



STATE OF WASHINGTON
SEX OFFENDER POLICY BOARD

P.O. Box 43124 • Olympia, Washington 98504-3124 • (360) 902-0624 • www.sgc.wa.gov

SEX OFFENDER POLICY BOARD

May 22, 2020 from 9:00am-12:00pm

Skype Meeting

Members Present:

Elyse Balmert
Talcott Broadhead
Joshua Choate
David Flynn
Robert Gelder
Brad Manke
Brad Meryhew
Michael O'Connell
Jedd Pelander
Mac Pevey
Jennifer Ritchie

Members Present:

Roger Rogoff
Richard Torrance

Members Absent:

None

Members Represented By

Proxy:

Linda Farmer

Staff:

Leah Landon

Guests: Jamie Weimer, WASPC; Terrina Peterson, WASPC; Alex Mayo, Washington Voices; Corey McNally, DOC; Shoshana Kehoe-Ehlers, ODP; Kelsey-anne Fung, Senate Committee Services; Sonja Hardenbrook, Snohomish County DPA; Andrew Morrison, Contract Attorney; David Heppard, Freedom Project WA; Rachael SeEVERS, Disability Rights Washington; Devon Gibbs, King County DPD; Michael Althaus, Senate Democratic Caucus, Sharon Swanson, AWC; Jessica Fleming, Snohomish County PDA; Sophia Byrd McSherry; Holly Coryell, SCC; Lowell Porter, SCC; Daniel Davis, Pierce County Prosecuting Attorneys Office.

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 speaking, and asked to use the chat function through Skype to ask questions, make comments, etc. The meeting was recorded (this includes the chat function) and can be provided upon request. Brad Meryhew introduced himself, and then invited other members and guests to do the same.

Approval of Meeting Minutes

Brad Meryhew asked the Board to approve the meeting minutes from April 17, 2020.

MOTION #20-5: MOTION TO APPROVE THE APRIL 17, 2020 MEETING MINUTES.

MOVED: Mac Pevey

SECONDED: Michael O'Connell

ABSTAINED: Robert Gelder

PASSED: Unanimously

Meeting Objectives

- **Objective 1**
 - Receive Updates on sub-committee progress
- **Objective 2**
 - Receive presentation from the Washington Defenders Association and the Washington Association of Criminal Defense Lawyers
- **Objective 3**
 - Determine any areas that have yet to be addresssed and determine next steps.

Objective 1: Sub-Committee Updates

- **Treatment, Discharge Planning, and Conditions of Release Sub-Committee**
 - First Meeting: May 6, 2020
 - Next Meeting: June 1, 2020
 - Chair: Michael O'Connell
 - Michael provided the Board with an update on the sub-committee's work. Michael told the Board that there was a good turnout of participants at the first meeting. Participants started by offering their expeirences and perspectives on how the process worked, and reflecting on the expeirence overall. Participants reported on many glitches and problems, and Michael noticed that the process is based on litigation rather than a cooperative agreement and coordination and this was a main takeaway. It was mentioned during the sub-committee meeting how other states go about these tasks, and it will be helpful to hear more about this.
- **SCTF Siting & LRA Placements Sub-Committee**
 - First Meeting: May 6, 2020
 - Next Meeting: May 28, 2020
 - Chair: David Flynn
 - David Flynn provided the Board with an update on the sub-committee's work. David said the meeting was well attended and there was a robust discussion with participants sharing their different persepectives and experiences. The group discussed the SCTF process as well as the LRA process. After some dialog, Lowell Porter from the SCC gave an update on the work currently being done at the SCC to site additional SCTFs. Lowell told the group more about the factors being considered for this work. The group decided to do a Value Stream Map (process map, or flow

chart). One to show the SCTF process, and one to show the release process for LRAs. David also mentioned that a lot of information was shared by members of the defense and all the work they do on the LRA planning.

- Leah added that she had been working separately with the SCC and members of the defense to create the two Value Stream Maps for the group.
- **Community Notification and SCC Releases Sub-Committee**
 - First Meeting: May 13, 2020
 - Next Meeting: TBD
 - Chair: Terrina Peterson
 - Terrina Peterson provided the Board with an update on the sub-committee's work. Terrina said the first meeting went very well, and that the group had completed the process map and was already discussing the sticking points. The goal for the next meeting is to discuss the sticking points further, narrow them down, and then start working on recommendations.

Objective 2: Presentation on Less Restrictive Alternatives

- Presenters:
 - Rachael Seevers, Disability Rights Washington
 - Sonja Hardenbrook, Snohomish County Public Defenders Association
 - Shoshana Kehoe-Ehlers, Office of Public Defense
 - Devon Gibbs, King County Department of Public Defense
- Leah let meeting participants know that another short break would be taken during the presentation, and that the chat box would be monitored throughout the presentation for those who have questions.
- The purpose of the presentation was to provide Members with more information on what the LRA process looks like from the defense side as they do most of the work on preparing LRA plans and helping clients release to an LRA. The presentation also covered prior work with the legislature, and bills that were introduced during the 2020 legislative session.
 - The presentation is available via PowerPoint, and was recorded. Please contact Leah Landon for those materials if needed.
- Following the presentation, members asked the presenters additional questions and had a discussion about funding possibilities.
 - One of the main takeaways from the presentation was that DSHS and the SCC need to be more involved in the LRA planning and release process, but that this will require additional funding. Josh Choate mentioned that given the current state of the budget, this may be difficult. Jennifer Ritchie added though, that she as well as others would be willing to support a proposal from the defense that requests additional funding for DSHS to do this work. Josh again mentioned the budget constraints, and Leah added that there is a large deficit that is expected to last for several years and that agencies are being asked to come up with ways to cut their budget by 15%

. Leah also added that one way to accomplish some of this work may be through WASPC's Model Policy as this would not require a large fiscal ask.

- Brad pointed out that in the past the Board has struggled with what is politically expedient and fiscally possible, and we should be making proposals based on best practice, not whether it is fiscally possible. The Board's job is to make the recommendations, while it is the job of the legislature to find a way to pay for it.
- Michael O'Connell also brought up liability limitations and how the Board will need to address this, as there is always a pull of gravity on the release plans.
 - David Flynn expanded on this and said that in some cases the court orders against what the SCC proposed, and this creates conflict.
 - Devon Gibbs mentioned that this is something that occurs in other states, and a previous proposal included a defense "back-up".
 - Sonja Hardenbrook mentioned it may be helpful to hear from the state hospitals on how they handle similar cases.
- Brad asked Holly Coryell if there are resources that may help provide more information on what other states are doing.
 - Leah let Brad know that Holly had sent resources and she is working through them.
 - Holly mentioned that it is often comparing apples to oranges as other programs had very different laws to begin with.
- Sonja Hardenbrook mentioned it might be helpful to have a presentation from the Community Protection Program.

Next Steps

- Next Full Board Meeting
 - Leah informed the Board she will send a Doodle poll within the next week to begin the process of scheduling the next meeting.
- Meeting Minutes
 - Leah also notified the Board that she will prepare the meeting minutes within the next week and have them out for review.
- Leah asked if there were additional comments or questions.

Meeting adjourned by Brad Meryhew at 12:00pm.

APPROVED AND ADOPTED BY THE SEX OFFENDER POLICY BOARD

/s/
Chair Brad Meryhew

June 24, 2020
Date

