I. CALL TO ORDER
Chairperson Kecia Rongen called the meeting to order at 9:13am

II. REVISE AND ADOPT AGENDA
Added open discussion about other items.

Ms. Emery asked the group if there was anything in the budget that passed that would impact the sex offender management system. Ms. Arlow mentioned that the Office of Public Defense is now in charge of the defense for the sexually violent predator cases.

The Board discussed HB 1983 which makes a second or subsequent conviction of promoting prostitution a registrable offense. Many believed the bill was about raising fines. Ms. Arlow commented that the registration part of the bill had not been mentioned in the bill report.

Chair Rongen asked Ms. Ramsdell-Gilkey if there were any budget issues for DOC around sex offender management. Ms. Ramsdell-Gilkey said this session was mostly about swift and sure sanctions. Mr. Meryhew inquired if any supervision terms had been reduced as he heard that misdemeanor supervision had been reduced to 12 months. Ms. Ramsdell-Gilkey said she believed that was correct. Mr. Meryhew noted that since DOC was not supervised offenses like Assault 4 with sexual motivation, it may force such offenses that had been resolving more easily to a higher level (like a felony) to get the supervision. It won’t
provide savings in supervision but will force prosecutors to change their filing practices and caseloads will be back-filled with other charges just to keep people on supervision. Ms. Saylor added that many of these types of cases are put on ‘bench supervision’ which makes it very difficult to work with clients.

MOTION #12-1 MOVED TO ADOPT AGENDA
MOVED: Brad Meryhew
SECONDED: Joanna Arlow
PASSED: Unanimously

III. BY-LAWS
Chair Rongen chose to discuss SORNA first, as one of the speakers of that topic needed to leave early.

Ms. Jetzer briefly went over the changes she made to the by-laws to reflect ESSB 5891 changes as of July 2011.

MOTION #12-2 MOVED TO ADOPT THE BY-LAWS WITH REVISIONS
MOVED: Bev Emery
SECONDED: Maureen Saylor
PASSED: Unanimously

IV. SORNA
Chair Rongen provided an update on the compliance with SORNA in Washington State. Dawn Larsen, from WASPC, provided information on the tribal liaison portion of SORNA. She discussed the change in the calculation of the funding which resulted in less funding than expected so they are not able to complete as much as they had originally expected. She briefly discussed the state sex offender coordinator/SORNA conference happening in September 2012 in Kennewick, WA.

V. STATUTE OF LIMITATIONS REVIEW REQUEST
Chair Rongen briefed the members about the statute of limitations request from Senators Hargrove and Stevens. She reviewed the specific questions in the request and said that the sub-committee found that, after inquiring with the Washington State Institute for Public Policy and Lucy Berliner at the University of Washington and completing other searches, there isn’t any research related to the questions. Washington State has a strong sex offender management system and it is important to integrate pertinent components in our discussion as the members look at sex offense statute of limitations.

Ms. Piper-Wentland mentioned that the research seems to point back to a multi-disciplinary approach and the benefits of using a MDT (multi-disciplinary team) model which we do have in Washington for child protocols.

- History and most recent changes to the laws – Keri
  Ms. Jetzer briefly discussed the work completed by the Sentencing Guidelines when they completed a review of statutes of limitations for sex offenses back in 2008 and legislation dating back to 1991 directed at changing the criminal and civil statute of limitations statutes.

- Review of Criminal Statute of Limitations – Amy
  Ms. Pearson presented her review of Washington State criminal statute of limitations and explained how very complicated the statutes relating to sex offenses are. She presented statutory breakdowns by age rather than by offense because there was a pattern of specific language referring to age. Ms. Piper-Wentland commented that
challenges in understanding the statutes likely impact prosecutions. Mr. Meryhew added that he has seen such mistakes occur all the way through trial and that the court of appeals fixes them later.

He then added that the data provided by Russ Hauge was very telling as it showed that, of the 559 referrals, only 3 were declined due to statute of limitation. Chair Rongen questioned if data from other counties show similar pictures. It was suggested that data from the 8 largest counties that have special assault units be gathered to compare.

