



STATE OF WASHINGTON

**Sex Offender Policy Board**

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**Minutes**

**Sex Offender Policy Board**

**Registration and Community Notification Committee**

**Washington Association of Sheriffs and Police Chiefs**

**3060 Willamette Drive N.E., Lacey, WA**

**December 9, 2008**

**Members Present:**

Anmarie Aylward  
Sheriff Mark Brown  
Bev Emery  
Andrea Piper  
Kecia Rongen

**Staff Present:**

Andi May  
Shannon Hinchcliffe  
Jean Soliz-Conklin  
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; Robert Conklin, Citizen; Amy Muth, Washington Association of Criminal Defense Lawyers/WDA; Lindsay Palmer, King County Sexual Assault Resource Center; Amy Pearson, Office of Crime Victims Advocacy (OCVA); Senator Debbie Regala, State Senate; Carolyn Sanchez, Criminal History Records Supervisor, Washington State Patrol; Charles Shelan, Community Youth Services; Dawn Vyvyan, Yakama Nation

## **I. MEETING CALLED TO ORDER**

The meeting was called to order by the Chair Kecia Rongen at 10:15 a.m.

## **II. INTRODUCTIONS**

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

## **III. MOTION # 3 APPROVAL THE OCTOBER MINUTES**

**MOVED:** Bev Emery

**SECONDED:** Andrea Piper

**PASSED:** Unanimously

## **IV. LEGISLATIVE REPORT**

Jean Soliz-Conklin reviewed the draft legislative report with the committee for feedback.

## **V. REVIEW AND PLANNING OF WORK PLAN**

The committee reviewed the Comprehensive Assessment Protocol (CAP) that is being used by the Benchmarks Committee as a review for the entire sex offender management system. The purpose of the CAP is to assist jurisdictions to examine and improve their existing approaches. Within the broad document is a section on registration and notification. It provides users with a summary of the latest research and questions for analysis. CAP indicates that for registration and community notification, jurisdictions must set clear policies and procedures; ensure registration information is current and accurate and that ongoing registration efforts are coordinated in a collaborative effort. In addition, it is suggested there should be special considerations for juvenile sex offenders. It is suggested that committee members familiarize themselves with this document as our work progresses.

Kecia led a discussion about planning of our work plan. The committee decided to break into smaller groups to accomplish the detailed work. There will be five sub committees, which are: **Groups and classes of adults who should be required to register (Brad-Chair), Juveniles (Kecia-Chair), Risk Assessment (Andrea-Chair), Community Notification (Lyndsey-Chair) and Failure to Register (Brad-Chair).**

The committee agreed that by January 13, each smaller group would meet via AccuConference to discuss their plan with getting the work done and goals for their group. Andi will email out the directions for AccuConference to the Chairs of the smaller groups.

## **VI. IN DEPTH DISCUSSION OF REGISTRATION AND COMMUNITY NOTIFICATION PROCESSES**

This item was referred to the smaller groups for further discussion.

## **VII. CASE LAW SURROUNDING REGISTRATION AND COMMUNITY NOTIFICATION LAWS**

Joanna Arlow presented on case law surrounding registration and community notification laws. Topics discussed include; Constitutionality: Regulative v. Punitive, Juvenile Sex Offenders, Risk Classification, Termination of Duty to Register, Out of State Convictions, Failure to Register and Law Enforcement Liability. In addition, the court challenges to the Sex Offender Registration and Notification Act of Adam Walsh was discussed.

For detailed information on the case laws presented, please see the **Sex Offender Registration and Community Notification-Significant Case Law** document created by Joanna Arlow.

## **VIII. Washington Association of Sheriffs and Police Chiefs (WASPC) Survey**

The Registration and Community Notification Subcommittee requested that the WASPC conduct an informal survey of its members to ascertain current knowledge of and practices regarding the implementation of WASPC's October, 2007 model policy, *Guidelines for Washington State Law Enforcement: Adult and Juvenile Sex Offender Registration and Community Notification*. Joanna Arlow presented the results of that survey, which are below:

In September, WASPC posed the following questions to members via email:

1. Are you aware of the WASPC Sex Offender Registration and Community Notification Model Policy?
2. Has your agency implemented the Model Policy? Any Exceptions?
3. Do you believe the Model Policy is effective? Do you have any suggestions for improvements?
4. Which jurisdiction is responsible for conducting registration, community notifications, address verifications etc? (i.e. Sheriff's office, local police dept.)

## Results of the Survey

It is important to note that this is an informal survey and only sixteen agencies responded—five counties and eleven cities. Both western and eastern cities and counties responded, though only one large county and two larger cities responded to the survey. No major metropolitan areas responded, with one exception, though it is not a city with a particularly substantial number of sex offenders. The results should be reviewed in this context. The responses do provide anecdotal evidence that there are issues the Subcommittee and Board may wish to address in order to clarify or improve the model policy or the general registration and community notification laws.

