



STATE OF WASHINGTON

SEX OFFENDER POLICY BOARD

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REPORT TO THE WASHINGTON STATE LEGISLATURE

FROM THE

SEX OFFENDER POLICY BOARD

December 2008

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Executive Summary

In 2008, the legislature passed SSB 6596 to create the Sex Offender Policy Board (SOPB), and assigned administrative responsibility for it to the Sentencing Guidelines Commission (SGC). RCW 9.94A.8671 states the Legislature's intent to promote a coordinated and integrated response to sex offender management and create an entity to respond to issues that arise, such as integrating federal and state laws, in a way that enhances the state's interest in protecting the community with an emphasis on public safety.

The Board is assigned a wide variety of duties that range from examining individual cases to setting performance measures for the entire system statewide. In addition, the Board will be a repository for research on best practices in sex offender management, response systems and prevention.

The legislation names 13 organizations with special expertise on sex offender issues who are to be represented on the Board. After passage of the enabling legislation, the SGC solicited appointments from these organizations. The Board also includes two non-voting members of the SGC, and a representative from the Criminal Justice Division of the state Attorney General's office.

The Sex Offender Policy Board began operations in July, 2008 and selected Kitsap County Prosecutor Russ Hauge as Chair and Andrea Piper, Executive Director of the Washington State Coalition of Sexual Assault Programs (WCSAP) as Vice-Chair.

The Board adopted bylaws and created subcommittees and has begun detailed work on its assignments. This 2008 Report to the Legislature details the plans related to each statutory duty, and the principles and standards to which the Board will adhere.

The 2008 legislature also passed SHB 2714, which assigns the Board the task of reviewing the state's adult and juvenile sex offender registration and notification system. A report will be issued to the legislature with recommendations by November 1, 2009.

The Big Picture: Sex Offenses in Washington

Beginning in the late 1980s, a series of highly publicized crimes put protection from sex offenders on the public agenda. These crimes were committed at a time when our society's willingness to openly confront and combat sex crimes was rising. Understanding of the devastating, lifelong consequences of sexual victimization was growing, and advocacy for victims and their families was also on the rise.

This new willingness to openly discuss and confront the scourge of sex crimes led to a sustained effort to change our laws and practices. The result has been a succession of new laws:

Highlights of Washington State's Sex Offender Law Changes

- 1990 The Community Protection Act was passed to:
- increase prison sentences for most sex crimes,
 - require that communities be notified when dangerous sex offenders are released from prisons or juvenile institutions,
 - create the Special Commitment Center, a locked mental health facility, and gave courts the ability to civilly commit sex offenders to the SCC for mental health treatment, rather than releasing them to the community.
- 1996 Increases in sentences included:
- increased sentences for major sex offenses, and
 - "two strikes" legislation that requires life sentences for a second conviction of a serious sex crime.
- 1997 Registration and tightened requirements for treatment included:
- creation of a statewide, mandatory system of sex offender registration and community notification, classifying offenders based on their risk to re-offend, and
 - tightened requirements on sex offenders who received a suspended sentence on the condition that they undergo treatment under a 1980s law called the Special Sex Offender Sentencing Alternative (SSOSA).
- 1999 The Offender Accountability Act was passed to:
- require that specific conditions imposed by the court may include drug or polygraph tests, limitations on where sex offenders may live, and prohibitions on contact with juveniles.
- 2001 A new sentencing system called "Determinate Plus" was created to:
- replace "determinate" sentences for many sex offenders (that is, sentences with a fixed amount of time) with "indeterminate" sentences that can be extended when there is a risk of repeat crime.
 - place these offenders under the jurisdiction of the Indeterminate Sentence Review Board which carefully scrutinizes the offender's treatment and likelihood of committing more sex offenses as a part of release decisions
- 2006 Longer sentences for sex predators require:
- a 25 year minimum term for certain sex offenses that are defined as "predatory."
- 2008 Collection of sex offenders' DNA:
- based on a recommendation of the 2007 Governor's Sex Offender Task Force, the legislature required all registered sex offenders to submit their DNA for future use by law enforcement.

