

The Purpose and Duties of the Washington State Sex Offender Policy Board

Formed by Senate Bill 6596, the Sex Offender Policy Board (SOPB) was given the responsibility of staying apprised of the best practices, research, and risk management of sex offenders throughout the state. In addition, the Board was asked to conduct case reviews on an as-needed basis, develop and report on benchmarks that measure performance of the state's sex offender management system, assess and communicate best practices or upcoming trends in other jurisdictions, and provide a forum for discussion of issues (Appendix A).

Moreover, the SOPB was envisioned to be proactive, and informed regarding all aspects of sex offender management.

“There is a need for an ongoing group to keep up on continuing and cutting edge research, techniques, and management tools for sex offenders across the country and bring that information back to Washington. It is important that policymakers have an independent, non-political body to turn to for information on sex offenders. The board would not develop the research but would gather the research that exists and might, within available funding, contract with an outside group for some research. It is importation to have a group to look at the failures, similar to child fatality reviews, to see what should have been done in the case and what could be done differently in the future to prevent a reoccurrence. The board should be able to conduct an investigation at its own behest rather than waiting for a request from an outside entity.”

“The Governor's task force on the Zina Linnick matter was hurriedly pulled together this summer and if this board had existed, it could have taken up the issue rather than scrambling to put together a task force. Many states have sex offender policy boards and this state can capitalize on what those boards have already done and learned and build on it. The board would be a continuing advisory board to the Legislature on sex offender matters. This board would serve the best interests of the victims in these issues.” (Appendix B)

2008

On July 7th, 2008 the Sex Offender Policy Board adopted a set of interim bylaws as proposed by Jean Soliz-Conklin. The Board voted to approve the following duties:

- 1) Stay apprised of:
 - a. Research and best practices related to the risk assessment, treatment and supervision of sex offender;
 - b. Community education regarding sex offenses and sex offenders;
 - c. Prevention of sex offenses; and
 - d. Sex offender management.
- 2) Conduct case reviews on sex offenses as needed to understand performance of the sex offender prevention and response systems; or which are requested by the governor, legislature, or local criminal justice agencies. Reviews shall be conducted in a manner which protects the right to a fair trial.

- 3) Develop and report on benchmarks that measure performance across the state's sex offender response system.
- 4) Assess and communicate best practices or upcoming trends in other jurisdictions to determine their applicability and viability in Washington State.
- 5) Provide a forum for discussion of issues that requires interagency communication, coordination and collaboration including:
 - a. Community education and distribution of information about all parts of the sex offender management system to interested parties;
 - b. Existing community-based prevention programs; and
 - c. Sex offender registration and monitoring in the community.
- 6) Develop and annually update a work plan detailing the methods for achieving its duties with reasonable performance measures to indicate whether its duties are being met.
- 7) Submit an annual report to the legislature, beginning December 1, 2008 with findings on:
 - a. Current research and best practices related to risk assessment, treatment, and supervision of sex offenses and offenders;
 - b. Community education regarding sex offenses and offenders;
 - c. Prevention of sex offenses;
 - d. Sex offender management;
 - e. The performance of sex offender prevention and response systems; and
 - f. Any other activities performed by the board in the prior 12 months in furtherance of the act.

2012

In 2012, the SOPB Bylaws and Duties were amended to show only the following after the loss of SOPB funding and the move to OFM:

- Undertake projects to assist policymakers in making informed judgments about issues relating to sex offender policy.
- Conduct case reviews on sex offenses as needed to understand performance of the sex offender prevention and response systems; or which are requested by the governor or the legislative committee of jurisdiction. Reviews shall be conducted in a manner which protects the right to a fair trial.

2015

In October of 2015, Governor Jay Inslee put forth a request to the SOPB (Appendix C), through discussion with the Governor's Policy Office it was determined that items 5 and 6 of the request were purposely left broad, as this would allow the Board to continue the large scope of work it once had. These items allow the Board to evaluate various processes and systems within sex offender management, and determine where additional efforts can be made. Sex offender policy is expected to appear during the next session, and it is the hope of the Governor's Policy Office that the SOPB be prepared to take on a wide array of tasks, including providing recommendations on areas which need attention.

