



STATE OF WASHINGTON

SEX OFFENDER POLICY BOARD

PO Box 40927 • Olympia, Washington 98504-0927

(360) 407-1050 • FAX (360) 407-1043

MINUTES

Registration and Notification Committee

Tuesday, September 8, 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 Present:

Lindsay Palmer
Russ Hauge
Bev Emery
Amy Pearson
Anna Aylward
Dianne Ashlock
Sheriff Mark Brown
Carolyn Sanchez
Brian Harlow (JRA) for Kecia Rongen
Maureen Saylor
Brad Meryhew
Joanna Arlow
Sara McCulloch
Lisa Johnson
Peggy Smith

Staff Present:

Shoshana Kehoe-Ehlers
Andi May

Others Present:

John Lane, Governor's Office Policy Advisor; Dawn Larsen, WASPC; Patricia Layden, Freedom Project/Host Family

I. Call to Order

Committee member, Lindsay Palmer, called the meeting to order at 9:10 a.m.

II. Introductions

III. Approval of Minutes

- July 14, 2009 Minutes

MOTION # 16: APPROVAL OF JULY 14, 2009 MINUTES

Moved: Anna Aylward

Seconded: Maureen Saylor

Passed: Unanimously

- August 11, 2009 Minutes ~Tabled to October Meeting

IV. Recommendation Process to the Legislature

SOPB Chairman Russell Hauge presented his proposed Board approval process for recommendations to the Legislature. The Committee then discussed this proposed process.

o Approval Process

- Board can feel confident that items of consensus should move onto the Legislature.
- What this Committee's work process has demonstrated is that it has identified a large amount of research and evidence based practices. For some matters, the Board will need further time to develop some of the work product before proposing legislation. It will be very difficult to overhaul the entire R/N system this session.
- If we have less than a clear picture as to what should be done, the Board should present this to the Legislature in its Report and ask that the Board be permitted to complete further research and refine recommendations during 2010.
- Chair Hauge commended the strong work completed by this Committee.
- Emerging consensus that the juvenile and adult SO system should be bifurcated. However, need to test that out a little more before present a firm proposal.

o Committee Discussion

- Fleshed out a lot of issues, but need to get more ducks in order and this may not be the year to present a complete package.

- May not be the time to not go forward on some items when money is not available.
- Committee can offer to the Leg., that if they have issues or need more information, the Board can do further research and continually vet the issues.
- It's possible that politics can make presenting a comprehensive package challenging.
- A question was posed asking "How does the Board fulfill its commitment as required by 2SHB 2714, when the Legislature was not asking us to be concerned about financial constraints?"
- There was a debate about what "consensus" means for purposes of the report.
 - The Board may want to prioritize what needs action now and what can wait.
 - Many members expressed that all recommendations/research relevant to 2SHB 2714 be provided in the report.
 - John Lane, from the Governor's Office, observed that this discussion seems to be more of a structural debate. He suggested drafting the recommendations that the Board agrees upon and then put forth the issues/matters that the Board is still working on.
 - Mr. Lane also provided a preliminary look at the upcoming Leg. session. Due to the budget deficit, when it comes to criminal justice issues, the Legislature will most likely focus on how to save money through overhauling community custody and reducing some sentences
- The Board will continue to discuss the Chair's proposed approach in workgroup and committee meetings.

V. FTR/Registration/Risk Assessment Workgroup Recommendations

This workgroup presented their recommendations for the November 1, 2009 Report to the Washington State Legislature. The Committee members discussed the recommendations and then decided what recommendations should be referred to the Board.

- **Standardize Sex Offender Registration Deadlines**

Proposal: 3 Business Days Across the Board (Those that must register within 10 business days can change it to 3 business days.)

Discussion: DOC wants by the next business day; this 1 day represents offender compliance. This lengthens the time an offender is out in the public without being monitored. Ms. McCulloch and others prefer 3 business days because it addresses the need to simplify the statute. These offenders will have an approved release plan and an address.

Recommendation: General principle ready to move to the Full Board. DOC's concern will be noted and further discussed.

- **Miscellaneous Simplifications to the Statute**

Dual Registration: Committee likes the idea; ready to move ahead to Board. Maybe some cost issues. Need to consult more with stakeholders. Not as solid as the three day rule recommendation

Affirmative Duty to Register in Wa.: For out-of-state offenders coming into Washington. Approve, ready to move ahead to Board.

Define Fixed Residence: Further investigation ~ Issue to look at 2010; not ready to move to full Board. Not ready to define “fixed residence”

- **Appropriate Class of Felony for FTR**

Proposal: 3rd Offense is when FTR becomes a Class B.

Discussion: Shannon’s 50-state survey showed that many states use a tiered approach. Also, it’s a more equitable and reasonable approach for this particular offense. FTR sentences will often be much longer than the underlying sex offense.

Recommendation: Adopt the tier table and pass along to the Board.

- **Appropriate Community Custody for FTR**

Recommendation: Same as Above

- **Comparability Fix**

Proposal: Full, Faith and Credit.

Discussion: Clarifies and simplifies the comparability issue. This brings certainty as to whether an offender should register in this state.

➤ Con: What happens with a 14 y.o. that has to register in another state, but not here?

