

MINUTES
Sex Offender in the Community Committee Meeting
Office of the Attorney General
800- 5th Ave. 20th FL, Seattle, WA 98104
Thursday, May 21, 2009
1:30 p.m. to 4 p.m.

Members Present:

Mary Ellen Stone
Jeri Costa
Anmarie Aylward
Brad Meryhew
Brooke Burbank
Andrew Neiditz
Carey Sturgeon

Staff Present:

Shoshana Kehoe
Andi May
Stevie Peterson

Others Present

Patricia Layden, Freedom Project; Amy Pearson, Office of Crime Victim Advocacy;
Lindsay Palmer, King County Sexual Assault Resource Center; Sharon Harris, Washington
Association for the Treatment of Sexual Abusers; Shani Bauer, Senate and Human Services
Committee; Nathan Johnson, Senate Republican Caucus.

I. Call to Order

Chair Mary Ellen Stone called the meeting to order at 1:30 p.m.

II. Introductions

Members, staff and interested parties introduced themselves.

III. Approval of Minutes

MOTION #3: APPROVE APRIL 7, 2009 MINUTES

Moved: Anmarie Aylward

Seconded: Brad Meryhew and Jeri Costa

Passed: Unanimously

IV. Update on WSU Literature Review

Shoshana Kehoe updated the Committee on where Washington State University was at in their literature review. It should be completed by the end of June.

The Committee would like to know if WSU can present a preliminary report at the June Committee meeting. At this point, the plan is for WSU to present their findings during the July meeting.

V. Purpose of this Committee

This is the first time the Committee has met in person. This meeting provided the members an opportunity to flesh out the direction of this Committee.

Mary Ellen asked the Committee to review the minutes from previous meetings and figure out if the focus and objective remain the same.

In looking at the work plan designed in April, some members expressed concern that community education seemed to be the bigger focus. The Committee wants to make sure that examining sex offender housing options was not lost in the work plan; especially in light of the fact that the Governor asked this Committee to focus on housing options. The Committee identified come up with housing options by the end of this year as a goal.

The Committee also acknowledged that community education is a vital piece of creating successful housing options. Some members felt that communities must first be educated about sex offenders in their community before housing developments for sex offenders can succeed. There have been past instances where cities and towns have the funding to support sex offender work release housing. However, communities' fear and concern about having sex offenders live in their area, often leads to the failure of these housing projects.

The Committee then shifted the discussion to creating a purpose statement. The members came up with the following ideas:

- To improve public safety by successfully integrating sex offenders in the community.
- Use housing as a tool to ensure the public safety of the community.
- To improve public safety by starting with public safety, then education, then reentry.
- Reducing the risk of recidivism through stable housing for sex offenders.
- Adopt some methods communities already use to respond to problems or concerns about non-sex offenders moving into the community.

Andrew Neiditz and Brooke Burbank agreed to craft a purpose statement within the next couple weeks and circulate it to the Committee members.

VI. Discuss Work Plan

The Committee has been discussing ideas for a work plan during the last couple meetings. The Committee reviewed the work plan materials from past meetings.

Members agreed that they will use the December 2009 SOPB Legislative Report deadline as an approach to developing a timeline for when certain goals/tasks should be accomplished.

The proposed half-day conference in October 2009 could be a good forum this Committee to hear from municipalities and cities on sex offender housing and community education issues.

The Committee brainstormed objectives it would like to accomplish during the next several months:

- Identify the different methods counties use to develop housing options for sex offenders.
- Possibly look at a Boston's housing program which has reportedly been successful.
- When looking at sex offender housing models, need to ensure that the community education is a piece of this.
- Look at how the media is framing sex offender housing issues.
- Anna can assist in obtaining information on how many families are attempting to absorb sex offenders and whether they need support services.
- Invite the media to attend the Board/Committee meetings or conferences when we plan to hear from our stakeholders. This will

help educate the media about what is going in the sex offender management system.

