



STATE OF WASHINGTON
SEX OFFENDER POLICY BOARD

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SEX OFFENDER POLICY BOARD

October 28, 2021 1:00pm-4:00pm

Zoom Meeting

Members Present

Jimmy Hung
Susan Marks
Brad Meryhew
Michael O'Connell
Jeff Patnode
Jedd Pelander
Terrina Peterson
Richard Torrance
Jamie Weimer

Members Absent:

Hon. Maryann Moreno
Hon. Shawn Sant
Mac Pevey

Members Represented by Proxy:

David Flynn (Dr. Zainab Ghazal)
Linda Farmer (Sharon Swanson)

Staff:

Whitney Hunt

Guests: Katie Hurley, King County Department of Public Defense; George Yeannakis, Office of Public Defense; Joanne Smieja, WA Voices; Dr. Elena Lopez, DSHS BHA; Brandon Williams, WA DOH; Jennifer Williams, Department of Corrections; Julie Tran, Washington State Senate Committee Services; Mary Laskowski, Children's Justice Center of King County; Theodore Lewis, Department of Corrections; Corey McNally, Department of Corrections; Shoshana Kehoe-Ehlers, Office of Public Defense; Sonja Hardenbrook, Snohomish County Public Defender Association; Dennis McDermot, Office of Financial Management; Joanne Glant, Citizens Against Government Entrapment, CAGE.fyi; Kelsey-anne Fung, Senate Committee Services; Brandon Duncan, Department of Corrections

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 that recording is available upon request.
- **Brad Meryhew** and **Whitney** invited board members and guests to introduce themselves.

Approval of Minutes

Brad Meryhew asked the Board to approve the meeting minutes from October 4, 2021.

Sex Offender Policy Board

October 28, 2021 Meeting Minutes

MOTION #21-41 MOTION TO APPROVE THE October 4, 2021 MEETING MINUTES.

- **MOVED:** Brad Meryhew
- **SECONDED:** Unknown
- **ABSTAINED:** None
- **PASSED:** Unanimously

Report #1 Data Analysis Discussion

- **Whitney** Introduced **Dennis McDermot, OFM**, who worked on these data sets, to the board and stated he is available for questions during the review of this data.
- **Jamie** stated that the definitions don't seem to match what we know as true. Juveniles don't typically go to prison so how do we differ with these cases?
 - **Dennis** responded saying the data regarding juvenile is coming from two different data sets. One from JR, and one from AOC.
 - **Whitney** stated she also reached out to AOC about SSODA data but hasn't heard back, yet.
- **Dr. O'Connell** asked in the chat "Does this Table, with info from different sources, really tell us anything useful?"
 - **Whitney** responded saying there were several analyses that we couldn't get because the data sample was relatively small so we couldn't identify meaningful interpretations to some data.
- **Jeff** stated the number for Detention might also be included with the State, Local, or Other Commitment number.
- **Brad** asked if the 15.8% JR is how many kids go to JR vs other dispositions even if we can't break that out or, are we still trying to decide how many go to JR?
 - **Whitney** responded saying it is the latter. We still don't know how AOC is defining the State, Local, or Other Commitments portion.
- **Jamie** stated she has concern with including this data in our report since the data is incomplete and we don't know how AOC is tagging these items.
 - **Whitney** referenced the language from the Legislative assignment and stated that there are study limitations and we can still include these findings though incomplete.
- **Jeff** asked if the message we want to convey is how many kids are served by JR vs served locally?
 - **Whitney** stated no. The request was about registration and whether or not there was equity in registration.
- **Jamie** stated that this may not be helpful to include in the report since there are so many questions surrounding the data and King County is missing.
 - **Brad** asked if Jamie is moving to strike the data section from the report?
 - **Jamie** responded no, not the entire data section, specifically just Table 5.
- **Jamie**, referring to Table 6 column 3, asked where is the definition for Commitment, and where is the SSODA?

