

SOPB Recommendations Related to ES SB 5163

For the purpose of the February 9, 2023, SOPB full board meeting and discussion, this document includes all of the recommendations made by the SOPB related to ES SB 5163.

2020 Recommendations:

Icon key

Next to each recommendation, you will see an icon that indicates:



We need changes to the RCW



We need additional funds from Legislature



We need internal agency changes



We had unanimous support



No. 1

The SCC should incorporate a statement into each individual's treatment plan that addresses their potential release. The Legislature would need to allocate funding for this to happen.



No. 2

DSHS and the SCC should explore how to develop community transition facilities. This may include community-based, state-operated living alternatives such as the current SOLA model.



No. 3

The Legislature should allocate funding for SCC social worker positions. This will offer various services to an individual before their release.



No. 4

The clinical pass off between the community SOTP and the last treating clinician at the SCC should occur no later than 15 days before an individual's release from the SCC.



No. 5

A Memorandum of Understanding should be created between the SCC, the Office of Public Defense, and the prosecutorial agencies. This would ensure we could disseminate records/discovery as quickly as possible to minimize delays around DOC discoveries relevant to its investigation of the LRA plan.



No. 6



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We need additional funds from Legislature



We need internal agency changes



We had unanimous support



The SCC should make changes to, or enter into, any MOU between the SCC and the Department of Licensing. This could help SCC residents obtain a state ID with their SCC ID badge and a SCC verification letter (the DOC currently allows this.)



No. 7



The SCC should include an ala carte type of self-referral or opt-in for adjunct classes (such as ADLs, cooking, budgeting, etc.) that relate to more general community issues. This would be in addition to Bridging Transitions and the core group of classes that apply to all releases.



No. 8



The clinical team should administer a comprehensive needs assessment before an individual's release from the SCC. This assessment helps the SCC identify skills the individual needs to help them be successful in the community.



No. 9



The SCC should create a document checklist for SCC staff to use during intake.



No. 10



The SCC should update Policy 202 with the procedure for their staff to follow if they receive a photo ID in the mail. This includes how to store documents and how to return the documents to the resident during their discharge.



No. 11



The defense, prosecution, community SOTP, SCC clinical staff, and DOC should meet in advance of the conditions hearing and then work together to craft individualized, narrowly tailored and empirically-based conditions. These conditions will help the client more successfully transition to the community. Moving the meeting up in the process (it currently occurs *after* the LRA has been agreed to or ordered) could also help diminish liability concerns.



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We had unanimous support



No. 12



The SCC should have the primary responsibility for LRA planning. This will require funding for additional SCC staffing. Specifically, we recommend adopting the language in HB 2851, Section 3 (Page 9). The language states that the court will order the SCC to develop an LRA placement for the resident after a show cause hearing.

We estimate a 90-day maximum allotment for the SCC and DOC to investigate and contract the relevant LRA components (housing, SOTP, etc.). If they do not recommend release, they can still put the proposed LRA plan together. But the SCC must note that they're submitting it because of a court order and not because of a clinical determination.



No. 13



We believe that all LRAs should have an individualized case plan that lessens the resident's conditions or removes obstacles as they successfully transition into the community. The board agrees that stakeholders can develop better step-down procedures that promote community safety, are clinically sound, and are in the individual's best interest. This may include statutory revisions around SCTFs, interagency memorandums about the transition process, and removing obstacles to successful transitions.



No. 14



The SOPB recognizes there is a potential issue with the availability and quality of SOTP providers as LRA numbers increase. Stakeholders noted that there are ongoing issues that need to be resolved. However, these issues were not fully developed during the subcommittee discussions and would require further data gathering and analysis before the full board could make recommendations.



No. 15



The SOPB recommends the state adopts and uses the SCC's Regional Placement Model.



No. 16



The SOPB recommends the state adopts and uses the SCC's SCTF Siting Matrix.



We need changes to the RCW



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We had unanimous support



No. 17



The SOPB recommends the state adopts and uses the SCC's SCTF Community Engagement Strategy.



No. 18



The SOPB recommends that the SCC document and formalize a process that details when to present ESRC with cases to review.



No. 19



The SOPB recommends that the DOC Civil Commitment Unit add an educational component around the state sex offender public website to use during discussions with community members. The unit may consider formalizing this recommendation by adding it to their training and investigation guideline materials. The SOPB also recommends that the DOC's CCU develop a consistent approach to interviews with community members. This includes the primary factors that clearly distinguish the process from the community notification process.



No. 20



The SOPB recommends that the SCC document and formalize its process for submitting cases to ESRC for review.



No. 21



The SOPB recommends that the King County Prosecutor's Office and the Office of the Attorney General notify the SCC of upcoming trials. This will better prepare the SCC for potential releases.



No. 22



The SOPB recommends that the SCC should document and formalize various resources they may use to obtain a resident's release address (i.e., defense attorney, prosecutor, DOC, etc.) when a resident is unwilling or unable to provide this information.



No. 22a

The SOPB also recommends that the SCC formalize its law enforcement notification process. This helps ensure that release information is sent to the Washington Association of Sheriffs and Police Chiefs, and other entities listed in law (RCW 71.09.140).



We need changes to the RCW



We need additional funds from Legislature



We need internal agency changes



We had unanimous support



No. 23



The SOPB again recommends that the SCC formalize its law enforcement notification process. This will ensure that the SCC releases information to the Washington Association of Sheriffs and Police Chiefs, and other entities listed in law ([RCW 71.09.140](#)).



No. 24



The SOPB recommends that the AGO and the KCPAO provide notice of upcoming hearings. This will help the SCC properly prepare for potential 24-hour dismissals.



