



STATE OF WASHINGTON

SEX OFFENDER POLICY BOARD

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Minutes

Registration and Notification Committee

Tuesday, August 10, 2010

10 a.m. to 12p.m.

Sentencing Guidelines Commission

4565 – 7th Avenue SE

Olympia, WA 98504

Committee Members Present

Kecia Rongen
Lindsay Palmer
Joanna Arlow for Ed Holmes
Lori Ramsdell-Gilkey
Brad Meryhew
Maureen Saylor
Carolyn Sanchez
Amy Pearson
Bev Emery
Lonnie Johns-Brown for Andrea Piper

Staff Present

Shoshana Kehoe-Ehlers
Andi May

Others Present

Dawn Larsen, WASPC; Jed Pelander, JRA; Shani Bauer, Counsel for Senate Human Services & Corrections Committee; Hillary Behrman, TeamChild (appeared by phone)

I. Call to Order

Committee Chair Kecia Rongen called the meeting to order at 10:10 a.m.

II. Revise and Adopt Agenda

The agenda was adopted in its original form.

III. Approval of Minutes

MOTION #27: MOVED TO APPROVE JUNE 15, 2010 REGISTRATION AND NOTIFICATION COMMITTEE MINUTES

Moved: Amy Pearson

Seconded: Lori Ramsdell-Gilkey

Passed: Unanimously (with one clerical correction.)

IV. Workgroup Reports

The workgroups updated the committee on their progress.

- **Legislative Technical Advisory Committee to the SOPB Legislative Committee**

Ms. Arlow reported that law enforcement across the state has contacted her regarding questions about 6414. She plans to draft legislation answering these questions and cleaning up the statute with Shani Bauer. She will then bring this to the Board and ask for input. Ms. Arlow believes most of these clarifications will result in statutory amendments because law enforcement has an overriding concern about liability. Further, the amendments will hopefully lead to more consistency.

Ms. Arlow will present her proposals at the next Registration and Notification Committee meeting.

- **Registration**

This workgroup continues to discuss the issue of “residency”. Ms. Pearson completed a draft survey illustrating how other states define “residency”. Her survey also addresses what is trying to be accomplished defining “residency”. This issue will be discussed at the end of this meeting.

- **Juvenile**

This workgroup did not meet last month. Ms. Rongen summarized the topics that this workgroup has researched and discussed during the last couple months, including deferred registration, petitioning for relief from registration, sealing records, etc. There was also a brief discussion about the first *Reyes* case review hearing on August 2, 2010. This workgroup will meet this afternoon following this committee meeting.

- **Risk Assessment and Leveling**

This workgroup has not met since the last committee meeting in June. This workgroup plans to gather information regarding leveling from county to county and undergo a fact-finding process, including gathering information on what systemic issues may exist. Mr. Meryhew proposed that this workgroup hold some open meetings where people can testify about leveling.

DOC has compiled leveling “departure notice” data. They will provide this to the Board. WASPC may be able to develop a system where they can pull departure information from Offender Watch. The counties are now required to enter departure notices in Offender Watch. Offender Watch only goes back so far. Washington State Patrol can also pull data with some parameters. They have information on the registry that goes as far back since to the inception of leveling. Eventually, SOPB would like to know the underlying reason(s) for the departure, so that an analysis can be completed.

- **Community Notification and Education** ~ *Lindsay Palmer*

Ms. Palmer presented a handout summarizing what was discussed during the July 15th workgroup meeting. The workgroup proposes to modify the community notification model policy so that it matches the research and best practices this workgroup previously identified. She reported that the workgroup may have recommendations ready for the end-of-year report, as well as the revised model policy proposal.

In regards to community education on sex assault and sex offender issues, Ms. Palmer mentioned that many school districts either do not provide sex education or at the very least not addressing explicit issues. She proposed reviewing the sex education curriculums in some of the larger schools that have an established program. FLASH is a very good resource as a public health model, but is currently not being used.

V. **Proposed Recidivism Study** ~ *Bev Emery*

Ms. Emery summarized what the Benchmarks Committee has accomplished during the last several months. During the Full Board meeting in April 2010, the Board agreed to check in with some of the Senators about the direction of Benchmarks. Senator Hargrove responded by requesting that the Board measure some specific components. These areas include risk assessment, recidivism and leveling. Ms. Bauer explained that Senator Hargrove would like to

see if the sex offender risk assessment process used across the state results in a level that matches up with their actual risk to recidivate.

The survey process and research start up will be very expensive. However, Ms. Emery has been working on a different process that will be much more cost-effective. There are graduate students looking for data gathering projects at WSU. WSU Graduate students (approximately 14 students) start classes in two weeks and are searching for projects like this for the 2010 fall semester.

The committee agreed that this proposal should move forward. The committee will present it at the next full Board meeting.

VI. Policy Proposal for “Sexting” ~ Kecia Rongen

The Committee discussed how to address the recent application of the crime *Possession/Sending Depictions of Minor Engaged in Sexually Explicit Conduct* as it relates to minors sending sexually inappropriate photos to them or peers via cell phones and/or computers.

Ms. Rongen drafted a “white paper” on this issue and presented it to the committee. Her memo presented three possible options to address this issue. (See memo.) The committee briefly discussed this:

- WASPC’s position is that there should be some type of intervention process, such as a model policy for prosecutors to use when they receive “sexting” cases, but not amend the statute to create “sexting” legislation.
- There was consensus among the committee members that the actions characterized as “sexting” for harassment purposes could be included in the “cyberstalking” or bullying statutes, but should be included in the sex offense statutes.

The committee recommended emailing the SOPB Legislative Committee with this proposal in time for the Full Board meeting on August 19th.

MOTION #28: MOVED TO SEND THIS COMMITTEE’S “SEXTING” PROPOSAL TO THE SOPB LEGISLATIVE COMMITTEE BEFORE THE NEXT FULL BOARD MEETING

Moved: Brad Meryhew

Seconded: Bev Emery

Passed: Unanimously

VII. Registration Fees ~ Shoshana Kehoe-Ehlers

During the 2010 Session the House Public Safety and Emergency Preparedness Committee considered this issue. The bill did not pass out of committee. However, it is likely the Committee will revisit the issue again during the 2011 session.

Ms. Kehoe-Ehlers drafted a “white paper” on this issue, similar to the memo provided to counsel for the PSEP Committee last session. The committee agreed with the memo’s position that the legislature should not impose a registration fee on sex offenders. This issue will be presented to the Board at its August 19, 2010 meeting.

VIII. Where Should Out-of-State Offenders Should Petition for Relief from Registration ~ Jo Arlow

Ms. Arlow explained that this issue would be presented in greater detail in her upcoming chart on legislative actions for 2011. The reason this is an issue is that currently the RCW only permits petitioning in Thurston County, but Thurston county prosecutors/courts have not found an effective way to facilitate the process. WASPC suggests that the offender should be able to petition in county of residence.

IX. Registration ~ Amy Pearson

Ms. Pearson provided the committee a written summary of her research on “residency” definitions. This will be used to craft what qualifies as a residency for sex offender registration purposes. Ms. Pearson will present this issue in greater detail at the next committee meeting

X. New Business

There were no new business items.

XI. Public Comments

There were no public comments.

XII. Adjournment

Ms. Rongen adjourned the meeting at 12 p.m.

APPROVED AND ADOPTED BY THE REGISTRATION AND COMMUNITY NOTIFICATION COMMITTEE.

Lindsay Palmer

Date

Shoshana Kehoe-Ehlers

Date