



STATE OF WASHINGTON
SEX OFFENDER POLICY BOARD
PO Box 40927, Olympia, WA 98504-0927
(360) 407-1050

Minutes
Thursday, March 19, 2009
1:30 p.m. to 4 p.m.
Office of the Attorney General
800- 5th Ave. 20th FL
Seattle, WA 98104

Members Present:

Sheriff Mark Brown
Jeri Costa
Russell Hauge
Hon. Dean Lum
Brad Meryhew
Andrea Piper
Dr. Henry Richards
Kecia Rongen
Mary Ellen Stone

Members Absent:

Anmarie Aylward
Ida Ballasiotes
Brooke Burbank
Bev Emery
Andrew Neiditz
Maureen Saylor

Staff Present:

Shoshana Kehoe
Shannon Hinchcliffe
Andi May
Stevie Peterson

Others Present:

Dianne Ashlock, Department of Correction; Sharon Harris, Washington Association for the Treatment of Sexual Abusers; Lisa Johnson, King County, Senior Deputy Prosecuting Attorney; Amy Muth, Washington Association of Criminal Defense Lawyers/ WACDL; Carey Sturgeon, DSHS Special Commitment Center; Lara Zarowsky, Counsel-PSEP
OPR



1. Call to Order

The meeting was called to order by the Chairman Russell Hauge at 1:35p.m.

2. Introductions

Board members and attendees introduced themselves.

3. Revise and Adopt Agenda

The agenda was adopted in its original form.

4. Approval of February 19, 2009 Minutes

The minutes were approved with one change. The Chair, Russell Hauge, was added as the member who moved to authorize a contract with WSIPP to perform a meta-analysis on studies addressing sex offender registration and notification issues.

MOTION# 11 APPROVE THE FEBRUARY 19, 2009 FULL BOARD MINUTES.

Moved: Sheriff Mark Brown

Seconded - Andrea Piper

Passed - Unanimously

5. Program Director's Report

- **Budget Forecast** – The Office of Financial Management released the projected revenue forecast on March 19th. The March revenue forecast is \$552 million lower than the unofficial February forecast. Jean Soliz-Conklin will keep the Board apprised of any new developments in the budget that may affect the Board.
- **Senate Bill 5823** – This bill extends the statute of limitations on certain sex offenses to the victim's 28th birthday. The Senate heard testimony this past week on this bill.
- **Contracts** - The contracts with Washington State University for the Benchmarks Committee and the Sex Offender in the Community have been finalized. The contract with WSIPP for the Registration and Notification Committee is in the process of being finalized.

6. Meeting Schedule

The Board discussed amending the bylaws to allow the Board to meet a minimum of every two months as opposed to monthly. Because the Board members meet so frequently through committee meetings, there was a consensus to scale back the number of the times the full Board meets. The Board has three committees that meet on a monthly basis. The Registration and Notification committee also has three workgroups that periodically meet. Because of the amount of work performed by

these committees, the members feel that the Board does not need to meet as often at this point.

MOTION#12 AMEND THE FULL BOARD'S MEETING SCHEDULE TO EVERY OTHER MONTH TO BEGIN AFTER THE APRIL 16, 2009 MEETING. THE BOARD WILL CONTINUE TO MEET THE THIRD OF THE MONTH AT THE SAME TIME AND LOCATION.

Moved: Kecia Rongen

Seconded: Jeri Costa

Passed: Unanimously

The bylaws contain a provision requiring the Board to hold at least two Board meetings per year outside King County. The Chair led the discussion on where these meetings should take place. The members made several suggestions for locations outside King County, including Everett, Tacoma and Yakima. These were identified as places where key stakeholders are located. The Sex Offender in the Community Committee feel it is important to connect with Everett after its task force approached the Committee with recommendations on how to address community concerns about sex offenders in their neighborhoods. The Board may also want to appear in the eastern part of the state. It may be possible to meet at the same time WATSA holds its conference in Yakima. Finally, Tacoma was suggested as a location for a Board meeting during the Judges' fall conference.

MOTION#13 AMEND THE BYLAWS REQUIRING THE BOARD TO MEET AT LEAST TWO TIMES PER YEAR ON THE EASTERN SIDE OF THE STATE TO ONE TIME PER YEAR.

Moved: Mary Ellen

Seconded: Kecia Rongen

Passed: Unanimously

At the next full Board meeting the Board will revisit when and where to hold the meetings outside King County. The Board also agreed to formally adopt the amended bylaws at the next meeting.

7. Recommendation to Legislature on Bill 2535 (Legislature's response to *State v. Ramos*)

In the wake of *State v. Ramos*, Bill 2535 was introduced to provide guidelines for local law enforcement in assigning risk level classifications for registered sex offenders. The Senate Human Services Committee requested input from the Board on this bill. Kecia Rongen presented the Registration and Notification Committee's recommendation on Bill 2535. This Committee provided the Board a memorandum summarizing the *Ramos* decision and explaining the basis of its recommendation, along with an alternative to the WASPC model policy.

Ms. Rongen noted that some of the committee members expressed concern about the proposed bill language because it is very specific about how law enforcement should classify a sex offender. The Committee agreed to recommend that the Legislature not take action at this time. They would like the Legislature to give the Board an opportunity to complete its research and make its recommendations on what changes need to be made in Washington State's registration and notification system. If the Legislature feels it needs to act, the Committee proposed an alternative to WASPC's model policy with a sunset clause. The language in this proposal is more consistent with the End of Sentence Review statutory language.

This spurred an in depth discussion about the scope of *Ramos* and what the Board should recommend to the Senate.

