



STATE OF WASHINGTON
SEX OFFENDER POLICY BOARD

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SEX OFFENDER POLICY BOARD

July 15, 2021 1:00pm-4:00pm

Zoom Meeting

Members Present

Linda Farmer
David Flynn
Jimmy Hung
Susan Marks
Brad Meryhew
Hon. Maryann Moreno
Michael O'Connell
Jeff Patnode
Jedd Pelander
Terrina Peterson
Hon. Shawn Sant
Richard Torrance
Jamie Weimer

Members Absent:

Rob Gelder
Mac Pevey (Donta Harper)
Sharon Swanson

Members Represented by Proxy:

(none present)

Staff:

Megan Schoor

Guests: Megan Allen, King County Sexual Assault Resource Center; Lorraine Lynch, King County Sexual Assault Resource Center; George Yeannakis, Office of Public Defense; Joanne Smieja, WA Voices; Sonja Hardenbrook, Snohomish County PDA; Shoshanna Kehoe-Ehlers, WA Office of Public Defense; Dr. Elena Lopez, DSHS BHA; Alex Mayo, WA Voices; Laura Martin, Snohomish County PDA; Brandon Williams, WA DOH; Michael Althaus, Washington Senate Democratic Caucus; Thea Mounts, Office of Financial Management; Madison Swanson, Department of Corrections

IMPORTANT NOTE: The recording for this meeting is available upon request.

Meeting Notes

Welcome & Call to Order

- **Brad Meryhew** reminded meeting participants to mute their microphones when not speaking and asked them to use the chat function through Zoom whenever they would like. **Brad** also reminded everyone that the meeting is being recorded and that recording is available upon request.
- **Brad Meryhew** invited Interim SOPB Coordinator **Megan Schoor** to introduce herself. **Megan** reviewed the agenda with the board.

- Brad Meryhew invited board members to introduce themselves. He then asked **Megan** to introduce the guests in attendance.

Approval of Minutes

Brad Meryhew asked the Board to approve the meeting minutes from June 17, 2021.

MOTION #21-4: MOTION TO APPROVE THE JUNE 17, 2021 MEETING MINUTES.

- **MOVED:** Brad Meryhew
- **SECONDED:** Michael O’Connell
- **ABSTAINED:** Hon. Shawn Sant and David Flynn
- **PASSED:** Unanimously

Objective 1 - Discussion: WCSAP articles ([Honoring First Nations](#))

- “We Survive Without Justice: Sexual Assault Response and Indigenous Women” – Mother Nation
- “Native Indigenous Framework for Healing from Sexual Assault” – Theda New Breast, MPH
- What are your key takeaways from reading the articles?
 - **Susan Marks** mentioned the points about a theoretical framework and hearing from native communities. The language in the articles that speak to colonization; the impact of colonization, boarding schools, using sexual assault tools as oppression. Maybe we don’t have the right to make decisions for tribal communities. A lot of harm/abuse epidemic can occur in native communities reflects the outlawing of cultural practices. Importance of community and cultural support. Intergenerational trauma and colonization.
- How do you apply these articles to the work that you are doing within your subcommittee(s)?
 - **Brad Meryhew** shared that communities address these problems within their communities in ways that can be very effective and appropriate for the community, and it is important to balance between respect for culture and community support, goals, and safety. How do indigenous communities work uniquely with problematic youth? What are some models that are useful to understand for this group?
 - **Shoshana Kehoe-Ehlers** was reminded of the definition of sex offender treatment for 7109ers as defined by SCC. Prior to that, the definition included drug and alcohol, substance abuse programs, etc. The biggest loss was the native circle, which was a therapeutic treatment option for individuals from native communities and others. However, it eventually no longer counted as treatment. A few years ago at the ATSA conference on best practices, there was a presentation from a Tribal leader who acknowledged the harm that is created when there are no cultural/community-based supports for individuals in the system. Anything we

can do to connect juveniles as early as possible. Defining things as SO treatment is especially important.

