



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

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## SEX OFFENDER POLICY BOARD Bylaws & Policies

### BYLAWS

#### **Article I: Name**

The board shall be known as the Washington State Sex Offender Policy Board.

#### **Article II: Legal Authority**

The Sex Offender Policy Board is formed pursuant to ESSB 6596, passed by the Washington State Legislature and effective July 1, 2008.

Per ESSB 5891, the Sex Offender Policy Board was established and maintained by the Sentencing Guidelines Commission effective July 1, 2011.

~~Within available funding, the board may contract with outside entities which have specific expertise necessary to assist the board in performing its duties. Contracts shall be administered by the Sentencing Guidelines Commission.~~

#### **Article III: Duties**

The Sex Offender Policy Board duties are as follows:

- (1) Undertake projects to assist policymakers in making informed judgments about issues relating to sex offender policy.

Stay apprised of:

- a. ~~Research and best practices related to the risk assessment, treatment and supervision of sex offenders;~~
- b. ~~Community education regarding sex offenses and sex offenders;~~
- c. ~~Prevention of sex offenses; and~~
- d. ~~Sex offender management.~~

- (2) Conduct case reviews on sex offenses as needed to understand performance of the sex offender prevention and response systems; or which are requested by the governor; or the legislative committee of jurisdiction legislature or local criminal

- ~~justice agencies.~~ Reviews shall be conducted in a manner which protects the right to a fair trial.
- ~~(3) Develop and report on benchmarks that measure performance across the state's sex offender response system.~~
  - ~~(4) Assess and communicate best practices or upcoming trends in other jurisdictions to determine their applicability and viability in Washington State.~~
  - ~~(5) Provide a forum for discussion of issues that requires interagency communication, coordination and collaboration, including:
    - ~~a.—Community education and distribution of information about all parts of the sex offender management system to interested parties;~~
    - ~~b.—Existing community-based prevention programs; and~~
    - ~~c.—Sex offender registration and monitoring in the community.~~~~
  - ~~(6) Develop and annually update a work plan detailing the methods for achieving its duties with reasonable performance measures to indicate whether its duties are being met.~~
  - ~~(7) Submit an annual report to the legislature, beginning December 1, 2008 with findings on:
    - ~~a.—Current research and best practices related to risk assessment, treatment and supervision of sex offenses and offenders;~~
    - ~~b.—Community education regarding sex offenses and offenders;~~
    - ~~c.—Prevention of sex offenses;~~
    - ~~d.—Sex offender management;~~
    - ~~e.—The performance of sex offender prevention and response systems; and~~
    - ~~f.—Any other activities performed by the board in the prior 12 months in furtherance of the act.~~~~

**Article IV: Officers of the Sex Offender Policy Board.**

- (1) The presiding officer of the Sex Offender Policy Board, denominated the "chairperson", shall be appointed by a majority of the voting members and serve a two-year term. An interim chairperson may be appointed by majority vote to act until an election is held.
- (2) The chair shall call and preside over all meetings of the board, appoint the presiding officers and members of subcommittees, except as specifically provided herein, and do all such other things as are appropriate for or delegated to such officer by the board.
- (3) The chair shall decide all points of order, unless two thirds of the voting members present vote to the contrary.
- (4) A vice-chair, shall be appointed by a majority of the voting members, shall preside in the absence of the chair as well as act for the chair and the board, under direction.
- (5) In the absence of both the chair and vice-chair, an acting vice-chair, appointed by a majority of voting members present, shall preside at that meeting of the board.

- (6) Any officer may be removed, with or without cause, by action of the board. Any officer may resign at any time, by giving written notice to the board. Any such resignation shall be effective on the date of receipt of such notice or at any later date specified therein, and the acceptance of such resignation shall not be necessary to make it effective.

