



STATE OF WASHINGTON

SEX OFFENDER POLICY BOARD

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SEX OFFENDER POLICY BOARD

Legal and Legislative Best Practices Subcommittee

April 21, 2021 2:00pm-3:00pm

Zoom Meeting

Attendees: Terrina Peterson, WASPC; Alex Mayo, WA Voices; Elena Lopez, DSHS; Emily Hiskes, Snohomish County PDA; Jamie Weimer, WASPC; Jeff Patnode, ISRB; Joanne Smieja, WA Voices; Katie Hurley, King County DPD; Kerry McCarthy, DOC; Laura Merchant, Harborview ATC; Corey McNally, DOC; Megan Allen, KCSARC; Michael O'Connell, WATSA; Minu Ranna-Stewart, Harborview ATC; Paula Reed, CAC of WA; Shawn Sant, WAPA; Theodore Lewis, DOC; George Yeannakis, OPD.

Meeting Notes

Welcome & Call to Order

Leah welcomed everyone to the meeting. Meeting participants were asked to mute their microphones when not speaking and asked to use the chat function and “Raise your hand” function through Zoom whenever they would like.

Leah reminded people that the meeting was being recorded and the recording could be provided upon request. She told people that if they need to leave early or arrive late that is okay and that they can come and go as they need.

Leah invited people to introduce themselves.

Objective 1 – Review subcommittee assignment

- **Leah** reminded subcommittee members what the subcommittee was tasked with answering:
 - **Item 2b:**
 - Review best practices and make recommendations for how describe these sexualized behaviors, how to name offenses relating to youth sex offenses; and how to differentiate between problem sexual behavior in children under 12 and youth who have engaged in harmful or illegal sexual behavior youth and are 12 or older.
 - **Item 2c:**

- Review statutory requirements for declining youth who commit certain sex offenses into adult court. In addition, if an individual is prosecuted in adult court for an offense that occurred as a youth, how should that offense be classified.
 - **Item 5:**
 - Make recommendations.
- **Leah** provided an overview of the subcommittee process and expected timeline.
 - Subcommittee will meet at least once a month through September.
 - Final recommendations are due to the SOPB by their September 16 board meeting.
 - Subcommittee recommendations are decided by majority vote.
 - Once final recommendations are submitted to the full SOPB, the SOPB will vote on what to include in their report. Once the report is drafted the SOPB will review the report and then edits can be made. Once the report is finalized, it is submitted to OFM for a communications review.
 - **Leah** emphasized that at this time changes will be made to wording but the spirit of the item will not change. Should people have concerns though, they can always reach out.
 - **Leah** added that she would send out a subcommittee timeline.

Objective 2 – Project Proposal

- **Leah** proposed that the group begin by review the current policies mentioned in items 2b and 2c, before creating recommendations.
 - **Jimmy Hung** will present on item 2c at the next subcommittee meeting.
 - **Leah** asked **Shawn Sant** if he would be willing to help with item 2c as well.
 - **Leah** added that subject matter experts would be consulted, and available research reviewed for item 2b.
 - **Alex Mayo** recommended Guy Hamilton-Smith as a potential contact.
 - **Paula Reed** said she had some names she can send.
 - **Katie Hurley** recommended Tara Urs at the King County Dept. of Public Defense.
 - **Mary Laskowski** was recommended to present on WordWatch.
- **Michael O’Connell** said he would be interested in hearing from folks on the renaming of certain offenses, background/history/context and how they came up with the names they did.
 - **Katie Hurley** said the naming of the offenses was something that was talked about during some of their work in the past year and this is something Shawn Sant brought up originally. Nut it is important for us to think about how we can talk about and refer to behaviors by youth. The group started using problematic sexual behavior as this is the term others in the field use to refer to youth under the age of 18.
 - **Paula Reed** said she would do some research and see what she could find regarding terminology.
 - **Shawn Sant** said that one of the other issues that is important with naming offenses is names that categorize the offense, when the offense occurred when the

person was under 18. Shawn said he knows someone that committed an offense that was 15 years old at the time, say the victim was 12, it was not reported. The person is now 26, married and has some kids. The victim has now grown up, gone off to college, and confided in friends about what happened to them when they were younger, and they now make the decision to report it. This triggers a law enforcement investigation, and we now have someone being charged as an adult with an offense that makes it appear that they, as a 26-year-old, preyed on a 12-year-old. It is important that we classify offenses not only in a way that deals with the youth part of it, but something in a way that represents that the offense was committed by another youthful offender at the time of commission. Now that we don't have a statute of limitations, how does one go back in time to when they are 15 to get a defense organized? This is something to also recognize and consider as we go forward.

