



STATE OF WASHINGTON  
SEX OFFENDER POLICY BOARD

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**SEX OFFENDER POLICY BOARD**

July 21, 2022 1:00pm-4:00pm

Zoom Meeting

Members Present:

Blanche Barajas  
Keith Devos  
Linda Farmer  
Jimmy Hung  
Lori Ramsdell-Gilkey  
Brad Meryhew  
Michael O'Connell  
Jedd Pelander  
Hon. Nelson Lee  
Terrina Peterson  
Mac Pevey  
Jamie Weimer

Members Absent:

Christine Minney  
Shawn Sant

Staff:

Whitney Hunt, OFM

Members Represented by

Proxy:

JD Nielsen for Richard  
Torrance

Guests: Brandon Williams, DOH; Sonja Hardenbrook, SnoCo PDA; Brandon Duncan, DOC; Joanne Smieja, WA Voices; Karl T; Keith Devos; Randy Van Zandt; Bruce Glant; Gina Romero; Lateisha De Lay; Devon Gibbs; Amanda Smitley; Candice Yi; Andrew Morrison; Elena Lopez; Whitney Hunt, OFM; Jordan Elwanger, OFM

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

**Meeting Notes**

**Welcome & Call to Order**

- **Whitney** reminded meeting participants to mute their microphones when not speaking and asked them to use the chat function through Zoom whenever they would like. **Whitney** also reminded everyone that the meeting is being recorded and the recording is available upon request and there will be an opportunity for public comment at the end of the meeting during the "For the Good of the Order" section.
- **Brad** called the meeting to order and introduced himself and asked that board members introduce themselves.

## Meeting Objectives

### Approval of Minutes

**Brad Meryhew** asked the Board to approve the meeting minutes from June 16, 2022.

- **Terrina** suggested two changes to the meeting minutes on page 2.
  - **Whitney** made the necessary changes.

### **MOTION # 22-7 MOTION TO ADPOT CHANGES TO THE JUNE 16, 2022, MEETING MINUTES**

- **MOVED: Brad Meryhew**
- **SECONDED: Terrina Peterson**
- **ABSTAINED: Mac Pevey**
- **PASSED: Unanimously**

### **MOTION # 22-8 MOTION TO APPROVE THE JUNE 16, 2022, MEETING MINUTES.**

- **MOVED: Brad Meryhew**
- **SECONDED: Linda Farmer**
- **ABSTAINED: Mac Pevey**
- **PASSED: Unanimously**

### Department of Corrections (DOC) Presentation Re: Supervision

- **Brad** introduced **Mac** and acknowledged DOC's role.
- **Mac** stated his goal for this presentation is to provide an education about what DOC does with regard to community supervision, reforms to the DOC, challenges they face and to receive feedback from the board on how to tackle these tasks.
- **Mac** spoke to his background and role in DOC.
- The "Strategic Anchors" of DOC are:
  - Mission: "To improve public safety by positively changing lives."
  - Vision: "Working together for safer communities."
  - Our Commitment: "To operate a safe and humane corrections system and partner with others to transform lives for a better Washington."
- It takes all 8,600 employees to accomplish DOC's values. They do this by focusing on being "person-centered".
- The number of individuals on supervision has changed, partly due to the impacts of the COVID-19 pandemic and also due to the 2021 Stave vs. Blake decision which deemed simple possession as unconstitutional as the statute was written. The population on supervision has dropped from 21,700 to just above 13,000 in the last 2.5 years. This has caused disruption in the form of hiring freezes, caseload management and budget.
- **Mac** stated WA state has more "imports" from out-of-state compared to "exports" away from WA, largely because our state has a tremendous number of resources.
  - **Brad** asked if **Mac** had percentages of imports vs. exports.

- **Mac** said he doesn't have those numbers readily available but he can get them to the board if desired.
- **Brad** stated that there is typically a lot of discretion involved in these cases and wondered if **Mac** thought that the higher number of imports compared to other states is due to WA being more accepting.
- **Mac** stated that WA is heavily invested in connecting families and proper release and transition planning. This sets us apart from other states.
- An assessment tool called WA One was developed with WSSIP that helps identify what the individuals' needs are.
  - **Brad** asked for more information about what this tool is and how it works.
  - **Mac** stated this is a 5<sup>th</sup> generation risk assessment tool that allows for dynamic variables to be considered.
  - **Brad** asked if the board could receive a copy of that tool to examine it more.
  - **Mac** stated it is a proprietary and protected tool but, WSSIP may be in a position to bring more information to the subject.
- Steps included in supervision upon release are an approved release address, release planning with stakeholders to mitigate risk, referrals to cognitive behavioral interventions and treatments, temporary housing assistance, and ongoing monitoring of supervised individuals.
- The first 60 to 90 days are crucial to an individuals' success upon release.
- Some challenges that the DOC have are:
  - Out-of-date workload study (2004)
  - Lack of jail capacity to house violators locally
  - Resources and delivery of services may differ from county to county, rural vs. urban areas, etc.
  - Complexities around sentencing, supervision eligibility, and tolling.
    - **Dr. O'Connell** asked if **Mac** could be more specific about the challenges around sentencing.
    - **Mac** stated there are 39 different forms used around 39 counties which creates complexities because some forms are very general while others are very specific.
- Recent advances in supervision are:
  - Implementation of SHB 2417 (2020)
    - Allows for meaningful alternatives to confinement for technical violations.
  - Implementation of SHB 2394 (2020)
    - Clarifying concurrent terms of supervision.
  - Implementation of SHB 2393 (2020)
    - Establishing supervision compliance credits.
  - Legislatively funded workload study (FY 2022)
- **Brad** asked for confirmation that the number of daily offender violation population has been reduced from 2,100 to 400
  - **Mac** responded yes, that is correct.

