

SOPB: Lifetime Supervision Component Checklist

Below represents the recommended additions under each component and the “straw poll” results. The highest “vote” is color-coded in green for ease of readability.

- 1. Who conducts the review/makes the decision?** (Original: Who makes the decision/receives the petitions?)
 - a. The sentencing court - 1
 - b. The ISRB - **7**

- 2. Who conducts the review/makes the decision for SSOSA cases?** (Original: Will SSOSA cases follow the same process as established in Q1?)
 - a. The sentencing court will make the decision for SSOSA cases - **9**
 - b. The ISRB will make the decision for SSOSA cases - 0
 - c. Revert back to system prior to 2001 where supervision ends at the end of the suspended sentence or for 36 months, whichever is longer. – **Unanimous?**

- 3. What is the minimum amount of time that must pass prior to an individual being eligible for consideration for relief from active lifetime supervision?** (original: What is the time frame for eligibility to file a petition?) **(select one)**
 - a. Flat rate of 10 years for anyone
 - b. Tied to level:
 - i. Level 1: 5 years
 - ii. Level 2: 10 years
 - iii. Level 3: 15 years
 - c. Tied to level:
 - i. Level 1: 10 years
 - ii. Level 2: 10 years
 - iii. Level 3: 15 years
 - d. Other – come prepared with specific alternative

**Note: Level is tied to ESRC level at time of release from custody. Population is individuals who have gone to prison, who did not receive a SSOSA, and who have since been released.*

- 4. If the request for relief is denied, how long until the individual may be reconsidered for relief (if denial is not based on presence of disqualifying event)? (select one)** (original: If the petition is denied, how long until the petitioner may refile for relief)
 - a. Clock restarts, so full passage of time based on level. - 0
 - b. 2 years - 2
 - c. 5 years - 3
 - d. It depends on the level - 5
 - e. This should be left up to the ISRB (ie similar to how time is added if the individual is found not releasable) - **7**

- 5. Is there an administrative pre-review/pre-screen for the eligibility of requests? (select 1)**
 - a. Yes – if not eligible based on time passed or presence of disqualifying event, request automatically declined without hearing. - **6**

- b. No – all requests must have a full hearing - 0
- 6. What is the intensity of review for each request for relief? (select 1)**
- a. Full review for all requests regardless of level - 2
 - b. Presumption of automatic relief for Level 1 (if all criteria has been met) and full review for level 2 and level 3. Any of the authorities listed in Q9 may file concerns and request a full review for Level 1 individuals. - 4
 - c. Review for everyone but intensity is based on level- 5
- 7. What are the disqualifying events for seeking relief from lifetime supervision?** (original: What are the disqualifying events for filing a petition) **(select as many that apply, not mutually exclusive)?**
- a. The individual has been found guilty of any serious and risk-relevant violation of the conditions of community custody. – 7 yes, 0 no
 - b. The individual has been convicted of any new felony offense or any misdemeanor sex offense as defined in RCW 9A.44.128 or 9.94A.030; - 8 yes, 0 no
 - c. The individual has not completed all recommended treatment as required in the Judgement & Sentence and ISRB Conditions. – 5 yes, 2 no
 - i. Note: If an individual cannot comply with treatment requirements because of funding capacity (or inability pay), those resources should be provided rather than waiving the treatment requirement.
 - d. The individual has been found to be non-compliant with conditions of supervision on a repeated basis as documented by DOC – 5 yes, 2 no
 - e. The individual has been assessed to be at significant risk for sexual recidivism – 8 yes, 0 no
 - f. Violations of NCO’s regarding victims and/or minors – 8 yes, 0 no
- 8. What happens if an individual commits a disqualifying event?** (original: Does a disqualifying event restart the clock for petition eligibility or does it disqualify individuals for life?) **(select one)**
- a. Restart the clock for relief eligibility - 4
 - b. Disqualify for a relief forever - 0
 - c. Not full restart of clock but an extension of the clock based on level - 4
 - d. If a disqualifying event has occurred, then the ISRB may extend the amount of time until consideration for relief from supervision for a period of time that they deem appropriate based on the details of the event - 1
- 9. Who must be notified and given opportunity to provide feedback when a request for relief is considered (select all that apply, not mutually exclusive)? *NOTE: Feedback is not required, but individuals must be given the opportunity to provide feedback if they wish.***
- a. Prosecutors Office – 7 yes, 0 no
 - b. Victim(s) (if applicable – include statement about non-contact offenses and sting-based operations) – 7 yes, 0 no
 - c. Police/Law enforcement (e.g., registration official for the county) – 8 yes, 0 no
 - d. DOC Official (e.g., CCO) – 8 yes, 0 no
 - e. Treatment providers – 6 yes, 2 no
 - f. Any concerned community member who has signed up for notification (as many times there are uncharged victims of individuals) – 5 yes, 1 no

10. How should feedback be provided for consideration during the review for relief from lifetime supervision? (original: For each of those identified in Q9, how should feedback be provided? (please select Option A or B below for every entity identified in Q9))

- a. Form-based written testimony – 5
- b. Opportunity to testify at hearing - 0
- c. Both/Either - 7

11. What, if any, materials must be included in a request for relief and considered by the decision-making body (select all that apply, not mutually exclusive)?