## **Article V: Members of the Sex Offender Policy Board; and Membership Terms**

The Sex Offender Policy Board shall consist of thirteen (13) voting members and three nonvoting members as follows:

### **A. Voting Members**

1. a representative of the Washington Association of Sheriffs and Police Chiefs;
2. a representative of the Washington Association of Prosecuting Attorneys;
3. a representative of the Washington Association of Criminal Defense Lawyers;
4. a representative of the Washington Association for the Treatment of Sex Abusers;
5. a representative of the Washington State Superior Court Judge's Association;
6. a representative of the Association of Washington Cities;
7. a representative of the Washington State Association of Counties;
8. a representative of the Washington State Coalition of Sexual Assault Programs;
9. The Secretary of the Department of Corrections or the Secretary's designee;
10. The Assistant Secretary of DSHS for the Juvenile Rehabilitation Administration or the Assistant Secretary's designee;
11. The Director of the Special Commitment Center or the Director's designee;
12. The Chair of the Indeterminate Sentence Review Board, or the Chair's designee; and
13. a representative of the Office of Crime Victims Advocacy.

### **B. Nonvoting Members**

~~The nonvoting members of the Sex Offender Policy Board are:~~

- ~~1. two representatives of the Sentencing Guidelines Commission; and~~
- ~~2. one representative of the Washington State Office of the Attorney General.~~

### **B. Consultation**

~~As appropriate, the Board shall consult with the Criminal Justice Division in the Attorney General's Office and the Washington State Institute for Public Policy.~~

### **C. Membership Terms – there are no term limits**

~~All voting members except Ex Officio voting members shall serve three year terms, except that the initial terms shall be one, two and three years, staggered in accordance with a decision by the board. Ex Officio voting members are those who are appointed by a state agency and shall serve throughout their appointment to the state agency. (See numbers 9 through 13, above.)~~

### **D. Vacancies**

Any vacancy ~~before the expiration of a term~~ shall be filled by the appointing agency ~~for the unexpired portion of the term in which the vacancy occurs.~~

#### **Article VI: Meetings of the Sex Offender Policy Board.**

- (1) Meetings of the Sex Offender Policy Board shall be held in compliance with the Open Public Meetings Act (RCW 42.30).
- (2) The Sex Offender Policy Board shall meet at the call of its chair or upon request of any three members of the board.
- ~~(3) The Sex Offender Policy Board shall meet at last one time a year in locations that allow easier attendance by persons in rural regions and/or persons in the eastern part of the state.~~
- (4) Subcommittees and advisory committees shall meet upon the call of their respective presiding officers.
- (5) Policies and rules relating to the calling of, frequency, openness to the public, and opportunity for participant discussion during meetings; member's absences; quorums; rules of order; forms of action; and voting procedures pertain also to subcommittees.
- (6) Members of the Sex Offender Policy Board ~~shall~~ may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

#### **Article VII: Absences of Members from Meetings.**

Any member who misses three consecutive meetings will have the fact called to that member's attention by the chair of the sex offender policy board with the request that the member reconsider his or her ability to continue as a member. The chair shall also advise the appointing agency of situations regarding absenteeism which the chair deems appropriate to request that the appointing agency consider a replacement for that member.

#### **Article VIII: Quorum.**

A quorum for the transaction of business, shall constitute no fewer than a simple majority of the voting members appointed (7). The members present at a meeting at which a quorum is not present may elect to proceed with the business of the meeting subject to ratification of all action taken whenever a quorum is next present at a meeting.

#### **Article IX: Participation and Discussion during Sex Offender Policy Board Meetings, Rules of Order, and Forms of Action.**

(1) Only duly appointed members of the Sex Offender Policy Board or their designees and such other persons as are recognized by the chair shall be permitted to participate in the discussion of any matter before the board unless otherwise authorized by the chair or a majority of the members of the board, present and voting.

(2) The business of the Sex Offender Policy Board shall be conducted in accordance with *Robert's Rules of Order*, new edition, unless such rules are suspended or unless otherwise provided for by these rules.

(3) The Sex Offender Policy Board shall act by the adoption of a motion or a resolution.

