



STATE OF WASHINGTON
SEX OFFENDER POLICY BOARD

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SEX OFFENDER POLICY BOARD

March 18, 2021 1:00pm-4:00pm
Zoom Meeting

Members Present:

Linda Farmer
Robert Gelder
Jimmy Hung
Dave Flynn
Susan Marks
Brad Meryhew
Maryann Moreno
Michael O'Connell
Jeff Patnode
Jedd Pelander
Terrina Peterson
Shawn Sant

Continued:

Richard Torrance
Jamie Weimer

Members Absent:

None

Members Represented by

Proxy:

Mac Pevey (Brandon Duncan)
Dave Flynn (Shawn Candella)

Staff:

Leah Landon

Guests: Corey McNally, DOC; Elena Lopez, SCC; Jennifer Williams, DOC; Shoshana Kehoe-Ehlers, OPD; Sonja Hardenbrook, Snohomish County Public Defender; Gina Romero, DOC; Dr. Elizabeth Letourneau, Johns Hopkins; Paula Reed, Children's Advocacy Centers of Washington; Brandon Williams, Department of Health; Karen Feller, juvenile treatment provider; Katie Hurley, King County Department of Public Defense; Lorraine Lynch, King County Sexual Assault Resource Center; Tim Kahn, juvenile treatment provider; Alex Mayo, WA Voices; George Yeannakis, Office of Public Defense.

Meeting Notes

Welcome & Call to Order

Brad Meryhew called the meeting to order and provided a brief overview of the project. **Brad** also emphasized the importance of the public participating in the meetings going forward. **Brad** asked everyone to introduce themselves. Meeting participants were asked to mute their microphones when not speaking and asked to use the chat function through Zoom whenever they would like.

Approval of Meeting Minutes

Brad Meryhew asked the Board to approve the meeting minutes from October 29, 2020.

MOTION #21-1: MOTION TO APPROVE THE OCTOBER 29, 2020 MEETING MINUTES.

MOVED: Rob Gelder

SECONDED: Linda Farmer

ABSTAINED: Maryann Moreno, Shawn Sant, Jimmy Hung, Jeff Patnode, Susan Marks, Brandon Duncan, Jamie Weimer and Terrina Peterson.

PASSED: Unanimously

Note: Michael O'Connell asked that the record reflect that at the October 29 meeting when discussing the collaboration with the cities and counties and their recommendation for the legislature to have the SOPB continue working on the project and providing oversight, he said it warmed his heart versus appreciated it, which is how it is reflected in the minutes.

Objective 1 - Presentation on Juvenile Sex Offenders

- Leah introduced **Dr. Elizabeth Letourneau** to the group.
- **Dr. Letourneau** is a Professor at the Johns Hopkins Bloomberg School of Public Health and has been a researcher for more than 30 years in the field of prevention and intervention of child sexual abuse.
 - The full presentation can be found using the recording at the end of this document, or the slides can be viewed [here](#).
- **Dr. Letourneau** also took questions at the end of the presentation.

Objective 2 – Project Request and Subcommittee Proposal

- Leah reviewed the main items from the project request letter that the Board has been asked to focus on. The full letter can be found [here](#).
- Leah recommended that the Board break into three subcommittees to best respond to the project's various tasks.
 - **Subcommittee 1: Juvenile SO Treatment Subcommittee:**
 - **Item 1:** Conduct a review of current juvenile sex offender treatment programs in Washington including the availability, affordability, accessibility and efficacy of treatment resources available across the state and in institutional settings and an analysis of geographic disparity and recommendations for improvement to the current treatment infrastructure and availability of resources.
 - **Item 5:** Make recommendations.
 - **Subcommittee 2: Juvenile SO Registration and Notification Subcommittee:**
 - **Item 2a:** Review current registration requirements for 16 and 17 year olds as well as minors being prosecuted in adult court and a comparison with other states.
 - **Item 5:** Make recommendations.

