



**STATE OF WASHINGTON
SEX OFFENDER POLICY BOARD**
PO Box 40927 • Olympia, Washington 98504-0927
(360) 407-1050 • FAX (360) 407-1043

MINUTES
Thursday, January 21, 2010
1:30 p.m. to 4 p.m.
Office of the Attorney General
800- 5th Ave. 20th FL
Seattle, WA 98104

Members Present

Andrea Piper, Vice Chair
Maureen Saylor
Carey Sturgeon
Kecia Rongen
Bev Emery
Brad Meryhew
Chief Ed Holmes
Lynn DeLano
Andrew Neiditz
Hon. Laura Middaugh

Members Not Present

Ida Ballasiotes
Linda Ring Erickson
Russ Hauge, Chair
Brooke Burbank
Mary Ellen Stone

Staff Present

Shoshana Kehoe-Ehlers
Andi May

Others Present

Amy Pearson, Office of Crime Victims Advocacy; Lisa Johnson, King County Prosecutor's office;
Joanna Arlow, Washington Association of Sheriff and Police Chiefs; Patricia Layden, Freedom
Project/Host Family; John Layden, Freedom Project/Host Family.

1. Call to Order

Vice-Chair Andrea Piper called the meeting to order at 1:35 p.m.

2. Introductions

Board members introduced themselves at the beginning of the meeting.

3. Approval of Minutes

SOPB Staff requests that the Board approve the November 19, 2009 Minutes. In addition, the staff asks the Board to reapprove the October 5, 2009 and October 15, 2009 Minutes to incorporate technical corrections made after the Minutes were initially approved. The motions had to be re-numbered to be consistent with past Minutes' documents.

MOTION# 60: MOVED TO APPROVE THE NOVEMBER 19, 2009 FULL BOARD MINUTES.

Moved: Chief Ed Holmes
Seconded: Brad Meryhew
Passed: Unanimously

MOTION# 61: MOVED TO APPROVE THE OCTOBER 5, 2009 FULL BOARD MINUTES AS AMENDED.

Moved: Maureen Saylor
Seconded: Brad Meryhew
Passed: Unanimously

MOTION# 62: MOVED TO APPROVE THE OCTOBER 15, 2009 FULL BOARD MINUTES AS AMENDED.

Moved: Maureen Saylor
Seconded: Brad Meryhew
Passed: Unanimously

4. Program Director's Report

- Budget: Ms. Kehoe-Ehlers explained to the Board that the Governor's Office did not cut the SOPB from her budget. There may have to be less in-person meetings this year and fewer times when lunch is provided to save costs.

Ms. Saylor announced that the 2010 WATSA Conference will take place in Semiahmoo, WA, from March 5, 2010 thru March 7, 2010. Topics will include: How the function of the brain relates to SO behavior; how sex offenders access and use the internet; how these types of sex offenders should be treated. There will be part presentation and part-role play on one of the conference days. Mr. Meryhew will be a presenter on the topic of treatment providers testifying in court. Ms. Saylor asked if the SOPB could fund interested Board members to attend the WATSA Conference. Due to budget constraints at this point the SOPB cannot do so.

Ms. Saylor asked the Board if there was interest in assembling a case review/policy committee. Board members indicated that they are interested in this. Ms. Piper and Ms. Emery volunteered to be on this committee. Ms. Saylor volunteered to chair the committee. The Board agreed that Chair Russ Hauge should also be on this committee.

- 2010 Legislation: Ms. Kehoe-Ehlers summarized the bills related to the SOPB, specifically SB 6414. This session the Leg. Committee will be more available to be a resource to the Legislature, including meeting with House Representatives and Senators.

5. Legislative Committee and Proposed 2010 Session Bills

This Committee updated the Full Board on their work and the status of sex offense legislation as it impacts the Board. Ms. Emery opened this discussion by further explaining the bills related to the SOPB proposals.

- **HB 2945**: Allows a person convicted as a juvenile of a sex offense to still be eligible to petition for relief from registration with one FTR on his or her record. This was a unanimous recommendation by the Board.
- **HB 2534** : Sex Offender Address Verification/Eliminates 90 day reporting requirements
- **SB 6414**: Concerning Modification of Sex Offender Registration Requirements.

Ms. Arlow said WASPC is working with the Senate to ensure that when a registrant's registration time comes up for expiration, there is not an automatic expiration without some sort of check system. The Board will revisit this issue later in the meeting, when it discusses questions posed by Senate Counsel Shani Bauer regarding SB 6414.

Ms. Emery listed the unanimous proposals that were not picked up by the Legislature at this point in the 2010 session and what the status of these proposals is at this time.

- **Validating Juvenile Risk Assessment Tool**: Will probably be a placeholder for next session.
- **"Disqualifying Offenses"**: Senator Regala plans to add this proposal to her proposed bill. It was unclear from the 2009 Report to the Legislature whether this was a unanimous proposal by the Board. The Board agreed it is a unanimous proposal.

Some or all of the proposals that were not unanimous by the Board will be something the Board will continue to work on this year.

❖ **AMENDED DRAFT OF SB 6414 CONCERNING MODIFICATION OF REGISTRATION**

The Board reviewed the latest draft of the SB 6414. Ms. Bauer provided the Board a list of questions regarding the Board's proposals that are part of SB 6414. The Board discussed each of these questions and provided the following clarified responses. The following is a list of those questions and the responses:

#1 Comparability of out of state convictions: Mr. Meryhew provided an overview of the proposed changes to the statute regarding registration periods for out of state offenders.

