



STATE OF WASHINGTON
SEX OFFENDER POLICY BOARD

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SEX OFFENDER POLICY BOARD
Community Notification and SCC Releases
Sub-Committee Meeting
May 13, 2020 9:00am-12:00pm
Skype Meeting

In Attendance: Leah Landon, Staff; Terrina Peterson, Chair; Jamie Weimer, WASPC; Theo Lewis, DOC; Brad Manke, WASPC, Brad Meryhew, WACDL; Brandon Duncan, DOC; Devon Gibbs, King County Department of Public Defense; Holly Coryell, SCC; Jason Murphy, Washington Voices; Jedd Pelander, DCYF-JR; Shoshana Kehoe-Ehlers; OPD; Sonja Hardenbrook, Snohomish County Defenders Association; Talcott Broadhead, WCSAP

Meeting Notes

Welcome & Call to Order

Leah Landon (staff) called the meeting to order and discussed tips for participating in the virtual meeting. Meeting participants were asked to mute their microphones when not actively participating. The meeting was recorded (this includes the chat function) and can be provided upon request. Leah introduced Terrina Peterson as the sub-committee Chair. All other meeting participants introduced themselves.

Approval of Meeting Minutes

There were no previous meeting minutes to approve.

Meeting Objectives

Leah reviewed the main objectives for the sub-committee:

- Review current policies and practices;
- Review research regarding best practices, etc.;
- Make recommendations to the full Sex Offender Policy Board

Leah mentioned that the main objective for the present meeting is to review and discuss the current process map that Terrina Peterson had already created.

Review and Discuss Current Process Map

Terrina walked the group through the process map (available in the meeting materials or by request).

Jamie Weimer asked for discussion around the timeline for unconditional releases, and how community notification works in those instances when there is no time for ESRC review. Terrina said it depends on how long the SCC has between finding out the person is releasing and to the time they need to release (typically about 24 hours).

Terrina asked the group if anything had been missed. Jedd Pelander asked how it works when notification cannot be provided in a timely manner, but RCW 71.09.140 says that notification has to be no later than 30 days prior to a conditional release or unconditional discharge. Terrina confirmed that this is a conflicting statute because we cannot hold someone if they do not meet criteria, but we also need to provide the 30 day notice.

The group discussed this issue further, and it was determined that in some cases the SCC receives notification that a hearing may be coming up and thus some prep work may be done for if the client is unconditionally discharged. Holly Coryell asked if people who release unconditionally, but still have remaining DOC supervision time, are required to release to a certain county. Terrina said she is unsure if the county of origin rule applies in this circumstance. DOC has to approve their address, but there is no formal address investigation before the release.

Jamie asked Terrina to provide more insight on the community notification side of things, such as community meetings, and what this looks like. Terrina provided an overview of the next steps agencies take once they have received notice of an SCC release. Many agencies have stopped doing community meetings because people were not showing up, but law enforcement still does some meetings and notification based on how they think the community will react. Community meetings are typically used to go over the basic rules and to make the various agencies involved in process available for community questions. Brad Meryhew asked how many meetings we are typically having each year. Brandon mentioned that about 8-10 meetings happened in the last year, statewide, for LRAs.

Brandon provided additional information on what the community meetings look like by jurisdiction, for example, Walla Walla looks different than Poulsbo. Typically, the meetings are happening when it is an area newer to receiving LRAs. Typically includes DOC and the local Sheriff's Department, though in some cases DSHS is involved. Brandon would like to see this standardized more. Shoshana mentioned that the roles of those involved in the process should be made more clear for those in the community.

Devon Gibbs asked what happens when someone is released, but returns to the SCC and then re-releases. Terrina explained that in many instances no one really knows the resident has left the address, so the SCC will re-notify law enforcement. Typically, there is no re-notification to the community.

Elyse Balmert pointed out that the notification of victims is not included in the process map, and should be. DSHS is contacted during the notification process, and they handle the notification of the victim or witness (typically happens at the same time as law enforcement notification).