- **Dennis** responded saying they don't have a clear definition for Detention or Commitment. He guesses that Detention means before trial.
- **Brad** agreed with **Jamie** that column 3 makes no sense and should be removed.
- **Dennis** agreed and stated that column can be removed.
- **Jeff** asked how big of a percentage does King County represent in this pool and are we really getting an accurate picture if we can't include that information?
 - **Brad** stated we're only getting partial information based on what's available to us right now as the Legislature allowed in our instructions.
- **Jedd** asked if this data makes it so a youth might be counted twice if they were sentenced to Detention but revoked and moved to JR?
 - **Dennis** stated that the two columns are unrelated in that way. Those percentages could not be added.
- **Theo** stated in the chat "Having built similar tables for a similar purpose I suspect the benchmark or reference point is what is missing i.e. basic demographic race/ethnicity information for comparison. The second mid point would likely be crimes charged per group and the final piece which is convictions (with reg.) per group."
- **Jamie** stated that Tables 7 and 8 seem unclear in what they're meant to show us.
 - **Dennis** stated that this was another inconsistency with the data we received. This is only for WASPC youth and JR so it excludes King County. The denominator isn't clear in who it represents.
 - **Whitney** asked that since this data set extends from 1990 and that the leveling procedures from then to now are different, could this cause the discrepancy?
 - **Dennis** responded yes.
 - **Brad** agreed this would include a profound change in the leveling.
- **Jedd** stated that if we can't explain the data then it shouldn't be included.
- **Terrina** clarified that for the WASPC data, they started using offender watch in 2010. The data that she sent includes everyone that has a juvenile sentence entered regardless of current status. Some have either moved away or been relieved of duty.
- **Jamie** stated that their comments on the recidivism section of the report should also be included in the limitations portion of our report.
 - **Brad** agreed and added that the organizations that have these discrepancies should consider getting together and come up with clear definitions.
- **Whitney** stated her and **Dennis** will work together to clean up this data a little bit more and add the notes and specifications the board mentioned in this discussion.

Report #1, Version 2 with Proposed Edits

- **Brad** suggested captioning each recommendation to make it easier to track and understand.
 - **Jamie** agreed with **Brad** on the need to caption the recommendations.
 - **Brad** stated the captions should show which subcommittee the recommendation came from.

- **Jeff** stated that this is not a traditional summary but it looks very good. Having the additions of captions as suggested and an executive summary would be helpful.
- **Whitney** brought No.11 of the Juvenile Treatment Recommendations to the board's attention saying that the 10/4/21 minutes stated this recommendation should be removed and highlighted in the report. Is this still the case?
 - **Brad** asked for someone to articulate why this should not be included in our recommendation.
 - **Susan** stated the prevention has always been an important part of what this board wants to achieve. There is currently no funding for this education even though there are requirements for this training.
 - **Brad** stated that this seems to be an important recommendation to keep.
 - **Jamie**, and **Dr. O'Connell** agree.
 - **Brad** motioned to readopt and reapprove recommendation No.11 as presented.
 - **Dr. O'Connell** seconded this motion.
 - Motion passed unanimously.

MOTION #21-42 MOTION TO ADOPT Juvenile Treatment Subcommittee Recommendation Number 11 as presented.

- **MOVED:** Brad Meryhew
- **SECONDED:** Dr. Michael O'Connell
- **ABSTAINED:** None
- **PASSED:** Unanimously

Report #1 Data Analysis Discussion Cont'd

- **Dennis** returned to the meeting with an update to the data analysis and stated that state detention is unrelated to JR. He is in agreement that this particular data should/could be removed.
- **Whitney** stated that her and **Dennis** will work together after the meeting to make the necessary changes to the data sets.

