STATE OF WASHINGTON
SEX OFFENDER POLICY BOARD
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SEX OFFENDER POLICY BOARD
SCTF Siting and LRA Placements
Sub-Committee Meeting
June 19th, 2020 1:00pm-3:00pm
Microsoft Teams

In Attendance: Leah Landon, Staff; David Flynn, Chair; Terrina Peterson, WASPC; Andrew Morrison, Contract Attorney; Sonja Hardenbrook, Snohomish Co. Public Defender Association; Jamie Weimer, WASPC; Cathi Harris, DOC; Rachael Seevers, Disability Rights Washington; Devon Gibbs, King County Prosecuting Attorney's Office; Lowell Porter, SCC; Alex Mayo, Washington Voices; Holly Coryell, SCC; Daniel Davis, Pierce County Prosecutors Office; Daniel Yanisch, SCC; Rob Gelder, WSAC; Kelsey-anne Fung, Senate Committee Services

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 and can be provided upon request. Leah introduced David Flynn as the sub-committee Chair. Leah invited David Flynn, as well as all other participants, to introduce themselves.

Approval of Meeting Minutes

Meeting participants were asked to review the meeting minutes from May 28, 2020. Leah asked for a motion to approve the meeting minutes.

MOTION 20-2-3: MOTION TO APPROVE THE MAY 28, 2020 MEETING MINUTES AS WRITTEN:

MOVED: Rob Gelder
SECOND: Alex Mayo
Passed: Unanimously
Abstained: None

Meeting Objectives

Objective 1: Presentation on the Special Commitment Center's Proposed Community Engagement Strategy for SCTF Siting

- This presentation was to provide the sub-committee members with an overview of the SCC's proposed approach to stakeholder and community engagement for SCTF Siting.
- Please direct questions about the presentation to Lowell Porter at Lowell.porter@dshs.wa.gov.

- **Sub-Committee Feedback and Questions:**
  - **Rob Gelder** asked if tribal engagement would only happen for tribes in the county the SCTF would be sited in.
    - **Lowell** said that due to the Centennial Accord and other requirements, this will be done in a broad context and may involve the engagement of tribes outside of the general area.
    - **Rob** said this may be streamlined by working with the Council of Governments. **Cathi Harris** that DOC has a tribal liaison that may be able to offer assistance making connections.
  - **Alex Mayo** asked what an individual setting would look like.
    - **Lowell** provided an example and said it may work in a certain counties where they could sit down with stakeholders all in one setting, but in some cases it may require separate, individual meetings with partners and stakeholders.
  - **Devon Gibbs** added that an additional group to consider would be other housing providers in the area for clients after they release from the SCTF.
    - **Lowell** agreed that this was a good idea.
  - **Dan Yanisch** asked if this would need to be done one SCTF at a time of if multiple could be sited at once.
    - **Lowell** said with what had been laid out, it could be done one at a time, but with the right resources there is nothing to stop them from doing concurrent siting.
  - **Rachael Seevers** asked about the timeline for new SCTFs and when the first one could be expected to come online for residents. **Rob Gelder** asked how this would be impacted by the current budget situation.
    - **Lowell** said that they have the resources needed to start the process. Once we move into the Capital budget process, this is where the money becomes the issue. The budget issues will better determine the timeline.
  - **Devon Gibbs** asked if realistically a new SCTF would be ready to house in 5 years or less?
    - **Lowell** said he could not really say, but look at the funding and the budget issues it could take that long, but it could be shorter.
  - **Rachael Seevers** said it sounds like in the interim it sounds like we might be siting community-based LRAs.
    - **Lowell** said we may still potentially need these and he is focused on the SCTF side of things.

