Members Present:  
Kecia Rongen  
Bev Emery  
Joanna Arlow  
Andrea Piper-Wentland  
Anmarie Aylward  
Maureen Saylor  
Reagan Dunn  

Members Absent:  
Hon. Laura Middaugh  
Russ Hauge  
Dan Yanisch  
Holly Coryell  
Brad Meryhew  
Lynne DeLano  

Staff:  
Keri-Anne Jetzer  

Others Present:  
Sarah Koster, House Public Safety & Emergency Preparedness; Shani Bauer, Senate Human Services & Corrections  

I. CALL TO ORDER  
Chairperson Kecia Rongen called the meeting to order. She asked everyone to introduce themselves. 

Because item V may impact the rest of the meeting, Chair Rongen chose to start with that item.  

II. APPROVAL OF MINUTES  

MOTION #12-3: MOTION TO APPROVE APRIL 19, 2012, MEETING MINUTES WITH AMENDMENT  
MOVED: Andrea Piper-Wentland  
SECONDED: Bev Emery  
PASSED: Unanimously (no quorum; pending ratification)  

MOTION #12-4: MOTION TO APPROVE MAY 8, 2012, MEETING MINUTES WITH AMENDMENT  
MOVED: Bev Emery  
SECONDED: Andrea Piper-Wentland  
PASSED: Unanimously (no quorum; pending ratification)
III. STATUTE OF LIMITATIONS REVIEW

Chair Rongen mentioned some of what was discussed at the last meeting regarding statute of limitations. She said that, while there is no data or research available in response to the specific questions asked by the Human Service & Corrections committee on statute of limitations, additional information was sought to try to provide a more thorough response to the request and share the good things Washington State is doing.

The final report would present ways Washington State is doing well in the management of the sex offenders. The Center for Sex Offender Management (CSOM) published “The Comprehensive Assessment Protocol” which provides teams with a method to assess the strengths of their policies and practices against the most contemporary research and emerging practice in the field. The Board agreed to use the checklist of investigative processes guided by specialized knowledge show how Washington has addressed many of the areas of need in investigative processes.

a. Trial Lawyers Association – Kecia Rongen

Chair Rongen reported that she spoke with Larry Shannon at the Washington Trial Lawyers Association. He mentioned that when such bills came up in the legislature, they took a neutral stand. He offered to pose her questions to his contacts. Unfortunately, she did not receive any response to that email.

b. Prosecutor data in 8 largest counties – Bev Emery/Amy Pearson

Ms. Emery reported that she worked with Tom McBride of the Washington Association of Prosecuting Attorneys to gather prosecution decline information. They found that this type of data is not tracked by most prosecuting attorneys. To get data, the offices would need to hand count the reports. Additionally, if a report is outside the statute of limitations, law enforcement may not forward it to the prosecuting attorney’s office so the data would likely be undercounted. Joanna Arlow confirmed that while there may be variations and exceptions, as a general rule this is the case.

c. Data on services received by victims in 8 largest counties – Bev Emery

Data was reported on the approximate number of victims served between January 1 and December 31, 2011, in the eight largest counties. While these data tell how many sought services, it does not reflect the number of victims who filed a police report or any statute of limitations information.

<table>
<thead>
<tr>
<th>County</th>
<th>Estimate</th>
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<tbody>
<tr>
<td>Clark County</td>
<td>1200</td>
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<tr>
<td>King County</td>
<td>3600</td>
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<tr>
<td>Kitsap County</td>
<td>475</td>
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<tr>
<td>Pierce County</td>
<td>1000</td>
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<tr>
<td>Snohomish County</td>
<td>1200</td>
</tr>
<tr>
<td>Spokane County</td>
<td>580</td>
</tr>
<tr>
<td>Thurston County</td>
<td>755</td>
</tr>
<tr>
<td>Yakima County</td>
<td>345</td>
</tr>
</tbody>
</table>

Maureen Saylor joined the meeting.
d. **Information on “joint and several liability” from states with no civil statute of limitations – Keri-Anne Jetzer**

Ms. Jetzer presented the limited information she was able to gather, which is that states vary greatly from one another. It was mentioned that there are legislative bills that come up nearly every year to change part of Washington’s joint and several liability language. Ms. Arlow thought part of the issue may be in Washington having abrogated its sovereignty. Ms. Piper-Wentland mentioned that if a case is able to go criminal it will probably go that direction because it offers more personal protection. Ms. Arlow added that many times the state may settle out of court because it would be less costly than going through litigation where there is a possibility of a much larger settlement.

e. **Survey from coalitions on civil statute of limitations – Andrea Piper-Wentland**

Ms. Piper-Wentland reported on her survey results on civil statute of limitations. She doesn’t feel that the results differed much from the responses she received when inquiring about the criminal statute of limitations.