- Some challenges to sex offender supervision are:
  - Person centered lifetime supervision impacts supervised individuals and staff wellness.
  - Housing availability and costs.
  - Treatment capacity in prisons.
  - Treatment availability and costs in the community.
  - Staff training and continuing education.
    - **Brad** asked if **Mac's** office has seen any barriers with regard to elderly people to accessing adult family homes or nursing facilities.
    - **Randy** stated that in King County, the fact that they're on supervision will either be a benefit, or it doesn't matter. The places that won't take in somebody because of their criminal history wouldn't change the decision based on if they have supervision or not.

### Questions/Discussion

- One question from the meeting chat is if supervision be reduced or are there any credits that can be earned if someone is complying for lifetime supervision.
  - **Mac** stated that the lifetime supervision population is does not qualify under the statutory criteria.
- Another question from the meeting chat is in regard to exemptions and who qualifies.
  - **Mac** stated that supervision compliance credits do not apply to certain specified sex offenses or anyone that's received a sentencing alternative as explained in RCW 9.94A.717
- **Megan** asked if there was any type of focus on making things like receiving victim impact letters and other information from victims and the courts more accessible.
  - **Mac** replied that there is a robust victim's services program in place which is well connected to different advocacy groups in the community. They try to exhaust every opportunity that they can with maintaining connections to these groups. One challenge he is aware of is getting this information out to victims.
  - **Brad** added that there is a low rate of victim involvement in the PSI process but isn't sure why or where that drop-off is.

### **BREAK**

### **5163 Implementation Report Draft Discussion**

- **Brad** introduced and turned the discussion over to the co-chairs of this subcommittee, **Jennifer Ritchie**, and **Devon Gibbs**.
- **Whitney** shared an overview of the draft report. This report has been a collaborative effort across stakeholders. The SCC and subcommittee hosted a stakeholder meeting in June to bring everyone to the table to further streamline 71.09 services.
- Highlights in the report include:

- Data points about housing locations, how many new SOTPs have been recruited and how many new counties are now served.
  - **Amanda** added that the SCC has hired 25 out of the 30 positions established by 5163 and a contracts compliance manager, who is tasked with executing and managing all contracts for housing, treatment, providers, and chaperones.
  - **Amanda** added that there are 5 contracts right now that have been fully executed and work still going on in various stages. Some is being negotiated with folks already at the table, and others being initial discussions of contracting with sex offender treatment providers. Also, 100% of those fee schedules have been amended and do have active contracts.
- **Brad** asked about complaints from treatment providers and if the new contract officer is responsible for addressing those.
  - **Candice** replied that it is a team effort, although the contracts compliance manager is central to it.
- **Candice** discussed the many challenges of housing and working with contractors and housing providers because of zoning laws.

#### Community Protection Program (CPP) Discussion

- The board decided to wait to discuss this issue at a later date.

#### Subcommittee Updates

##### Lifetime Supervision Subcommittee Updates – by Jamie Weimer, chair

- **Jamie** stated the subcommittee most recently met this last Monday where they took some time to review the ISRB presentation from the full board meeting in April and discuss what was included in that report.
- The group discussed concepts including an appropriate length of supervision time before discharge, whether or not discharge should be automatic, or should require a petition, a request, or a hearing for discharge, and intensity of supervision following a step down.
- At the upcoming meetings they will be hearing from various stakeholders to learn more and continue developing recommendations.

##### SSOSA & Sentencing Alternatives Subcommittee – by Dr. O’Connell, co-chair

- **Dr. O’Connell** shared that the subcommittee has been gathering research and empirical evidence that seems almost totally in favor of doing sentencing alternatives for these kinds of cases.
- There seems to be a consensus in the direction of having a separate kind of the sentencing alternative outside of SSOSA.
  - The group agreed that there needs to be an evaluation process for eligibility
- The subcommittee is continuing to meet and develop its recommendations

Failure to Register (FTR) & Washouts Subcommittee – by Terrina Peterson, chair

- **Terrina** shared that the group met on Tuesday and have completed all of their resource reviews. There is some ongoing research around washouts.
- **Terrina** added that it's a pretty difficult task and **Joanne's** been sharing some of the materials from meetings she has attended to help start brainstorming ideas and recommendations.
- The group has a list of recommendations and decided to create a survey to allow members to rank the different ideas. This will help get an understanding of what recommendation will be more difficult for some organizations, some that will be a hard “no”, and others where there may be compromises. The survey will be sent in advance of the next meeting.
- For clarification, **Brad** added that a “washout” is when you are convicted of a crime but after a period of time, it's no longer used to calculate your offender score so it won't increase your sentence later.

Next Steps

- **Whitney** shared an overview of the board’s project timeline and spoke about crucial deadlines for reports and recommendations.
- Due to the amount of work anticipated, **Whitney** suggested having two full board meetings per month starting in October.
- Some board members suggested meeting October 13<sup>th</sup> and 27<sup>th</sup>.
  - **Whitney** stated she will send out these dates for review.
- **Whitney** asked if the first draft of the report to the House Public Safety Committee is ready to go to OFM Communications for review.
  - **Brad** confirmed that the report is ready to be reviewed.
- **Whitney** shared upcoming dates of subcommittee and full board meetings.

For the Good of the Order

- Nothing to add.

**Meeting Adjourned at 3:51 PM**

**APPROVED AND ADOPTED BY THE SEX OFFENDER POLICY BOARD**

\_\_\_\_\_/s/\_\_\_\_\_  
Chair Brad Meryhew

8/18/22  
Date