



**STATE OF WASHINGTON
SEX OFFENDER POLICY BOARD**

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**SEX OFFENDER POLICY BOARD
Treatment, Discharge Planning, and Conditions of Release
Sub-Committee Meeting
September 22, 2020 1:00pm-3:00pm
Microsoft Teams Meeting**

In Attendance: Leah Landon, Staff; Michael O'Connell, Chair; Terrina Peterson, WASPC; Jedd Pelander, DCYC-JR; Devon Gibbs, OPD; Jennifer Ritchie, King County Prosecutor's Office; Rachael Seevers, Disability Rights Washington, Shoshana Kehoe-Ehlers; OPD; Brandon Duncan, DOC; Dan Davis, Pierce County Prosecuting Attorney's Office; Josh Choate, AGO; Corey McNally, DOC; Zainab Ghazal, SCC; Sonja Hardenbrook, Snohomish County PDA; Jennifer Williams, DOC; Dan Yanisch, SCC

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 asked participants to introduce themselves.

Approval of Meeting Minutes

The sub-committee was asked to approve the meeting minutes from September 9, 2020.

MOTION 20-1-7: MOTION TO APPROVE THE MEETING MINUTES FROM SEPTEMBER 9, 2020 AS WRITTEN.

Moved: Michael O'Connell

Seconded: Josh Choate

Passed: Unanimously

Abstained: None

Ground Rules

Treatment, Discharge Planning and COR Sub-Committee
September 22, 2020 Meeting Minutes
09/22/2020

Leah reviewed Ground Rules with meeting participants. These ground rules were created to help guide participants' interactions with each other during the meetings.

Meeting Objectives

Objective 1: Outstanding Sticking Points

Leah invited participants to review the outstanding sticking point (item #18) that did not have a final recommendation.

- Jennifer Williams said the final message she got was that the SCTF is a secure facility and in King County cases those who transition from the SCC to and SCTF to an LRA are more successful than those who transition straight to an LRA. Jennifer added that she is opposed to changing language around chaperones for the SCTF.
- Devon Gibbs said she thinks the recommendation should be to remove the chaperone requirement from the statute, but this does not mean it would be removed for all LRAs. Chaperones are still required for at least 90 days in the community LRA, the removal of the requirement would just permit clients to practice what it is like before moving into the community, which is usually considered a benefit by the treatment provider. Most people would still have an escort, but there should be a way to have a removal of a requirement to allow a person to practice skills. The removal of the statutory requirement would just make it so we could have step down availability on the LRAs for SCTFs.
- Jennifer Ritchie said she understands, but by statute it is a secure transitional facility. You are learning the skills while you have chaperones who can help you do that. The reason people go to the SCTF is different than why people go directly into the community. Jennifer added that she is opposed to changing the statute in this way, and there are also victim-related issues. This will cause a lot of problems, and if you want someone to go into the community without chaperones, they should go straight to the community LRA and not the SCTF.
- Josh Choate agreed with Jennifer and objected to altering the statute in this way. At the AGO, they have one case on appeal, and it is the first case that is looking at what the transition team should be and what it should be required to do. Josh added he would be hesitant to assume the transition team can take of any issues as they arise or address certain things, we think they can until the court case is finished. There is a result from the court of appeals that indicates the transition team does have quite a bit of authority, but the supreme court has been asked to review.
- Sonja Hardenbrook said we need to remember when we look at a potential statutory thing, there are two times when the statute addresses this and they are slightly in conflict. One time, the statute says a chaperone is required unless a judge overrides it, the other says even if a judge overrides it is still required. So, the recommendation may be to get rid of the second statutory provision, not the first. So, chaperones would still be required in every LRA unless the judge overrides it. Sonja added that every LRA placement is defined by statute as a secure facility. The statute includes the SCTFs, as well as any LRA placement that is court ordered. Sonja added that this change would allow clients to experience the change a little bit at a time.
 - Jennifer Ritchie said we have talked in the past about the ease with which people transition from the SCC to the SCTF. When the AGO or King County

Prosecutor's Office gets a report that says it would be appropriate for an individual to go to the SCTF, they do not hire another expert to look at this, because it is an SCC facility, if the SCC recommends it and there are chaperones, they do not hire an expert to review it, they almost automatically sign to have DOC investigate. On the other hand if someone is releasing into the community and there is a chance for no chaperone, the office will always hire an investigator and this is taken much more seriously. It is a much longer process. The spots at the SCTF are few and far between and they are coveted because of the security of the SCTF, and the speed at which someone can release to an SCTF. If the statute does change, it will be a much longer period of time before an LRA is agreed to because they will have an expert look at it.