- **Subcommittee 3: Legal and Legislative Best Practices Subcommittee:**
 - **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** added that no subcommittee can have more than 6 SOPB members as that would create a quorum, and that members of the various stakeholder organizations and the public can be on as many subcommittees as they would like and there are no membership limits. Leah emphasized the need for stakeholder engagement for the subcommittees.
- **Leah** added that if the group approved the use of subcommittees, she would send out a survey that would allow the board and members of the public to sign up for the subcommittees they wanted to join. After that, a Doodle poll would be sent to each subcommittee for scheduling purposes.
- **Jamie Weimer** said she was confused by subcommittee 3 and said she felt this should be a theme within the other 2 subcommittees.
 - **Leah** said she added the third subcommittee to specifically address the items specifically related to items outside of treatment and registration.
- **Brad** asked **Leah** to talk about item 3 from the request letter.
 - **Leah** said this part of the project is something that she is able to do. Leah added that when she is not staffing the SOPB she is a Forecast and Research Analyst for the Washington State Statistical Analysis Center (SAC) and she specializes in criminal justice research. Leah added that the (SAC) has a longstanding data sharing agreement with the Administrative Office of Courts (AOC), as well as the Department of Children, Youth, and Families (DCYF) and the Department of Corrections (DOC).
 - **Leah** said that in initial conversations about how to approach this project, it has been determined that the first step would be to get the data. The SAC will also run updated juvenile recidivism data to help inform the project. **Leah** added that her office houses the Education and Research Data Center (ERDC). As the project asks about short- and long-term effects of registration, it is possible that the data from AOC could be linked to some of this data to determine effects of registration on education and workforce outcomes, but these discussions are ongoing.
 - **Brad** said there are other people on the line who may want to participate on this topic, and it seems there is research that needs to be done outside of the information Washington has. Leah has taken on a great deal of work here, but to the extent others are interested in this topic and they want to be involved in this, do not be shy and reach out. We are not trying to close down the discussion.
 - **Leah** said absolutely and she isn't saying no one else can be involved, but someone does need to get the data sharing agreements, clean the data, and run the analyses. **Leah** added that if someone has something they want

- added to the study, it is possible that other things could be considered if they fit into the scope of the project.
- **Michael O'Connell** said he thinks something worthy of inquiry is places where the offense took place when the perpetrator was the juvenile and it doesn't get reported until ten years later, and how those cases are handled.
 - **Brad** said Washington law already treats these offenses a bit differently and these individuals are able to use the juvenile statute for relief from registration. These individuals also cannot be placed on determinate plus or indeterminate sentencing if those offenses were committed as a juvenile. Brad agreed that this is an area we should be aware of.
 - **Leah** added that in response to the racial disproportionality piece of item 3, she did request demographic characteristics in the data.
 - **Jeff Patnode** asked if the recidivism could be broken out by community notification risk level.
 - **Leah** said it may be possible, but it would likely require data from WSP or WASPC and likely wouldn't take a year.
 - **Katie Hurley** shared a juvenile recidivism study in the chat.
 - **Leah** said this is what she is aiming to replicate but is currently working to determine what data WSU used as they cite a release date, but the AOC data they used does not actually contain this data element.
 - **Brad** asked about item 4, and research regarding juveniles and processes in other states.
 - **Leah** said yes, as part of the grant that funds her position she was already working on juvenile research. **Leah** added that when this project was initiated, she had just launched a nationwide survey on policies and practices in other states regarding juvenile registration and supervision.
 - Information can be filled in for states that did not respond to the survey, and there are several people willing to present to the group should they like.
 - **Jedd Pelander** said under Item 2a it talks about declining on youth in adult court and he saw this as registering any minor and feels like **Michael's** point could fit in here.
 - **Jamie Weimer** said SORNA was missing and asked if this could be included in reviews. She added that she isn't seeing notification in the letter and asked if this could be added.
 - **Leah** said item 5 is pretty broad and the legislature is pretty amendable to hearing more, and if the board would like to add this it could be done.
 - **Brad** said he keeps raising the SORNA issue as well and **Leah** has already reached out to the SMART office about what affect, if any, the juvenile policies would have on our work. He said once he completes this process, he will likely propose to **Leah** that someone be brought in to talk about this. He added that notification being missing from the letter is likely just an oversight.
 - **Leah** said that Washington's policy advisor from the SMART office already offered to present to the group at any time if they want to hear from the SMART office. **Leah** added that **Terrina** had shared a link to a presentation from Christopher Lobanov-Rostovsky in the chat and that he had also already expressed a willingness to present to the group.
 - **Jeff Patnode** said he wasn't sure to how you don't lump notification into registration, it can't really be ignored.

