



STATE OF WASHINGTON

**SEX OFFENDER POLICY BOARD**

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**Minutes**

**Sex Offender Policy Board**

**Registration and Notification Committee**

**Washington Assoc. of Sheriffs and Police Chiefs**

**3060 Willamette Drive N.E. Lacey, WA 98506**

**February 10, 2009**

**Members Present:**

Brad Meryhew  
Bev Emery  
Sheriff Mark Brown  
Kecia Rongen  
Jeri Costa  
Anmarie Aylward

**Staff Present:**

Shoshana Kehoe  
Andi May  
Shannon Hinchcliffe

**Others present:**

Art Brown, Thurston County Chaplin; Bob Conklin, Private Citizen; Lisa Johnson, King County Prosecutor Office; Roxanne Lieb, Washington State Institute to Public Policy; Lindsay Palmer, King County Sexual Assault Resource Center; Amy Pearson, Office of Crime victim Advocacy; Carolyn Sanchez, Washington State Patrol

## **I. MEETING CALLED TO ORDER**

The meeting was call to order by the Chair Kecia Rongen at 10:15 a.m.

## **II. INTRODUCTIONS**

The Board members, staff and other interested parties introduced themselves. Shoshana Kehoe was introduced as the new Interim Sex Offender Policy Board Program Director.

## **III. MOTION # 5 APPROVE THE DECEMBER AND JANUARY MINUTES**

**Moved:** Anmarie Aylward

**Second:** Sheriff Mark Brown

**Passed: Unanimously**

## **IV. WSIPP RESEARCH RELATED TO SEX OFFENDER REGISTRATION AND NOTIFICATION LAWS-WA STATE**

Roxanne Lieb presented on research practices used by WSIPP. She provided a brief history of WSIPP along with an overview of the meta-analysis research process. The presentation included a review of a 2006 meta-analysis study by WSIPP titled *Sex Offender Sentencing in Washington State: Failure to Register As a Sex Offender – Revised*. This study examined the relationship between failure to register as a sex offender and subsequent recidivism. Roxanne also discussed the use of meta-analysis and how it would apply to the registration and notification issues faced by this committee.

**Applying Meta-Analysis to Registration and Notification Research** – The meta-analysis study would focus on notification and registration as two separate issues. It would also distinguish between the types of underlying sex offenses. Roxanne explained that the accepted practice is to use a sample group size of 100 individuals. It is important to compare similar groups subject to similar notification and registration laws. Also, it is important to keep in mind that anytime there has been a change in law or policy, three years must pass before examining the affects of recidivism resulting from that change in law or policy.

An example where meta-analysis could be used in sex offender registration and community notification is determining whether providing notification by mail to sex offenders increases or decreases recidivism. The meta-analysis approach would compare a population who has been given notification in the mail with a population not notified in the mail to see whether there is a difference in new crime rate.

The committee raised issues it would like reviewed by WSIPP in its assessment of the registration and notification process. Some of those included:

- There are concerns about the impact/results of notification laws on juvenile offenders along with the increase in failure to register offenses by juveniles. There are certain juvenile sex offender populations that appear to recidivate at a higher level. The committee agreed that the sex offender juvenile population must be included in WSIPP's meta-analysis of registration and notification.
- In looking at juvenile sex offenses, there was a proposal to determine whether a CMIP offense should always carry a registration requirement. The WSIPP study could look at the age of the offenders versus the age of the victims. The age distinction seems important when deciding which offenders should be required to register.

## **V. WSIPP Research Proposal-Roxanne Lieb**

**Proposal:** Use the WSIPP meta-analysis research method to examine registration and notification issues with a more comprehensive approach by including juveniles.

Roxanne suggested that the SOPB may be interested in having a more active role by directing the study. She proposed that WSIPP work in collaboration with the SOPB by reporting back to the Board during each phase of the study. Roxanne also agreed to include both adult and juvenile populations in this study. The Committee emphasized the Legislative Report deadline in November 2009. Roxanne will get back to the Board with a timeframe to complete the study.

### **Motion # 6 Bring WSIPP's proposal to the full board**

**Moved:** Jeri Costa

**Second:** Sheriff Mark Brown

**Passed: Unanimously**

## **VI. JAG (JUSTICE ASSISTANCE GRANT) COMMITTEE LETTER**

Bev Emery reviewed the February 2009 letter from the JAG Advisory Committee to the SOPB. It discusses the penalty amount imposed on States for failure to implement the Adam Walsh Act (AWA), along with the cost of its implementation. The penalty would be a 10% reduction in the Byrne Justice Assistance Grant.

In the letter, JAG expressed a desire to work in collaboration with the SOPB as the Board prepares its November 2009 Legislative report. Questions about how to address the April 2009 AWA deadline will be addressed at the next Full Board meeting.

### **Motion # 7 Reaffirm the Committee's position that we not adopt AWA at this time and allow the SOPB to review the statute for improvement.**

**Moved:** Bev Emery

**Second:** Jeri Costa

**Passed: Unanimously**

## VII. OPEN PUBLIC MEETING

Shannon Hinchcliffe gave a comprehensive presentation on the Open Public Meetings Act (OPMA) and how it applies to the SOPB, Committees, and subcommittees/workgroups.

### Overview

The general purpose of OPMA is to ensure that all meetings of the governing body of a public agency are open to the public. Specifically, the legislature intended for the agencies actions to be open and their deliberations conducted openly. Public agency meetings should be open and accessible to the public.

