



STATE OF WASHINGTON
SEX OFFENDER POLICY BOARD

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SEX OFFENDER POLICY BOARD

October 27, 2022 1:00pm-4:00pm

Zoom Meeting

Members Present:

Blanche Barajas
Jimmy Hung
Brad Meryhew
Christine Minney
Hon. Nelson Lee
Michael O'Connell
Jedd Pelander
Terrina Peterson
Mac Pevey
Lori Ramsdell-Gilkey
Shawn Sant
Richard Torrance
Jamie Weimer

Members Absent:

Linda Farmer

Staff:

Whitney Hunt, OFM

Members Represented by

Proxy:

Julia Crabbe for Keith Devos

Guests: Alex Mayo, WA Voices; Amanda Smitley, SCC; Amber Rodriguez, WCSAP; Anna Maria Ferretti, SCC; Brandon Duncan, DOC; Destinie Buzzard, DDA; Dominic Winter, DOC; Heidi Brodt, CAGE; Jennifer Williams, DOC; Joanne Smieja, WA Voices; Kellie Mulkey, SCC; Lateisha De Lay, AL TSA; Megan Allen, KCSARC; Phyllis Moffatte-Clark, AL TSA; Shoshana Kehoe-Ehlers, OPD; Sonja Hardenbrook, SnoCo PDA; Julia Crabbe, SCC

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.

Sex Offender Policy Board

October 27, 2022 Meeting Minutes

Meeting Objectives

Approval of Minutes

Brad Meryhew asked the Board to approve the meeting minutes from October 13, 2022.

- **Dr. O’Connell** asked to add concerns he voiced in the last meeting regarding sting operations to the minutes.
- **Brad** and **Dr. O’Connell** drafted the following description of his comments on page No.4 of the meeting minutes:
 - “Dr. O’Connell noted the information we had received from CAGE describing the methods of the stings which raised several concerns about the fairness and appropriateness of those investigations. And while he agreed that there wasn’t a place in the report to address this, he wanted to raise those concerns which he felt were legitimate.”

MOTION # 22-15 MOTION TO AMEND THE October 13, 2022, MEETING MINUTES.

- **MOVED: Brad Meryhew**
- **SECONDED: Jedd Pelander**
- **ABSTAINED: N/A**
- **PASSED: Unanimously**

MOTION # 22-16 MOTION TO APPROVE THE October 13, 2022, MEETING MINUTES AS AMENDED.

- **MOVED: Brad Meryhew**
- **SECONDED: Dr. O’Connell**
- **ABSTAINED: Shawn Sant, Mac Pevey, Hon. Nelson Lee**
- **PASSED: Unanimously**

House Public Safety Committee Report Draft Discussion

Voting Results and Recommendations Discussion

- **Hon. Nelson Lee** noted that while the SCJA respects the work that has gone into these recommendations, until a draft bill is dropped and they are able to review it, they will be reserving official comments or provisions.
- **Brad** asked if we could include the statement from SCJA in the report.
 - **Hon. Nelson Lee** confirmed, yes.
- **Brad** reviewed the recommendations in order and gave brief descriptions of what each of them are.
- **Brad** noted the board hopes to receive a statement from SCC about why they chose to abstain from the voting process.

- **Brad** asked **Mac** if he had any comments to share regarding DOC abstaining from voting on Recommendation No.6.
 - **Mac** stated there was not enough information or data around this population to cast a vote.
 - **Brad** noted that **Whitney** can provide more information to **Mac** or any other voting members on any recommendation if needed.
- **Brad** noted that there were concerns raised for Recommendation No.11 and a revised recommendation provided by ISRB.
 - **Brad** and **Lori** agreed to add the disqualifying event criteria within this recommendation.
 - **Whitney** stated she will make this change.
- **Terrina** asked if we make this change, will it be clear to DOC or CCO's that are screening Level 1 offenders which violations are disqualifiers.
 - **Lori** and **Brad** stated yes and added that this would not be a judgement call made by a CCO; there are violation hearings on level 1 offenders.
- **Jamie** asked if the proposed language would replace all of the bullet points, or only bullet point No.1 in the disqualifying event section?
 - **Brad** stated it would only change bullet point No.1.
- **Mac** asked if the specified high-risk violation would be a standardized list of violations or determined on an individual basis.
 - **Lori** stated she thinks it's fairly individualized, but they will try to make them as standardized as possible.
- **Lori** provided some examples of "risk-relevant" violations.
 - **Mac** added it's important to add these examples to ensure fair and equitable handling of violations.
- **Dr. O'Connell** added that there should be dynamic risk tools in place
- **Brad** asked for the board to approve the first bullet point under disqualifying events as amended.

MOTION # 22-17 MOTION TO APPROVE AMENDMENTS TO BULLET No.1 UNDER DISQUALIFYING EVENTS

- **MOVED: Brad Meryhew**
- **SECONDED: Jedd Pelander**
- **ABSTAINED: N/A**
- **PASSED: Unanimously**

- Regarding Bullet No.4, **Lori** stated it feels too open to interpretation.
 - **Brad** added that a problem with this is we don't know how this can be applied equally if we don't know what "regular basis" means.

