

**MINUTES**  
**Registration and Notification Committee**  
**Tuesday, July 14, 2009**  
**9:00 a.m. to 1:00 p.m.**  
**Washington Assoc. of Sheriffs and Police Chiefs**  
**3060 Willamette Drive N.E.**  
**Lacey, WA 98506**

**Committee Members:**

Chair Kecia Rongen  
Dianne Ashlock  
Amy Pearson  
Bev Emery  
Anmarie Aylward  
Sheriff Mark Brown  
Joanna Arlow  
Lindsay Palmer  
Lisa Johnson  
Sara McCulloch

**Staff Present:**

Shoshana Kehoe-Ehlers  
Shannon Hinchcliffe  
Andi May

**Others Present:**

Elizabeth Drake, Washington State Institute for Public Policy (WSIPP); Roxanne Lieb (WSIPP), Robert Wilson, Dawn Larsen, WASPC

**I. Call to Order**

Chair, Kecia Rongen, called the meeting to order at 9:10 a.m.

**II. Introductions**

Introductions were made.

Chair Rongen outlined the meeting agenda.

### **III. Approval of Minutes**

MOTION # 15 TO APPROVE THE JUNE 9, 2009 COMMITTEE  
MINUTES

**Motion-Sheriff Mark Brown**

**Second- Bev Emery**

**Passed – Passed Unanimously**

### **IV. WSIPP Meta-Analysis Presentation**

Ms. Drake presented her findings on the systematic review she performed of the research literature regarding the effectiveness of offender registration and community notification laws. The Washington State Institute for Public Policy was asked by the Sex Offender Policy Board to evaluate the effectiveness of sex offender registration and community notification laws on reducing crime.

Ms. Drake introduced herself from the Washington State Institute of Public Policy. She gave a brief background of the Institute. The current project was a result of a contract for a meta-analysis which was approved by WSIPP's Board of Directors. She explained the meta-analytic process which includes things like standards of rigor, outcome of interest, a valid comparison group in the study.

Ms. Drake explained the concepts of specific and general deterrence.

This is kind of a first-step look at this type of data.

**Summary of Findings:** WSIPP conducted a systematic review of all research evidence throughout the United States and located nine rigorous evaluations. Seven of these studies address whether the laws influence “specific” deterrence—the effect of a law on the recidivism rates of convicted sex offenders. The other two studies analyze “general deterrence—the effect of a law on sex offense rates of the general public, as well as recidivism rates of convicted sex offenders. Regarding specific deterrence, the weight of the evidence indicates the laws have no statistically significant effect on recidivism. This finding, however, should be regarded with caution since we only found seven credible studies and these studies have widely varying results. Additionally, three of the studies have small sample sizes. Thus, at this time, we tentatively conclude that existing research does not offer much policy guidance on the specific deterrent effect of registration/notification laws. For general deterrence, the two studies provide some indication that registration laws lower sex offense rates in the public at large. Again, caution is warranted when generalizing this result since it is based on only two studies. Additional research is necessary before definitive conclusions can be drawn. (See pg. 1 of E.K. Drake & S. Aos (2009). *Does sex offender registration and notification reduce crime? A systematic review of the research literature*. Olympia: Washington State Institute for Public Policy, Document No. 09-06-1101.)

## V. FTR Workgroup

Sarah McCulloch, from the King County Prosecuting Attorney's Office presented recommendations on how to simplify Washington State's Registration and Notification Statutes (RCW 9A.44.130 & .140)

Goals of registration were to provide information to law enforcement, community notification, and punishment for noncompliant offenders. This should be our focus when looking at making changes to the statute. Ms. McCulloch discussed the legislative history in brief by touching on the original version of the Community Protection Act in 1990, changes in 1991 (adding a lot of detail) and has been amended almost every year since. This has resulted in a very complicated statute.

Ms. McCulloch cautioned the members to avoid some of the problems that resulted from the amendments, particularly from 1990 to 1991. Particularly, the additions of dates (deadlines) for people to register and the confusing matrix of dates for offenders. Court of Appeals, Division II, calls the statute "badly convoluted," we as a group, do not want to perpetuate the problem.