No. 25



The SOPB recommends that the SCC further discuss if securing its emails is necessary, and if so, in what instances.



No. 26



The SOPB recommends that the SCC include (in its written and formal law enforcement notification policy) that pre-registration should be used to provide an updated final release address to the correct law enforcement agency.



No. 27



The SOPB recommends that the DSHS Victim/Witness Notification Program coordinate with WASPC to include more about how program participants can access the state sex offender public website and obtain additional information. This can best support victims and witnesses after a resident's release.



No. 28



The SOPB recommends that the SCC add a line to their notification emails to request that the reader does not send the email to other people.



No. 29



The SOPB recommends that WASPC reviews the existing state sex offender public website and works with their vendor to more prominently display information, facts, and FAQs on the registered sex offender population. In addition, WASPC may consider developing additional information and resources for appropriate groups so those groups can give the information to community members.



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We had unanimous support



No. 30



The SOPB recommends that WASPC adds information about community notification to the public website and include this information in the additional resources they may develop in response to recommendation 29.



No. 31



The SOPB recommends that WASPC includes more information on the public registry website about the purpose of community notification, and in any documents they may develop in response to Recommendation 29.



No. 32



The SOPB recommends that WASPC updates their model policy to reflect the need to use current photographs on the state public website, notification bulletins, flyers, and other materials intended for public information.



No. 33



The SOPB recommends that WASPC adds additional information to their model policy to standardize community notification meetings. The board also recommends that WASPC continues to update their resources page for local law enforcement and adds any additional resources, such as educational flyers (if/when they are created). Finally, we recommend that WASPC considers providing additional training/discussion at SONAR meetings.



No. 34



The SOPB recommends the SCC has additional involvement in LRAs. When that does happen, the SCC should use an LRA Housing Matrix to find housing for residents releasing to an LRA.



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No. 35

The SOPB recommends that the Legislature request that the board continues to provide input and guidance for these recommendations. This can happen through SOPB quarterly meetings, for example.

The SOPB understands the dire financial situation the state faces because of COVID-19. While it is unlikely the Legislature can fully and timely fund the necessary investments we mention in this report, the SOPB recommends that the Legislature pursue incremental investments. This can help stakeholders incorporate these recommendations.

We recognize it will take time to implement these changes, bring about the necessary rule changes, hire staff and conduct the recommended outreach to providers and stakeholders. Plus, the collaboration with SCC and other stakeholders, will facilitate communication across all spectrums of this community. Finally, we believe the board’s semiannual updates to the Legislature should continue. We can do this through supplemental reports and meetings with Legislative leadership.

2021 Recommendations:

Icon key

Next to each recommendation, you will see an icon that indicates:



We need action from Legislature



We need additional funds from Legislature



We need internal agency action



We had unanimous support



No. 1

Option A: For defense-proposed LRAs Sex Offender Treatment Providers (SOTPs) shall be required to contract with DSHS’ Special Commitment Center prior to being Court Ordered to provide treatment for a Sexually Violent Predator under a Less Restrictive Alternative.

Option B: For defense-proposed LRAs Sex Offender Treatment Providers (SOTPs) should not be required to contract with DSHS’ Special Commitment Center prior to being Court Ordered to provide treatment for a Sexually Violent Predator under a Less Restrictive Alternative.



No. 2



The SCC and DOC should conduct a comprehensive review of the implementation of SB 5163, in consultation with the Office of Public Defense, the Attorney General’s Office, Treatment Providers, and other RCW 71.09 stakeholders, and report back to the SOPB in two years (24 months).



We need action from Legislature



We need additional funds from Legislature



We need internal agency action



We had unanimous support



No. 3



The SCC and DOC should conduct a review of billing practices in other states and to consult with other stakeholders in Washington about these issues, in order to make recommendations regarding changes to LRA SOTP reimbursement rates and the scope of billable work. Those recommendations should be included in future budget requests to ensure adequate funding of any changes. An increase in pay rates has been identified by SOTPs and the SOPB as a necessary change to attract and retain qualified providers. An increase in pay rates should be adopted given the financial constraints identified by the SOTPs and the imminent need for more providers to serve LRA clients.



No. 4



Annual or biannual trainings should not be mandatory for prospective and existing SOTPs who work with LRA clients. However, there is a need to expand the number of professional development trainings and CEU opportunities available for contracted providers.



No. 5



The SOPB recommends that a cost-of-living pay increase be considered as an incentive for providers who work with LRA clients.



No. 6



The SCC should incentivize providers who contract with them by paying for a portion of their continuing education units (CEUs) specific to their SOTP credential and/or trainings that may be necessary for treatment of LRA clients or the specialized population.



No. 7



Cover costs associated with traveling to McNeil Island while carrying out LRA treatment.



We need action from Legislature



We need additional funds from Legislature



We need internal agency action



We had unanimous support



No. 8



The Legislature should create a temporary funding stream or grant to subsidize the cost of SOTP licensure fees for new and renewing providers who treat LRA clients. High costs of obtaining certification is cumbersome and a barrier.



2022 Recommendations:

Icon key

Next to each recommendation, you will see an icon that indicates:



We need action from Legislature



We need additional funds from Legislature



We need internal agency action



We had unanimous support



No. 1

The SOPB recommends that the 500ft rule in RCW 71.09.096(4)(a) be stricken.



No. 2

The SOPB recommends that the blanket rule for zoning requirements in RCW 71.09.097(2)(a) be removed.



No. 3

The SOPB recommends that the definition of “secure community transition facility (SCTF)” under 71.09.020(16) and the definition of “secure facility” under 71.09.020(17) be clarified to provide a clearer distinction between SCTFs and community LRA housing.

