MINUTES
Registration and Notification Committee
Tuesday, June 9, 2009
10:00 a.m. to 1:00 p.m.
Washington Assoc. of Sheriffs and Police Chiefs
3060 Willamette Drive N.E.
Lacey, WA 98506

Members Present:
Kecia Rongen
Anmarie Aylward
Bev Emery
Sheriff Mark Brown
Anmarie Aylward
Maureen Saylor
Brad Meryhew

Staff Present:
Shoshana Kehoe
Andi May
Shannon Hinchcliffe
Stevie Peterson

Others Present:
Joanna Arlow, Policy Director, Washington Association of Sheriff and Police Chiefs; Dianne Ashlock, Department of Corrections; Lindsay Palmer, King County Sexual Assault Resource Center; Amy Pearson, Office of Crime Victim Advocacy; Carolyn Sanchez, Washington State Patrol; Dianne Ashlock, Department of Corrections; Peggy Smith, ISRB; Shani Bauer, Senate and Human Services Committee; John Lane, Governor's Office; Nathan Johnson, Senate Republican Caucus; Jamila Thomas-Roberts, House Democratic Caucus; Bob Conklin Private, Citizen

I. Call to Order

Chair Kecia Rongen called the meeting to order at 10:07 a.m.

II. Introductions

Committee members and invitees introduced themselves

III. Approval of Minutes

MOTION#14: Approval of May 12, 2009 Minutes
Moved: Maureen Saylor
Second: Sheriff Mark Brown
Passed: Unanimously

IV. Failure to Register/Registration/Risk Assessment Presentation

The "Failure to Register" workgroup presented research covering three areas. This included (1) an overview of Washington law; (2) a multi-state survey on how each state addresses homeless sex offenders in their registration and notification statutes; and (3) a multi-state survey on each state's "relief from registration" system.

A. Washington Sex Offender and Kidnapping Registration Law

Brad Meryhew, Chair of this workgroup, provided a history of Washington State's sex offender registration statute and then walked the committee through the current statute and how it works. Mr. Meryhew provided a handout titled "Ending the Duty to Register as a Sex Offender: The Law in Washington and the Issues to Consider" to supplement his presentation.

1. History of Washington Law:

- Started out relatively simple scheme, but over time has become much more complicated and difficult to understand.
- "Change" took away the ability to petition after some Class B and Class A offenses after 10 years.

2. Walking through the Statute:

- <u>Overview of Washington Law</u>: currently provides for a hybrid approach to ending the duty to register as a sex offender. The duty to register in Washington, and, and its length and terms for ending the duty, are based upon the offense of conviction, with an occasional inquiry into the underlying facts. There is no consideration of actuarial risk in determining whether and for how long someone must register.

  Some registrants are given a registration requirement that expires on its own after a period of time in the community without any new criminal offenses. Other registrants are given

an opportunity to petition the court to request that the duty to register be lifted.

The provisions for adult and juvenile offenses are somewhat different, though they do overlap. Last month, the Juvenile Workgroup presented an overview of the registration and notification law as it applies to juveniles in Washington State, along with a multi-state survey on ending the duty to register for juveniles. RCW 9A.44.140 provides the mechanisms to end the duty for both adults and juveniles.

- Adult Relief from Registration: The statute lists the mandatory requirements necessary for a registrable sex offender to be eligible to petition the court for relief. The statute divides the requirements into three categories:
  - Class A sex offenses (Subcategories: Class A sex offense or kidnapping offense committed with forcible compulsion, or a Class sex offense that is an aggravated offense or a sexually violent offense.)
  - Class B sex offenses
  - Class C sex offenses and Gross Misdemeanors

3. Committee Discussion:

Mr. Meryhew then posed several questions to the Committee that spurred quite a bit of discussion. These points included:

- Spokane County has a system in place where the offender approaches registration expiration date; the County will affirmatively check the offender's eligibility for relief and do so.
- There was a recommendation to look at whether certain intervening crimes and probation violations during the registration timeline should restart the registration clock. It may not be cost-effective.
- Based on Washington State Patrol statistics, less than 5% of people who are required to register have been relieved of registration.
- Some counties have better technology than others to track down sex offenders and figure out if they are eligible for relief.
- The advantage to giving the judicial branch discretion over requests for relief from registration is that judges have statutory immunity, where as the executive branch does not.
- Maybe helpful if the registration scheme contains a series of incentives so the offender will do all the requirements for registration relief.

- "Sex offender relief from registration" court calendar once a month for kids may be a good option.