Shani Bauer reported that Senator Carrol is putting together a task force focusing on offenders with mental health and other issues. This Committee will be able to tap into that resource.

The Committee identified three work plan focus areas: (1) Housing options; (2) Models of integrating community education with housing; and (3) the Media.

Strategy to accomplish these objectives: the Committee members agreed to use their network and ask their colleagues what sex offender housing options and community education are already out there. Members will ask for examples and what is working. The members will report on this information at the July Committee meeting.

VII. Discuss Future Presenters

The Committee agreed to identify future presenters after reviewing the WSU Preliminary Literature Review Report in June.

VIII. Meeting Schedule

The Committee agreed on the following meeting schedule for the next three months:

- June 18th from 1:30 p.m. to 4p.m. at the Seattle Attorney General's Office
- July 17th from 9:30a.m. to 11:30a.m. at the Seattle General's Office
- August 27th from 2p.m. to 4p.m. at Andrew Neiditz's Office in Lakewood.

The Committee discussed taking a field trip to Everett during a meeting time. The City of Everett has offered to show the members the housing areas where sex offenders reside in their community. This housing issue is what led to the Local Everett Task Force. In February, this Committee heard from a few members of the task force about their concerns.

The Committee agreed that the full Board should visit Everett. Shoshana will look into whether the Board can hold their July meeting in Everett.

IX. Presenter Anmarie Aylward – *How risk assessment and leveling impacts sex offenders ability to obtain housing*

Anmarie Aylward, Offender Programs Administrator with the Department of Corrections, presented on the above topic

Anna provided a synopsis on the initial leveling process when the offender is close to release into the community. The statute requires the End of Sentence Review Committee (ESRC) to determine a sex offender's level. The ESRC is made up of representatives from several different agencies, including ISRB, DOC, and JRA.

Review Process: The statute allows the ESRC to obtain a wide range of records on sex offenders close to release. ESRC meets three days per month. After reviewing the documents and discussing the particular case, the Committee will recommend the Level that the sex offender should receive upon release. The information that ESRC gets is much more descriptive than what law enforcement will put in their bulletin.

ESRC often has debates about the fact that the actuarial tool will place a sex offender at a higher risk level than what the committee regards the risk level of a particular offender. The ESRC will sometimes lower the level assigned to the sex offender if this is the case. Local Law Enforcement does not appear to have the same debates.

Change in Level: There are very few departures from an ESRC leveling decision by Law Enforcement at the beginning of the sex offender's post-release period. The departures more often occur after a sex offender has been out in the community for awhile. Concern has been expressed that law enforcement does not use actuarial risk tools when reexamining a sex offender's level.

How levels affect housing options for sex offenders: There is a significant difference between Level 1 and Level 3 notification. Because of the detail provided under Level 3 notification, housing vendors are reluctant to rent to Level 3 and often Level 2 sex offenders. DOC has discovered that communities will sometimes increase a sex offender's level to a Level 3 to make it near impossible for the offender to obtain housing. A Task Force met a few years ago to look at whether certain counties have leveling trends. There does not appear to be any evidentiary data to support that.

Anna is aware of a couple offenders in Spokane that have successfully mitigated their level. It has become evident that law enforcement really wants guidance on how to do an appropriate risk assessment.

DOC recognizes that there are various offender risk differentials within a Level 3. Unfortunately, this is not reflected when a person is designated as a Level 3. Because of this, landlords are not aware that some Level 3 sex offenders do not pose as high a risk as their Level 3 label implies.

There is a consensus, especially with the recent Division 2 Court of Appeals case, (State v. Ramos) that education and training on leveling needs to be a priority.

X. Public Comments

There were no public comments.

XI. Adjournment

The Chair adjourned the meeting at 3:40 p.m.

APPROVED AND ADOPTED BY THE SEX OFFENDER IN THE COMMUNITY COMMITTEE.

Mary Ellen Stone, Chair

Date

Shoshana K. Kehoe

Date