One suggestion from the workgroup is streamlining the registration requirements. Currently, the timelines vary between 24 hours, 48 hour, 72 hour, 3 business days, 10 days, 14 days. SORNA is within 3 business days which may be a helpful guide to look at other states may be going. The education provision may need a closer look by this group and get more input from school professionals about those deadlines.

Also, other things that the members may want to merge are some sections. Careful drafting is very important. With *Offender Watch* maybe we should look at whether there is still a need for registration in both old and new county of residence. We may want to consult with *Offender Watch* to discuss some of these issues.

Regarding dates in the Registration statute, most dates cannot be removed. Homeless offenders, those who lack a fixed residence must report weekly to the Sheriff's Office. We do not have a definition of residence or lack of fixed residence, etc. No dual registration.

Where it is not defined, the courts use a dictionary definition, which is not helpful in prosecution.

The problem with mail-in registration is that the burden needs to be put on the offender to alleviate the resources that are spent by WSP and Sheriff's Office. A one-time a year requirement for in person reporting would solve many problems at the same time it would allow increased notice of statutory changes, keep registration up to date, take an updated photo, and collect DNA if have not previously done so.

There are many offenders that have not given their DNA and it is hard to get a hold of many offenders to retrieve that information.

### **Initial Registration**

There needs to be some clarification of where sex offenders need to register if they are homeless. For example, when the offender gets out of jail the state needs to be clear about what the requirements are. General consensus tha reporting within 24 hours is impossible to comply with.

Need to clarify who needs to register when. A lot of places do registration in jails (such as Oregon) and other places.

Duration of Registration: how long do sex offenders have to register? Washington State currently has two different rules (prior to 2001, after July 22, 2001). Members had some discussion about whether the Adam Walsh Act supersedes the Jacob Wetterling Act.

### **Relief of Registration Presentation**

More offenders are falling into this class of lifetime registration without the ability to be relieved and/or petition. Before, we had more that fell into the 10 year time period that could be relieved administratively. Things to suggest to the court include: running criminal history, pending criminal cases, updated sexual deviancy evaluation, work and social history, probation reports, and records for supervision.

This could be seen as a clarification of the vague requirements of “statutory purposes” and be helpful for the courts, the offenders and all parties in trying to determine what relief requires.

### **Comparability**

A case was decided last year (*State v. Werneth*, 47 Wn.App. 208 (2008)) which established that the state must present proof that the Georgia court entered findings of fact which support the additional elements of the Washington offense. Law Enforcement and prosecutors are very concerned that this case will result in many registered sex offenders moving into Washington State no longer having to register Washington will not be able to present sufficient proof that the other state entered findings of fact which support the additional elements of the Washington offense that requires the offender to register in Washington State.

WASPC, Prosecutor’s Office and the Attorney General’s Office are all looking at this issue right now.

## **VI. Community Notification Presentation**

This Committee will present their first draft of recommendations for the November 1, 2009 Report to the Washington State Legislature.

Ms. Palmer, workgroup chair, presented some preliminary recommendations by the community notification workgroup.

The workgroup values include: the goals we hold to be most important to the legislative intent for community safety.

### **1. Community Notification of the most serious sex offenders.**

- a. Consistency of risk assessment protocol.
- b. Clear delineation between the purpose of sex offender registration (based on offense) and sex offender community notification (based on risk.)
- c. Community education includes an understanding of risk levels and that risk is defined as the “risk to the community at large.”

### **2. Uniformity of community notification throughout the State of Washington.**

- a. Utilization of the Washington State model policy on the registration and notification of sex offenders across the state for consistent practices by law enforcement.
- b. Law enforcement uses an interagency, multi-disciplinary team in their application of the notification laws in their jurisdictions.
- c. Definition of terms to describe “risk to the community at large” are accurate and consistent across the state.

### **3. “Offender Watch” is used as a community notification resource across the state of Washington.**

- a. Offender Watch is used by all law enforcement jurisdictions in Washington State.
- b. Community members are provided with monthly educational sessions to learn how to use Offender Watch as a notification tool.
- c. Interagency, multi-disciplinary teams connect with media to assist in the education of the community on available notification resources.