Ms. Arlow then presented the law enforcement responses she gathered on the CSOM Investigative Processes Guided by Specialized Knowledge questionnaire.

f. **Matrix of current criminal statute and civil statute – Bev Emery/Amy Pearson**

Ms. Pearson presented a table that listed the criminal and civil statute of limitations in Washington State by crime. There was much discussion around the confusion of the “not reported to law enforcement within one year” language difference for some of the offenses. Ms. Arlow offered to review the session law to find out what the intent was behind adding that language. Ms. Emery suggested noting in the report that the Board does not understand the purpose of the “reporting to law enforcement within one year” language.

g. **Final recommendations to legislature – All**

First discussed was the criminal statute of limitations. Again, no supportive research for successful prosecution had been found by any Board member. Board members discussed the information found thus far.

Reagan Dunn joined the meeting. Anmarie Aylward was then added via speaker phone which created a quorum.

**MOTION #12-5: MOTION TO REVISE ‘REPORT TO LAW ENFORCEMENT’ STATUTE LANGUAGE IF NECESSARY, RE-FORMAT STATUTE FOR READABILITY BUT NOT TO EXPAND CRIMINAL STATUTE OF LIMITATIONS FOR SEX OFFENSES**

MOVED: Joanna Arlow
SECONDED: Maureen Saylor
PASSED: Unanimously
Then the Board discussed the civil statute of limitations. The lack of parity between the criminal and the civil time lengths were mentioned. It was mentioned that the statute of limitations for Indecent Liberties – limited mental capacity only goes up to the victim’s 28th birthday, meaning if someone became a victim after age 28, they may not have any criminal recourse.

**MOTION #12-6: MOTION TO EXPAND THE CIVIL STATUTE OF LIMITATIONS RELATED TO SEX OFFENSES TO 10 YEARS OR 28th BIRTHDAY, WHICHEVER IS LONGER**

**MOVED:** Joanna Arlow  
**SECONDED:** Andrea Piper-Wentland  
**PASSED:** Unanimously

The Board clarified after the vote that this expansion of the civil statute of limitations was prospective only.

**h. Draft outline of report to legislature – Bev Emery/Amy Pearson**

The Board discussed what to include in the report to the legislature. They agreed that they could not find any compelling evidence that extending the statute of limitations will improve prosecutions. The response could include information on things that do improve successful prosecution that Washington is already doing, such as best practices in Washington based on the CSOM Investigative Processes Guided by Specialized Knowledge questionnaire, matching CSOM recommendations to Washington statutes, and emphasizing continuing current practices, procedures and training.

Because the next Board meeting has not been scheduled, a draft of the report will be emailed to all members for approval before being forwarded to the senators.

**IV. NOMINATION OF CHAIR AND VICE-CHAIR FOR SOPB**

**MOTION #12-7: MOTION TO ELECT ANDREA PIPER-WENTLAND AS CHAIR OF THE SEX OFFENDER POLICY BOARD**

**MOVED:** Kecia Rongen  
**SECONDED:** Bev Emery  
**PASSED:** Unanimously

**MOTION #12-8: MOTION TO ELECT BEV EMMER AS VICE-CHAIR OF THE SEX OFFENDER POLICY BOARD**

**MOVED:** Andrea Piper-Wentland  
**SECONDED:** Joanna Arlow  
**PASSED:** Unanimously

**V. OPEN PUBLIC MEETINGS ACT – CHANGE IN STATUS FOR SOPB**

Keri-Anne Jetzer relayed to the Board that, due to the changes to the SOPB in ESSB 5891 effective July 1, 2011, the Board is considered advisory only and no longer needs to follow the Open Public Meetings Act guidelines. She confirmed with the one of the OFM attorneys who also confirmed it with two attorneys from the Attorney General’s Office.

Board members felt it was important to unofficially continue using the OPMA guidelines and to maintain transparency. Keri-Anne offered to make changes to the by-laws and bring them back to the Board for approval.

**New Business**
Chair Rongen asked Sarah Koster to speak about the Public Safety & Emergency Preparedness work session scheduled for June 27, 2012. Chair Rongen will be presenting on SORNA at the work session on behalf of the Board. Brad Meryhew is also presenting on registration but not to represent the Board.

Ms. Emery updated the members on the J Thompson Case Review Committee. The informational meeting will be held on Monday, June 18, 2012.

VI. ADJOURNMENT
Chair Rongen adjourned the meeting.

APPROVED AND ADOPTED BY THE SEX OFFENDER POLICY BOARD

/ s /

Chair Kecia Rongen
Date