



STATE OF WASHINGTON
SEX OFFENDER POLICY BOARD

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SEX OFFENDER POLICY BOARD
Community Notification and SCC Releases
Sub-Committee Meeting
June 2, 2020 10:00am-12:00pm
Microsoft Teams 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; Daniel Davis, Pierce County Prosecutors Office; Joshua Choate, Office of the Attorney General;

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. Leah also asked meeting participants to provide feedback on Microsoft Teams after the meeting. Leah also let people using the web app know that they may not have access to the chat function, but that those who do have access to the chat function should continue to use it.

Meeting Objectives

Objective 1: Review the current process map that had been updated by Terrina and Jamie

- Terrina updated the process map to include the sticking points/areas for improvement that people had identified in previous meetings. This version of the process map is included and the meeting materials and can be provided upon request. The group started on the far right of the process map, with the second swim lane.
- Sticking Point #1: Notification process/ESRC preparation begins when SCC is notified of unconditional hearing.
 - **Terrina Peterson** clarified if this was about the SCC starting their process and developing the LEN for ESRC.
 - **Theo Lewis** said he recalled that there was a delay that happens, and there is a choice to say there is not enough time for ESRC review. In his experience though, there is often notice of a hearing and it comes down to whether the bulletin has been done. The ESRC can make space available at committee, but they nearly always have notice of a hearing coming. Theo said it is odd that there would not be time to see someone in committee.
 - **Terrina** said part of it was the SCC process on determining “when”. **Holly Coryell** said she was hoping to understand more about this at the meeting, and historically there are three departments involved in communicating to law enforcement when the SCC has a release. Generally, it has been: do we have a court order, or is there strong reason to believe a release may take place? This is used to trigger the LEN. Holly said the process is not as clean as it could be, and there have been concerns when there is not clear information on where the resident is going or when. Holly further said that Dr. Elena Lopez at the SCC will request ESRC review when there is good indication that the resident will be released.
 - **Terrina** said the resolution for this sticking point may be for the SCC to clean up and formalize their process for what triggers the LEN and ESRC.
 - **Holly** said the team is generally working ahead on the bulletin because there are so many, but she is not sure what happens with the scheduling for the ESRC.
 - **Terrina** said if the SCC has cleaned up the process and when they are going to do the notifications, maybe this is not a sticking point anymore. **Holly** said she is not aware that the SCC is not providing the bulletins in a timely manner, but she is not sure who decides what cases are reviewed and when by the ESRC.
 - **Theo Lewis** said that cases come to the ESRC can come on a same-day basis. If there is a request from the SCC for a same-day, or certain date, they can make that happen. There is no scheduling issue on the ESRC side... the sticking point is that a court order may appear and there may

not be time for a bulletin to be developed or be seen by the ESRC. Theo reiterated that this should not happen.

- **Joshua Choate** mentioned that the 24-hour releases/unconditional releases are the most challenging. Josh asked Theo if it would be helpful to have information on which trials on the AG side look like they will actually happen within the next 2-3 months. **Theo** said he could not speak to the 24-hour releases, but this would be helpful to have, and any sort of notice is good. **Josh** said he would make a point to build this in.
- **Terrina** asked Josh about when a dismissal hearing is scheduled. Josh said he hoped the SCC process would capture this, but if there is a problem there we can look at it.
- **Terrina** summarized and said that it seems like there are several ways the SCC is being notified of potential releases, and the recommendation could be that the SCC document their process.
 - **Holly** said there is nothing that has recently been revised, but that this is something the SCC can do.
- Sticking Point #1 Recommendation: The SCC should document and formalize their process for notifying local law enforcement about SCC releases.
- Sticking Point #2: DOC Investigation – Discussions with Law Enforcement and Community Members?
 - **Dan Davis** said he was wondering that as these notifications go out, where does the responsibility lie to make the notification? Dan said knowing who LE works, if it comes out in a letter form, is there anyone on the other end taking the responsibility to say “what are we supposed to do here?” so they go into a file. Dan said he knows these communications come out, but he is not sure who from DOC is designated to initiate contact, and who is local LE? Who in local LE is taking that information and has the responsibility to share it with the community?
 - **Brandon Duncan** said that he could only speak for LRA investigations, but in these cases, when DOC is ordered to do an investigation they have 60 days to complete. During this, the DOC Specialist will contact the Sheriff’s department in the county the release is going to happen to reach out and make initial contact. At this point, DOC will also offer to assist in community notification down the road. Brandon added that in communities like Pierce County, they are familiar with the process, so DOC will try to do extra outreach in those communities that are less familiar.
 - **Dan** clarified that when DOC is beginning their investigation, someone at the Sheriff’s Department should receive a call. **Brandon** said this was correct. **Dan** wanted to point out that it seems that along the way there is a disconnect, and that LE may be getting notification and it may be ignored.
 - **Jamie Weimer** clarified that when DOC is conducting their investigation and reaches out to the Sheriff; this is not when community notification is completed. At this point, it is unsure what address the resident will release to, so no

community notification is done yet. There are several steps between DOC connecting with the Sheriff and local LE completing community notification.