### How this applies to SOPB, the Registration and Notification Committee and Subcommittees (Workgroups)

It is clear from the statutory language that the full SOPB qualifies as a “governing body” and therefore their actions are subject to the OPMA. What is not as clear is when the committees and workgroups are considered “governing bodies”.

The statute states that when a committee acts on behalf of the governing body, conducts hearings or takes testimony or public comment, it qualifies as a “governing body”. Therefore, a committee or workgroup acts on behalf of the governing body when it exercises actual or de facto decision-making authority for the governing body.

Shannon then went on to outline the general criteria for when a “meeting” falls under the OPMA. (Please be aware that none of the following is a bright line rule. If there are any questions as to whether a meeting is subject to the OPMA requirements, consult with the SOPB staff.)

- Meetings: Meetings subject to the OPMA are more than just in person gatherings. Email and teleconferences qualify as well. For email to amount to an exchange, it must involve active participation by a majority of a governing body.
- Quorum: A quorum is over 50% of the committee members. If the number of people present at a subcommittee meeting are the same number of people needed to makeup a committee quorum, then the OPMA kicks in. The purpose behind this is that that a workgroup can theoretically take action on behalf of the committee by having a quorum of committee members present at a subcommittee meeting,
- Testimony: Testimony is the act of a person or organization orally presenting information to the committee or subcommittee. Simply gathering and discussing information is probably not enough to trigger the OPMA. Shannon will do some additional research on this issue.

When a meeting qualifies as “public”, the OPMA requires that the committee or subcommittee take the following three actions:

- Notice of the meeting must be provided;
- An agenda must be prepared and the specify the business to be transacted;
- and

- Minutes of the meeting must be promptly recorded and open to public inspection.

Finally, Shannon reviewed the penalties that can be imposed for failure to adhere to the OPMA.

There were some concerns expressed by the committee about the need to strike a balance between having a constructive meeting with the need to having it open to the public.

The Committee requested additional research to assist in understanding the OPMA. Shannon agreed to assist with this.

## **VIII. COMMITTEE REPORTS**

### **Lindsay Palmer/Community Notification**

Lindsay attended the Sex Offender Team Management Meeting in King County. She provided a handout from that meeting. She collected data from that meeting on behalf of the Registration and Notification Committee.

Lindsay then reported on this subcommittee's work. This subcommittee divided their work plan into three stages. They are as follows: collection of data, identifying gaps, and looking at the recommendation. The subcommittee is currently in the middle of stage one, collecting data.

### **Brad Meryhew/Registration/Risk/FTR**

Brad updated the committee on the progress of this subcommittee. This subcommittee had their first teleconference where they decided that someone would be responsible for presenting on a particular topic at each meeting. The next teleconference in February will focus on what relevant research is available to assist this subcommittee. The March schedule remains open.

The June 2009 meeting's topic will focus on issues around Failure to Register. Specifically should the legislature increase FTR to a Class B Felony offense. The legislature plans to consider this in the future.

The FTR topic spurred some discussion by the Committee. Anmarie pointed out that the registration process for sex offenders is complex. Kecia noted that the registration form sent to juvenile sex offenders is both complex and confusing.

Brad is putting together a bibliography for the Registration and Notification committee that will include internet links to research sites. Brad will work to provide this bibliography to the committee before the next meeting.

The Committee would like to know if Jerry, Research Manager for the SGC, could give a presentation on how to determine if certain research meets the criteria for "good research". Shoshana will look into that.

This subcommittee's next teleconference is scheduled for Wednesday, February 18, 2009 at 10am.

### **Kecia Rongen/Juvenile**

This subcommittee's next teleconference is scheduled for Tuesday, February 17, 2009 at 2pm. Kecia will update the Committee on this subcommittee's progress at the next Committee meeting in March.

Kecia went on to update the committee on the Juvenile Justice Group in Sex Offenders. There is a proposed bill to relieve juveniles convicted of registerable sex offenses of the registration requirement. The proposal to entirely cancel the registration requirement language was stripped from the bill.

The juvenile registration issue prompted discussion by the committee. Carolyn Sanchez, from the WSP, explained that her system does not track how many juveniles have been relieved from their duty to register. She is only able to access this information when it is indicated on their court/criminal record. Carolyn went on to clarify that her office cannot relieve a juvenile from registration; she must refer all relief from registration requests to the Sheriff's Office.

There was some about Spokane County flagging juvenile sex offenders when their registration expiration date comes up.

Dawn Larsen from Offender Watch will give a presentation next month to the Registration and Notification committee.

Subcommittees will continue to meet via Accu-Conference and report back to the Committee each month on their progress.

### **IX. PUBLIC COMMENTS**

Art Brown from the Thurston County Sheriff's Office introduced himself to the Committee. He has been a Chaplain with the jail for the last six years. He advises and works with sex offenders. He finds the SOPB work very interesting. He observes many issues and obstacles that the offender faces once they are released into the community, including substance abuse, homelessness, and difficulty holding a job. Mr. Brown has made himself available as a resource for this Committee.

**X. ADJOURNMENT**

The meeting was adjourned, by Kecia Rongen at 12:30 p.m.

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

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Kecia Rongen, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Shoshana Kehoe

\_\_\_\_\_  
Date