



STATE OF WASHINGTON
SEX OFFENDER POLICY BOARD

P.O. Box 43124 • Olympia, Washington 98504-3124 • www.sgc.wa.gov

SEX OFFENDER POLICY BOARD
Registration and Notification Subcommittee

August 26, 2021 3:00 – 5:00 pm

Zoom Meeting

Attendees: Jedd Pelander, DCYF JRA; Katie Hurley, King County Department of Public Defense; Shawn Candella, DSHS Special Commitment Center; Jamie Weimer, WASPC; Terrina Peterson, WASPC; Susan Marks, WCSAP; Alex Mayo, WA Voices; Jennifer Williams, DOC; Dr. Elena Lopez, DSHS BHA; Jimmy Hung, WAPA; George Yeannakis, WA OPD; Megan Allen, KCSARC; Laura Martin, Snohomish County Public Defender’s Association; Brad Meryhew, WACDL; Megan Schoor, OFM

Meeting Notes

Welcome & Call to Order

- **Megan Schoor** welcomed everyone to the meeting. Meeting participants were asked mute their microphones when not speaking and asked to use the chat function and “Raise your hand” function through Zoom whenever they would like.
- **Megan** reminded people that the meeting was being recorded and the recording is available upon request.
- **Jedd Pelander** invited people to introduce themselves

MOTION #21-3-3: MOTION TO APPROVE THE JULY 22, 2021 REGISTRATION SUBCOMMITTEE MEETING MINUTES.

- **MOVED:** Jimmy Hung
- **SECONDED:** Brad Meryhew
- **ABSTAINED:** None
- **PASSED:** Unanimously

Brainstorming Session #1

- **Megan** shared the workgroup’s SharePoint site to review the subcommittee’s goals for this meeting and overall workgroup goals.
 - **Brad’s** proposal was added to the site.
 - **Jamie** and **Terrina** created an alternate proposal after the August 19th full board meeting. This proposal essentially makes it easier to get off of registration by:

- Limiting individuals posted to state sex offender public website.
- Limiting community notification.
- Addressing public disclosure issues that have come up in the past.
- Automatically scheduling relief of duty to registration hearings.
- Waiving filing fees so that it is an affordable approach.
- **Dr Lopez** asked if this proposal would be retroactive, when it comes to information not being disclosable?
 - **Jamie** stated that the timing would be up for discussion, but her initial perspective is that it would be for moving forward.
 - **Brad** asked how many children would this proposal affect?
 - **Terrina** stated that there are currently 473 juveniles at Level 2 or 3 that have a juvenile history. Some of them have subsequent adult convictions as well.
- **Brad** asked if the kids would still have the duty to prove they're been rehabilitated?
 - **Terrina** responded that it would be assumed they would be relieved based on the state's extension of registration.
 - **Brad** asked that it would be assumed barring a state objection.
 - **Terrina** stated yes, it would.
- **Brad** asked that this proposal would take a couple hundred juveniles off of community notification and make it easier for them to get rid of duty to register but not change the duty to register for any children in WA state?
 - **Terrina** responded, yes. **Jamie** framed their proposal as a different way of looking at this issue. They ultimately want to keep juveniles that shouldn't be on the website or subject to community notification, off of the website.
 - **Brad** stated that the research seems to suggest that the harm comes from registration itself. **Megan Allen** offered that the research identifies correlations but doesn't necessarily show causation or a direct link.
- **Jamie** discussed how they came about creating this proposal and what inspired it. **Terrina** added that this proposal would still allow for higher risk juveniles to be included in community notifications and school notifications.
- **Laura** asked, by leaving RCW [9A.44.130](#) as it stands, does WASPC not support any changes to juvenile registration? There does not seem to be much research that suggests registration improves public safety.
- **Terrina** shared that it may be inaccurate to say that registration does not absolutely improve public safety, but there may be some aspects of registration that does improve safety. Law enforcement can use this information as an investigative tool to solve a crime.
- **Jedd** shared that one concern is that we are looking at juvenile registration based on the convicted offense per Washington's current practices, and we are not assessing based on risk. This proposal would potentially change the public

disclosure aspect, but we are still left with whatever crime the juvenile commits requires them to register. Some evidence suggests that approach is flawed.