- **Michael O'Connell** shared that one best practice is risk-need-responsivity model. It's easy for responsivity issues to get lost because of the need to tailor treatment to interventions to where the client is. Culture is a big part. Failing to be mindful and inclusive of that would be not adhering to overarching model for how interventions should be applied.
- How do these articles connect with the presentations from our June meeting?
 - **Megan Allen** shared that we often narrowly look through just the legal lens. It is important to understand the person's needs, how this impacts all participants, and how that impacts the larger community with individual decisions. Even in legal system and juvenile court, we are trying to make decisions tailored to the client. Taking an individualized approach requires us to look through a bigger lens and the impact on victims. We must look at it from a variety of intersections and at the macro and micro level.
- What questions are you left with after reading?
 - **Dr. Elena Lopez** wondered about the level of representation of Indigenous advocates in this group and related groups.
 - **Brad Meryhew** shared about the importance of incorporating cultural practices in healing and treatment. Careful about the words we choose, the impacts of our policies on positions that don't share our experiences, and the ability to look beyond own experiences so that we can gain that knowledge and grow.
 - **Lorraine Lynch** asked, Do we have Indigenous representation on this board? For victims and adolescents who commit sexually abusive behaviors? The articles make us pause to consider how we provide services and represent that perspective on the group.
 - **Brad Meryhew** stated that we haven't asked any questions about identity among members but recognizes the importance of being open to learning from the experiences of others.

- BREAK -

Objective 2 - SB 5163 Workgroup Updates

- **Megan Schoor** shared that membership recruitment is underway for the SB 5163 Workgroup. Brad Meryhew, David Flynn, Brandon Williams, Megan Schoor, and Thea Mounts met as a planning team to outline recruitment next steps based on the workgroup expectations and assignment. Four members so far, including Shoshanna Kehoe-Ehlers, Priscilla Hannon, Sonja Hardenbrook, and Alex Mayo. Workgroup kicks off on July 29th from 1 to 3 pm. The group will meet 1-2 times each month for 1 to 2 hours.
- **Brad Meryhew** reviewed the details of the SB 5163 Workgroup assignment with the members, and that the report is due to the legislature by December 1, 2021. This workgroup is one of three efforts to explore sex offender treatment provider availability. The Department of Health's Treatment Advisory Committee is looking at the issue from

the larger context of the adult system. Our mandate under the juvenile statute is to look at the availability of treatment, whether we need to increase the number of providers. If members are interested in participating in the new SB 5163 Workgroup, please reach out to Brad and/or Megan Schoor.

- **David Flynn** mentioned that the SCC will be putting out a Request for Information (RFI) for sex offender treatment providers in the community so the SCC has a better idea of who to potentially contract as they move forward with the requirements associated with SB 5163. The SCC is working with their Contracts department to post the information request by July 25th. The RFI is to help the SCC get a better understanding of how many providers meet the licensing requirements to work at the SCC. Once the RFI is closed, the SCC will put out a Request for Proposal to contract with providers. Similar efforts are taking place within community-based housing, which is also expected to be posted on the 25th. David will share any relevant information from the responses to the SCC's requests to inform the workgroup and their policy recommendations.

Objective 3 - Presentation on Support, Acknowledgement, and Accountability for LGBTQ+ Survivors of Abuse and Q&A

- **Ocean Eerie and Cecil from the Northwest Network** presented to the group and took questions from meeting participants at the end of their presentation.
- Post Presentation Discussion
 - Question regarding the statement: "Involving youth in institutions does not make our community safe." What should be done with youth who commit crimes such as rape?"
 - Offenders should be considered on a case-by-case basis. Criminal responses are punitive and do not instill wellness or promote a young person's learning. Current systems are broken and prejudiced against individuals with disabilities, communities of color, and LGBTQ+ communities. There needs to be less focus on outlier cases and a greater focus on harm reduction in existing systems.
 - An institutional response should ensure access to health care and other resources, while also eliminating systemic violence. From a harm reduction standpoint, it is important to engage comms who are experiencing harm. There is no way to offer harm reduction from within the system, especially due to a lack of creativity in how to address harms in and outside of our systems.
 - Comment: Presenters stated that adultism is at work regarding youth being charged with sexting. This appears to be more about laws protecting youth from child abuse and child pornography. These responses are designed to protect victims and can sometimes be destructive to perpetrators and their communities.
 - This Adultism began in the early 1990s, Washington State treated children as adults under the "Community Protection Act." Washington State has since moved away from that bit by bit with new and existing statutes. All

children are different, and Adultism was the wrong approach. Rules against sexting didn't come up because children were sexting each other, but because adults were sending child pornography. These laws often create more victimization and harm in unintended ways.