Report #1, Version 2 with Proposed Edits Cont'd

- Regarding No.25, **Jamie** stated her intent at the last meeting was to add a second piece to the original recommendation because, without it, there is no juvenile disposition category for ROC 1 if the individual was 16 or 17-years-old at the time of the alleged crime because since those cases were already going to adult court automatically there wasn't a need for an additional juvenile disposition category. She also added that the original recommendation was to increase Rape 1 to an A++ category.
 - **Brad** stated he agrees and stated that the board agreed to raise the Rape 1 to an A++ and to raise the ROC 1 to an A+.

- **Jimmy** stated that the portion of the recommendation that states, “This would increase the Court’s jurisdiction up to the youth’s twenty-first birthday.”, needs clarification because the Court’s always have jurisdiction up to the age of 21. He recommends it say, “This would increase the standard range for this offense from 180 weeks to age 21, the Court’s jurisdiction up to the youth’s twenty-first birthday.”
- **Terrina** asked if it increases anything when there isn’t an actual disposition category for 16 and 17-year-olds for either of these offenses and we’re creating that?
 - **Jimmy** agreed and suggested we take out “increase” and change it to “make”.
Whitney changed the language to say, “This would make the standard range for this offense from 180 weeks to age 21.”
- **Whitney** and the board work through language edits of recommendation No.25.
 - **Brad** asked **Jimmy** and **Jamie** if these changes acceptable.
 - **Jimmy** and **Jamie** responded yes.
 - **Brad** stated that there is a consensus on this recommendation and the board is ready to move on.
- **Jamie** clarified that the recommendation that indicates where someone abstained from voting were being counted as unanimous support.
 - **Whitney** responded yes.
- **Jamie** stated that under the section explaining how we created subcommittees, it should include that multiple votes from the same organization were included.
 - **Brad** agreed and worked with **Whitney** to change the language accordingly.
- **Jamie** recommended the word “enough” be removed from a particular paragraph as there was not enough/adequate time to complete this assignment.
 - **Brad** agreed.
- **Whitney** asked if the board wanted to combine the numbers from Table #2 regarding the Number of Leveled JR Youth.
 - **Jedd, Jamie, and Brad** agreed to combine them.
 - **Dr. O’Connell** asked **Jedd** why they should be combined.
 - **Jedd** stated that presenting it that way makes the Table clearer while making a distinction between JR and SSODA local sanctions.
- **Whitney** stated that WASPC asked to clarify what “dependent youth” means in a particular sentence and said she added the RCW definition. She then asked if this was adequate?
 - **Brad** said that the definition says, “dependent child” and we should probably add that to the definition because it’s an important distinction.
 - **Jamie** agreed and suggested we add a link to the definition.
 - **Brad** stated the definition references RCW 13.34.030.
- **Whitney** brought attention to a proposed footnote from **Jedd** to be added to the sentence about polygraphs.
 - **Jedd** asked if the definition was taken straight from the RCW?
 - **Whitney** responded yes and added that it was taken from several presentations that were made.

- **Whitney** and the board reworked language in a paragraph regarding youth that receive SSODA that are revoked should receive support regarding their transition back into the community per **Jedd's** suggestion.
- **Whitney** stated that WASPC's recommendation to include voting results can be found in the Appendix.
 - **Brad** agreed with WASPC that we want to be as clear as possible and we should add the voting results to each recommendation.
 - **Jeff** stated there isn't a need for the voting results to be shown twice.
 - **Brad** stated that most people don't look into the reports too deeply, especially near the bottom, which is why we should add them.
 - **Jeff** suggested we add the Appendix earlier instead but isn't married to either decision.