- a. Updated criminal history report – 6 yes, 0 no
- b. Updated record of treatment completion if applicable (all treatment since conviction) – 7 yes, 0 no
- c. Updated record of paid and unpaid legal financial obligations (LFOs), specifically restitution – 3 yes, 1 no
- d. Evaluation by a certified Sex Offender Treatment Provider (cSOTP) conducted within 6 months of petition filing. – 4 yes, 3 no
- e. Updated case file from DOC – 6 yes, 0 no
- f. Testimony from individuals identified in Q9 (specify who/which) – 8 yes, 0 no
- g. Updated polygraph (sexual history v. maintenance – note: DOC has a current policy of polygraphs to include assessments every 6 months on supervision, and every 3 months while in treatment) – 0 yes, 5 no
- h. Before the review hearing, the board shall conduct, and the offender may participate in, an examination of the offender, incorporating methodologies that are recognized by experts in the prediction of sexual dangerousness. The board may consider a person's failure to participate in an examination for board decision-making. 2 yes, 4 no

12. If updated evaluations are required for the request for relief, who pays for the evaluation by a state approved cSOTP (if agreed to in Q11)?

- a. The state - 5
- b. The petitioner - 0
- c. The petitioner, but a process for fee waiver based on income/financial status - 3

13. What, if any, materials should be explicitly included in statute as suggested/optional filings for the request for relief (select all that apply, not mutually exclusive)?

- a. Letters of support from individual's family, friends, employers, or other associates. – 6 yes, 0 no
- b. Direct letter from the person requesting relief – 8 yes, 0 no
- c. Other successful treatment completion (e.g., non sex-offense specific treatment) – 8 yes, 0 no
- d. Proof of residence and/or employment – 8 yes, 0 no

14. How should the legislation incorporate No Contact Orders (NCOs)? (select one)

- a. This is already included in other statutes and not necessary in this bill. - 0
- b. Explicit language that NCOs or other protective orders must remain even if discharge from supervision is granted until or unless a modification to those protective orders is filed with the court. – 8

**15. If relief from supervision is granted, what happens if the individual commits a new offense?
(select one)**

- a. If non-sex offense, nothing - 5
- b. For any offense – individual reverts back to lifetime supervision status – 0
- c. For sex-offenses only – individual reverts back to lifetime supervision status – 3
- d. Risk-relevant behaviors (e.g., offenses of interpersonal violence/crimes against person) would revert back to lifetime supervision - 0
- e. If a person is arrested for a sex offense or a violent offense, the ISRB may bring that individual back under their jurisdiction – 5
- f. Any arrest that the ISRB is made aware of would require a review and potential hearing and decision from the ISRB – 2

16. What is the process for seeking relief from lifetime supervision?

- a. Individuals must submit a request to decision maker when they become eligible. - 2
- b. ISRB conducts regular review for eligibility and initiates the review process when an individual meets the minimum time requirements. - 4
- c. ISRB monitors and let's individuals know when they will be eligible based on time and the individual can decide whether or not to request a review hearing for relief. - 5
- d. DOC monitors eligibility and when the individual achieves eligibility then DOC forwards the packet to the ISRB for review – 8

17. Does your organization feel that some form of step-down process should be required?

- a. Yes - 4
- b. No – 3

*If yes, then you are saying that whatever current step-down processes that internally occur at DOC already is not enough of a formal process for step-down and an additional step-down process should be included.

18. Does your organization feel that the step-down process should be based on risk level?

- a. Yes - 5
- b. No – 3
- c. N/A – 1

19. Should Level 3s be eligible for a pathway off of lifetime supervision? (With regards to eligibility, is this process open to all levels or is this different for each level?)

- a. ~~No, Level 3s should not be eligible.~~
- b. ~~Yes, and the process is the same as Level 2s.~~
- c. ~~Yes, and the process is the same as Levels 2s but with additional disqualifying events~~
- d. ~~Other~~

20. Is a “step-down” process required for Levels 2 and 3? If so, when does that begin?

- Potential language to be included as a list of information for consideration by the decision-maker: “Individual achieved a step-down level during their supervision”

21. Are Level 2 and Level 3 individuals able to be removed from lifetime supervision at their initial review hearing?

- a. ~~Yes, individuals can be removed from lifetime supervision~~

- ~~b. No, at the first hearing, the ISRB may direct DOC to reduce supervision intensity/contact standards for a certain period of time after which the individual may be re-review for relief from supervision.~~
- ~~c. Both the ISRB may choose to grant relief for Level 2 and Level 3 individuals at the first review or the ISRB may direct DOC to reduce supervision intensity/contact standards for a certain period of time after which the individual may be re-review for relief from supervision~~
- ~~d. Other~~

2022 Previous SSOSA Recommendations Re: Lifetime Supervision

Recommendation No. 12: The SOPB recommends that individuals who are granted a SSOSA sentence should be supervised by the Department of Corrections for the length of their suspended sentence or 36 months, whichever is longer.

- Yes: 12 Unanimous support
- No: 0

Recommendation No. 13 : The SOPB recommends for SSOSA cases that the sentencing Judge in the Superior Court hold a supervision termination hearing at the end of the presumed community custody period to determine if the person should be released from community custody.

- Yes: 12 Unanimous support
- No: 0

Current Language in HB2178

Page 10 Lines 15-22:

(b) A term of community custody equal to the length of the suspended sentence, ~~((the length of the maximum term imposed pursuant to RCW 9.94A.507,))~~ or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department under RCW 9.94A.703. A supervision termination hearing shall be scheduled with the sentencing court within the last 60 days of the presumed expiration of community custody to determine if the individual should be released from community custody.