Members Present: Anmarie Aylward  
Sheriff Mark Brown  
Brooke Burbank  
Jeri Costa  
Bev Emery  
Brad Meryhew  
Andrea Piper  
Kecia Rongen  
Maureen Saylor

Staff Present: Jean Soliz-Conklin  
Andi May  
Stevie Peterson

Others Present: Joanna Arlow, Policy Director, Washington Association of Sheriff and Police Chiefs (WASPC); Dianne Ashlock, Department of Corrections; Shani Bauer, Counsel, Senate Human Services and Corrections Committee; Lyndsey Palmer, King County Sexual Assault Resource Center; Carolyn Sanchez, Criminal History Records Supervisor, Washington State Patrol
I. MEETING CALLED TO ORDER
The meeting was called to order by Jean Soliz-Conklin. Jean reviewed the task of the committee which is outlined in Second Substitute House Bill 2714. In addition, members will be discussing the Sex Offender Registration and Notification Act (SORNA) of the Adam Walsh Child Protection and Safety Act (aka AWA) which was a federal law passed in 2006.

II. INTRODUCTIONS
The board members, staff and other interested parties introduced themselves.

III. SELECTION OF COMMITTEE CHAIR
MOTION # 1: To select Kecia Rongen as SOPB Sex Offender registration and Notification Committee Chair.
Moved: Anna Aylward
Seconded: Brad Meryhew
PASSED: Unanimously

IV. PURPOSE OF THE COMMITTEE
Jean Soliz-Conklin, Executive Director of the Sentencing Guidelines Commission, explained the legislative history of the new statutes creating the Sex Offender Policy Board (RCW 9.94A.8671-.8678) and SSB 2714, which increases Failure to Register to a Class B felony, however delays implementation until 2010. The Sex Offender Policy Board is required to review all adult and juvenile registration and community notification laws and make recommendations to the legislature by November 1, 2009.

The review and recommendations shall include, but are not limited to:

The appropriate class of felony and sentencing designations for a conviction of Failure to Register; the appropriate groups and classes of adult and juvenile offenders who should be required to register; the duration and termination process for sex and kidnapping offender registration and public notification; and simplification of statutory language to allow the Department of Corrections, law enforcement, and offenders to more easily identify registration and notification requirements.

In formulating its recommendations, the SOPB must review the experience in other jurisdictions and any available evidence-based research to ensure that its recommendations have the maximum impact on public safety. The report is due to the Governor and Legislature no later than November 1, 2009.

In addition to SSB 2714 requirements, the committee will begin discussions of SORNA in accordance with Adam Walsh Act.
V. BRAINSTORM OF ISSUES TO REVIEW

The committee had an initial brainstorm of issues that they would like reviewed and discussed as part of the committee’s work.

Registration
- Who is required to register? What are the registration requirements?
- Who should register? What data should be collected? Duration? Community notification?
- Check in requirements.

Community Notification
- Discussion of DOC risk assessment tool. Are we going to focus on risk based system? Risk based vs. Offense based?
- Failure to register is a sex offense in Washington State. Increasing their level because of non-compliance may not be productive to community safety; some may have had no sex offenses for years.
- Juveniles – there is currently no validated actuarial tool out there right now to assess risk to sexually re-offend. How should this influence our policy making?
- Who levels offenders if they come from out of state? Statute covers Level 2 or 3 if ranked by End of Sentence Review Committee (ESRC).
- Juveniles in the school system. Who gets notified? Subsequent notification requirements.
- If a sex offender is homeless, some sheriff’s bump them up to a level 3. This can be counter productive.
- Clarification / guidelines for leveling while still providing discretion to the local sheriff.
- Current law allows the court remove the offender from the registration requirement if you have been crime free for 15 years. Is this time frame appropriate? Should there be additional guidelines for lowering notifications levels if the offender is compliant?

There was a discussion about variations in law enforcement risk level notification from county to county. We are also reminded that the Sheriffs feel strongly about keeping local control over notification in their jurisdiction. There was a suggestion for creation of objective criteria for leveling by law enforcement to reduce variations from county to county. In addition, accountability and review for risk level changes may be useful for consistency.
General
- Washington State Institute for Public Policy has a number of research reports that we should review in regards to our work.
- Criminal trespass law linked to level. Is this something we should look at as part of our discussions?
- Juveniles and females vs. adult male offenders.
- Goals/intent for registration. Goals/intent for notification. Leveling for notification purposes. 1990 Community Protection Act goal was community safety, protection and shared information.
- WSIPP needs to tease out the impact of notification and registration on community safety.
- Budget proviso for Sheriffs and Police in regard to registration requirements.
- Community Protection Act also supported crime victims more than ever before; improvements in victim support and services has also helped to impact the system.
- Updated model policy is on the WASPC web site.
- Interagency and cross state information sharing. We need behavior not just crime of conviction for risk leveling.
- King Co has 36 different law enforcement agencies. Culture, perception of tool coming from state agency, turn over etc. in especially smaller jurisdictions means significant difference in training and experience.

VI. ADAM WALSH DISCUSSION
The Federal SMART Office has indicated that implementing AWA is the floor and not the ceiling. The penalty for not coming into compliance with Adam Walsh is ten percent of Byrne Grant funding or approximately $300 thousand for WA State. The highest historical amount for this funding has been $10 million which means highest amount of loss would be $1 million if funding were increased.

Jean suggested that we build in to our timeline enough of an analysis about a recommendation to the legislature in January about compliance with AWA. What recommendation do we want to have for the legislature? We may want to provide an information sheet about what we are looking at in regards to AWA. We will build a discussion plan for what we know, need to know and timeframe for the AWA work.

AWA suggests that states submit their compliance packages to the federal SMART Office by April of 2009, however the final deadline is July 2009. This timeline conflicts somewhat with the HB 2714 requirements that the legislature directed the SOPB to look at and make recommendations on. The report for HB 2714 is due November 1, 2009.
Options for AWA:

- Request an extension as we continue to address compliance issues.
- Choosing not to comply and lose Byrne Grant funding. WSIPP study has found that the community understands the WA community notification levels.
- Submit a compliance package with our current system indicating that we are in substantial compliance, which include the Offender Watch system.

AWA will weave throughout the discussion of the research, current system, purposes/goals of current system. More in depth AWA discussion will be in December.

VII. BYLAWS
Jean reviewed the SOPB bylaws for the committee, answering questions and indicating that since there is a forum of official Board Members on this committee, the meetings will be subject to state laws surrounding open meetings and we will need to publish our meeting date ahead of time.

VIII. NEXT MEETING
The committee has decided to meet monthly in person and has scheduled the next three meetings. The next meetings are scheduled for October 14 from 10-1 p.m., November 12th from 9-12 and December 9th from 10-1.

IX. ADJOURNMENT
The meeting was adjourned, by Kecia Rongen at 2:45 p.m.

APPROVED AND ADOPTED BY THE REGISTRATION AND COMMUNITY NOTIFICATION COMMITTEE.

_________________________________  _____________________________
Kecia Rongen                  Date

_________________________________  _____________________________
Jean Soliz-Conklin            Date