- **Andrew Morrison** asked if this extensive of a process is done for a max prison and he does not feel we will ever site anything this way
    - **Lowell** said it might be easier to site a prison that way because you do not have the direct community interaction. **Lowell** added that this is starting broad but can be changed based on what the SCC encounters. This is the SCC's starting point for what they feel is needed to do this effectively.
    - **Dave Flynn** added that they do need this level of detail so they can capture the services that would be available to benefit those transitioning.
- **Devon Gibbs** asked if there was any way to streamline this process to make it happen sooner.
    - **Leah Landon** added that the budget deficit is going to be the biggest carrier.
    - **Lowell** said if it was everyone's collective wisdom that this is too much and the SCC needs to do the work on the back end and then bring the work to the locals and explain it to them after already having selected locations, they could do this. The downside to this is it may create a larger problem to overcome with the public.
- **Rachael Seevers** asked if the SCC would site over public rejection or disagreement.
    - **Lowell** said there will most likely be people who say no, but the decision-makers may still decide to put it there. The goal is to minimize the resistance by making a compelling business case from the public policy perspective.
- **Sonja Hardenbrook** added that this seemed like a lengthy process aimed at establishing consensus and buy in and asked if we are sure this is even possible, as some people will never agree no matter the length or level of engagement.
    - **Leah Landon** asked **Rob Gelder** and **Dan Davis** what they thought about this as they work with their communities directly.
        - **Dan Davis** said he thinks we are underestimating the kind of pushback that may come from the locals, just based on when we sited in King and Pierce Counties. No one wants the SCTFs. **Dan** asked if there was any type of incentive that could be put in place, to incentive the community to want to site an SCTF in their community.
            - **Lowell** said this was a great point. If you look at the historical record of when the siting occurred for King County and Pierce County, there was massive resistance. This is part of why Lowell has proposed the process he has. He added that the legislation that came out of the siting of these SCTFs, there was financial incentive added and these came with sunset clauses. This could be replicated if people thought this was viable and would help.
            - **Dan** added that we are 25 years into this process of seeing the SCC and it is an important step for people to understand who is on the island and how the SCC works. There is still resistance from people that under no circumstances do they

want to take this on. It is a difficult sell, but Dan supports it and it is a step in the right direction to let people know the particulars of the process.

- **Dave Flynn** added that they had started to getting into this work prior to COVID-19. The SCC hosted a town hall in Poulsbo that went well, and after the pandemic they plan to continue getting out and talking to the communities.

- **Lowell** mentioned the issue of equitable distribution and if you do not have an SCTF type of facility in every county, we are going to have to use some type of regional model. Pierce County has made a great argument for them bearing the brunt of the releasing population and there needs to be equitable distribution. But to do this, we need more facilities. **Lowell** added that it could be a problem if we are not in compliance with federal requirements and this could impact public safety.

- **Alex Mayo** said he was concerned about nimbyism and how when we label people as sex offenders we may create more of a problem. In order to address some of the issues we are talking about, we need to consider changing the language. If we continue to identify people as "evil monsters" and that is the language we use, we will continue to have issues.
- **Dan Davis** came back to the point **Lowell** made which is you can look at the numbers within the SCC, you can see exactly what counties have people there and the counties may have forgotten that they share an obligation to receive back or receive some sort of distribution of residents when they are ready to be released. The counties should be made aware that they are responsible for this and shoulder some of the responsibility.
    - **Rob Gelder** said the hard part is the conversation and the need to have that service in the community when all of this happens really within the court system. This conversation is not happening with the other arm of local government, and this is where the breakdown is. **Rob** added that what helps with the proposed process is the engagement. This is a conversation people need to be included in so they can be part of the solution. How do we engage the community and work with local partners to find the solution? They have this ability if they are able to work with them to begin with.
    - **Lowell** said he appreciates the comment and he has done a lot of work looking back at the history of the SCC and this work has not happened. The view is the risk is so high and the danger so severe, that there is no trust. That is why the SCC is proposing this longer process.
    - **Dan Davis** said he was not suggesting that we should not get out there and that the potential community should not be engaged, this is critical. It is just a difficult task for DSHS and the State to take on.
    - **Cathi Harris** added that if we fail to take the time to educate the community and address their concerns, the residents releasing will bear the burden.

