

# Sex Offender Policy Board (SOPB) Indeterminate Sentence Review Board (ISRB)

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# Trivia

- ▶ What was the driving force behind SOPB?
- ▶ Why does the SOPB exist?

# Sex Offender Policy Board

- ▶ Established by legislature 2008
  - ▶ Coordinated and Integrated Response to Sex Offender Management
  - ▶ Multi-disciplinary Board
  - ▶ Original Direction From Legislature:
    - ▶ analyze national and state data and trends,
    - ▶ interagency collaboration,
    - ▶ review current laws and make recommendations,
    - ▶ Housing and best practices in prevention and response for sexual assault,
    - ▶ Generate policy proposals for system improvements,
    - ▶ case reviews and gap analysis.
  - ▶ Assignment protocol.

# What's Informed our Recommendations?

- ▶ Research=Foundation
- ▶ Questions we grappled with:
  - ▶ What reliable research is out there and what does it say?
  - ▶ What will keep known sex offenders from re-offending?
  - ▶ Who are the experts we should consult with or other States we should look to?
  - ▶ How do we truly keep the public safe rather than just a false sense of security?

# Informing our Recommendations

- ▶ WSIPP Report 2009, Does Sex Offender Registration and Notification Reduce Crime? (SOPB Request)
  - ▶ Meta-Analysis, Specific and General Deterrence
- ▶ Public Forums
- ▶ SOPB Members
- ▶ Case Reviews (Jose Reyes, Jeremiah Thompson)
- ▶ Review of Other State's Practices & Adam Walsh Act
- ▶ Public Perception

# SOPB Assignments and Recommendations

2009

SOPB to review Washington State's sex offender registration and notification statutes.

## Recommendations and Findings

- ▶ Use the best available research for decision making.
- ▶ The Board identified practical obstacles to a standard implementation of registration and notification laws.
- ▶ Statewide sex offender system management must be coordinated and ensure collaborative efforts across system participants.
- ▶ Whenever possible, use empirically validated risk tools.
- ▶ Juvenile sex offenders are different from adults and this difference should be reflected in sex and kidnapping offender laws regarding juveniles and public policy.

# SOPB Assignment

2010

## Jose Reyes Case Review

- ▶ Charged with Child Molestation 1 and 3 Counts of Luring.
- ▶ Placed on SSODA for Indecent Liberties with FC after a plea agreement in 2008.
- ▶ Ordered to 24/7 Supervision while on SSODA.
- ▶ Sexual Assault at school occurs in 2010.
- ▶ Issues identified:
  - ▶ 24/7 supervision while on SSODA
  - ▶ Communication with school and LE
  - ▶ Who to notify at schools

# Jose Reyes Case

## Review Recommendations

### Findings and Recommendations:

- ▶ WASPC to create a standard form (model policy) to be used by law enforcement for notification purposes.
- ▶ Law enforcement shall provide additional notification to schools on juvenile sex offenders.
- ▶ All inquiries should go to law enforcement agency for any information related on a juvenile sex offender.
- ▶ JRA, Juvenile Court, and/or Interstate Compact for Juveniles leveled by ESRC.
- ▶ Schools to create policies around juvenile sex offenders.



# SOPB Timelines

## 2011

- ▶ The SOPB established the Sex Offender Policy Board Case Review Procedure.
- ▶ ESSB 5891 moved the Sentencing Guidelines Commission and the SOPB into the Office of Financial Management.
- ▶ Assignments at request of Governor or Legislature.

# SOPB Assignment and Recommendation

2012

## Jeremiah Thompson Case Review

- ▶ Child Molestation 1 amended to Communication with a Minor for Immoral Purposes and Rape 2 amended to Assault 4 at age 16 in 2010.
- ▶ Level II for community notification released in 2010.
- ▶ At age 19 had sexual intercourse with a female age 14 and was charged with Rape of a Child 3.
- ▶ Issues Identified:
  - ▶ Length of supervision.
  - ▶ Responsibility of sex offenders monitoring not maintained by the principal.
  - ▶ Training for school officials.