Jedd Pelander asked if the bulletins for SCC releases are different than others. Terrina explained that they typically look the same but that the agency gets to determine what goes into it. In some cases, it may say that the person is an active LRA, but in general, nothing stands out between a Level 3 bulletin and one from the SCC.

Devon Gibbs asked for additional discussion on the goal/purpose of community notification, and the goal/purpose of community meetings. Terrina explained that the purpose of the meetings is typically to provide education and an opportunity for the community to ask questions.

Leah asked if the group would be interested in creating a purpose statement for community notification. Brandon said that the purpose is to follow the statutory requirements, but that the next piece is to discuss the appropriate way, timing, and fashion to approach the community and provide education and hear their concerns on a release to their community. Again though, there should be some sort of standardized process. Talcott Broadhead mentioned that it is important to have people in the room for community meetings who are able to transmit the information and shared rights of people, but also are good at deescalating. We need to be able to educate people on the concept that even those leaving the system, deserve to enjoy the rights of being a citizen.

Jamie explained that WASPC was directed by the Legislature to create the Model Policy on community notification, and that there is a section on community meetings and best practices included in the current Model Policy. Jamie asked about the specific issues that led to problems in Poulsbo, and Brandon provided additional background on the 2019 Poulsbo LRA placement. The community was not happy about the house, that there were going to be several people living there, and the location of the house was also an issue. It is also important to note that community meetings and mailers are not scheduled/sent until after the resident releases, in case the address falls through.

Brandon Duncan asked if the group is considered a structured community notification process, and also what the trigger point is for the start of that process, and finally, what the format and important points to include are. Terrina reiterated that the objective of the meeting was to review the process map. Brad Meryhew brought up that WASPC does have a good starting point with the model policy, but that we still need to discuss what else can be done and if more should be required. Theo mentioned that the Model Policy works and serves us well when it is followed.

Brad Meryhew asked if there should be a higher standard or a list of minimums that need to be completed for LRA releases, or should local LE jurisdictions still have full discretion. Jamie explained that having discretion works because each of the communities in Washington are different, and their law enforcement office's generally know their community best, and what needs to be done to notify them. Brad mentioned that a new section in the model policy talking about LRA releases, their sensitivity, and what can be done to make those releases more efficient. Jamie agreed that this may be appropriate.

Brandon Duncan agreed that using the WASPC Model Policy may be the best way to handle the task, but we need to recognize that this is harder with more people releasing. Leah reiterated that the objective for the meeting was to get through the process map and then the group can discuss the sticking points and areas for improvement.

Sonja Hardenbrook discussed the fact that everyone wants time for notification to happen, and we do not want to delay release, but we need to determine when in the process is far enough in to begin the notification process. The group discussed the pros and cons to beginning notification at different points in the process. This is currently difficult simply because it is hard for law enforcement complete a notification without a release date. Sonja points out that even though the release date may change, the client is likely still releasing to the same county, so any prep work is not done for no reason. Terrina explained though, that the community notification radius is fairly small, so it could be a change of neighborhood even though the client is going to the same area.

Theo explained that the defense bar had previously be in favor of not sending plans out in advance (to the public) so that the housing options were still available to clients. In some cases, this just creates more obstacles to releasing the client. Theo also mentioned a previous SOPB report on housing that may be helpful for folks to review.

Shoshana brought up some of the houses in the community for these folks, and mentioned that it may be beneficial to have a community meeting simply talking about the house, who may come to it, and why.

Brandon asked again what the trigger point is for beginning the process of community notification. Terrina explained that once the SCC receives a release date, this triggers them to send a notification to law enforcement and officially begins the process. In some cases though, the SCC may receive a court order to start the notification process, but they are not provided with a date or location to release to. Terrina agrees that this is a useless notification as there is nowhere to actually send the notification.

Holly mentioned that it may be helpful to look further into the process map coming from Sonja and the defense. Leah explained that this was in progress in another sub-committee and would be shared with the group upon completion.

