



STATE OF WASHINGTON
SEX OFFENDER POLICY BOARD
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Minutes
Thursday, March 18, 2010
1:30 p.m. to 4 p.m.
Office of the Attorney General
800 5th Ave. 20th FL
Seattle, WA 98104

Members Present:

Russ Hauge
Andrea Piper
Bev Emery
Brad Meryhew
Anmarie Aylward
Kecia Rongen
Carey Sturgeon

Members Absent:

Andrew Neiditz
Brooke Burbank
Ed Holmes
Ida Ballasiotes
Hon. Laura G. Middaugh
Lynne DeLano
Mary Ellen Stone
Maureen Saylor

Staff Present:

Shoshana Kehoe-Ehlers
Andi May

Others Present:

Amy Pearson, Office of Crime Victim Advocacy; Lisa Johnson, King County Deputy Prosecutor;
Becky Miner, Washington State Patrol; Patricia and Tom Layden, Freedom Project.

1. Call to Order

Chairman Russell Hauge called the meeting to order at 1:30 p.m.

2. Revise and Adopt Agenda

The agenda was approved with no revisions.

3. Approval of Minutes

MOTION # 66 MOVED TO APPROVE THE FEBRUARY 18, 2010 FULL BOARD MINUTES

Moved: Brad Meryhew

Second: Andrea Piper

Passed: Unanimously

4. Program Director's Report

➤ **Budget:** Ms. Kehoe-Ehlers updated the Board on where the Sentencing Guidelines Commission and Sex Offender Policy Board stand in the proposed House and Senate budgets. There will most likely be some type of cuts to the SGC and SOPB funding. Once the budget passes and the Governor signs it, the SGC and SOPB will have a better idea as to where it stands in terms of resources for the upcoming fiscal year. The Board will then determine how it will absorb any cuts.

➤ **Future Meeting Schedule:**

- Full Board Meetings continue to be every third Thursday of the month from 1:30 p.m. to 4 p.m. However this is subject to change based on the final budget and future discussions about whether the location and time should change to accommodate members who have difficulty attending the meeting as it is currently scheduled.
- Mr. Hauge and SOPB staff will reach out and figure out what hurdles exist for some members who do not regularly attend. If some members are not able to attend at all, this will be addressed by the Chair. The Board encouraged members to use proxies if they are unable to attend a meeting, but not to use this as a regular substitute for attendance.
- Participation and meeting locations will be an agenda item for the Full Board meeting in April. Determining a decision-making process for policy recommendations to the Legislature and governor will also be a future agenda item.

5. SOPB Committee Reports

• **Registration and Notification**

➤ Committee Chair, Ms. Rongen, updated the Board about this Committee's 2010 workplan. The Committee created new workgroups

and changed the process for reporting research and policy recommendations to the Committee. The workgroups will now be updating the Committee at every meeting and requesting feedback and decision-making collaboration by the Committee as a whole. The Committee will then more frequently share the Committee's recommendations with the Board and request ongoing feedback.

- Workgroup Topics ~ The workgroups plan to review and research the following topics this year; this is not an exhaustive list:
 - Juvenile: "Sexting" laws and their enforcement; should some juveniles be able to seal their records with some sex offenses; refining 2009 recommendations and meeting with stakeholders.
 - Registration: mostly statute fixers, dual registration, *State v. Flowers* and homeless fix, relief from registration for out of state offenders having been exclusively in Thurston.
 - Legislative Fix/Legal Workgroup: This workgroup will be available to present the legal impact of policy proposals, as well as work with the Governor and the legislature in their requests to the Board.
 - Risk Assessment/Leveling Workgroup: This workgroup will continue its research from last year and connect with stakeholders who are directly affected by these policy proposals.

Mr. Hauge and others expressed serious concern with how "sexting" laws are being enforced, specifically as to juveniles. Maybe should be taken head on by the Full Board and not just the Committee. This should be a hefty legislative task.

Ms. Aylward would like to the Board to vet the "registration fee" issue and be ready to respond next session. The Board agrees with both proposals by Mr. Hauge and Ms. Aylward.

The Board also reviewed a proposed criteria developed by Board members and staff for work product that will be used for proposals in the end of year report. The Board approved the criteria. This was something that staff requested from the Board to assist in drafting the 2010 Legislative Report.

- **Benchmarks Committee**

Chair Bev Emery reported the following progress by the Benchmarks Committee:

- Still working on the on-line map; it is very robust.
- The Committee plans to design pop-outs for the boxes to provide more information and detail about that component.
- Working on trying to insert victims' services throughout the map.

- Drafting measures for the SSB 6414 objectives.
- Benchmarks will present its map to the Full Board at the Board's meeting on April 15th.

6. Adam Walsh and SORNA Plan

- Wash. came up with an extension request last year and will need to ask for another one. Kecia reviewed the extension request list.
- Ms. Rongen explained why R/N Committee wants to send the AWA matter to the Full Board. The Full Board agreed to work on this issue.
- Ms. Rongen referenced an article supporting that the risk based system is much more effective system.

7. Report on SMART La Push Conference

Several members of the Board attended this conference where numerous Washington State tribal reps met to discuss how to comply with SORNA.

- There are two different SMART endorsed groups that are training State and Tribes.
- The tribal attorney at this conference reviewed with the Tribes what they need to satisfy to comply with SORNA and how this impacts their sovereignty.
- There were 40 representative groups
- SOPB was the only non-tribal representative at this conference.
- Yakama was there; interestingly their "substantial compliance" was not highlighted. No information as to what they did to comply.
- SMART has developed an Offender Watch like software, but it will not be connected to the State's Offender Watch system.

This topic led to discussion by the Board members. The following points were made and questions asked:

- Where does the duty to register arise for tribal sex offenders?
- Who in Wash. State Gov't will be in charge of this?
- Anna suggested that there be a conversation with California as to who who participated with early AWA; SOPB; and ATSA.
- Tribal Police Chiefs are part of WASPC – need to contact them.
- Ms. Kehoe-Ehlers will set up a meeting with the Governor's Office to gain some clear direction as to how the Board should work with the tribes and proceed with SORNA compliance during the next year.

8. Session Wrap-up

Ms. Kehoe-Ehlers briefly reviewed the legislative bill packets. There were some brief conversations about a few bills.

9. New Business

There were no business items raised at the meeting.

10. Public Comment

Patricia Layden, from the Freedom Project, recognized the Board’s accomplishments. She wanted to make sure that the Board continued to understand the multiple obstacles sex offenders face in the community, including obtaining housing.

11. Adjournment

Chair Hauge adjourned the meeting at 3:13 p.m.

APPROVED AND ADOPTED BY THE SEX OFFENDER POLICY BOARD

Chair, Russ Hauge

Date

Shoshana Kehoe-Ehlers

Date