# Jeremiah Thompson Case Review

## Recommendations:

- ▶ Risk to the community should determine juvenile parole eligibility.
- ▶ School Principals should maintain responsibility for management of sex offenders and all students' safety in school.
- ▶ Provide training for school personnel regarding juvenile sex offenders.
- ▶ Require school districts to adopt a sex offender management policy based on the OSPI model policy and post the policy on the OSPI website.
- ▶ The committee recommends further study on the effectiveness of notification and registration of juveniles who have committed sex offenses.

# SOPB Assignment and Recommendation

2013

The Senate Human Services & Corrections Committee asked the SOPB to review Special Sex Offender Sentencing Alternative (SSOSA).

## Recommendations:

- ▶ Reinstate Department of Corrections supervision to the length of the suspended sentence (pre 2001), thus eliminating lifetime supervision for non-revoked participants.
- ▶ Reinstate and fund the Sex Offender Treatment Advisory Committee.
- ▶ Clarify the SSOSA statute language and/or emphasize adherence to the existing statutory language regarding known offenders.

# SOPB Assignment and Recommendations

2014

SOPB convened a workgroup to review policies related to the release and housing of adult sex offenders in the community.

Recommendations:

- ▶ No expansion of residency restrictions for sex offenders in Washington state.
- ▶ Stakeholders continue to expand public awareness of and access to available information regarding registered sex offenders in the community.
- ▶ Continued development and standardization of notification to law enforcement and processes to ensure information is shared with city, county, and municipal officials.
- ▶ DOC is responsible to educate communities related to the sex offender management system.

# SOPB Assignment and Recommendations

2015

ESSB 5154, directed the SOPB to make findings and recommendations related to the following:

- ▶ Disclosure of information to the public compiled and submitted to sex and kidnapping offender registries,
- ▶ The relationship between chapter 42.56 RCW and RCW 4.24.550,
- ▶ Best practices adopted or under consideration by other jurisdictions regarding disclosure of sex offender registry information;
- ▶ Risk Level review for reduction; and
- ▶ Whether and how public access to the guidelines can be improved.

# SOPB Assignment and Recommendations

2015 ESSB 5154

SOPB Observations related to public disclosure vs. community notification:

- ▶ Washington's current statutory scheme controlling the release of information to the public works well.
- ▶ RCW 4.24.550 should be the authorizing source for release of sex offender records.
- ▶ Release of level 1 information would be the equivalent to broad-based community notification, eliminating a risk based approach
- ▶ Dissemination of level I offender information would have a deleterious effect on known/familial victims, particularly for level 1 offenders.
- ▶ Widespread dissemination would creating obstacles to community reentry that may actually undermine, rather than enhance, public safety.
- ▶ Dissemination of level 1 information may put our entire process at risk (State Supreme Court Ruling).

# SOPB Assignment and Recommendations

2015 ESSB 5154

## Best Practices in Other Jurisdictions

- ▶ The SOPB recognizes that adults and juveniles are generally different. Many states acknowledge these differences in their statutes related to sex offender registration and community notification and treat juveniles differently. As such, the SOPB believes this issue warrants additional consideration by Washington policymakers.



# SOPB Assignment and Recommendations

2015 ESSB 5154

Risk level review for reduction.

Recommendations:

- ▶ Availability of a sex offender risk level review process assists in maintaining a consistent approach to sex offender management.
- ▶ Criteria for risk level determinations should be based in research and linked to risk in the community.
- ▶ Each county should have an established process to review the risk levels upon request.
- ▶ The SOPB be authorized to develop best practices for a process and criteria for assigned risk level classification review.
- ▶ WASPC amend its model policy to recommend that each law enforcement agency adopt a process; that WASPC assess which agencies have a process, what the process is, and share the results with SOPB by December 1, 2016.

# SOPB Assignment and Recommendations

## 2015 ESSB 5154

### Whether and How Public Access to Guidelines Can Be Improved

#### Recommendations:

- ▶ The guidelines established under RCW 4.24.5501 are easily available to the public via online locations
- ▶ The SOPB requests the Legislature take no action.

# SOPB Assignment and Recommendations

July 2016 Report (Governors Office Assignment)

## Washington's Compliance with SORNA Findings and Recommendations by the Sex Offender Policy Board

- In compliance with 5 requirements, no action recommended
- In compliance with slight deviation on 4 requirements, no action recommended
- Out of compliance on 5 requirements, no action recommended.