B. Homelessness State Survey ~ *Shannon Hinchcliffe*

Shannon Hinchcliffe presented her state survey titled, Registration Requirements for Homeless Sex Offenders.

Ms. Hinchcliffe opened with reviewing the current status of Washington State law on homeless sex offenders. RCW 9A.44.130(4)(a) provides what a sex offender who lacks a fixed residence must do in terms of satisfying their registration requirements if they are or are not on supervision. This includes where they must register and how often. Washington explicitly includes in its statute that homelessness may very well increase a sex offender's risk level. However, it was noted during the committee discussion that there really is no hard research to support that homeless sex offenders are more likely to reoffend.

Ms. Hinchcliffe then went on to review what other states' registration requirements are of sex offenders. The summary of the survey found that: (1) 32 stated have no specific homeless/transient provision; (2) 15 states have specific provisions; (3) 2 states have pending legislation with provisions; (3) New Mexico has a specific provision for those staying in a shelter, but no additional duties; and (4) Wash. D.C. is unclear about its provisions.

The 17 states that have specific provisions for homeless sex offenders, break it down into weekly re-registration, monthly re-registration, 90-day registration and no new re- registration requirements.

Ms. Hinchcliffe then went onto further expand on three states homeless sex offender statutes as possible states to model. These included: Delaware, Massachusetts, and Minnesota. Ms. Hinchcliffe notes three identifiable trends in her survey. These included: (1) states that have homeless provisions require the offenders to re-register more often; (2) many states require a description of where the homeless offender will be staying or hanging out; and (3) some states have homeless shelter provision and/or temporary housing provisions.

C. Relief from Registration ~ Shannon Hinchcliffe

Ms. Hinchcliffe next went on to present her state survey titled Relief from Sex Offender Registration.

Ms. Hinchcliffe noted at the beginning of her presentation that Washington has the shortest Registration statute compared to any other

state; however, it also has one of the most complicated to read, especially the "relief" portion.

The state survey identifies each state with a brief description about the duration of that state's registration. Under each state, the survey breaks down the relief provision into three categories: (1) whether there is relief from registration, (2) what the eligibility and process for relief is, and (3) whether there is a separate process for relief from notification.

Duration of Registration: Some states set duration for specific offenses with additional early termination process. Other states require life with the possibility of termination early either at set intervals or for specific time period.

Process for Relief:

Most states require: (1) the offender to petition for relief in the court they were originally convicted; (2) either name the prosecuting attorney as the respondent of show proof of service to the attorney; and (3) require the offender to provide evidence and prove a particular statutory criteria.

Some states require: (1) comprehensive statutory requirements; (2) a time period for re-application after denial; and (3) victim notification of the hearing.

Ms. Hinchliffe then closed with listing some unique state requirements along with detailing relief processes from 5 states (Arkansas, Florida, Massachusetts, Oregon, and Ohio.) These state methodologies represent a range of petition methods and requirements.

D. What do the Feds Require for Byrne Grant Funds

Bev Emery explained that the early 2001 is no longer there; it is now the Adam Walsh Act (AWA) requirements. There is a 10% Byrne Grant Fund penalty if any state fails to implement AWA.

V. Juvenile Workgroup Presentation

A. Current Perspective of Juvenile Sex Offenders

Kecia Rongen presented a comprehensive overview of the how the perspective of juvenile sex offenders has evolved and where the research is now. She opened with what the actual prevalence is for juvenile sex offenses, then provided an historical view of how juvenile sex offenders were perceived and treated. She went on to provide what the current view is, where she highlighted key research findings. Ms. Rongen then closed with what the implications of the sex offender registration and notification laws are for juveniles.

Prevalence ~ Juvenile make up 17% of all arrests for forcible rape and 20% of all other sex offenses.

Historical Perspective ~ Juvenile sexual offenders are "compulsive, progressive and incurable."; adult sexual offenders begin their sex offending as juveniles; and adult treatment models can be applied to juveniles.

Current Key Research Findings ~

How Juveniles Differ from Adults: They have less extreme forms of sexual aggression, fantasy and compulsivity. Their offense characteristics may not reflect sexual preference. Their identity is still being formed through experimentation and education. Families and caregivers are more responsive to treatment.

Risk Assessment: There are no empirically validated actuarial risk assessments to predict sexual recidivism for juveniles. (ERASOR, JSOAP, JSORRAT). Juveniles change; they are "moving targets" due to their ongoing development. Re-assessments of risk for juveniles should be completed every 6 months to 1 year. Exclusive focus on risk can lead professionals away from other important aspects of the youth's functioning.