- **Terrina** stated this was intended for Level 1 offenders that are consistently non-compliant with supervision and this would give CCO's opportunities to hand it over to ISRB for recommendation.
- **Brad** and **Lori** agreed to add language stating "and addressed on a formal basis by the ISRB".
- **Shawn** and **Brad** agreed to change the word "regular" to "repeated" as we can't define what "regular" means.
- **Terrina** asked we clarify when the ISRB holds a hearing because now it doesn't seem clear.
- **Brad, Terrina,** and **Lori** agreed to change the language to read as, "and referred to the ISRB. These violations would be addressed on a formal basis by the ISRB prior to release from community custody;"
- **Brad** asked for the board to approve the fourth bullet point under disqualifying events as amended.

MOTION # 22-18 MOTION TO APPROVE AMENDMENTS TO BULLET No.4 UNDER DISQUALIFYING EVENTS

- **MOVED: Brad Meryhew**
- **SECONDED: Terrina Peterson**
- **ABSTAINED: N/A**
- **PASSED: Unanimously**

- **Whitney** asked if there are any changes to how the votes have been cast now that the above changes have been made to Recommendation No.11.
 - **Lori** stated that the ISRB will now move to a "yes".
 - **Whitney** made this change in the report.
- **Brad** continued reviewing the list of recommendations and how votes were cast.

MOTION # 22-19 MOTION TO APPROVE VOTES AS TALLIED ON THE RECOMMENDATION REPORT

- **MOVED: Brad Meryhew**
- **SECONDED: Dr. O'Connell**
- **ABSTAINED: N/A**
- **PASSED: Unanimously**

BREAK

House Public Safety Committee Report Draft Discussion cont.

- **Brad** noted that this is not the final draft and asked board members to make time to assist **Whitney** with help finishing this draft.
- **Dr. O'Connell** asked if the draft contained information from the subcommittees.

- **Brad** stated that there was language that subcommittees did submit but not everything was included.
- **Dr. O'Connell** stated that there was some concern from the subcommittee regarding sting cases and an email was received from an expert in the field but he did not see it mentioned in the draft.
- **Whitney** made a note to include the information under the specific recommendation in the report.
- **Whitney** asked for feedback on the title of the report.
 - **Brad** stated he will send a proposed title to **Whitney**.
- **Whitney** asked members to review spelling of names and organizations within the report and send any corrections to her.
- **Brad** asked members to review the executive summary and send proposed changes or updates to **Whitney**.
- **Whitney** asked if the board would like to include some of the voting results throughout the report or put them all in an Appendix.
 - **Brad** stated we should restate the vote tallies in each recommendation.
 - **Jedd** agreed.
- **Dr. O'Connell** asked if SCC can still change their vote at this time.
 - **Brad** stated yes, and he would like to provide time for them to explain reasoning for abstaining.
 - **Julia** asked if **Keith** has time to submit vote changes for SCC.
 - **Brad** and **Whitney** confirmed that vote changes can be made in writing by December 1, 2022.
- **Brad** asked if there is any additional changes or comments about this report.
 - **Terrina** asked if the board would have time to make a final review of the reports before the next board meeting
 - **Whitney** stated that this report will first be sent to OFM Communication on Friday, November 4, 2022, and then reviewed at the next SOPB meeting.
- **Terrina** asked why on pg.25, under history of depiction laws, we included bullet point No.1 regarding sexual exploitation of a minor.
 - It was agreed that this should be removed.
- Under Recommendation No.6, **Terrina** stated we need to locate the Tomak et al. (2009) article and added that the study is misleading compared to the statement because it doesn't include victim questions in the static 99. It minimizes the statement.
 - **Whitney** will locate this and send to **Terrina** for review.
 - **Dr. O'Connell** added that this was discussed in subcommittee, and because it's such an outlier, it's often disregarded.
- Regarding the background section of Recommendation No.6, **Whitney** stated she will include **Dr. O'Connell's** correspondence with the provider and actuarial risk assessment information, as well as summation of the analysis of where we got the notion that sting offenders were amenable/low-risk enough to include them in the recommendation.

- **Whitney** will restructure the background section of Recommendation No.6 to show the different sides of this argument.
- **Dr. O’Connell** stated it would be useful to explain how the depiction and sting cases came to not be included in SSOSA.
- **Whitney** asked if we should include what other states do regarding community custody laws.
 - **Brad** stated yes, it’s always helpful to see the comparison.
- **Brad** requested we add a section that explains the cost of lifetime supervision.
 - **Whitney** will work with **Mac** to get those numbers.
- **Brad** again requested that board members help **Whitney** with this report wherever they can.

5163 Implementation Report Draft discussion

- **Whitney** stated that there is one outstanding vote, but she will receive that vote tomorrow, Friday, October 28, 2022.
- **Whitney** stated we could still use more implementation updates from stakeholders.
 - The subcommittee continues to meet and is working on drafting surveys to send out to stakeholders involved and/or impacted by the 5163 legislative changes..
 - The subcommittee is also actively working on the Community Protection Program (CPP) and hopes to have updates to provide the board soon.

Next Steps

- Next full board meeting is schedule for November 28, 2022.
- Deadline for report submissions is December 1, 2022.

For the Good of the Order

- **Brad** acknowledged how big of a task the board was given and expressed how great a job everyone did working together, all of the involvement from stakeholders, and the hours put in from all parties.
 - **Alex** concurred with **Brad’s** comments and thanked everyone for their participation, even through disagreements.

Meeting Adjourned at 3:37 p.m.

APPROVED AND ADOPTED BY THE SEX OFFENDER POLICY BOARD

_____/s/_____
Chair Brad Meryhew

____11/28/22_____
Date