- **Victim Impacts/Best Practices – Andrea**
  Ms. Piper-Wentland discussed the three documents she created; a summary of findings from an informal survey she gave to coalition colleagues in other states; information on sexual assault advocacy services and efficacy and Washington State sexual assault child protocols.

- **Review of States’ Civil Statutes – Keri**
  Ms. Jetzer reviewed the civil statutes of limitations for other states. Ms. Piper-Wentland commented on the lack of parity between the civil and the criminal statutes; the civil is even more restrictive and has less of a burden of proof.

The Board took a 10 minute break

- **Special Assault Units – Russ**
  - The prosecutors’ offices in the 8 largest counties all have dedicated unit; the smaller counties are not large enough to support a discrete division but foster specialization.
  - In 2011, Kitsap County declined 559 felony sexual assault referrals. Three of those declines were because the statute of limitations had run out.

  Ms. Piper-Wentland suggested pulling service and program contact data for the same counties in which the special assault unit decline data will be requested for a comparison.

- **Discussion of recommendations**
  Chair Rongen proposed discussing civil and criminal statute of limitations separately in order to keep things clear. She queried the members about their thoughts on changing the criminal statute.

  She mentioned that Representative Ahern is very interested in what the Board has to say about this issue. Members agreed that it is important to provide data, evidence and rationale that have been thoroughly considered and discussed reviewing more data and doing more home work before making recommendations.

  Ms. Arlow recommended checking with states without statutes of limitation for sex offenses on whether they have a better sexual assault system or do other things in their system aid victims other than the lack of statute of limitations.

  Chair Rongen distributed a component of the Center for Sex Offender Management Comprehensive Assessment Protocol. This component focused on protocols and best practices related to investigation, prosecution and disposition. The report also states that investigation, prosecution and disposition components are the most under-represented in the professional literature.
Ms. Arlow suggested getting feedback from participants in the sex offender committee meeting at WASPC’s May conference. Ms. Emery added that it would be helpful to also gather suggestions from the participant’s perspective on what would really make a difference.

The members then discussed civil statutes of limitations. Mr. Meryhew suggested the Board contact WSTLA (Washington State Trial Lawyers Association). The information sought from them would include input on whether statute of limitations for child sex offenses is inhibiting their ability to bring actions, what should the statute of limitations be and some data. Ms. Piper-Wentland reminded the members about the issue of joint several and liability. She suggested checking to see what states without a civil statute of limitations has done to deal with that issue.

Ms. Piper-Wentland also offered to survey her coalition colleagues regarding civil statute of limitations like she did for criminal statute of limitations.

Assignments Issued:
1. Data on # of declines and reasons for declines in the 8 largest counties.
   a. Brad is going to give contacts to Bev.
   b. Bev will formally request information.
2. Data on services received by victims in those same 8 counties. Andrea
3. Survey coalition on civil statute of limitations. Andrea
4. Discussion with sex offender registration detectives around statute of limitations for input. Do they refer all cases to PA or do they screen out cases that may be beyond the statute of limitations? Any improvements they can offer. (May 21st)
   a. Review check-list from CSOM document for police with CJTC training person. Jo Arlow
5. Contact for WA State Trial Lawyers Association.
   a. Shani will provide Kecia the contact info.
   b. Kecia will talk to them about civil statute of limitations and any data they may have.
6. Civil statute of limitations. Keri-Anne will contact a handful of states that don’t have civil limitations or ones close to age 28 and ask about limiting liability and “joint and several liability.”
7. Small group will come together to discuss CSOM document and compare it to WA State’s system. Bev, Kecia, Keri-Anne, Amy, Maureen, Andrea

Members scheduled the next full board meeting for June 14, 2012.

VI. ADJOURNMENT
Chair Rongen adjourned the meeting at 11:55am.

APPROVED AND ADOPTED BY THE SEX OFFENDER POLICY BOARD

/ s /
Chair Kecia Rongen Date