# SOPB Assignment and Recommendations

July 2016 Report

- ▶ the SOPB is making no recommendations in which the state would be required to come into further compliance with SORNA.
- ▶ The SOPB does recommend that Washington consider SORNA's policies regarding juvenile sex offender registration, and reconsider the current registration process.

# SOPB Assignment and Recommendations

October 2016 Report, General Recommendations for Sex Offender Management (Governor's Office Assignment)

Offer recommendations as to other changes in sex offender registration and notification statutes that further advance the safety of the public; and offer recommendations as to other issues related to sexual offending that the SOPB determines could advance the safety of the public through further study. Provide summaries of the State's current registration and notification statutes and practices.

# SOPB Assignment and Recommendations

Recommendations, October 2016

- ▶ Research and Consider SORNA's Requirements for Juvenile Registration
- ▶ Exemption of Sex Offender Information from Public Disclosure
- ▶ Review and Update RCW 71.09 - Sexually Violent Predators
- ▶ Research and Consider Implementing the Risk-Need-Responsivity (R-N-R) Model within the Department of Corrections
- ▶ Examine Liability Concerns and Effective Case Management

# Why is this of interest to you?

Examples of changes to sex offender laws that were run through the Sex Offender Policy Board:

- ▶ \*First FTR does not preclude a person convicted as a juvenile to petition for relief of registration.
- ▶ \*SSODA, local sanction and out-of-state youth are now initially classified through the End of Sentence Review Committee for levels of notification.
- ▶ \*Statutory criteria now in place for a court to consider for relief of registration.
- ▶ \*90 day in person reporting repealed (address verification instead).
- ▶ \*Defined fixed residence, petition for relief in county of residence for out-of-state offenders.

\*ESSB6414

# Sex Offender Policy Board

Q&A



# Indeterminate Sentence Review Board (ISRB)

KECIA RONGEN, MA

Board Chair

Jeff Patnode

Board Member

# Trivia Question

- ▶ What year was the Parole Board established?
- ▶ What year was determinate sentencing passed in Washington

# Indeterminate Sentence Review Board (ISRB) or the Board

## History and Mission of the Board

- ▶ Pre-SRA (Prior to 1984)
- ▶ 2001-Sex Offenders
- ▶ 2014-Juvenile Board Cases
- ▶ Mission: The ISRB makes informed decisions essential to public safety regarding the confinement or release of individuals under its jurisdiction.



# ISRB Members and Staff

- ▶ The ISRB has jurisdiction for the entire State.
- ▶ \*3 Board Members and 1 Chair. 1 On-Call.
- ▶ 4 Hearings Investigators
- ▶ 5 Correctional Record Technicians
- ▶ 2 Administrative Staff
- ▶ 1 Victim Liaison, 1 Program Assistant

# How Many are Under the Board?

## ▶ Pre-1984

- 211 (prison) 54 (community)

## ▶ Community Custody Board (CCB) or Determinate Plus (sex offenders)

- 1969 (prison) 808 (community)

## ▶ Juvenile Board Cases

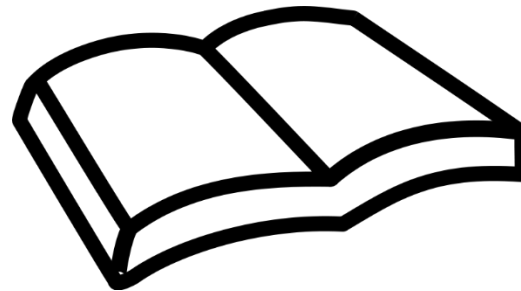
- 134 LT 28 AGMurder (prison)
- 5 (community)

# Qualifying Offenses

- ▶ Pre-84-Any, cold cases.
- ▶ CCB-Certain Sex Offenses under 9.94A.507 or Persistent Sex Offenders Defined under 9.94A.030.
- ▶ Juveniles-20 or more years or Aggravated Murder.