Many of Washington's policies have seen minor changes since their implementation, though current events and advances in research could lead to new information and evidence in favor of other policies. In this way, it is the hope of many that the SOPB will regain its position as the leading expert in sex offender research, practices, and policies.

DRAFT

APPENDICES

APPENDIX A



STATE OF WASHINGTON

SEX OFFENDER POLICY BOARD

*PO Box 40927 • Olympia, Washington 98504-0927
(360) 407-1050 • FAX (360) 407-1043*

ADOPTED JULY 7, 2008

Bylaws of the Washington State Sex Offender Policy Board

Article I: Name

The board shall be known as the Washington State Sex Offender Policy Board.

Article II: Legal Authority

The Sex Offender Policy Board is formed pursuant to ESSB 6596, passed by the Washington State Legislature and effective July 1, 2008.

Within available funding, the board may contract with outside entities which have specific expertise necessary to assist the board in performing its duties. Contracts shall be administered by the Sentencing Guidelines Commission.

Article III: Duties

The Sex Offender Policy Board duties are as follows:

- (1) Stay apprised of:
 - a. Research and best practices related to the risk assessment, treatment and supervision of sex offenders;
 - b. Community education regarding sex offenses and sex offenders;
 - c. Prevention of sex offenses; and
 - d. Sex offender management.
- (2) Conduct case reviews on sex offenses as needed to understand performance of the sex offender prevention and response systems; or which are requested by the governor, the legislature or local criminal justice agencies. Reviews shall be conducted in a manner which protects the right to a fair trial.
- (3) Develop and report on benchmarks that measure performance across the state's sex offender response system.
- (4) Assess and communicate best practices or upcoming trends in other jurisdictions to determine their applicability and viability in Washington State.

- (5) Provide a forum for discussion of issues that requires interagency communication, coordination and collaboration, including:
 - a. Community education and distribution of information about all parts of the sex offender management system to interested parties;
 - b. Existing community-based prevention programs; and
 - c. Sex offender registration and monitoring in the community.
- (6) Develop and annually update a work plan detailing the methods for achieving its duties with reasonable performance measures to indicate whether its duties are being met.
- (7) Submit an annual report to the legislature, beginning December 1, 2008 with findings on:
 - a. Current research and best practices related to risk assessment, treatment and supervision of sex offenses and offenders;
 - b. Community education regarding sex offenses and offenders;
 - c. Prevention of sex offenses;
 - d. Sex offender management;
 - e. The performance of sex offender prevention and response systems; and
 - f. Any other activities performed by the board in the prior 12 months in furtherance of the act.

Article IV: Officers of the Sex Offender Policy Board.

- (1) The presiding officer of the Sex Offender Policy Board, denominated the "chairperson", shall be appointed by a majority of the voting members and serve a two-year term.
- (2) The chair shall call and preside over all meetings of the board, appoint the presiding officers and members of subcommittees, except as specifically provided herein, and do all such other things as are appropriate for or delegated to such officer by the board.
- (3) The chair shall decide all points of order, unless two thirds of the voting members present vote to the contrary.
- (4) A vice-chair, shall be appointed by a majority of the voting members, shall preside in the absence of the chair as well as act for the chair and the board, under direction.
- (5) In the absence of both the chair and vice-chair, an acting vice-chair, appointed by a majority of voting members present, shall preside at that meeting of the board.
- (6) Any officer may be removed, with or without cause, by action of the board. Any officer may resign at any time, by giving written notice to the board. Any such resignation shall be effective on the date of receipt of such notice or at any later date specified therein, and the acceptance of such resignation shall not be necessary to make it effective.