Recidivism Statistics: Sexual recidivism is low, 3-14%, non-sexual recidivism is higher. Meta-analysis: treated juveniles 12.53% sexual recidivism. WSIPP studies show that: 1998 Study ~ 10% (6 year follow-up, Misd. & Felonies) and 2008 Study ~ 9% (5 year follow-up, Misd. & Felonies)

There is a nine point list outlining the preferred Standards of Care for Juvenile Sexual Offenders from the IATSO.

Implications ~

Treatment is moving towards practices that are promising and informed by research. Residential Treatment now includes: Cognitive Behavioral Therapy, Dialectical Behavior Therapy and Aggression Replacement Therapy. Juvenile Parole includes Sex Offender Treatment Providers, Family Integrated Transitions/Multi-systemic Therapy and Functional Family Parole/Therapy

B. Unintended/Collateral Consequences

Amy Pierson and Lindsay Palmer presented a summary of the unintended and collateral consequences stemming from juvenile sex offender registration and notification laws that they gleaned from several different articles.

Some of what they discovered included:

- Registration durations should be reduced to reflect the developmental status of the youth. Reduced registration durations should acknowledge the substantive differences between youthful and adult offenders.
- School notification is a preferable method because it is who needs to know. If the notification is simply based on the juvenile's level, it opens the door to a mass of people in the community being notified. School notification is a more honed process. "Who" needs to know was the intent behind adult notification.

VI. Community Notification Presentation

A. Overview of Washington's Community Notification System and Where to Go From Here

Lindsay Palmer quickly highlighted her power point paper presentation. The research is divided into (1) key goals of the community notification workgroup; (2) identification of insights, gaps and recommendations; (3) the intent behind community notification in Washington State and other states; (4) the impacts from community notification; and (5) recommendations that for stronger and more effective notification with less collateral consequences. These recommendations came from the National Institute of Justice Report, Sex Offender Community Notification: Assessing the Impact in Wisconsin. (Dec. 2000). The report included surveys from notification meetings, law enforcement, probation/parole, and sex offender interviews.

It was noted that community notification does offer some helpful information, but does not offer how to go about keeping a community safe.

This workgroup is refining the above recommendations. They are looking at how to achieve uniformity and have the safety message come from victim groups, as opposed to law enforcement. A possible recommendation would be to have community notification meetings take place on a monthly basis in a family friendly place, like a library. The Committee appeared to favor this recommendation. These meetings would be in addition to law enforcement notification meetings

There was conversation about how to attract the public when you are not scaring them with coming to meetings to obtain information on the new sex offender in the area. Some committee members felt that parents and families frequently want opportunities for education.

This workgroup will have all their research compiled and organized for these recommendations.

VII. WASPC Sex Offender Registration and Community Notification Committee

Sheriff Mark Brown will be chairing a committee of WASPC members who will evaluate the Washington State's sex offender registration and community system and their role in it. Detectives from all over the state will attend these meeting. Part of the goal is to help the detectives understand the process and discuss problems with uniformity.

The first meeting will be July 14th at 1p.m. In August, WASPC will put together a panel of Detectives and give the SOPB an opportunity to ask questions, as well as allow WASPC to present what they believe works, gaps in the system, and what needs improvement. This will take place directly after the SOPB's Committee meeting.

VIII. Planning of August 20th Roundtable with Stakeholders

Deferred to July 14th Meeting

IX. Revisiting Workplan

The Committee briefly reviewed the work plan. The juvenile workgroup and community notification workgroup plan to present some preliminary recommendations at the July 14th Committee meeting. It appears that for the most part the Committee is on task and following the work plan. The Yakima Forum and the WASPC meeting will serve as a mechanism to meeting with stakeholders.

X. New Business

The Committee discussed setting up a conference call for SOPB Committee and Workgroup chairs to discuss a work plan for how each session will run at the Yakima Forum and what the scope of the participants input should be to maximize the SOPB's fact-finding mission as well as time to share the Board's purpose, where they are at in their work plan and what happens next. Ms. Kehoe will set this teleconference up and notify the members.

XI. Public Comments

There were no public comments.

XII. Adjournment

Chair Kecia Rongen adjourned the meeting at 1 p.m.

APPROVED AND ADOPTED BY THE REGISTRATION AND COMMUNITY NOTIFICATION COMMITTEE.

_____	_____
Kecia Rongen	Date
_____	_____
Shoshana Kehoe-Ehlers	Date