony violations by making them punishable by life sentences. Further examples are provided from the mid 1990s by states such as Iowa and Missouri that have enacted statutes in which sentences may be augmented to reflect an increase of the amount of time to which an offender is sentenced; based upon their history of prior convictions of a similar nature and their designation as a sexual predator, or as in Missouri as a “predatory sexual offender”, (p.70) as the result of a conviction for “sexually predatory offenses” (p.70), as they are referred to by the Iowa statute.

While the State of Ohio does not have a civil commitment statute, sections 2971.01 and 2971.03 of the Ohio Revised Code (O.R.C) are indicative of the concern on the part of the Ohio legislature as regards the hazards posed by the presence of sexually violent offenders in the community. As such, the O.R.C., provides for the definition of a sexually violent predator in that a “[s]exually violent predator” means a person who, on or after January 1, 1997, commits a sexually violent offense and is likely to engage in the future in one or more sexually violent offenses” (O.R.C Ann. 2971.01(H)(1), 2005). In addition to this, the legislature has also outlined a range of sentencing enhancements, as enumerated by O.R.C Ann. 2971.03(A) (2005), which may result in a term of life imprisonment if the offender is found to be a sexually violent predator.

A point of interest with regard to this statute concerns the challenge that was brought against it in May 2002, when John W. Smith, who had been convicted in Morrow County of rape and kidnapping, appealed the trial courts finding which adjudicated him a

sexually violent predator based upon the convictions for the aforementioned underlying crimes as listed on the indictment. Upon a favorable appeal for Smith, the State of Ohio appealed to the Ohio Supreme Court who, in 2004, found that the trial court had in fact erred in their determination that Smith was a sexually violent predator as predicated upon the crimes in the underlying indictment; being that, the High Court's interpretation of the statute meant that the offender had *previously* (emphasis added) been convicted of or pleaded guilty to a sexually violent offense. The Court reasoned that since the only other sexual offense that the offender had been convicted of preceded the January 1, 1997 date as outlined by the statute, the offender did not have a previous offense to uphold the determination of a sexually violent predator designation. In the furtherance of this reasoning, the Court opined that since the determination to indict an individual with a sexually violent predator specification is to be made prior to the conviction for the offense(s) listed on the same indictment, those offense cannot then constitute the previous conviction necessary to apply the designation (*State v. Smith*, 2004). However, in order to avoid the potential difficulties with seeking successful application of the sexually violent predator specification, the Ohio legislature later revised the section in question by stating that they did not intend for the inclusion of the usage of the term 'previously' in the interpretation of the statute; this became effective April 29, 2005.

Despite the criticisms that are lodged against the use of civil commitment, that range from the arguments made by Rollman (1998) that the application of the statute constitutes what amounts to double jeopardy and the case proffered by Falk (1999) that "the Statute in effect sets up an Orwellian 'dangerousness court', a technique of social control fundamentally incompatible with our system of ordered liberty guaranteed by the

constitution” (p.117), the United States Supreme Court has upheld the constitutionality of civil commitment in the decision in *Kansas v. Hendricks* (1997) (La Fond, 2000).

However, concerns as to allocation of funds that allow for the continuation of civil commitment programs composes a vital aspect of the continuation of this type of curriculum. Janus (2000) examined the usage of the civil commitment statute in Minnesota in order to assess the efficacy of the functioning of the program in terms of whether they are worthy of the costs with which they are associated. According to this study, it was found that the cost of a civil commitment proceeding was in excess of approximately \$100,000. Although the costs associated with confining dangerous offenders may tax the budget of the nation’s criminal justice systems within the states, the alternative may yield a cost whose value is far greater than that associated with money; the lives of innocent children.

The difficulty with keeping track of offenders in cases of noncompliance with registration once they are released into the community composes another facet in support of the argument for civil commitment. It is significant to note that many sex offenders are not under community control supervision for the full extent of the time for which they are required to register which puts the topic of compliance within their discretion (CSOM, 2001). A striking example of the issue of noncompliance is illustrated by a few statistics cited by Freeman-Longo and Blanchard (1998). During the course of their research in writing their book, they found that the noncompliance rate in Washington state was approximately 20%, in California it was approximately 25%, and in Illinois it was a startling approximately 50%. These statistics present a frightening reality, especially in terms of the release of the most dangerous types of offenders; a reality in

which society may be better off bearing the costs associated with the use of civil commitment.