- Mr. Hauge pointed out that the court opinion scope appears to narrowly focus on the conviction of Failure to Register and that it does not specifically address the leveling process.
- There was a consensus that repealing the crime of failure to report at 90 day intervals may answer the immediate concerns addressed in *Ramos*. The 90 day sanction has only been in effect since 2006.
- Sheriff Brown expressed the concerns law enforcement has with this court decision. The Sheriffs will probably support repealing the 90 day sanction if recommended.
- The Department of Corrections (DOC) provided some background on the risk assessment tool that it uses. Prior to 1997 there was no risk assessment tool. In 1997, DOC then adopted the old Minnesota and then tweaked it. They are currently in transition to training others to use the Static 99 and the current Minnesota revised.
- Some members expressed that they did not interpret the *Ramos* decision as eliminating the registration and community notification program. The Court appeared more concerned that a criminal sanction was attached to law enforcement's current risk level classification.

The Chair took a Straw vote on the Board's position recommending that the legislature not act at this time and instead refers the matter to the Sex Offender Policy Board for future review and recommendation. The Board members agreed on this position. This then led to the Chair proposing language for the Board's recommendation to the legislature which was then formally adopted as a motion.

MOTION#14 THE BOARD ADOPTS RECOMMENDATION WITH TWO ALTERNATIVES FOR THE LEGISLATURE

- **Recommendation: the Board recommends that the legislature let the Board study the issues presented by S-2535 and then make formal recommendations at a later date. The Board would ask that the legislature not act at this time.**

- **Alternative #1: However, if legislature would like to act on the issue of the criminal sanction for failure to register ever 90 days, it would be useful to repeal the 90 day criminal provision.**
- **Alternative #2: If the legislature feels constrained to layer some criteria on top of the 90 day repeal, then the Board has drafted language that was developed on a short time frame that it thinks for a variety of reasons would be more useful than just strict adoption of the WASPC model policy. This language should include a sunset clause of July 2010. The sunset clause would give the legislature an opportunity to review the Board's recommendations due on November 1st with time to put together legislation if necessary.**

Moved: Jeri Costa

Seconded: Judge Dean Lum

Passed: Unanimously

8. Committee Reports

- **Benchmarks Committee Report**

The Chair of this committee, Mr. Hauge, updated the Board on the work that this Committee had been doing with WSU. The Benchmarks Committee met with WSU on February 25th and March 10th. This Committee is contracting with WSU to design a survey that will be sampled on a few key stakeholders. The Committee is focusing right now on the reentry and supervision of sex offenders.

Mr. Hauge also reported that this Committee had been moving along on its workplan. The Committee spent part of its monthly scheduled meeting defining recidivism for sex offenders. This spurred a discussion amongst the Board members about what behavior should qualify as recidivism and what the time period should be to measure recidivism. The Benchmarks Committee will continue to work on this and other definitions.

- **Registration and Notification Committee Report**

Ms. Rongen, the Chair of this committee, reported that Dawn Larsen from WASPC presented on Offender Watch, the registered sex offender tracking system used in Washington State. The Offender Watch system is divided into two components, law enforcement case management and informing the public. It just went online in October 2008. There are currently 33 counties using the system. It is entirely voluntary. The larger counties, King, Snohomish, Pierce, Clark, Yakima and Skagit are not using it. However, some of them are in the process of setting it up.

The Committee is diligently working to meet the legislature's Nov. 1st Report deadline. It has been listening to presentations, discussing issues during the committee meetings and work group teleconferences and gathering data and

research. During the next couple months, the Committee and its workgroups will be compiling research on various registration and notification issues.

The Committee decided to cancel the April 14th Registration and Notification committee meeting to give the workgroups more time to focus on research.

- **Sex Offenders in the Community Committee Report**

The Chair of this committee, Ms. Stone, reported that the Sex Offender in the Community committee met for the second time via teleconference. During this meeting, the members drafted a workplan. The committee also discussed the purpose of this committee and what distinguishes it from the other committees.

9. SOPB Website

Shoshana Kehoe provided the Board a presentation on the new design of the SOPB website. The plan is to launch it in the very near future. The Board members offered constructive feedback and helpful suggestions. There is a place on the webpage for victim's resources. If members have ideas for links or information to post on that page, they can forward it to Ms. Kehoe who will compile them for the Board's review.

10. Research Criteria

Ms. Kehoe presented the research criteria that the Registration and Notification Committee will apply to the research it reviews. Russ Lidman, the Seattle University Director of the College of Arts and Sciences Institute of Public Service designed this criteria. He was the founder and long-term director of WSIPP before working for Seattle University. The Board agreed to also consider this criteria when reviewing research.

11. New Business

- Mr. Hauge presented on the Special Investigation protocol. He provided a handout for the Board. This will just be used for reference at this time.
- The Board discussed amending the bylaws to allow member designees to vote if the member cannot be present for a Board meeting. There was some concern expressed that some designees may not have enough background with the Board when voting. This will be discussed further at the next meeting.
- Dr. Henry Richards will be leaving his current position with the DSHS Special Commitment Center to take employment elsewhere. Carey Sturgeon will be sitting in for him at this time.

11. Public Comment

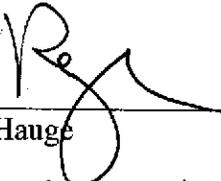
Patricia Layden, a member of the public, submitted an email late yesterday because she could not be present for today's Board meeting. She expressed

concerns about the current registration and notification process. This will be forwarded to the Registration and Notification Committee.

12. Adjournment

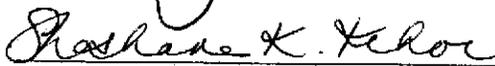
The meeting was adjourned by Mr. Hauge at 3:40 p.m.

APPROVED AND ADOPTED BY THE SEX OFFENDER POLICY BOARD



Russ Hauge

4-16-2009
Date



Shoshana K. Kehoe

4-16-2009
Date