# Juvenile Board Cases

- ▶ U.S. Supreme Court decision Miller vs. Alabama 2012



- ▶ SB5064 passed in 2014
  - ▶ Aggravated First Degree Murder
  - ▶ Long-term Juvenile Cases
  - ▶ Retroactive

# Juvenile Board Eligibility

- ▶ There are two types of JUVBRD cases:
- ▶ 1. Offenders who committed crimes prior to their 18<sup>th</sup> birthday and are convicted of Aggravated Murder 1.
- ▶ 2. Offenders who committed crimes prior to their 18<sup>th</sup> birthday and received long terms of confinement by the sentencing Judge.



# Juvenile Board-Aggravated Murder

These cases will all go back to the sentencing court to be resentenced:

- ▶ 15 or younger, 25 year minimum.
- ▶ 16-18, can be between 25 years and LWOP.
- ▶ The offender must serve the term set by the judge before they have a hearing with the ISRB. They receive no good time on their original term.

# Parole/Release Hearings

- ▶ Timelines
- ▶ Type of Hearings
- ▶ Hearing Participation

# Notice, Records and Minutes

## RCW 9.95.422 (ESSB 6242)

- ▶ 90 day notice of hearings to prosecuting attorneys, sentencing court and crime victim.
- ▶ Records that the Board considers must be sent un-redacted to prosecuting attorneys and sentencing court. Upon request to crime victim.
- ▶ Comprehensive minutes of all hearing and meetings must be posted on website within 30 days.  
[www.doc.wa.gov/corrections/isrb](http://www.doc.wa.gov/corrections/isrb)
- ▶ Pre-84 and LT Juvenile Board.

# The Million Dollar Question...

What does the Board look at for Release?



Three Areas: Statutory Authority, Offender Information, Victims/Survivors and other Input.

# Release Criteria in Statute

- ▶ Pre-84's: The Board shall not however, until his or her maximum term expires, release a prisoner, unless in it's opinion his or her rehabilitation has been complete and he or she is a fit subject for release.
- ▶ CCB's: The Board shall order the offender released, unless the Board determines by a preponderance of the evidence that despite such conditions, it is more likely than not that the offender will commit a sex offense if released.
- ▶ JUVBRD: The Board must order that the person be released unless it is determined by a preponderance of evidence that, despite conditions, it is more likely than not that the person will commit new criminal law violations if released.
- ▶ Board sets new minimum term if not released.

# Offender Specific Information

Additional Considerations (Decision Framework, Serin and Gobeil, Carlton University 2011)

- ▶ Risk Assessments/Actuarials
- ▶ Criminal History and community Supervision Adjustment
- ▶ Ability to Control Behavior (substance use)
- ▶ Responsivity/Programming
- ▶ Institutional/Community Behavior
- ▶ Offender Change
- ▶ Release Plan
- ▶ Case Specific
- ▶ Discordant Information

# Other Release Input

## \*Crime Victims/Survivors

- ▶ Elected Officials
- ▶ Concerned Citizens
- ▶ Prosecutors
- ▶ Detectives
- ▶ Legislature
- ▶ Defense Attorneys
- ▶ Advocacy Groups
- ▶ Former Staff
- ▶ Support in the Community

## \*Media

# Victims and Survivors Have a Right to Give Input

Written (mail or email)

In Person

Telephonic

Recorded Statement (CD or DV)





# Supervision Length of Offenders Under ISRB

- CCB:
  - Class A-Lifetime
  - Class B-10 years (minus time in prison)
  - Class C-5 years (minus time in prison)
- Juvenile Board:
  - 3 years
- Pre-84:
  - 3 years

# Conditions of Supervision

- ▶ Must be related to risk.
- ▶ Court/ISRB
- ▶ DOC can recommend/request conditions to the Board.
- ▶ Violation Hearings

# Board Values

- ▶ Making objective decisions with consideration for public safety and the concerns of stakeholders.
- ▶ Following the law with integrity.
- ▶ Being responsive and transparent to victims, individuals under our jurisdiction, the public, and criminal justice partners.
- ▶ Respecting the diversity of individuals.
- ▶ Planning and managing public resources responsibly.
- ▶ Working together with open communication while valuing each team member.
- ▶ Excellence and accountability in our work.

Q&A

# Contact Info. & Resources

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