        - **Lowell** added that one of his biggest fears is that we do not make progress and we are not adapting, and this individual resident rights will be protected within the court system and because we have not provided what is required for treatment progression, it could be a negative outcome for the public and the resident as the reintegration would be more difficult.
    - **Dan Yanisch** added it is still an uphill battle because of public fears.
        - **Rob Gelder** said there are uphill battles all the time but it is about designing a process and engaging all stakeholders, etc. that will move folks forward towards consensus.
    - **Devon Gibbs** asked **Andrew Morrison** to speak about his idea in the chat box.
        - **Andrew Morrison** mentioned it may be helpful to have people discuss this more in the abstract and have the public/stakeholders involved in selecting the siting criteria so the public cannot say "but not here".
        - **Rob Gelder** said that in Kitsap County they are in the process of siting a new road shop, they have outgrown their current one. They also want to site a collection area for household hazardous waste. They went and found a place, acquired it, and this was the first time the public learned about the siting and potential programs that may be there. People were upset, and phrasing it as a hazardous waste dump. **Rob** added that his takeaway was they should have engaged the public earlier. This needs to be done prior to the siting and development of a facility regardless of what it might offer or serve.
        - **Lowell** added that he could have done a better job explaining the continuum of this and his thought was if we can agree that we will need to do a regional placement model and we can get that approved, then we can take the first step of "which counties?". Once you pick the counties, you leverage the siting matrix to look at the potential properties. At this point you can leverage the community to evaluate properties as there is not unlimited property. There is a balance to be struck in doing some of this concurrently.
            - **Dan Davis** said this sounded like a good idea and allows the SCC to focus their effort.
            - **Andrew Morrison** recommended considering the local governments to do the siting versus the SCC.
            - **Leah Landon** asked Lowell if it was in statue that the SCC determines the SCTF siting.
                - **Lowell** said based on RCW 71.09, the bulk of the decision falls to the secretary of DSHS.
    - **Dan Davis** said that recently DOC has been wanting to site additional work release beds and they have done a nice job trying to engage the public. **Dan** acknowledged that this is less controversial, but they did host a meeting and it was an effective way to present the information.
    - **Sonja Hardenbrook** asked if there was a clinical component to the assessment that determined 72 beds more beds may be needed.

        - **Lowell** said he believed there was but he would need to go back and double check.
- **Leah Landon** circled back to **Andrew's** comment on maybe local jurisdictions should do the siting. Leah asked if the group still wanted to discuss this or if the group could work under the assumption that the SCC was doing the siting.
    - **Lowell** said there would likely be some hurdles there statutorily.
    - **Rob Gelder** added that when the time comes he is willing to help get the regional placement model, siting matrix, and engagement strategy in front of all 39 county's leadership and commissioners for Lowell to present.
        - **Lowell** added that this is why the placement model and siting matrix are up front, it allows for better facilitation with the counties as you only need to talk to the counties and areas that may receive an SCTF.
    - **Devon Gibbs** said if the process takes too much time we will be housing an aging population and that 72 beds seems high to her.
        - **Lowell** said the 72 beds is a projection and the goal is to site the facilities in a smaller facility with room for growth as needed.
        - **Rob Gelder** added that finding an existing structure may speed the process up.
- **Lowell** recommended to the sub-committee that they adopt the proposed model for the SCC's stakeholder and public engagement strategy and asked the sub-committee for additional feedback.

Next Steps

- Next Full Board meeting on June 24, 2020 from 1:00pm-5:00pm.
- Leah told the group to continue to think about the proposal and the three components from the SCC, and to consider if the group would like to recommend this to the full SOPB.
- Leah send information to schedule the next meeting shortly.
- Andrew Morrison added that the group should continue to consider things that may require a statutory changes, such as having the local law and justice committees doing the siting.
    - Leah added that other sub-committee members are welcome to provide alternative proposals as appropriate.

Meeting adjourned at 3:00pm.

APPROVED AND ADOPTED BY THE SCTF Siting and LRA Placements Sub-Committee

_____/s/_____ ___July 15, 2020_____

Sub-Committee Chair Date
David Flynn