



STATE OF WASHINGTON

SEX OFFENDER POLICY BOARD

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Benchmarks Committee Meeting Draft Minutes

Washington State Criminal Justice Training Commission, Rm. C-226

109010 – 1st Avenue South

Burien, WA 98148

9:30 a.m. to 12:00 p.m.

March 24, 2009

Members Present

Russ Hauge

Jeri Costa

Anmarie Aylward - Invitee

Brad Meryhew

Kecia Rongen

Staff Present

Jean Soliz-Conklin

Shoshana Kehoe

Andi May

Stevie Peterson

Others Present

Peggy Smith, from Indeterminate Sentence Review Board; Lindsay Palmer, from King County Sexual Assault Resource Center; Dave Pavelchek, from Washington State University; Kyra Kester, from Washington State University; Patricia Layden, Citizen

I. Call to Order

Chair Russell Hauge called the meeting to order at 9:36p.m.

II. Introductions

The Committee members, invitees and staff introduced themselves.

III. Revise and Adopt Agenda

The agenda was adopted in its original form.

IV. Approval of Minutes

Corrections were made to the February 25, 2009 minutes.

- Kyra Kester's last name was spelled incorrectly. It was spelled Kessler in the minutes.

- Anmarie Aylward and Sheriff Mark Brown are invitees not Committee members.

There was not a quorum present at this meeting. The committee agreed to set aside the bylaws to permit action to be taken on matters.

MOTION#: Motion to Set Aside the Bylaws to allow action to be taken on matters without a quorum.

Moved: Russell Hauge

Seconded: Brad Meryhew

The Minutes were adopted by a general vote. There were no objections.

V. Tasks One, Two and Three of SOPB Benchmarks Committee Workplan

A. Vision of Final Work Product

The Committee brainstormed what it envisions its final work product to look like to assist them in completing its work plan tasks. The following is a list those ideas:

- The Committee distinguished between developing a reentry system for the legislature and individuals around the state to use and the end of year legislative report documenting what work the Committee has done thus far. There was a consensus that the Committee hopes to create a system that can be referred to and used by stakeholders and other individuals around the state.
- Ms. Soliz-Conklin suggested using the Governor's g-map system as a model for placing its work product on the web so that it can easily referred to by anyone including the legislature. Let's say for example, the Committee chose the supervision system. This website would then include definitions it selected for this system and list the performance measures chosen by this Committee. This would also be a simple way for the legislature to periodically check in with this Committee's recommendations.
- The Committee agreed that it would like to identify the countywide and statewide policies, practices and protocols developed by stakeholders that are already in use. A few members suggested looking at the Pew Center's information on protocols.
- Ms. Soliz-Conklin recommended using the representative nature of the Board to assist the SOPB staff in gathering the data/best practices. This is a step above the survey system where WSU interviews individuals about protocols. The surveys identify how the effective the protocols are in practice.
- **Proposal:** At the next full Board meeting, ask the members what kinds of protocols do them or their agency use to approach different pieces of the sex offender response system. This puts to good use the representative nature of the Board.

B. Task One: Review definitions related to scope and process.

Recidivism

During the February 25, 2009 Benchmarks Committee meeting, the members discussed eliminating or separating Failure to Register offenses from the definition of recidivism. The Committee referred to a handout that provided existing definitions on recidivism. This then launched the committee into a more detailed discussion on recidivism.

- ISRB divides recidivism into two categories: sex offenders and non-sex offenders. ISRB and the legislature use the WSIPP definition on recidivism. There was discussion about including a timeline when measuring recidivism. Recidivism is measured three years out for non-sex offenders; it should maybe be eight years after release for sex offenders.
- There was a proposal to divide recidivism into three categories: new sex offenders, non-sex offenders and then a separate subcategory of “Failure to Register”.
- The WSIPP definition of recidivism includes “Failure to Register”, by placing it in a caveat.
- The following are proposals for the Committee’s definition on recidivism:

After much discussion, the Committee appeared to agree that the SOPB’s definition of recidivism needs to distinguish between post-criminal offense or conviction behavior and behavior that is not necessarily criminal, but would either be considered a probation violation or place the person on the ISRB’s radar.

There was a proposal to put a concrete recidivism definition out there. However, non-criminal behavior considerations to be used when measuring sex offender recidivism should accompany the definition. The performance measure needs to include compliance with supervision conditions, sanctions for non-compliance, and the expenditure of resources addressing a sex offender’s non-compliance.