- **Megan Allen** said it is important to look at juveniles with a different lens. They are not the same as adult offenders. She added that when working with victims, in most cases the age of the offender is somewhat irrelevant, it doesn't minimize the harm they experienced. Rape is rape from an adult or juvenile offender. There is a huge variance in sexual behavior, and it can range from minimal and not needing legal intervention to serious, violent rape that mirrors behavior of adult offenders. We need to use language that doesn't minimize or hide the intrinsic violence. So much of the language used is consensual language that can hide the violent behavior. How you describe and define behavior is very important. **Megan** mentioned Mary Laskowski's WordWatch training.
- **Shawn** said he was not minimizing the impact on victims and he thinks there is a difference when we deal with a person who is 2-3 years out of age and perhaps, someone much older has taken advantage of a victim. He added that it is important to recognize the difference between those and adults and calling it the same offense is a disservice to the mental state of those who are younger at the time the offense is committed. A 25-year-old with a 14-year-old is different than a 15-year-old with a 12-year-old. It will have the same traumatic effect on a victim, but it is important to note that it is different, and we should recognize this. The other thing we haven't talked about is making sure we provide the same amount of treatment for the victim. A lot of people who were victims themselves go on to offend because they never got the treatment they needed. What can we do for victims as well, especially those that don't have access to resources?
 - **Corey McNally** said this is not true, in the adult literature there is no link to victims becoming victimizers.
 - **Laura Merchant** said there is a stronger link between physical assault and witnessing domestic violence than being a sexual assault victim becoming a victim.
 - **Shawn** said he is basing his statement on his experience as a prosecutor and defense attorney. This is much more broad than just

sexual assault, kids that have experienced trauma in general are much more likely to engage in criminally deviant behavior.

- **Jeff Patnode** said this was one of the pieces of data that his past role pushed strongly, was if they are victims of physical abuse they are much more likely to commit a future sexual offense. Jeff added that when he first came to the ISRB and he had guys who were blaming their previous abuse. Jeff added that he pulled a bunch of cases and the numbers were relatively low. A much higher went on to do other things in their lives, so what Corey said hits the nail on the head. But what Shawn said about general abuse is also correct.
- **Megan Allen** added that one of the most confusing things she has talked with victims about over the past several years is when charges don't mirror what actually happened. And then when charges are vaguer. Megan said they spend a lot of time trying to explain this to victims. Victims often express feeling like the system doesn't believe them, and that is why wording is so important. They want to be acknowledged and for there to be accountability.
- **Name Unknown** added that for Class A felonies juvenile respondents have to wait five years. The most common issue with most of her clients is this can cause issues with employment, housing, and getting into college because what is on their record is rape of a child. She added that as Megan said, language is very important, and this specific charge is one that is frequently misunderstood and can cause a lot of issues well into their adult list.
- **Shawn** asked if reporting of an offense would increase regardless of the name of the offense or if in Megan's experience victims need the crime to call the act what it is to feel they have been heard?
 - **Megan** said victims are not a monolith and they feel differently about things but in general, because the legal system is one that we support innocent until proven guilty they already feel that it is us against them and having the acknowledgement that the description of the crime fits what happens. She added that sitting down with a victim almost all of them are youth or children themselves and trying to sit down with them and explain what was charged is difficult.
 - **Laura Merchant** said she thinks the bigger issue is when the crime that is charged isn't a sexual crime because they are worried about registration or other things. This can lead to the youth not getting any treatment that would help to benefit them. It would be more helpful for the victim too, to know they were charged with a sexual crime.
- **Jeff Patnode** clarified a comment of his in the chat.