BREAK

Report #1, Version 2 with Proposed Edits Cont'd

- For the Background paragraph of Recommendation No.4, the board agreed to change to language of the first sentence to, "There is a shortage of certified sex offender treatment providers (SOTPs) in the state."
- Regarding paragraph 3, **Dr. O'Connell** suggested using the first sentence as the entire paragraph as it would make the statement more powerful. While the other information is true, it's not necessarily needed.
- Regarding Recommendation No.9, **Jamie** suggested we add that anecdotally there is a need but we don't have hard numbers to support it.
 - **Jeff** stated we could probably provide that information if we feel there's a need.
 - **Dr. O'Connell** stated there's a list available for SOTPs from DOH that shows languages designated for offenders.
 - **Brandon** added that sex and race is not required to be filled in so that information may not be entirely accurate.
- WASPC asked if there was value in having this short sentence regarding the Adam Walsh Protection Act since WA state is not SORNA compliant.
 - **Brad** thought that having the footnotes with links would be helpful but we should also have a sentence speaking to why WA chose not to be compliant with the Adam Walsh Act.
 - **Jamie** suggested we also link to or report on SORNA compliance.
- **Terrina** stated the sentence, "Minors adjudicated in adult court for a sex offense must comply with the adult statute to petition for relief.", should be deleted.
 - **Brad** agreed.
- **Terrina** stated that "automatic" needs to be changed to "administrative" since this is not automatic. Someone has to actually go and do it.
 - **Brad** agreed and added that's how it's described in the RCW.

- **Brad** asked for comments about his additions to the Research and Policy Findings of Fact section.
 - **Jeff** stated that these additions were well written and very clear.
 - **Dr. O’Connell** stated this was a very clear and well written summary.
- Under the recommendation background paragraph, **Brad** suggested removing the word “deserved”.
 - **Jamie** agreed.
- **Jamie** stated that she remembers writing justification for recommendation No.22 for context and clarity. If needed, WASPC can write something up for this.
 - **Whitney** stated having a couple sentences written would be very helpful to add to this background section.
- **Whitney** stated that WASPC suggested the background information for recommendation No.25 be removed as it only presents RCW 13.40.300 which is now redundant.
 - **Brad** and **Terrina** agreed.
- Under the background paragraph of the Treatment recommendation No.14, **Jamie** suggested changing “will be” to “‘may be’ a powerful incentive.”
 - **Whitney** made this change as requested.
- Regarding Response 4: Review Research, **Whitney** addressed the questions from WASPC about when this was discussed and why we’re using the wording “Evidence-based assessments for childhood sexual behavior problems (SBP)”
 - **Jeff** recommended adding “research related to”.
 - **Whitney** changed this accordingly.
- **Jamie** asked where the language “Coordinated community response through multidisciplinary teams (MDTs)” came from?
 - **Whitney** explained it was the exact language the Legislature used in their assignment.

SB 5163 Recommendation #1 Report Discussion

- **Whitney** stated there is currently an option A and an option B and asked if this is still needed? Is there still a split?
 - **Brad** stated that there is still a split and we should display how the votes differed to give explanation to the Legislature.

Next Steps

- Final SOPB Meetings for 2021 (1 pm – 4 pm)
 - November 18 (to finalize both reports and approve meeting minutes)
- Deadlines:
 - Report Draft #1 (Juvenile) to OFM Comms by 11/1/21
 - Report #2 (SB 5163) Feedback from SOPB due 11/5/21
 - Report Draft #2 to OFM Comms by 11/8/21

For the Good of the Order

- **Public Comments**

- **Joanne Glant** added in the chat, “Net Nanny sting operations are incentivized by funding from private organizations and federal funding. The youth in that case are serving an average of 6.75 years to life...I hope we can discuss them at some point. About 100 are under 25. Many are level 3 I am sponsoring a young man who is out and his terms of release and the registry has almost defeated his reentry. Therapy is 600 per month.”
- **Brad** stated that the SOPB is limited to questions that are posed by the Legislature. He supports what Joanne is doing and knows she’s working hard and recommends taking her comments/questions to those officials that can then ask the SOPB to address.

Meeting Adjourned at 3:45 pm

APPROVED AND ADOPTED BY THE SEX OFFENDER POLICY BOARD

_____/s/_____
Chair Brad Meryhew

__11/29/2021__
Date