In consideration of the above, there was proposal to develop an interim benchmark. The benchmark would be “Does your assessment tool give you an effective way of measuring supervision; as opposed to post criminal conviction behavior?”

The Committee also discussed developing a way to measure sex offenders sent back to prison by the ISRB on the underlying sentence. While the sex offender has not committed a new offense, being sent back to serve a substantial period of time for non-compliance seems significant. There

was a suggestion to address ISRB actions separately from the standard non-compliance behavior addressed by probation.

Ms. Aylward noted that the Committee may want to include how DOC responds to a probation violation in its benchmark measure on recidivism. Different DOC officers respond differently to sex offenders and their non-compliant behavior.

There was consensus that Barney's definition on recidivism is good, but that the SOPB needs to somehow refine and caveat the definition to include those sex offenders sent back to jail or prison on a non-criminal action. There was a suggestion that the definition include the term "adverse legal action." This takes into account the sex offender's behavior when it does not result in a criminal conviction, but acknowledges the resources used to bring the offender back into the system.

Mr. Meryhew suggested changing the definition of *sex offender response system*. He recommended that the final stage of the response system should not be the end of supervision, but rather the end of registration. This recognizes that the response system often reaches beyond the end supervision. The other committee members agreed.

Reentry:

The Committee discussed two different types of reentry. The first is measuring a successful transition from period of confinement to period of reintegration. This includes looking at what resources are invested in getting an offender prepared for release, i.e. presentence investigation, and release planning. The Committee would also like to measure how much time is spent while the sex offender is in custody getting him or her ready for release. It generally takes about 36 months. Anmarie Aylward will assist in obtaining information on what is put into the offender during those 36 months.

The other type of reentry is measuring the resources used by a community when a sex offender (often times no longer on supervision) moves into a new community. There is a whole new expenditure of resources by that community to prepare for that offender's transition into the community.

The Committee acknowledged defining benchmarks will be an ongoing process that will include adding to the definitions and revising them. At some point down the line, the Committee will put together a glossary.

C. Task Two

Detail initial map component parts and detail areas of practice selected for initial assessment and reporting.

Task Two was deferred to next the meeting.

D. Task Three

The Committee needs to list initial measures or observations critical about each component. This will involve developing a plan on how this Committee will reach their stakeholders and elicit their suggestions or observations about measures.

The Committee brainstormed a list of key informants during its meeting with WSU on March 10, 2009. The Committee revised and expanded this list.

Key Informants:

Change: Administrative Law Judges to hearing officers; also change victim representatives and services to include community based and agency based. Add: prosecutors and defense attorneys; sex offender family members and housing providers; employment services, community members with relevant information, cities and town representatives; tribal representatives, RSNs and community mental health organizations; veterans' groups; and non-profit organizations (to include faith based groups).

The above is a comprehensive list of key informants. The Committee does not need to survey all of them. In lieu of surveying them, the Committee plans to ask these informants what protocols are already in place.

E. Checking in with WSU's Research Team

WSU has been working with the Benchmarks Committee in putting together a pilot survey to be used on treatment providers who work with convicted sex offenders after their release from prison. They presented a draft survey to the Committee at this meeting. This survey will be used on treatment providers for adjudicated sex offenders just released from prison. WSU asked whether this survey needs to focus on a particular level of offender. To answer this question, WSU will find out what level of sex offender that treatment providers are willing treat.

The Committee made some preliminary suggestions on the survey to WSU. Ms. Kester and Mr. Pavelchek will send a revised survey incorporating these suggestions to Ms. Kehoe to then be distributed to the Committee for review.

VI. Next Meeting

The following are proposed agenda items for the next Benchmarks' Committee meeting:

- The Committee would like to limit the next meeting to no more than three terms and definitions. The members were encouraged to email the program director proposed terms and definitions to be included in the next agenda.
- The Committee will review and discuss a proposed map of the component parts.
- Revisit what draft performance measures means. Bring in the Pew Center performance measures for the next Benchmarks meeting.

VII. New Business

There was no new business introduced at the meeting.

VIII. Public Comments

Citizen Patricia Layden was present. She periodically provided input on the agenda items during the meeting.

IX. Adjournment

The Chair adjourned the meeting at 12 p.m.