



STATE OF WASHINGTON

SEX OFFENDER POLICY BOARD

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MINUTES

Registration and Notification Committee

Tuesday, June 15, 2010

10 a.m. to 12 p.m.

Washington Assoc. of Sheriffs and Police Chiefs

3060 Willamette Drive N.E.

Lacey, WA 98506

Members Present

Carey Sturgeon
Amy Pearson
Bev Emery
Andrea Piper
Kecia Rongen
Ed Holmes
Dawn Larsen
Brad Meryhew
Carolyn Sanchez
Joanna Arlow
Sarah McCulloch
Lisa Johnson
Anmarie Aylward
Lori Ramsdell-Gilkey
Maureen Saylor

Staff Present

Shoshana Kehoe-Ehlers
Andi May

Others Present

Hillary Behrman, TeamChild; Candice Bock, Association of Washington Cities; Fred Wist, Pierce County Prosecutor's Office; Ali Pearson, Private Criminal Defense Attorney

I. Call to Order

Committee Chair Kecia Rongen called the meeting to order at 10:05 a.m.

There were several new attendees. Ms. Rongen asked everyone to please introduce themselves.

II. Revise and Adopt Agenda

MOTION # 25 MOVED TO APPROVE AGENDA IN PRESENT FORM

Moved: Bev Emery

Second: Ed Holmes

Passed: Unanimously

III. Approval of Minutes

MOTION # 26 MOVED TO APPROVE THE MAY 11, 2010 MINUTES WITH NOTED CORRECTIONS

Moved: Andrea Piper

Second: Bev Emery

Passed: Unanimously

IV. Workgroup Reports

The workgroups updated the Committee on their progress.

- **Legislative Technical Advisory Committee to the SOPB Legislative Committee**
This Committee's Legislative Workgroup will now function as a technical advisory committee to the Full Board's Legislative Committee. If the Board's committee has any questions about legal issues related to any relevant legislative matters, this workgroup will assist them.
- **Registration** ~ Mr. Meryhew requested some assistance in reviving this workgroup. Committee member, Amy Pearson, volunteered to co-chair this group. There are several issues this group has already begun researching. These include: residency, homelessness, and "sexting". This workgroup will set a date and location to meet before the next Committee meeting.
- **Juvenile** ~ Ms. Rongen reported that this workgroup last met on May 11th and will be meeting again this afternoon. During the May 11th meeting, the workgroup discussed several issues, including juvenile offender eligibility for termination from registration, leveling of juvenile offenders, validating a risk assessment tool for juvenile sex offenders, restricting access to juvenile sex offender criminal history, and developing a separate juvenile registration and notification statute.

- **Risk Assessment and Leveling** ~ This workgroup’s meeting was postponed. Chief Holmes explained that some of this workgroup’s tasks are contingent on WASPC’s reaction to the proposals by this Committee. The WASPC executive board met in May, where they discussed this Committee’s following proposals:
 - **Separate registries for juveniles and adults:** The WASPC executive board opposes a separate statute. They agree that there should be a separate risk assessment tool used for juveniles who commit sex offenses.
 - **Notification:** The WASPC Executive Board opposes limiting and focusing community notification. If law enforcement at any point uses a different risk assessment tool resulting in more limited community notification, the WASPC Board will likely approve that.
 - **Juvenile Relief from Registration:** The WASPC Executive Board does not want any change to the current relief from registration for juveniles convicted of sex offenses system.
 - **Leveling:** The WASPC Executive Board does not support this Committee’s following proposal: ESRC or a similar body initially levels everyone. When that offender moves into another county, law enforcement will continue to retain final decision-making ability as to what level the offender will be. Offender watch will track this information, allowing the Board to study departure notices.

Chief Holmes reported that if the SOPB can identify the funding necessary to accomplish this model, WASPC may change its position

After reporting the outcome of the Executive Board’s meeting, Chief Holmes explained that the May 2010 WASPC Executive Board meeting was probably not the appropriate forum to present the above proposals. The September WASPC meeting may be better.

The Committee members then discussed the above and made the following points:

- One preliminary solution would be to have the Board move the proposed leveling function to a different area where there is available funding. For now, the Board could recommend requiring that all jurisdictions use the same risk assessment tools so at least there is consistency across the state.

- These were several concerns raised about the “funding” of this proposal being cited as a basis to not recommend the policy proposal. The Board’s responsibility is not to recommend policy based on funding; but rather on best practice evidence based research.
- Looking at case law from the past year, Washington State Courts seemed to foreshadow that the current leveling system does not work as it relates to law enforcement’s current involvement.
- DOC has repeatedly heard from law enforcement across the state that because they incur the liability for leveling a registered sex offender in their county, they use a more conservative approach to scoring. Some law enforcement is also not adequately trained on the tool.
- There was a concern raised about what to do with registered sex offenders who have been in the community for over 10 years? Should they be reassessed?
- Dawn Larsen from WASPC will present this Committee’s proposals to law enforcement at the SONAR Meeting in Spokane next week.

The Committee members recognize that WASPC’s position on certain proposals will not be the same as the general consensus. The Committee will continue to report to the Board its findings regarding registration and notification issues.

This Committee may want to propose that the Board release periodic education materials to the public regarding sex offenders and sex offenses.

The Committee agreed that rather than submit actual policy proposals on leveling to the Legislature for consideration during the 2011 session, it should report on what other states practice; then initiate work sessions to look at the system comprehensively during 2011 and present hard proposals during the 2012 session.

This Committee would like the above proposal presented to the Full Board at its August 19th meeting.

- **Community Notification**

Ms. Palmer reported that this workgroup met by teleconference on June 10, 2010. The discussion touched on two primary issues, first, re-establishing the purpose of the workgroup, and second, working with the AG Youth Internet Safety task force and creation of the partner’s in safety summit.

V. Sex Offender Registration Fees

During the 2010 Session the House Public Safety and Emergency Preparedness Committee considered a bill requiring sex offenders who are required to register to pay a fee each time. Board members asked the Committee to give it an opportunity to study this issue and then provide a recommendation to the Committee prior to the 2011 session. The original bill did not pass Committee approval during the 2010 session.

The Registration and Notification Committee recommends that the Board not support the sex offender registration fee. At the request of this Committee, Ms. Kehoe-Ehlers will provide the Board a memorandum explaining this Committee's position in greater detail in time for the Full Board August 19th meeting.

VI. Improving Homeless/Transient Sex Offender Law

The Committee will continue developing a legislative proposal to address the problems posed with the registration of homeless and transient sex offenders during the next couple months. The Registration workgroup plans to meet before the next Committee meeting to address this and other issues.

WASPC also plans to discuss sex offender homelessness at its Spokane SONAR meeting on June 24th.

VII. Developing a Policy Proposal for "Sexting"

The Committee postponed addressing this agenda item until the next meeting.

VIII. Review 2010 Committee Workplan

The Committee reviewed the status of this year's workplan. There was also some brief discussion about what took place at the SMART Symposium in Portland. Members expressed some concerns about SMART's revised SORNA guidelines.

IX. New Business

There were no new business items.

X. Public Comments

There were no public comments.

XI. Adjournment

Committee Chair Rongen adjourned the meeting at 12:00 p.m.