- Josh Choate clarified that the AGO does get an expert report unless it is a superintendent recommendation, this is when they are permitted to accept the recommendation. If it is an annual review recommendation, they will hire an expert. Josh added that he agrees with what Jennifer said.
- Michael O'Connell said he appreciates the concern Jennifer and Josh have raised, in his experience the two people he had at SCTFs, when they had LRAs pending and no way to practice ahead of time, he would imagine in those cases, and propose, that if the statute is changed to give the court permission to allow for practice time on an LRA, that it be stated that 6 months ahead of an LRA, or understanding that an LRA is pending. There has to be a way to satisfy the concerns around SCTFs being secure, and people being able to get some practice at being unsupervised in the community.
- Jennifer Williams said on the siting for SCTFs, what kind of community impact would this ultimately have in siting new SCTFs? If they saw that the chaperone requirement was being lessened would this make siting more difficult. Also, can this be resolved by there being more community chaperones and when they do go into their community, they have a chaperone that helps them figure out how to get around. Maybe it can be handled on the other end, versus at the SCTF.
- Jennifer Ritchie said she wanted to address a point made by Rachael SeEVERS in the chat regarding the secure facilities. The community transition facilities are SCTF-lite, and these are the places she thought were being discussed. This change would not be appropriate for the SCTF format, but more so for the SCTF-lite. Jennifer said she never thought that the community transition facilities would be chaperoned all the time, these were envisioned to be a place run by the SCC but would allow for more freedom.
 - Rachael said this was in response to presentations made by Lowell Porter on additional SCTFs and five being put around the state. She said she was thinking about this.
 - Leah said this is correct, the SCC is looking at adding an additional three SCTFs in the coming years, and they are SCTFs not a different form of transition facility.
- Devon Gibbs asked if concerns about the possibility of a certain person having their restrictions lessened, if these can be addressed by the court being the one who orders it, she added there may be a situation where the state may want to agree, especially if the reason the SCTF is being used because there is not a better housing option. That the

SCTF is being used for someone who would have been eligible for a community placement otherwise, but is at the SCTF due to lack of adequate housing or appropriate infrastructure, she can imagine a situation where the state would want the person to be able to access the community and practice skills.

- Dan Yanisch said he is curious to hear from the prosecutors on Michael's comment about the chaperone requirement being lifted towards the end of a resident's stay at the SCTF.
 - Jennifer Ritchie said there is never an idea of how long a stay at the SCTF may be. Maybe after an LRA has been approved, during the 30-day notification period, you could lift the requirement, but she added she has not thought it through yet. Then you would have to do 30-day notification to inform victims that they may be traveling alone in the community, but she would like to think more about this. This would be less likely to delay someone going to the SCTF.
 - Josh Choate said for him it is more a matter of pending litigation on what the court/transition team is even allowed to do with these cases. Jennifer Williams made a good point about trying to get more SCTFs and trying to change the way they operate may not be a good idea. Recommendation 18 is also about a step-down process being developed and he would support that, and maybe the statutory change is a sticking point, but there may be a way to reach this goal in another way.
 - Michael said he wanted to remind folks that one of the ideas we are promoting is that we are all in agreement, and he does not imagine this happening if someone disagrees and thinks it is a bad idea for a client/resident. He is not sure how you would do these legally, but the idea that a rogue transition team will let people wander around, is outside the range of what he was thinking.
 - Devin Gibbs said regarding cost, if a person does not need an escort that is a cost-savings. Additionally, one of the main concerns defense has when clients are at the SCTF, they are unable to get jobs and this primarily has to do with needing to have an escort who would have to be with them any time the person goes to work. The clients are unable to reasonably get work while at the SCTF. It may be helpful for clients to have a job prior to leaving the SCTF, and they are able to save up more money and better able to support themselves in the community.
 - Jennifer Ritchie said she was thinking about Michael's point and said she is wondering if maybe language that if the parties agree, and if the court signs off on, then you allow for that. So there is no fear about a rogue judge, it allows for agreement with the parties and judicial sign off. This allows for what Devon just brought up as well, if the individual has proven themselves over a period of time, this could work. Jennifer added that even though she is objecting to it, she likes that we are talking about it.
 - Michael O'Connell, Dan Yanisch, Shoshana Kehoe-Ehlers, and Sonja Hardenbrook all liked Jennifer's idea.
 - Jennifer Ritchie said the Pierce County SCTF is a tough one, but it may be possible to pilot with SCTF King County.
 - Jennifer Williams said the managers of the SCTFs would need to be involved in this.