- **Leah** asked the Board if they were wanting to work on the project using the subcommittee approach.
 - **Jeff Patnode** said he doesn't know how to get the work done without using subcommittees, and it is the most efficient way to get things done.
 - **Brad** said subcommittees are a time commitment and in 2010 he attended 43 SOPB board meetings or subcommittee meetings, and he promises it will be a lot less than that. **Brad** asked **Leah** how often the groups would meet.
 - **Leah** said her hope was monthly. During the last project they were able to meet monthly and towards the end one of the groups had to meet twice a month, but her goal is to keep it manageable. **Leah** said she tries to do a lot of work on the back end.
- **Leah** reiterated that she would send a survey to everyone to fill out that allows them to select the committees they want to be on, and they would have a week to fill it out. Once those are complete, she will send out a Doodle poll to help schedule a standing monthly meeting time.
 - **Jedd** said he thought this makes sense and based on some comments he thinks the registration subcommittee should have notification added to it. **Leah** said she could do this.
 - **Brad** talked more about how important it is to find evidence-based information to move forward, and how this will help us all be on the same page.

Good of the Order and Next Steps

- **Jamie Weimer** asked what the plan for outreach was as there is a rally strong hold for folks who have offended previously to be involved in these meetings. Is there a plan to outreach to survivor and victim groups?
 - **Leah** said yes, in the letter there are specific groups that are invited to be involved and that she had already reached out to each of those groups. **Leah** added that the groups were told they could forward the information and share with others they think will be interested in participating.
 - **Brad** added that he had done some outreach to treatment providers, and the point is that interested stakeholders are welcome to share subcommittee information and invites with anyone they think will be interested. We benefit from more people at the table to do the work.
- **Jedd Pelander** mentioned that there was some legislation that was moving through the legislature this year, SB 5123, that was part of this request that people should take a look at.
- **Brad** encouraged members of the public to use this time to chime in and make comments as they want to.
 - **Katie Hurley** said she appreciated the conversation and the large amount of work. She wanted to highlight that it is important to look at how SB 5123 was originally proposed.
 - **Brandon Duncan** said he is interested in the notification process and he has experience with this, and is curious about the quality and content of the conversations around this.
- **Jeff Patnode** said that legislative staffers used to attend meetings and participate and asked if that still happens.

- **Leah** said sometimes they attend and sometimes they do not, but during the last project they did participate frequently, right now they are pretty swamped with session though.
- **Susan Marks** said she appreciated the person who brought up the survivor voice and she is meeting with some groups that are interested in being involved and will pass on the subcommittee information. Susan added that when she works with families and thinks about what they want out of the justice system, they want someone to admit the harm that they experienced or caused and they want that behavior to change. She added that all the research we are hearing about does not meet these needs. The justice system usually doesn't provide survivors with what they need. What they are often given is "this is your accountability". As we think about what we are giving survivors, we need to think about what else we can give them and how we can meet that need.
 - **Brad** said he looked forward to learning more about the victims' perspective, and he welcomes and appreciates what **Susan** just shared.
- **Leah** said she would send out the survey for the subcommittees as well as the slides from Dr. Letourneau's presentation. She asked SOPB members to sign up for at least one subcommittee.
 - **Brad** explained that if there are more than 6 board members on a subcommittee it creates a quorum and that is why we need to be cautious about this.
 - **Leah** added that after the subcommittee survey is complete the Doodle polls would come out and she anticipates these meetings beginning the second week of April. Leah added that the next SOPB meeting is April 15 from 1-4pm.
- **Shawn Sant** asked if he could attend an subcommittee meeting as a non-voting member, just to listen, or if the mere presence constituted a quorum.
 - **Leah** said she thought it would be fine to attend and listen in as long as there was not a vote.
- **Brandon Duncan** asked if Mac could assign multiple experts to the subcommittees if it was limited to 6 people.
 - **Leah** said yes, each subcommittee will be larger than 6 people so they can put as many DOC members as they would like, there just cannot be more than 6 SOPB members.
- **Linda Farmer** asked if there was a parliamentarian who could double check that there are no more than 6 SOPB members at each subcommittee meeting.
 - **Brad** said this could be done by the subcommittee chairs.
 - **Leah** said this was something she had done in the past.

APPROVED AND ADOPTED BY THE SEX OFFENDER POLICY BOARD

 /s/
Chair Brad Meryhew

 04/15/2021
Date

The full meeting recording can be found and viewed here:

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