### **4. In addition to the criminal justice system the community has the capacity and bears a responsibility for contributing to their safety.**

- a. Integrating universal precautions education into local existing meetings and/or forums.

- b. Available downloadable and reproducible materials are easily accessible for facilitators of the meetings/forums.
- c. Community sexual assault programs in each county would facilitate partnership with local law enforcement for these meetings/forums in each jurisdiction.

The committee's next steps are: compile bibliography, hear from WASPC model policy group, research the fiscal impact of our recommendations, and obtain input from peers.

Committee members provided comments on applying the Prescott study to these values and goals. Members discussed separating education from community notification meetings as being a more effective tool for education. Members clarified different goals and how the committee envisions implementing them.

Victim advocacy groups would have the primary role but not necessarily by statute.

## **VII. Planning of August 20<sup>th</sup> Roundtable with Stakeholders**

This item was taken out of order. Ms. Kehoe reminded the group that they had set a tentative date of August 20<sup>th</sup> in their work plan. Ms. Rongen asked that Committee and Board extend the invitation very wide to at least include :JRA, DOC staff with probation and parole office, treatment providers, and JPCs in local counties.

## **VIII. Juvenile Workgroup Presentation**

Ms. Rongen, Juvenile Workgroup Chair, presented the workgroup's first draft of recommendations for the November 1, 2009 Report to the Washington State Legislature. The committee has learned about adolescent brain development, that juvenile sex offenders vary in specific ways, the large differences between adults and juveniles, that juveniles respond well to treatment, and that community notification and registration can have negative unintended consequences. The Committee opened their recommendations by starting out with the values they were trying to accomplish. The Committee then went on to divide their recommendations between Registration and Notification. The Committee members then provided feedback on the recommendations that the workgroup will consider when finalizing their recommendations.

### **Values**

Juveniles should be treated differently, one size fits all is not effective, registration and community notification law should be different for juveniles and adults, a rehabilitative approach should be taken with juveniles, assessment registration and community notification should be consistent across the state.

### **Registration**

- Based on risk rather than offense.
- Assessed upon adjudication for who would be required to register.

- Only those who were moderate to high risk would be required to register.
- Out of state juveniles would go to ESRC or another body

### **Notification**

- Multi-disciplinary body to determine the level of risk for purposes of community notification.
- Level 1s and 2s would not be placed on the website.
- Education to school districts/teachers
- No 90 day check in for level 2s
- There would be no changes for Level 3s.

### **Committee Feedback on Proposed Recommendations**

Everyone should register, but work on the relief from registration piece. Members had comments and were divided on the issues of registration vs. community notification. Also discussion of a non-standardized risk tool was had. Members countered with different proposals such as keeping registration and limiting notification, or giving the judge discretion to relieve the offender.

### **IX. WASPC Sex Offender Registration and Community Notification Committee Update**

*Sheriff Mark Brown*

Sheriff Brown introduced this new committee to tackle some of these outstanding issues, including leveling and its future after the *Ramos* decision. They have a committee charter; the voting members on the board will be the commissioned officers. The recommendations from the committee will go through the Executive Board. The SOPB Registration and Notification meeting have been invited by WASPC to meet from 1p.m. to 3p.m. on Tuesday, August 11, 2009 at the WASPC building immediately following the SOPB Committee meeting. The purpose of the meeting will be to discuss the concerns raised by the leveling system.

### **X. Discuss Developing a Fiscal Note (Impact Statement) for the November 2009 Legislative Report**

This item was deferred to the next meeting.

### **XI. Public Comments**

There were a number of members from WASPC, and a few private citizens. Public questions were asked throughout the meeting as well as during the last ten minutes. Everyone was provided materials given to the Committee members.

**XII. Adjournment**

Chair Kecia Rongen adjourned the meeting at 1:03p.m.

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

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Kecia Rongen

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Date

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Shoshana Kehoe-Ehlers

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Date