#### **Article X: Voting Procedures.**

(1) Voting during meetings of the Sex Offender Policy Board shall be recorded.

(2) The chairperson shall have the same voting rights as any other member of the Sex Offender Policy Board, unless the chairperson is one of the nonvoting members, as designated in the statute.

(3) Only duly appointed members of the Sex Offender Policy Board or their designee with the member's written authority shall be permitted to vote on any issue before the board; no proxies (except those exercised through the member's designee) shall be permitted to vote.

(a) The member must submit the written authority for their designee to vote to the Chairperson prior to the commencement of the meeting. This written authority must be submitted prior to every meeting in which the designee votes.

(b) If no written authority is presented to the Chairperson prior to the meeting, the designee may not vote. If the designee votes without written authority, the vote will not be counted.

(c) The Chairperson will note the designee's authority to vote on the record at the meeting prior to the first vote being taken at the meeting.

(d) Allowing a designee to attend and/or vote at meetings does not excuse a member from Article VII Absences of Members from Meetings.

(4) Action by the Sex Offender Policy Board will be determined by a simple majority vote in accordance with quorum requirements.

(5) Any member on the Sex Offender Policy Board or designated alternate who has a direct or indirect personal interest in a contract or application, or case review before the sex offender policy board will withdraw himself/herself from voting on that matter and explain the withdrawal on the record. The sex offender policy board member may, however, participate in discussions and answer questions from other board members.

#### **Article XI: Staff.**

The Sex Offender Policy Board shall be staffed and maintained by the Sentencing Guidelines Commission, ~~although it will maintain an independent existence from the Commission. Board staff shall include a professional analyst, an administrative assistant~~

~~and other staff allocated by the legislature. Board staff shall be paid in accordance with the SGC Compensation Plan and subject to Commission policies and procedures. The Executive Director of the Sentencing Guidelines Commission shall hire and supervise the staff in consultation with the chair of the Sex Offender Policy Board.~~

#### **Article XII: Minutes.**

- (1) All meetings of the Sex Offender Policy Board will have staff available to make a written record concerning the actions of the board.
- (2) Upon termination of the Sex Offender Policy Board meeting, the minutes shall be recorded and submitted to the board members for review at the next scheduled meeting of the board. The minutes shall be reviewed by the board and any amendments or changes will be made. The board will then adopt the minutes as final.
- (3) The chair of the Sex Offender Policy Board, along with the lead SGC staff at the meeting, will sign the approved board meeting minutes. The minutes will then be placed in appropriate folders for a permanent record, subject to audit and public inspection.

#### **Article XIII: Change in bylaws.**

- (1) A section or subsection of the bylaws may be reviewed for change at the request of any voting member of the Sex Offender Policy Board.

A change in the bylaws must be approved by a simple majority vote of the Sex Offender Policy Board

*These bylaws were amended ~~April 16, 2009~~ [April 19, 2012](#).*

## **POLICIES**

### **Process to Review Requests for Approval or Other Action**

Requests for action or comment from the Board shall be placed on the agenda as soon as practicable at a Board meeting. ~~Requests from the Governor or the Legislature shall be given the highest priority.~~

#### **Requests to the Board:**

1. Refer to a subcommittee (see below);
2. Create a subcommittee to review the subject matter requested;
3. Deny review due to low priority or lack of relevance; or
4. Schedule for full board discussion

A Board finding of Low Priority may relate to the existence of more urgent work and a lack of resources to apply to the review. A finding of Lack of Relevance may indicate the issue is not sufficiently connected to the statutory duties of the Board for review.

**Board Referrals or Direct Requests to Subcommittees:**

If the Board decides to refer to a relevant Subcommittee, or a direct request is made, the Subcommittee may:

- Schedule the issue for review;
- Table the issue for later consideration; or
- Report back to the Board that review is not recommended within the foreseeable future.

**Report Back to Board**

After the Subcommittee has reviewed a request, it will report to the full Board with a recommendation.

| *The Board adopted this policy on ~~February 9, 2009~~ April 19, 2012.*