➤ Concern: There are so many comparable elements of our sex crimes that are not comparable with other states which mean many offenders are deregistering. We are losing far more sex offenders as the law is written, than the trouble we will encounter if we require sex offenders who are not required to register in another state, but will have to register in Washington.

Recommendation: Go ahead with the proposal to the Board. There will be many details to work out as to how it will be applied. However, the general concept is acceptable. (State some anecdotal comment in the recommendation. Reason we need to go ahead is the flood gate public policy concerns.)

- **Repeal the 90 day reporting requirement for Level II and III offenders**

Discussion: Agreement; no dissenting views; address verification is a more helpful program and accomplishes the goals of 90 day check-in and then some.

Recommendation: Full agreement to pass along to the Board.

- **Requiring in person reporting once a year**

Discussion: Need to further investigate. Once the objectives are completed, what's the point? Also, prosecuting the failures to appear would be problematic. Don't mandate the once a year requirement. Require the RSO to come in if need to satisfy certain requests.

Recommendation: Needs more investigation.

- **Offender Address Verification**

Discussion: Agreement to pass on to the Board; (Doorbelling for Level 1 offenders and telling neighbors they are a Level 1 RSO is a constitutional issue. That issue is being worked on.)

**Joanna Arlow will provide the Address Verification Report from WASPC to Committee and Board members.

Break: The Committee broke for 15 minutes. The Committee then returned to the FTR/Risk Assessment/Registration Recommendation Proposals

- **Relief from Sex Offender Registration Policy Proposals**

- i. **Establish Criteria for Court to Apply to Petitions to Strike Registration.**

Mr. Meryhew reviewed the reasoning behind the criteria.

This is to only be used where there is a petition; not for those that have automatic expiration.

Discussion: Mr. Hauge feels there will be resistance to this recommendation (See below). Ms. McCulloch feels that this keeps the people who are higher risk on the role, but those that do not have problems off the registry. This also clarifies what the Court should consider. Mr. Meryhew doesn't see this as reducing the roles, but instead creates an evidence based relief from registration and also clarifies the expectations for the petitioner. This also brings uniformity to the process.

Recommendation: Move the proposal along to the full Board, but have language in there about how it is a more structured higher bar for the process. This is a stand alone recommendation and it is not a push to expunge the rolls.

ii. Focus on those offenses which increases risk to the community

Recommendation: Agreement to move onto Board. "A disqualifying offense is defined as a conviction for any offense that is a felony, a conviction for a sex offense as defined in RCW 9A.44.130, a conviction for an offense with a domestic violence designation."

iii. First FTR for Juvenile SOR not a disqualifier to petition

Recommendation: Full agreement. Move on to the Full Board.

iv. End Lifetime Registration

Discussion: Use the same above criteria. Need an incentive for compliance. This is just a petition process; not a right, nor an automatic termination date. Need to really monitor the dangerous individuals who are a significant risk to the community. There seems to be public support moving in that direction.

Recommendation: Full Agreement by the Committee. Forward to the Full Board. Recognition this will be a heavy burden to move forward, but need to start the discussion.

v. Improve Court Access

Refer to Mr. Meryhew's memo. Have counties streamline *pro se* packets to petition for relief.

Recommendation: Encourage counties to work on this and work with WASPC to train officers and Sheriffs

vi. Risk Level Classification Policy

Deferred to Sept. 17th Full Board Meeting.

VI. Review Juvenile Workgroup Recommendations

This workgroup reviewed their second revised set of recommendations for the November 1, 2009 Report to the Washington State Legislature.

1. Issue #1: Who Should Have to Register?

Recommendation: Agreement to eliminate 90-day check in, but not registration entirely

2. Issue #2: Who in the Community is notified of a juvenile registered sex offender?

Recommendation: When are they considered an adult, and if so how does that affect future notification?

3. Issue #3: What type of notification will be disseminated for juvenile registered sex offenders?

Recommendation: No website, no community/neighborhood for Level 1 and some Level 2 juveniles who commit sex offenses.

***Need to see how many Level 2 RSO there are currently to know how many would be taken off the rolls. This would determine how strong this recommendation is for Level 2 RSO.

4. Issue #4: Who is notified within the school district of a juvenile sex offender?

Need to bring OSPI to the table. In 2006, the principals were very unhappy that they were required to be notified and notify others.

5. Issue #5: Automatic Termination

Level One ~ Automatic Expiration; five years after supervision with no disqualifying offenses.

There was quite a bit of discussion about these recommendations. The workgroup was clear in expressing that these are research and evidence-based recommendations. The workgroup will continue to work on these recommendations and present them to the Board at the next meeting.

VII. Review Community Notification Recommendations

There was not enough time to address these recommendations. They will be discussed at the full Board meeting on Sept. 17th.

VIII. New Business

There were no new business items.

IX. Public Comments

Patricia Layden, citizen, expressed her overall concern about the difficulties sex offenders face in the community and the hope that the Committee considers those when developing its recommendations.

X. Adjournment

Committee member, Lindsay Palmer, adjourned the meeting at 1:06 p.m.

APPROVED AND ADOPTED BY THE REGISTRATION AND COMMUNITY NOTIFICATION COMMITTEE.

Kecia Rongen

Date

Shoshana Kehoe-Ehlers

Date