Article V: Members of the Sex Offender Policy Board; and Membership Terms

The Sex Offender Policy Board shall consist of thirteen (13) voting members and three nonvoting members as follows:

A. Voting Members

1. a representative of the Washington Association of Sheriffs and Police Chiefs;

2. a representative of the Washington Association of Prosecuting Attorneys;
3. a representative of the Washington Association of Criminal Defense Lawyers;
4. a representative of the Washington Association for the Treatment of Sex Abusers;
5. a representative of the Washington State Superior Court Judge's Association;
6. a representative of the Association of Washington Cities;
7. a representative of the Washington State Association of Counties;
8. a representative of the Washington State Coalition of Sexual Assault Programs;
9. The Secretary of the Department of Corrections or the Secretary's designee;
10. The Assistant Secretary of DSHS for the Juvenile Rehabilitation Administration or the Assistant Secretary's designee;
11. The Director of the Special Commitment Center or the Director's designee;
12. The Chair of the Indeterminate Sentence Review Board, or the Chair's designee; and
13. a representative of the Office of Crime Victims Advocacy.

B. Nonvoting Members

The nonvoting members of the Sex Offender Policy Board are:

1. two representatives of the Sentencing Guidelines Commission; and
2. one representative of the Washington State Office of the Attorney General.

C. Membership Terms

All voting members except Ex-Officio voting members shall serve three-year terms, except that the initial terms shall be one, two and three years, staggered in accordance with a decision by the board. Ex-Officio voting members are those who are appointed by a state agency and shall serve throughout their appointment to the state agency. (See numbers 9 through 13, above.)

D. Vacancies

Any vacancy before the expiration of a term shall be filled by the appointing agency for the unexpired portion of the term in which the vacancy occurs.

Article VI: Meetings of the Sex Offender Policy Board.

- (1) Meetings of the Sex Offender Policy Board shall be held in compliance with the Open Public Meetings Act (RCW 42.30).
- (2) The Sex Offender Policy Board shall meet at the call of its chair or upon request of any three members of the board.
- (3) The Sex Offender Policy Board shall meet at least two times a year in locations that allow easier attendance by persons in rural regions and/or persons in the eastern part of the state.
- (4) Subcommittees and advisory committees shall meet upon the call of their respective presiding officers.
- (5) Policies and rules relating to the calling of, frequency, openness to the public, and opportunity for participant discussion during meetings; member's absences; quorums; rules of order; forms of action; and voting procedures pertain also to subcommittees.

- (6) Members of the Sex Offender Policy Board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

Article VII: Absences of Members from Meetings.

Any member who misses three consecutive meetings will have the fact called to that member's attention by the chair of the sex offender policy board with the request that the member reconsider his or her ability to continue as a member. The chair shall also advise the appointing agency of situations regarding absenteeism which the chair deems appropriate to request that the appointing agency consider a replacement for that member.

Article VIII: Quorum.

A quorum for the transaction of business, shall constitute no fewer than a simple majority of the voting members appointed (7). The members present at a meeting at which a quorum is not present may elect to proceed with the business of the meeting subject to ratification of all action taken whenever a quorum is next present at a meeting.

Article IX: Participation and Discussion during Sex Offender Policy Board Meetings, Rules of Order, and Forms of Action.

(1) Only duly appointed members of the Sex Offender Policy Board or their designees and such other persons as are recognized by the chair shall be permitted to participate in the discussion of any matter before the board unless otherwise authorized by the chair or a majority of the members of the board, present and voting.

(2) The business of the Sex Offender Policy Board shall be conducted in accordance with *Robert's Rules of Order*, new edition, unless such rules are suspended or unless otherwise provided for by these rules.

(3) The Sex Offender Policy Board shall act by the adoption of a motion or a resolution.

Article X: Voting Procedures.

(1) Voting during meetings of the Sex Offender Policy Board shall be recorded.

(2) The chairperson shall have the same voting rights as any other member of the Sex Offender Policy Board, unless the chairperson is one of the nonvoting members, as designated in the statute.

(3) Only duly appointed members of the Sex Offender Policy Board (not designees) shall be permitted to vote on any issue before the board; no proxies shall be permitted to vote.