- Jennifer Ritchie added that SCTF Pierce County is hard because you cannot just dump them off the boat, it may be something where the chaperone takes them to the grocery store and waits for them outside. Maybe the chaperone is a step-down process also.
 - Dr. Ghazal added that in an ideal world the Pierce County SCTF should be used as an initial step and then expanded, as the logistics surrounding the island are different.
 - Leah added that while there are other people who may need to be involved in the conversation, the SOPB needs final recommendations this week, and they may not have time for that. Leah asked the group if they wanted to try to push something through with more detail, or just say that there is not a step-down process but the group is in agreement that there should be.
 - Michael said he was encouraged by the conversation and was thinking this through and incorporating ideas from around the table, and he said he is in favor of trying to get a full recommendation together and if they are not able to get it done, the full Board can always finalize the recommendation.
 - Brandon Duncan said the section where it says the SCC should develop written process around transition teams, was there any discussion around an inter-agency agreement? Just a written policy at the SCC may not be enough.
 - Michael said that Brandon had raised this idea in a previous email but he is not sure what effect this would have.
 - Brandon spoke more to why an inter-agency agreement may be helpful saying that it would be an intentional effort that would memorialize and hold people accountable to their roles.
 - Devon said DOC has its role to enforce the LRA order and the treatment provider has their role in treating the person, the SCC ends up being the person who is the tiebreaker and has the money. The idea Brandon brought up was maybe the SCC role can be more thorough in that they will be the lead case planner to help the transition team transition the person. This would probably require the SCC to have more training for those on the transition team to be the reps, but it may be difficult to put into practice. This was originally recommended as the SCC developing a policy so they can formulate this on their own.
- Brandon said he was wondering where the SCC was on formal support or direction on item 18.
 - Dr. Hayes said if it is taken from a clinical point of view, this makes sense to be evaluating and on an individual basis to consider removing escorts. Regarding the law, that is above his head.
- Leah asked where people feel they are at with the recommendation.

- Brandon said he does not know how to make a recommendation that has such a huge policy impact without having DSHS weigh in more.
- Josh Choate said what Dr. Hayes said about the clinical standpoint is appropriate and something we all support. Josh suggested we not identify statutory changes now, but have a recommendation that stakeholders work together to try to memorialize step-downs and what they should entail.
 - Michael agreed, and said this at the minimum is what we can agree to.
 - Corey McNally added that if this is the best we can get, sharing this with the full SOPB, and if the legislature asks the SOPB to figure it out then we can do it then.
 - Dan Davis added that knowing a lot of people travel into Pierce County from the island, when it comes to them leaving with chaperones, he would be in favor of examining ways that would protect the community but would also provide them with additional freedoms and less restrictions.
 - Jennifer Williams added that another issue with the SCTF Pierce County is whether they can have services in Pierce County, they had talked about people being able to come to DOC for supervision instead of the specialist traveling outside of the county, Pierce County is a big stakeholder when it comes to lowering restrictions, but there was agreement around what services could be used when the facility was built.
 - Shoshana asked if there was a county representative on the committee. Leah said she could not remember if he was on the committee, but there is a county rep on the SOPB.
 - Dan Davis said he would have liked to see more participation from members of the council or those who often ask him questions, but from his perspective, he would be interested in trying to increase the participation on Pierce County's side and if down the road additional meetings and discussions take place. Dan reiterated that he supports looking more into how folks transition back into the community and how we can do this better.
- The group worked on wordsmithing the final recommendation.

Final wording for Item #18: All LRAs should have an individualized case plan that allows conditions to be lessened/obstacles removed as the person successfully transitions into the community. The sub-committee agrees that better step-down procedures need to be developed by stakeholders and done so in a way that promotes community safety, is clinically sound and in the best interest of the individual. This may include statutory revisions around SCTFs, interagency memorandums regarding the transition process, removing obstacles to successful transitions, etc.

Objective 2: Finalize Recommendations

The group was asked to vote on submitting all final recommendations to the SOPB for consideration and inclusion in their final report to the legislature.

MOTION 20-1-8: MOTION TO APPROVE THE FINAL RECOMMENDATIONS FROM THE SUB-COMMITTEE AND SUBMISSION TO THE FULL SOPB.

Moved: Michael O’Connell

Seconded: Corey McNally

Passed: Unanimously

Abstained: None

Next Steps

- Leah will move the recommendations into their final format and submit to the full SOPB for review.
- Leah reminded people that any changes to the final recommendations document would not be accepted if they change the spirit of the item. The only changes that can be made are minor changes such as grammatical changes.

Meeting adjourned at 2:10pm

APPROVED AND ADOPTED BY THE SEX OFFENDER POLICY BOARD

/s/
Sub-Committee Chair
Michael O’Connell

10/12/2020
Date