- **Brandon** confirmed this and reiterated that during the DOC investigation, the contact made with local LE is just initial and provides the chance for introductions and what they are doing.
- **Dan** that he knows that things change along the way and addresses fall through, but the earlier in the process the notification happens, the better. This would allow for better tracking and monitoring of the process on the community side. Dan said that once an address is on DOC's radar, the discussion with local LE should happen.
 - **Brandon** said maybe one of the deliverables should be making a mechanism/process for what this communication between DOC and local LE for a potential placement looks like, and they may include information and guidance on timing.
 - **Terrina** confirmed that Dan and Brandon would work on this separately and the full group does not need to address this further.
- **Sonja Hardenbrook** sought additional clarification on the communication between DOC and local LE during the DOC investigation.
 - **Theo Lewis** said that when DOC assumed this task from the SCC, that there was training material on the steps that would be taken to investigate an address. This included making contact with the stakeholders in the area, and touching base with local LE as soon as possible. Theo said this is similar to the 51.05 law Pierce County put in place. Theo said that maybe writing a procedure for DOC staff, would be beneficial.
 - **Brandon** said there is a process and protocol for DOC investigations, but more collaboration with local LE could be better. Brandon said he would rather there not be a formal SOPB recommendation within the LRA unit.
- **Jamie Weimer** explained that there are some items that folks have agreed to discuss and address outside of the sub-committee, and that these should still be highlighted in the sub-committee's work.
- Sticking Point #2 Outcome: Brandon Duncan (DOC) will complete additional work within his unit to have a more collaborative approach to communications with local LE.
- Sticking Point #3: What is the trigger point for the SCC to bring a case to the ESRC?
 - **Terrina Peterson** recommended that this be included in the SCC's formalizing and documenting of their process. There were no objections to this.
 - Sticking Point #3 Recommendation: The SCC will include this item in their documentation and formalization of their processes.

- Sticking Point #4: The notification process for discharge/unconditional releases should begin when the SCC is notified of a hearing.
 - **Terrina Peterson** mentioned that this could also be included in the SCC’s documentation of their process and asked for recommendations on how the SCC could address this.
 - **Jedd Pelander** asked what the time frame is for when the SCC get notification for an unconditional hearing to when the hearing happens. **Sonja Hardenbrook** said that in her experience these are set more than 30 days out as a letter is sent to the local prosecutor. Once the hearing has happened, the 24 hours begins.
 - **Josh Choate** said that this letter is because the county retains some control over the cases and this is their chance for the county to take the case back if they want to take it in another direction, but this does not happen often if at all.
 - **Terrina** asked if the SCC is notified of the AGO hearings. **Josh** said that they try to, and **Holly** confirmed that they receive a monthly spreadsheet with the hearings/trials. **Holly** also mentioned that these hearing notices are not received from King County.
 - **Terrina** said that she would edit the sticking point to be: “the SCC should receive notification on upcoming hearings as they do in AGO cases”.
 - **Holly** agreed that this would be helpful.
 - EDITED - Sticking Point #4: the SCC should receive notification on upcoming hearings from King County as they do in AGO cases to better prepare them for a potential release, and to allow the SCC to begin the law enforcement notification process.
- Sticking Point #5: The SCC may not know which local law enforcement jurisdiction to notify if the resident does not voluntarily provide their release address.
 - **Josh Choate** said that this varies, but whether they have a release plan or not they do not really investigate this much.
 - **Terrina Peterson** pointed out that per RCW 9A.44.120(4) the SCC is required to complete pre-registration with the resident. The SCC has to work with the resident to get the appropriate information, and a lot of times the SCC may do the notification to everyone, or the county where the resident has convictions, and then the resident does not go there. This means the law enforcement notification may not go where it needs to be.
 - **Holly Coryell** said that for discharges and unconditional releases, efforts are made by Deborah Woodard to encourage the resident to

share this information, but regardless, sometimes the resident does not know where they are going or they choose to not share. Holly added that in the past the Defense has helped get some of this information, but that they cannot force the resident to tell them and they do the best they can.

