



STATE OF WASHINGTON
SEX OFFENDER POLICY BOARD

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SEX OFFENDER POLICY BOARD

October 15, 2020 9:00am-12:00pm

Microsoft Teams Meeting

Members Present:

Elyse Balmert
Joshua Choate
Robert Gelder
Linda Farmer
Dave Flynn
Brad Manke
Brad Meryhew
Michael O'Connell
Jedd Pelander
Jennifer Ritchie
Stephanie Sacks

Members Absent:

Roger Rogoff

Members Represented By

Proxy:

Mac Pevey (Donta Harper)
Richard Torrance (Stephanie
Sacks)

Staff:

Leah Landon

Guests: Alex Mayo, WA Voices; Cathi Harris, DOC; Dan Yanisch, SCC; Devon Gibbs, King County Dept. Public Defense; Dominic Winter, DOC; Jacob Bezanson, SCC; Jamie Weimer, WASPC; Jennifer Williams, DOC; Kelsey-Anne Fung, Senate; Rachael Seevers, Disability Rights WA; Sharon Swanson; AWC; Shoshana Kehoe-Ehlers, OPD; Sonja Hardenbrook, Snohomish County PDO; Sophia Byrd-McSherry, OPD; Terina Peterson, WASPC; Theo Lewis, DOC; Dan Davis, Pierce County Prosecutor's Office; Lowell Porter, SCC; Brandon Duncan, DOC

Meeting Notes

Welcome & Call to Order

Brad Meryhew called the meeting to order and asked everyone to introduce themselves. Meeting participants were asked to mute their microphones when not speaking, and asked to use the chat function through Zoom whenever they would like. Leah provided an overview of the basic functions in Zoom, and added that votes during the meeting would be done as a Zoom poll.

Approval of Meeting Minutes

Brad Meryhew asked the Board to approve the meeting minutes from September 24, 2020.

MOTION #20-14: MOTION TO APPROVE THE SEPTEMBER 24, 2020 MEETING MINUTES.

Sex Offender Policy Board
10/27/2020

October 15, 2020 Meeting Minutes

MOVED: Linda Farmer
SECONDED: Rob Gelder
ABSTAINED: None
PASSED: Unanimously

Meeting Objectives

Objective 1: Discussion – SCTF Siting and LRA Placements Sub-Committee Recommendations

Lowell provided an overview of the language he added to the SCTF Regional Placement Model, the Community Engagement Strategy, and the Siting Matrix. The additional wording is included in each executive summary and emphasizes the need to move quickly and fund these new SCTFs so the SCC can make use of the beds.

- **Leah** added that these updated executive summaries had been shared with the Board prior to the meeting and neither her or Lowell had received any feedback on them. Leah said the Board could discuss further, or vote on the siting package.
- **Brad Meryhew** asked if there were any issues that board members wanted to discuss.
- **Michael O'Connell** said he looked through it as someone who was not involved with crafting the reports, and asked Lowell if there was anything that he wanted to bring to the Board's attention that was tricky to find wording for.
 - **Lowell** said no, in the executive summaries they were able to find language include. It was easy to articulate what the board wanted given there was no feedback otherwise.
- **Brad** asked **Rob Gelder** if he feels that the Community Engagement Strategy is workable and an improvement.
 - **Rob** said he does, and he knows there was initially some angst about a public process and how it may slow things down, but he thinks this is important and is reflected in these documents.
- **Brad** asked **Linda Farmer** how she feels about this.
 - **Linda** said she feels the same as **Rob**. The emphasis on getting the community involved in addition to elected officials, and leaders. Pulling people in before decisions are made is helpful.
- **Brad** asked others if they felt it was workable.
 - **Josh Choate** said he did not foresee it creating any problems for him, and he has been impressed with the work that Lowell and the rest of the team have put in. his office supports the SCTFs and the step down path, and they are not there yet but they will get there.
- **Shoshana Kehoe-Ehlers** said she agrees that it is really good to have everyone on the same page. One of her concerns is that it is important to have stakeholder input, but the hope is that the input is not to kill something.
 - **Rob Gelder** said is looking at the whole thing through the lens of a continuum of care, and trying to understand the need for units and bed, and going through a proactive model to try and identify those so the defense does not have to do it all. If you know you have a certain number of spaces within a community, you can clear those hurdles ahead of time. Is the capacity needed though, an ownership or contract for the state. Do they own the spaces or are they able to contract out for?