- Comment: One current problem that occurs is when a report is filed against a child that sends a sext and that report is dropped because at that time it was between two minors. In the future, that same person is charged because they're now an adult and can be charged under current laws.
- Comment: Adultism is a real ongoing problem systemically. Prosecutors will often handle cases with only current laws in mind instead thinking about these kids individually. What can prosecutors do differently to minimize the harm that legal systems place upon marginalized communities?
 - Our current systems are also heavily white-centered and influenced by white supremacy. Persons of color are treated even more harshly.

- BREAK -

Objective 4 - "Take Stock" Discussion

- Members reviewed the SOPB Project Timeline and the scope of each subcommittee's work. The updated timeline will be included with the minutes from this meeting.
- **Megan Schoor** offered the three reflection questions below for the subcommittees to consider and respond to as a full group:
 - What topics or issues should we know more about before we start proposing recommendations? What do we need to know that we don't already know? What information or resources would help you / your subcommittee meet the September deadline?
- **Brad** reviewed the assignments for each of the three subcommittees.
- **Juvenile Treatment Subcommittee:**
 - **Chairs:** Jedd Pelander and Rick Torrance
 - A second meeting on September 1st was added to allow more time for discussion.
 - Survey was sent out to SOTPs, with WATSA's help. The survey closed on July 1. Data is being compiled by **Megan**, and the subcommittee will start reviewing the findings next week. Only 30 survey responses from across the state were received, which is a little concerning given the gravity of the assignment and time to provide meaningful feedback to the legislature given the timeline.
 - Any other sources of data that could be gathered or used, or immediate resources from the TPAC?
 - DOH has a pdf directory of SOTP's in WA. Could this data come in an Excel format so a geographical map could be used? **Megan Schoor and Thea Mounts** are pursuing this information for subcommittee use.
 - There are approximately 80 active credentialed SOTP's currently in the state of Washington, which excludes 17 affiliate SOTPs. In the last year, there were less than 15 new SOTPs who entered the field in Washington.

- If there's interest in relaunching to survey to gather feedback from more SOTPs, then please reach out to Megan.
- **Juvenile Registration and Notification Subcommittee:**
 - **Chair:** Jedd Pelander
 - Are we on track to inform the WA state Legislature what other states are doing? Yes. Leah prepared a breakdown of each state's juvenile registration policies. Megan emailed the agenda for next subcommittee and the pdf summary of other states' policies.
- **Legal and Legislative Best Practices Subcommittee:**
 - **Chair:** Terrina Peterson
 - Any suggestions for how to start the offense renaming process are welcome. The subcommittee will start this work soon.
 - Partner with victim advocate groups to discuss language that is universal to all ages. Be mindful of how offenses are named and the potential harms that may result. Language used needs to be descriptive to be understood. It's important to describe the behavior as it happened. Sometimes if language is changed, it might minimize the harm that was perpetrated against the victim. Conduct of the perpetrator should also be a consideration during the discussion of language and renaming offenses. Review the ATSA Guidelines for renaming ideas.
 - Decline of juveniles in adult court
 - Next week, draft language will be reviewed by the subcommittee.
- **Work Assignment #3** - To the extent that data is available, conduct an analysis of racial disproportionality of youth adjudicated or convicted of sex offenses or related offenses as well as an analysis of short- and long-term effects resulting from registration requirements and charging patterns across the state.
 - **Thea Mounts** is currently compiling data for this analysis.
- **Work Assignment #4** - Review research regarding best practices for juveniles who commit sex offenses including evidenced based assessments and treatment, coordinated community response through MDTS that include victim service providers, with the goal of increasing community safety reducing recidivism and prevent sexual abuse
 - **Megan Schoor** is currently compiling best practices research to prepare the literature review for the report.

For the Good of the Order / Next Steps

- Time is needed at the next full board meeting to discuss the process of sealing juvenile sex offense cases and potential changes to that policy.
- **Next full SOPB meeting:** August 19

Meeting Adjourned at 4:04 pm

APPROVED AND ADOPTED BY THE SEX OFFENDER POLICY BOARD

_____/s/_____
Chair Brad Meryhew

__8/19/2021__
Date