- **Terrina** pointed out that it is a violation of the statute to not provide the SCC with this information, as the resident is required to share the address they are going to when they complete their registration paperwork.
 - **Holly** agreed, but said in some cases they still will not provide the information. In these cases, SCC staff remind the resident that they have a requirement to register upon release.
 - **Terrina** pointed out that they have a requirement to register with the SCC prior to their release. The information provided to the SCC should then be forwarded to the Sheriff's Office.
 - **Holly** said this information would be added to their list of areas to address.
 - **Theo** offered the forms that DOC has and uses to Holly for their work.
- **Terrina Peterson** said that this item could likely be added to the SCC's process documentation with the other items mentioned above.
 - **Holly Coryell** agreed that this would work.
 - **Terrina** said her only concern is that the notifications that go everywhere are useless, as mentioned before.
 - **Holly** said she would like to hear from local LE on this, and that they would benefit from input from others on how they might improve the current process.
 - **Terrina** asked **Dan Davis** if there could be some communication about the possibility of a Failure to Register.
 - **Dan** said he is not sure what to make of the unconditional release not providing an address and asked for additional information. Dan said he seems it is not clear if they have to provide an address.
 - **Terrina** said that for the SCC it is difficult because sometimes the resident does not share this information until the day before their release. SCC staff try to get at least a county, but it does not always happen.
 - **Dan** explained that one of the issues he sees is that by the time the community finds out about the release, the release is already a done deal and this can be difficult as the community often feels left out. Dan mentioned this is why he asked about the notification earlier... are they being received earlier and just falling through the cracks?
 - **Terrina** clarified that the SCC notification goes to the local RSO Coordinator with law enforcement, and

when the person releases, they complete the community notification pieces. It is done this way because sometimes plans fall through (different address, does not release, etc.). Local law enforcement is not required to complete the community notification until the resident releases because nothing is final until the release.

- **Brad Meryhew** explained that the RCW provides the person with three business days to complete their registration. Brad mentioned that this was originally done for those releasing from prison, and based on several factors they allowed some wiggle room. Brad asked if a separate requirement for the SVPs would be appropriate, knowing this.
- **Leah Landon** asked for clarification on the sticking point.
 - **Terrina** said the pre-registration from the SCC and the resident not providing information to the SCC are two separate issues. Terrina said the SCC is failing to send the picture, fingerprints, etc. to law enforcement as well. This can be an issue if the resident release and fails to register.
 - **Holly Coryell** said this missing piece would also be added to their process, and acknowledged that Terrina may have already discussed this with other SCC staff.
- **Sonja Hardebrook** said she was unaware of any releases where a client had declined to provide an address. **Shoshana Kehoe-Ehlers** added that it is rarely a mystery where a client is going. **Holly Coryell** said most of the time residents come around and share where they are going, but it may not be within the 30-day period. This is most commonly seen in unconditional releases and discharges.
- **Jedd Pelander** asked if there could be a resident who says they are going to live somewhere, but upon release they may go somewhere else?
 - **Terrina Peterson** said as far as she is aware there is nothing that says they cannot do this as long as they register within three business days wherever they do go. Terrina added that this goes into the timing of the notification as the sooner the SCC can get the location of release from the resident, the sooner they can provide the appropriate law enforcement notification.
 - **Sonja Hardenbrook** said that when they have agreed dismissals there is a significant amount of time spent talking about the release plan. It sounds like the information is there and available, it just is not shared with the right people.

- Sticking Point #5 Outcome: The SCC will determine where the information regarding a resident’s release plan is available outside of the SCC during their internal documentation and formalization process. This will allow the SCC to have a resource to contact in cases where the resident will not share where they are releasing to, further allowing them to provide the appropriate notification to law enforcement.
 - **Josh Choate** said there are a few cases where there are questions about the release plan, but he is not sure that the evaluation will be a reliable, full proof, source for that information. **Holly Coryell** agreed. **Sonja Hardenbrook** said nothing is full proof and things may change at the time of release, but the information relied on by the state’s evaluator is at least a good starting point.
 - **Terrina Peterson** asked if the SCC could reach out to the defense to obtain information on where the resident is releasing to. **Sonja Hardenbrook** said yes, the defense is who picks them up at the dock. **Holly Coryell** said that in some cases, the defense does not do things like this. **Holly** reiterated that these are relatively uncommon cases but the SCC would continue to reach out to defense, as well as continue to work on motivational interviewing when working with the clients,
 - **Sonja Hardenbrook** mentioned that her clients usually are not eligible for DOC vouchers, but they may be more cooperative if they were getting help with housing.
 - The group agreed that this was a topic for the Treatment, Discharge Planning, and Conditions of Release Sub-Committee.
- Sticking Point #6: The SCC needs consistency in who notifications go to.
 - **Terrina Peterson** said this is part of the SCC process, and this could be added to items for the SCC to review internally. **Terrina** sends an updated list of the RSOs for every county, so it is just an educational piece for the SCC on who to actually send these to.
 - Sticking Point #6 Outcome: The SCC will review internally, who law enforcement notifications should go to for each law enforcement jurisdiction.
- Sticking Point #7: Conflicting Statutes – one statute says 30-day notification must be done, while another says someone cannot be held if they do not meet criteria (leads to a 24 hour release).
 - **Terrina Peterson** said there is a workaround for this and asked if everyone agreed.