(4) Action by the Sex Offender Policy Board will be determined by a simple majority vote in accordance with quorum requirements.

(5) Any member on the Sex Offender Policy Board who has a direct or indirect personal interest in a contract or application, or case review before the sex offender policy board will withdraw himself/herself from voting on that matter and explain the withdrawal on the record. The sex offender policy board member may, however, participate in discussions and answer questions from other board members.

Article XI: Staff.

The Sex Offender Policy Board shall be staffed and maintained by the Sentencing Guidelines Commission, although it will maintain an independent existence from the Commission. Board staff shall include a professional analyst, an administrative assistant and other staff allocated by the legislature. Board staff shall be paid in accordance with the SGC Compensation Plan and subject to Commission policies and procedures. The Executive Director of the Sentencing Guidelines Commission shall hire and supervise the staff in consultation with the chair of the Sex Offender Policy Board.

Article XII: Minutes.

- (1) All meetings of the Sex Offender Policy Board will have staff available to make a written record concerning the actions of the board.
- (2) Upon termination of the Sex Offender Policy Board meeting, the minutes shall be recorded and submitted to the board members for review at the next scheduled meeting of the board. The minutes shall be reviewed by the board and any amendments or changes will be made. The board will then adopt the minutes as final.
- (3) The chair of the Sex Offender Policy Board, along with the lead SGC staff at the meeting, will sign the approved board meeting minutes. The minutes will then be placed in appropriate folders for a permanent record, subject to audit and public inspection.

Article XIII: Change in bylaws.

- (1) A section or subsection of the bylaws may be reviewed for change at the request of any voting member of the Sex Offender Policy Board.
- (2) A change in the bylaws must be approved by a simple majority vote of the Sex Offender Policy Board.

APPENDIX B

SEX OFFENDER POLICY BOARD

Bylaws & Policies

BYLAWS

Article I: Name.

The Board shall be known as the Washington State Sex Offender Policy Board.

Article II: Legal Authority.

The Sex Offender Policy Board is formed pursuant to ESSB 6596, passed by the Washington State Legislature and effective July 1, 2008.

Per ESSB 5891, the Sex Offender Policy Board was established and maintained by the Sentencing Guidelines Commission effective July 1, 2011.

Article III: Duties.

The Sex Offender Policy Board duties are as follows:

- (1) Undertake projects to assist policymakers in making informed judgments about issues relating to sex offender policy.
- (2) Conduct case reviews on sex offenses as needed to understand performance of the sex offender prevention and response systems; or which are requested by the governor or the legislative committee of jurisdiction. Reviews shall be conducted in a manner which protects the right to a fair trial.

Article IV: Officers of the Sex Offender Policy Board.

- (1) The presiding officer of the Sex Offender Policy Board, denominated the "chairperson", shall be appointed by a majority of the voting members and serve a two-year term. An interim chairperson may be appointed by majority vote to act until an election is held.
- (2) The chair shall call and preside over all meetings of the Board, appoint the presiding officers and members of subcommittees, except as specifically provided herein, and do all such other things as are appropriate for or delegated to such officer by the Board.
- (3) The chair shall decide all points of order, unless two thirds of the voting members present vote to the contrary.
- (4) A vice-chair, shall be appointed by a majority of the voting members, shall preside in the absence of the chair as well as act for the chair and the Board, under direction.
- (5) In the absence of both the chair and vice-chair, an acting vice-chair, appointed by a majority of voting members present, shall preside at that meeting of the Board.

- (6) Any officer may be removed, with or without cause, by action of the Board. Any officer may resign at any time, by giving written notice to the Board. Any such resignation shall be effective on the date of receipt of such notice or at any later date specified therein, and the acceptance of such resignation shall not be necessary to make it effective.

Article V: Members of the Sex Offender Policy Board; and Membership Terms.