- **Katie** mentioned that juveniles who are registered in Washington who travel to another state are sometimes subject to the registration laws in that other state. In twenty-six states, registration is required for Washington juveniles if they were required to register in the adjudicating state. See, e.g., S.C. Code Ann. § 23-3-430(a) ("[a]ny person, regardless of age, residing in the State of South Carolina ... who has been convicted of, adjudicated delinquent for, pled guilty or nolo contendere, or found not guilty by reason of insanity to an offense for which the person was required to register in the state where the conviction or plea occurred.")
- **Jamie** highlighted that part of the Alternate Proposal references that persons under age 14 are exempt from any release of information sections 4 and 5. Jamie wondered whether amending [RCW 4.24.550](#) to exclude persons who were adjudicated under the age of fourteen at the time of adjudications, unless they have a subsequent sex offense, from registration?
 - **Brad** mentioned that SORNA says fourteen and up, but only for those offenses that commit violence. Why are the distinctions that SORNA and the Model Penal Code make about older juveniles who commit violence not persuasive?
 - **Jamie** referred to **Megan Allen's** previous comments about the implied violence in sexual assault.
 - **Susan** stated when survivors end up in court, they are not often given a sense or feeling of justice and accountability. Registration may not always be the solution or give them a sense a justice, especially if it is not effective at prevention. We need to ask ourselves if what we recommend meets the needs of survivors, and does registration meet their needs.
- **Brad** asked, how do members feel about violence being required for juveniles to register?
 - **Jedd** agreed that it's worth a conversation to include it given the research and history of some Level 1 cases.
 - **Megan Allen** asked **Brad** how he's utilizing or qualifying the word "violence"?
 - **Brad** stated that he's using the word according to statutes and organizations that have made recommendations for which offenses are required to register and which are not.
 - **Jimmy Hung** shared that his experience as a lawyer tells him that there seems to be a consensus among victims and survivors that there is a need for change regarding registration. However, these conversations can often be based in bias. Jimmy also drew attention to the problem of racial inequities within registration and the need for including this piece in the conversation.
- **Terrina** provided the statistics below for the entire Washington sex offender registry:
 - White: 76.57%
 - Black: 9.48%
 - Hispanic: 6.93%
 - Asian: 2.83%

Native American: 3.79%

Other/Unknown: 0.40%

- **Terrina** also provided the statistics below on everyone on the registry with a juvenile offense by Level:
 - Level 1: 1911
 - Level 2: 288
 - Level 3: 185
 - Kidnapping: 17
 - Unranked: 35
 - Total: 2436
- **Jamie** expressed frustration about the assignments given by the Legislature with the short amount of time provided to accomplish them. These assignments are too important to feel so rushed to complete them.
- **Jamie** asked if amending RCW [9A.44.130](#) to only require registration for individuals fifteen and above, what would be the recourse of individuals younger than fifteen?
 - **Brad** stated that WAPA has always said that kids that have committed a subsequent offense would be on that list to register.
- **Susan** asked if there was a consensus about the research that we've seen? **Brad** stated that is there not a consensus, yet.
- **Jamie** asked in the Zoom chat if making the Judge decide increases equitable outcomes?
 - **George Yeannakis** stated he thinks it does. Judges have a lot more people at their disposal to offer information, which could encourage a more equitable outcome and decision.

Resource Needs

- Further information about Oregon's process.
- Validated risk assessment tools.
- **Jedd** will share DCYF data on the offenses of juveniles who are released from JR.
- **Jedd** and **Megan** will think through a survey to gather subcommittee members' input on the current proposals. **Katie** suggested a question that allows members to rank their ideas to see where members align.

Next Steps

- Schedule additional meeting 2:00PM – 4:00PM, September 16, 2021.
- Subcommittee provides final list of proposed recommendations by September 24, 2021.

For the Good of the Order

- No comments raised.

Meeting Adjourned at 5:06 pm

**APPROVED AND ADOPTED BY THE JUVENILE REGISTRATION
SUBCOMMITTEE**

_____/s/_____

Chair Jedd Pelander

__9/9/21__

Date