Terrina asked it would be appropriate for her to change the process map to “release date or court order received” as the trigger point. Theo concurred and said that when you have the court order, is the time to begin this process. Theo also explained that while the process map questions if there is time for ESRC review, in many cases the ESRC can pull together an emergency meeting to handle unexpected releases. Theo and Terrina further discussed wording on the unconditional release line’s ESRC decision point. Theo reiterates that he does not want people to assume that there is not enough time for an ESRC review.

Brad Meryhew asked if victim/witness notification had been added. Terrina confirmed that she had added this to the process map.

Leah asked if the group felt that the process map, in its updated state, was representative of the current process. Terrina sent the updated map to Leah, and the group decided to begin reviewing the process map and listing out sticking points within the process.

Devon requested that additional information be added to the process map to clarify who is completing each of the steps. Terrina and Jamie said that they could add additional information to the process map to help clarify the different roles.

The group began working through the process map and identified the following areas for improvement:

- **Jedd Pelander:**
 - Conflicting Statutes: RCW 71.09.140 requires no less than 30 day notice of release from the SCC for both conditional releases and unconditional discharges, but if someone does not meet criteria (unconditional discharge), they typically need to release within 24 hours. In these cases, we may be unable to provide the 30 day community notification.
 - Theo mentioned that being prepared and doing some of the prep work so it is ready to go if approved by the court. Terrina explained that typically the information is prepped and reviewed by the SCC, but they may still be waiting on certain pieces and in some cases the resident does not know where they are releasing to.
- **Jedd Pelander/Theo Lewis:**
 - As long as the SCC is aware of a potential unconditional release hearing, there should always be time for an ESRC review.
- **Brandon Duncan:**
 - Local law enforcement has inconsistent perceptions of what community notification is and what it should look like.
- **Several:**
 - Providing notification too early in the process can lead to public outcry, and may create larger obstacles to the release of the client.
 - Notification of hearings for victims/witnesses
 - A notification should not be completed prior to having a court approval.
 - We run the risk of creating false alarm, and reintroducing trauma.
 - Elyse Balmert mentioned that when she was at DSHS, if she heard someone may be releasing she would provide the victim/witness with the information she had and if they did release, she would confirm the outcome with the client. Essentially providing them with a heads up. It was determined that hearing from someone from DSHS currently conducting victim/witness notification may be beneficial.
- **Terrina Peterson:**
 - Requirement of SCC to complete pre-notification and send to local law enforcement. This is not something the SCC is currently doing. This is also

supposed to include a notice to the resident of their requirement to register, and this may not be on file if the SCC did not complete it.

Areas for Improvement

- **Theo Lewis:**
 - There is a need to standardize and there may be a need to have minimum requirements for community notification.
 - Terrina mentioned that every community is different and that the scope of notification should be based on each community individually.
 - Theo explained that previous issues such as Poulsbo, were caused by a lack of uniformity and we can work to address this.
 - Reinforce what is in the WASPC Model Policy statutorily

- **Brandon Duncan:**
 - When a review is initiated, DOC should initiate further contact with local law enforcement to inquire if they would be willing to do a community meeting in the event that an LRA is placed in their jurisdiction. An education meeting tailored to law enforcement would be available and could be delivered.
 - The format of the community meeting and scope of each stakeholder involved in this meeting should be developed and potentially added as an addendum to the WASPC Model Policy's section on LRAs.

Jamie Weimer mentioned that one of the options the sub-committee has is to work with WASPC to make recommendations for updates to their Model Policy. WASPC is currently working internally to update the Model Policy and has until September to do so. This aligns well with the project timeline, and may be an option for making improvements without large scale statutory changes.

Next Steps

- Next Full Board meeting on May 22, 2020 from 9:00am-12:00pm.
- Leah will send out Doodle poll to schedule next meeting.
- Leah asked that members send her a list of their areas for improvement/sticking points within the process so they could be included in the final list.
- Brandon Duncan will provide an overview community notification and law enforcement notification work that has been done in collaboration with other agencies at the next meeting.

Meeting adjourned at 1:00pm

APPROVED AND ADOPTED BY THE SEX OFFENDER POLICY BOARD

_____/s/_____
Sub-Committee Chair
Terrina Peterson

_____June 16, 2020_____
Date