The Sex Offender Policy Board shall consist of thirteen (13) voting members as follows:

A. Voting Members

1. a representative of the Washington Association of Sheriffs and Police Chiefs;
2. a representative of the Washington Association of Prosecuting Attorneys;
3. a representative of the Washington Association of Criminal Defense Lawyers;
4. a representative of the Washington Association for the Treatment of Sex Abusers;
5. a representative of the Washington State Superior Court Judge's Association;
6. a representative of the Association of Washington Cities;
7. a representative of the Washington State Association of Counties;
8. a representative of the Washington State Coalition of Sexual Assault Programs;
9. The Secretary of the Department of Corrections or the Secretary's designee;
10. The Assistant Secretary of DSHS for the Juvenile Rehabilitation Administration or the Assistant Secretary's designee;
11. The Director of the Special Commitment Center or the Director's designee;
12. The Chair of the Indeterminate Sentence Review Board, or the Chair's designee; and
13. a representative of the Office of Crime Victims Advocacy.

B. Consultation

As appropriate, the Board shall consult with the Criminal Justice Division in the Attorney General's Office and the Washington State Institute for Public Policy.

C. Membership Terms

There are no term limits.

D. Vacancies

Any vacancy shall be filled by the appointing agency.

Article VI: Meetings of the Sex Offender Policy Board.

- (1) The Sex Offender Policy Board shall meet at the call of its chair or upon request of any three members of the Board.
- (2) Subcommittees and advisory committees shall meet upon the call of their respective presiding officers.
- (3) Policies and rules relating to the calling of, frequency, and opportunity for participant discussion during meetings; member's absences; quorums; rules of order; forms of action; and voting procedures pertain also to subcommittees.
- (5) Members of the Sex Offender Policy Board may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

Article VII: Absences of Members from Meetings.

Any member who misses three consecutive meetings will have the fact called to that member's attention by the chair of the Sex Offender Policy Board with the request that the member reconsider his or her ability to continue as a member. The chair shall also advise the appointing agency of situations regarding absenteeism which the chair deems appropriate to request that the appointing agency consider a replacement for that member.

Article VIII: Quorum.

A quorum for the transaction of business shall constitute no fewer than a simple majority of the voting members appointed. The members present at a meeting at which a quorum is not present may elect to proceed with the business of the meeting subject to ratification of all action taken whenever a quorum is next present at a meeting.

Article IX: Participation and Discussion during Sex Offender Policy Board Meetings, Rules of Order, and Forms of Action.

- (1) Only duly appointed members of the Sex Offender Policy Board or their designees and such other persons as are recognized by the chair shall be permitted to participate in the discussion of any matter before the Board unless otherwise authorized by the chair or a majority of the members of the Board, present and voting.
- (2) The business of the Sex Offender Policy Board shall be conducted in accordance with *Robert's Rules of Order*, new edition, unless such rules are suspended or unless otherwise provided for by these rules.

(3) The Sex Offender Policy Board shall act by the adoption of a motion or a resolution.

Article X: Voting Procedures.

- (1) Voting during meetings of the Sex Offender Policy Board shall be recorded.
- (2) The chairperson shall have the same voting rights as any other member of the Sex Offender Policy Board.
- (3) Only duly appointed members of the Sex Offender Policy Board or their designee with the member's written authority shall be permitted to vote on any issue before the Board; no proxies (except those exercised through the member's designee) shall be permitted to vote.
 - a. The member must submit the written authority for their designee to vote to the Chairperson prior to the commencement of the meeting. This written authority must be submitted prior to every meeting in which the designee votes.
 - b. If no written authority is presented to the Chairperson prior to the meeting, the designee may not vote. If the designee votes without written authority, the vote will not be counted.
 - c. The Chairperson will note the designee's authority to vote on the record at the meeting prior to the first vote being taken at the meeting.
 - d. Allowing a designee to attend and/or vote at meetings does not excuse a member from Article VII Absences of Members from Meetings.
- (4) Action by the Sex Offender Policy Board will be determined by a simple majority vote in accordance with quorum requirements.
- (5) Any member on the Sex Offender Policy Board or designated alternate who has a direct or indirect personal interest in a contract or application, or case review before the Sex Offender Policy Board will withdraw himself/herself from voting on that matter and explain the withdrawal on the record. The Sex Offender Policy Board member may, however, participate in discussions and answer questions from other Board members.