would state that the SVP releases would require less than a 30-day notification. **Terrina** said yes. **Josh Choate** said if the question was regarding housing and being able to secure housing in that 30-days, it might be an easier fix to build in something about DSHS paying the rent while the process is ongoing, and this could be built into the statutory requirements.

- **Terrina** said fiscally this may be harder as in some places it is expensive. **Josh** agreed that this could be a tough sell either way.
- **Jamie Weimer** asked if this could be shifted over to the Treatment, Discharge Planning, and Conditions of Release Sub-Committee. **Leah Landon** said yes, it could go to that committee.
 - The group agreed to move the consideration of DSHS paying for housing while a resident awaits release to the Treatment, Discharge Planning, and Conditions of Release Sub-Committee.
- **Jedd** said he thought it would be interesting to see reactions from others on having less notification time for SVPs than for juveniles or for other sex offenders.
 - **Terrina** said with the juveniles and other sex offenders, there is an address that they know they are releasing to. **Terrina** said her issue is if there is no address or the LRA is not approved, there is an issue with the SCC sending notification to law enforcement when nothing is final or detailed enough to be useful.
 - **Theo Lewis** said he does not think the community would appreciate the difference between the SCC releases and the other releases and that the community would more likely appreciate the same length of time.
 - **Jamie Weimer** reiterated that this is again, not community notification. They are still discussing law enforcement notification which occurs prior to the person releasing.
 - **Jamie and Jedd** further discussed if 30-days is needed in all cases (SVPs, juveniles, and sex offenders releasing from prison). **Terrina** added that from the conversations she has had have led her to understand that law enforcement would rather receive a more useful notification 14 days before release, than a useless one 30 days before.
 - **Devon Gibbs** mentioned that part of the problem may be that it is called community notification and if it was called law enforcement notification there may be less concern.
 - **Terrina** reiterated that the RCW they are referring to does not include community notification.
 - **Brandon Duncan** mentioned it makes sense that law enforcement wants accurate information, but the 30 days

should still happen as this is when law enforcement starts preparing for community notification. One idea would be to recommend that an updated bulletin be provided 3 days prior to release.

- **Terrina** said this could be resolved if SCC does the pre-registration.
- **Dan Davis** said he thought it may be beneficial to have the counties updated as the release gets closer.
 - **Terrina** said this is part of the SCC process and they should be providing these updates via email, and her overall goal was in part, to reduce the number of emails sent to law enforcement.
 - **Holly Coryell** said the SCC does make every effort to offer updates and clarity when appropriate. **Terrina** mentioned that this could be added to the pre-registration process.
- Sticking Point #9: The SCC should discuss using pre-registration as a way to provide updated information to local law enforcement
- Sticking Point #10: Timing of Victim/Witness Notifications
 - **Shoshana Kehoe-Ehlers** mentioned that Talcott Broadhead had to leave the meeting and the group agreed she should be present for this discussion.
 - The group agreed that they would also like to hear from the DSHS Victim/Witness Notification staff member. **Leah Landon** said she would work to get Lisa Copeland (DSHS) invited to the next sub-committee meeting so that the group could discuss this further.

Devon Gibbs asked to discuss the 30-day law enforcement notification again. **Terrina** said that it would make more sense to keep things uniform across the different requirements, as this is in part, easier for the community members to understand. **Theo Lewis** agreed that the uniformity was important, as did **Brandon Duncan**. The group agreed to leave the recommendation as the SCC should send updates with their pre-registration.

Next Steps

- Next Full Board meeting on June 24, 2020 from 1:00pm-5:00pm
- Leah will send out Doodle poll to schedule next meeting.

Meeting adjourned at 11:54am.

APPROVED AND ADOPTED BY THE SEX OFFENDER POLICY BOARD

_____/s/_____
Sub-Committee Chair
Terrina Peterson

June 16, 2020
Date