References

- Brooks, A.D. (1995). The legal issues. *Criminal Justice Ethics*, 14 (2), 12-16.
Retrieved November 21, 2005, from Academic Search Premier database.
- Brooks, A.D. (1996). Megan's Law: Constitutionality and policy. *Criminal Justice Ethics*, 15 (1), 56-66. Retrieved April 24, 2004, from Academic Search Premier database.
- Center for Sex Offender Management (A project of the Office of Justice Programs, U.S. Department of Justice). (2001). Community notification and education. Washington D.C.: Center for Effective Public Policy.
- Center for Sex Offender Management (A project of the Office of Justice Programs, U.S. Department of Justice). (2000). Myths and facts about sex offenders. Washington D.C.: Center for Effective Public Policy.
- Center for Sex Offender Management (A project of the Office of Justice Programs, U.S. Department of Justice). (1999). Sex offender registration: Policy, overview and comprehensive practices. Washington D.C.: Center for Effective Public Policy.
- DeClue, G. (2005). Avoiding garbage 2: Assessment of risk for sexual violence after long-term treatment. *Journal of Psychiatry & Law*, 33 (2), 179-206. Retrieved November 21, 2005, from Academic Search Premier database.
- Falk, A. (1999). Sex offenders, mental illness and criminal responsibility: The constitutional boundaries of civil commitment after *Kansas v. Hendricks*. *American Journal of Law & Medicine*, 25 (1), 117- 157.
Retrieved November 21, 2005, from Academic Search Premier database.

- Finn, P. (1997). National Institute of Justice: Research in action: Sex offender community notification. . Washington D.C.: U.S. Department of Justice, Office of Justice Programs.
- Freeman-Longo, R.E. & Blanchard, G.T. (1998). *Sexual abuse in America: Epidemic of the 21st century*. Brandon, VT: Safer Society Press.
- Inside civil commitment: Competing rights, competing interests. (2003). *Issues in child abuse accusations*, 13 (1), 55-84. Retrieved November 21, 2005, from Academic Search Premier database.
- Janus, E.S. (2000). Sex offender commitments in Minnesota: A descriptive study of Second generation commitments. *Behavioral Sciences & the Law*, 18 (2/3), 343-374. Retrieved November 21, 2005, from Academic Search Premier database.
- Janus, E.S. (2000). Sexual predator commitment laws: Lessons for law and the behavioral sciences. *Behavioral Sciences & the Law*, 18 (1), 5-21. Retrieved November 21, 2005, from Academic Search Premier database.
- Jenuwine, M.J., Simmons, R., & Swies, E. (2003). Community supervision of sex offenders - integrating probation and clinical treatment. *Federal Probation*, 67 (3), 20-27. Retrieved June 25, 2005, from Academic Search Premier database.
- Koenig, W.P. (1998). Does congress abuse its spending clause power by attaching conditions on the receipt of federal law enforcement funds to a state's compliance with "Megan's Law"? *Journal of Criminal Law and Criminology*, 88 (2), 721-765. Retrieved April 24, 2004, from Academic Search Premier database.

- La Fond, J.Q. (2000). The future of involuntary civil commitment in the U.S.A. after *Kansas v. Hendricks*. *Behavioral Sciences & the Law*, 18 (2/3), 153-167.
Retrieved November 21, 2005, from Academic Search Premier database.
- Lieb, R., Quinsey, V., & Berliner, L. (1998). Sexual predators and social policy. In M. Tonry (Ed.), *Crime and justice: A review of research* (pp.43-114). Chicago: The University of Chicago Press.
- O.R.C. Ann. 2971.01 (2005). Retrieved November 22, 2005, from LexisNexis Academic.
- O.R.C. Ann. 2971.03 (2005). Retrieved November 22, 2005, from LexisNexis Academic.
- Rollman, E.M. (1998). "Mental illness": A sexually violent predator is punished twice for one crime. *Journal of Criminal Law & Criminology*, 88 (3), 985-1014.
Retrieved November 22, 2005, from Academic Search Premier database.
- State v. Smith, 104 Ohio St. 3d 106, 2004 Ohio 6238, 818 N.E.2d 283, 2004 Ohio LEXIS 2851 (2004). Retrieved November 22, 2005, from LexisNexis Academic.
- Washington State Department of Corrections. (2005). *McNeil Island corrections center*.
Retrieved November 22, 2005, from
<<http://www.doc.wa.gov/facilities/miccdescription.htm>>.
- Washington State Department of Social & Health Services. (2005). *The Special Commitment Center Program*. Retrieved November 22, 2005, from
<<http://www1.dshs.wa.gov/hrsa/scc/>>.