Article XI: Staff.

The Sex Offender Policy Board shall be staffed and maintained by the Sentencing Guidelines Commission.

Article XII: Minutes.

- (1) All meetings of the Sex Offender Policy Board will have staff available to make a written record concerning the actions of the Board.
- (2) Upon termination of the Sex Offender Policy Board meeting, the minutes shall be recorded and submitted to the Board members for review at the next scheduled meeting of the Board. The minutes shall be reviewed by the Board and any amendments or changes will be made. The Board will then adopt the minutes as final.
- (3) The chair of the Sex Offender Policy Board will sign the approved Board meeting minutes. The minutes will then be placed in appropriate folders for a permanent record, subject to audit and public inspection.

Article XIII: Change in bylaws.

A section or subsection of the bylaws may be reviewed for change at the request of any voting member of the Sex Offender Policy Board.

A change in the bylaws must be approved by a simple majority vote of the Sex Offender Policy Board.

These bylaws were amended October 5, 2012.

POLICIES

Process to Review Requests for Approval or Other Action

Requests for action or comment from the Board shall be placed on the agenda as soon as practicable at a Board meeting.

Requests to the Board:

1. Refer to a subcommittee (see below);
2. Create a subcommittee to review the subject matter requested;
3. Deny review due to low priority or lack of relevance; or
4. Schedule for full Board discussion

Board Referrals or Direct Requests to Subcommittees:

If the Board decides to refer to a relevant Subcommittee, or a direct request is made, the Subcommittee may:

- Schedule the issue for review;
- Table the issue for later consideration; or

- Report back to the Board that review is not recommended within the foreseeable future.

Report Back to Board

After the Subcommittee has reviewed a request, it will report to the full Board with a recommendation.

The Board amended this policy on April 19, 2012.

DRAFT

APPENDIX C

October 1, 2015

Ms. Kecia Rongen,
Chair Sex Offender
Policy Board PO
Box 43113
Olympia, WA

98504-3113 Dear

Ms. Rongen:

Pursuant to RCW 9.94A.8673, the Sex Offender Policy Board (SOPB) serves to advise the Governor and the Legislature as necessary on issues relating to sex offender management. The Governor or a legislative committee of jurisdiction may request that the SOPB convene to undertake projects to assist policymakers in making informed judgments about issues relating to sex offender policy.

The Governor wishes to review the state's sex offender registration and notification statutes and practices to ensure that this system comports with the most recent research and best practices to reduce sexual victimization. To that end, our office requests that the SOPB undertake the following projects:

1. Provide summaries of Washington State's current sex offender registration and notification statutes and practices to assist policymakers in evaluating proposed legislative changes;
2. Evaluate Washington State's sex offender registration and notification statutes and the Sex Offender Registration and Notification Act (SORNA) established under Title 1 of the Adam Walsh Child Protection and Safety Act of 2006 to determine which requirements the state has yet to adopt;
3. Survey other states to determine how they have aligned their systems to meet the requirements of SORNA;
4. Offer recommendations as to how the state should proceed in moving further into compliance with SORNA or, if the SOPB determines that it is not in the best interest of the state to adopt a requirement of SORNA, offer an analysis as to why;
5. Offer recommendations as to other changes in sex offender registration and notification statutes that further advance the safety of the public; and

6. Offer recommendations as to other issues related to sexual offending that the SOPB determines could advance the safety of the public through further study.

Please submit this work product by March 31, 2016, or as close as possible to this date as resources allow. We appreciate the time and expertise of the members of the SOPB and their contribution to helping policymakers make informed decisions for the good of Washingtonians.

Sincerely,



Nicholas W. Brown
General Counsel

DRAFT