- If you are moving to Washington and have already been released from registration by the other state, you are not required to register in Washington.
- If you have been convicted of a sex offense in another state and that state does not require you to register, you must still register in Washington for a minimum of 15 years if Washington classifies that offense as a registrable offense.

#2 Criteria for relief from registration. Should juvenile criteria be same or different? Should disqualifying offenses be added?

- In regards to criteria for juvenile relief from registration, the criteria should be the same as the proposed adult criteria relief for registration. However, the statute should state that only those factors applicable to a juvenile should be considered, i.e. holding a job would not be considered an applicable factor to a juvenile.
- In regards to disqualifying offenses, the Board unanimously supports adding this to the statute as outlined in the SOPB 2009 Leg. Report. (See pgs. 58-59 of the Report.)
- Finally, the Board would like to recommend two other technical changes regarding juvenile relief from registration. First, the Board would like to replace the term “criteria” with “factors”. Second, the Board would like to add “community corrections officers” and juvenile parole officers” to the list of professionals who can provide input to the Judge when considering a petition for relief.

#3 The Jacob Wetterling Act Provision: The Board is satisfied with Ms. Bauer’s explanation as to why this provision was added to the bill.

#4 Community Custody Provisions: The Board is satisfied with Ms. Bauer’s explanation as to why this provision was added to the bill.

#5 End of Registration:

- Under Sec. 3 (Duration of Registration), (5)(b), the Board requests that the word “warranted” be replaced with “If the Sheriff becomes aware,...”.
- The Board supports including a liability provision.

#6 Defined “business days”: The Board approves Ms. Bauer’s wording of “business days” in the latest version of the proposed bill.

#7 Sex offenders who move within/outside county: Ms. Bauer requested some clarity on this proposal. The problem identified in this proposal is resolved by picking up the language in WASPC’s *Ramos* fix bill where it discusses delivered by certified mail or register in person.

#8 Calculating cumulative FTR's: The Board does not want "Attempted Failure to Register" convictions counted towards whether a person is charged/convicted of a Class B or a Class Felony FTR. Each Board member present at the meeting agreed to this amendment by stating "aye".

#9 Split RCW 9A.44.130 into 3 statutes: The Board would like more time to study the statute and consider this proposal.

#10 Miscellaneous: Under Sec. 1(b)(iii), the Board requests the word "after" be replaced with "prior to".

- ❖ The SOPB Legislative Committee would like permission from the Board to weigh in on legislation that the Board may or may not favor. It is important that this Committee explain to the sponsors of the bill why the Board believes the proposed legislation is counter-productive or helpful.
 - For e.g., **HB 2883** ~ Concerning registration fees for sex offenders is set to be heard before the House PSEP Committee. The Board did not take an official position on this proposed bill. However, the Board generally does not support the policy behind it.

MOTION# 63: MOVED SO THAT THE SOPB LEGISLATIVE COMMITTEE SHALL HAVE AUTHORITY TO COMMENT ON PROPOSED LEGISLATION DURING THE 2010 SESSION THAT IS COUNTER-PRODUCTIVE TO THE SEX OFFENDER POLICY BOARD RESEARCH UNDERLYING THE OBJECTIVE OF SUCH PROPOSED LEGISLATION.

MOVED: Bev Emery

SECONDED: Maureen Saylor

PASSED: Unanimously

Ms. Arlow briefly updated and summarized the **HB 2534** concerning sex offender address verification.

6. SOPB Committee Reports

The Committee chairs updated the Board on their work plans.

- **Benchmarks Committee Report**

Ms. Emery reported that Benchmarks has been working on two projects:

(1) Map the entire SO Management System (Ms. Emery provided a draft map created by the Committee.) Most boxes on the map will have a pop-up providing more detailed information about the box; and

(2) Design Benchmarks There are two levels to a benchmark: one is *outcome* and the other is *output* that must accompany each recommendation by the Board. Ms. Emery provided a handout of the work in progress. The Board will be given an opportunity to provide feedback on both projects when the Committee is ready to present it to the Board at a future full Board meeting

- **Registration and Notification Committee Report**

Ms. Rongen reported that this Committee met by teleconference. The Committee members discussed SB 6414. The Committee also outlined what issues it plans to address this year.

Ms. Arlow proposed that we may want to contact the tribes to figure out how we will provide input and share each other's information on registered sex offenders in Washington State.

There was a brief discussion about compliance with the Washington State Adam Walsh Act. This issue will continue to be discussed during upcoming meetings.

- **Sex Offenders in the Community Committee Report**

There was no update this time.

The Committees were encouraged to report back to the Board as to their status, including whether they would like any assistance from the Board.

The Board agreed the Registration and Notification Committee will address the Sex Offender Risk Assessment Leveling issue. This will be addressed by the Committee as a whole and not delegated to a workgroup. Board and Committee members not on this committee were encouraged to join this Committee.

7. 2010 Full Board Meeting Schedule

Because the next full Board meeting will be during session, the Board agreed to hold the February 18, 2010 meeting in Olympia. Ms. Emery will assist in locating a meeting room.

8. New Business

None

9. Public Comment

Patricia Layden, Private Citizen, commented on sex offender homelessness. She also mentioned that it would be helpful to have sex offenders provide input in sex offender policy decision-making.

Mr. Meryhew explained to Ms. Layden that he represents the Washington Association for Criminal Defense Lawyers and thereby brings a perspective shared by some sex offenders.

10. Adjournment

Vice-Chair Andrea Piper adjourned the meeting at 3:55 p.m.

APPROVED AND ADOPTED BY THE SEX OFFENDER POLICY BOARD

Vice-Chair Andrea Piper

Date

Shoshana Kehoe-Ehlers

Date