## General Findings

- Nearly all responders were aware of the WASPC model policy. One responder mentioned a Washington State Patrol 2006 manual.
- With a few exceptions, the responding agencies stated that they follow the model policy closely. Some cities responded that they did not implement parts of the model policy, such as not conducting community meetings. It appears this may be due to a city being responsible for only a few duties regarding registered sex offenders, such as prosecuting failure to register cases within their jurisdiction or conducting address verification. Some agencies responded that they conduct face-to-face address verification on every sex offender regardless of what the model policy or law directs. One city noted it verifies addresses of Level IIIs once a month. Some agencies questioned whether they were correctly following the model policy's requirement to publish lists of all Level IIIs twice a year.
- It is apparent even from this small sampling that there is inconsistency and confusion regarding the delegation and understanding of agencies' responsibilities, i.e. whether the city or county is the office responsible for conducting notification, leveling, verification or investigation/prosecution of failure to register cases. Often the Sheriff's office does the actual registration with the city responsible for doing leveling, notification, and address verification for offenders in its jurisdiction.
- Some agencies noted that due to the recent WASPC sex offender grants, the cities are able to return the responsibility for address verifications and notifications to the county. However, one county appears to have used the grants to enter into contracts with its major cities to shift address verification responsibilities from the Sheriff's office to the cities.
- One county noted that it collaborates with its major city through a joint sex offender unit to conduct community notification.
- Agencies noted they have reduced community notification meetings given very poor and declining attendance by the public.

### Issue of Concern expressed by Agencies

- There appears to be a lack of coordination and communication between the county sheriffs' offices and their cities regarding duties for community notification, registration and address verification. This may result in gaps in the system or may lead to the duplication of efforts. Some cities are apparently doing their own leveling, notifications, community meetings and address verifications. One in particular articulated the frustration the city has regarding its role and believes it is duplicating work of the county or being tasked with what it sees as county responsibilities.
- One frustration noted by cities was that community notification occurs after receipt by the city of notification from the sheriff of a new registration. Concern was expressed that these notifications are not going out before an offender moves into the community, but only after the offender has checked in with the Sheriff to verify his or her address after release (not before as provided in RCW 9A.44.130). It was noted by several agencies that this is due in part to the fact that offenders often do not release to the address provided to DOC as the release address.
- Suggestions for improvement included (1) clarifying that some kidnapping offenders are included, as required by law, in the registration system and (2) the model policy should be reviewed yearly and updated as new laws are enacted or other changes are made.
- Some city agencies specified that their police are doing in-the-field address verifications but noted that the county sheriff requires, as per statute, that the offenders to come in to the sheriff's office for check-ins. This was seen as a potential duplication of efforts. However, this highlights potential redundancy of the face-to-face address verifications of the WASPC grants from the 2008 budget proviso and the statutorily required offender check-ins (i.e. Level IIs and IIIs every 90 days).
- One city noted that there are disagreements on the interpretation of 9A.44.140 regarding relieving a sex offender of the duty to register.
- Regarding school-age children, one city agency expressed frustration about communication between DSHS, the Sheriff's office and the city and some confusion about which agency is responsible for providing what information.
- Frustration was expressed by a city regarding difficulties in obtaining information from DSHS about local child care facilities for the notification mailings.
- One city suggested that city law enforcement should do the address verifications but all of the registration, leveling and notification should be done by the county and sheriff's office.
- There was a request for clarification as to which jurisdiction is responsible for prosecuting failure to register cases.
- There was a request for a stronger statement about the Static 99 and when it should be implemented, such as having WASPC state a firm date for

implementation and provide assistance in finding legal advisors to assist in defending challenges to the uses of the tool.

- A few agencies expressed frustration or noted that the model policy could not be followed if the necessary information could not be obtained from other agencies or other states.

**IX. AWA-BYRNE GRANT MONEY**

Amy Pearson presented on the Byrne Grant money that CTED receives. This federal money is exclusively used for narcotics task forces in 28 out of 39 counties. In 2005 this federal money was reduced by 40% and in 2006 by 20%. WA State currently receives \$3 million dollars per year.

The Byrne Grant money is currently tied to complying with Adam Walsh. If WA State does not implement or request an extension by July 2009, a 10% penalty of our Byrne Grant money will apply. This would amount to approximately \$300,000 per year.

**X. ADJOURNMENT**

The meeting was adjourned, by Kecia Rongen at 1:00 p.m.

**APPROVED AND ADOPTED BY THE REGISTRATION AND COMMUNITY NOTIFICATION COMMITTEE.**

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Kecia Rongen, Chair

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Date

\_\_\_\_\_  
Jean Soliz-Conklin

\_\_\_\_\_  
Date