- **Brad** asked **Rob** how he felt about the concerns about the community killing the process.
 - **Rob** said he feels this will always be part of the gut reaction but he feels that it is getting started earlier and establishing what the need is. There is an educational component and if we do not communicate with the community about the level of need, then there is not understanding of it. We have this need in our community, so let's together, figure it out.
 - **Brad** said his hope is that we can share with everyone that there is agreement, though there is some tension around it and there are competing values.
- **Stephanie Sacks** said she understands the concern about input, but it is going to come one way or another. So the more transparent and the sooner you can invite that input, the better. The more input people are invited to give earlier on and the more transparent we can be, the better.
 - **David Flynn** added that there is work the SCC is already doing within some communities though COVID-19 has put a stop to a lot of that. The more time the SCC invests in educating people though, the better.
- **Dan Davis** said he has learned a lot about the folks coming off the island and reintegrating, and getting it out there to the community is a delicate balance. There will always be folks who never want these people, but there are some people who will be amenable to being educated. Once the SCTF is sited and put in place, some of those fears may fade away as the process works and people realize there are not issues.
 - **Brad** added that Pierce County has been through this topic more than other communities.

MOTION #20-15: MOTION TO APPROVE THE SCTF SITING PACKAGE AS PRESENTED BY THE SCTF SITING AND LRA PLACEMENTS SUB-COMMITTEE.

MOVED: Linda Farmer

SECONDED: Donta Harper

ABSTAINED: None

PASSED: Unanimously

- **Linda Farmer** said that they have concerns about this, and want to make sure there is more involvement with the cities and counties pertaining to LRA placements. Linda added that her, Rob Gelder, and the SCC would be meeting later in the day to discuss this specifically.
 - **Brad** asked if there was a way to include some of this in the SOPB report.
 - **Linda** said she loved this and hoped that they could outline this in their meeting later.
 - **Leah** said there would be another meeting on 10/29 for the Board to vote on the final report. **Leah** added that they could send in additional verbiage, and it could be added and considered by the board.
 - **Rob Gelder** said he agrees with Linda, and the matrix is more about the requirements for the location and not about how the location is found.
- **Sonja Hardebrook** reminded everyone that the LRA placement matrix is not possible for defense attorneys and would require additional work from the SCC.

- **Leah** said this was understood and was already included in the final version of that recommendation.

MOTION #20-16: MOTION TO APPROVE THE LRA PLACEMENT MATRIX AS PRESENTED BY THE SCTF SITING AND LRA PLACEMENTS SUB-COMMITTEE.

MOVED: Michael O’Connell

SECONDED: Rob Gelder

ABSTAINED: None

PASSED: Unanimously

Objective 1: Discussion – Treatment, Discharge Planning, and Conditions of Release Subcommittee Recommendations

Michael O’Connell said at the last meeting there was another sticking point that was identified and sent the group back to work. Michael provided an overview of the sticking point and the sub-committee’s recommendation for it.

- **Brad** asked **Josh Choate** and **Jennifer Ritchie** how they feel about the proposal.
 - Jennifer Ritchie said that Josh helped come up with some of the language, and she thinks it is fine.
- **Brad** asked the defense how they feel about it.
 - **Devon Gibbs** said they like it it feels it allows them to propose reductions in conditions and addresses their concerns.
 - **Brad** asked how they would respond to the concern of this leading to frivolous litigation.
 - **Devon** said there was an example that was given and this is not the majority of cases, and we shouldn’t draft legislation based on one off behavior.
- **Sonja** brought up that in AGO cases, one interpretation of that statute is that no one on the defense team can asked for modifications to an LRA. This usually takes a couple of rounds and briefings, and Sonja has started trying to build these into her orders as a precautionary measure to get her client back to court.
 - **Josh** said that this change should open a few more doors, and they have the same concerns that are raised here.

MOTION #20-17: MOTION TO APPROVE THE RECOMMENDATIONS FROM THE TREATMENT, DISCHARGE PLANNING, AND CONDITIONS OF RELEASE SUB-COMMITTEE.

MOVED: Michael O’Connell

SECONDED: Jedd Pelander

ABSTAINED: None

PASSED: Unanimously

Good of the Order:

- **Brad** mentioned that there were several things originally included in HB2851 that were not included in SOPB discussions because they were not a sticking point, but they are have support and should be included.