These multiple changes in the law reflect our society's determination to openly confront and combat sex offenses. But our progress in crafting effective laws and practices that protect public safety has been incremental, and research is now available about the effectiveness and consequences of the laws we have passed. For instance, issues have been raised about the consequences of community notification and registration laws and restrictions on where released sex offenders can live. Research can inform us about whether there is increased homelessness among released sex offenders, and if there is a correlation to recidivism.

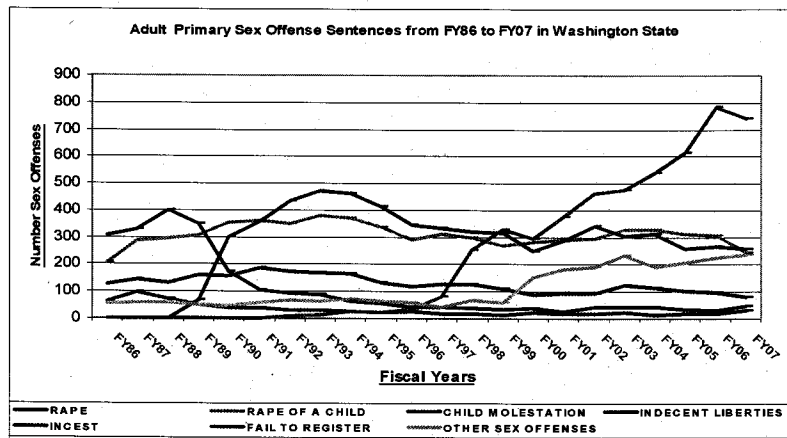
Clearly, we have more work to do to make our laws and practices more effective. Fortunately, we now have a body of research to help us discern what works to reduce recidivism, and our work can now be guided more by knowledge and less by fear.

As we have grappled with changes in law and criminal justice, we have also worked to improve services and advocacy for victims of sex offenses, and to find ways to prevent sex crimes.

The first state-funded program for crime victim services was passed in 1974. In 1979 the legislature passed the Victims of Sexual Assault Act, which provided funding specifically for services to victims of sexual assault and for 41 community sexual assault programs. The legislature has continued to support these agencies by increasing funding and passing numerous policy improvements. Still, community sexual assault programs struggle to meet the demand for their services.

Continued services and support to victims of sexual assault is essential to holding offenders accountable, according to the 2007 Governor's Sex Offense Task Force Final report. Victims' services play a key roll in effective prosecution.

There are encouraging signs that the incidence of sex crimes (like other crimes) may be declining. For instance, in 2007 there were 80 primary sentences for rape in Washington, while in 1986 there were 125 primary sentences for rape. During the same years, Washington's population increased by 47%, so the per capita incidence of this crime has declined sharply.



This chart displays the sentences for primary sex offenses in Washington State from 1986 to 2007. (See Appendix A.)

However, it's important to recognize that many sex crimes still go unreported, and that convictions are not the only measure of their incidence. The Office of Crime Victims Advocacy report "2001 Washington State Sexual Assault Incidence Survey" found that 38% of women have experienced sexual victimization at some time in their lives, and that 80% of these experiences occurred when women were under age 18. Another important finding of the study was that only 8% of the assaults were perpetrated by strangers.

"[S]ex offenders have the lowest recidivism rates for felony offenses (13 percent) and violent felony offenses (6.7 percent)", according to a 2006 report from the Washington State Institute for Public Policy (E. Drake and R. Barnoski, 2006, Sex offenders in Washington State: Key findings and trends, Doc. No. 06-03-1201). This report also notes that "[v]iolent and sexual felony recidivism by sex offenders has decreased since passage of the 1990 Community Protection Act."

Researchers tell us that increased incarceration is part of the reason sex offenses have gone down in our state. The average length of prison sentences for sex offenses has increased 67% between 1986 and 2007; while jail sentences for lesser sex crimes increased 97% during that same time period.

Sex offenses continue, however, and the seriousness of the consequences to victims and communities is now better understood. States are beginning to identify the need for ongoing, coordinated advice by experts who can stay apprised of the research and inform policymakers about various issues related to sex offender response systems and prevention.

The Washington State Sex Offender Policy Board

Introduction

In 2007, a Governor's Sex Offender Task Force recommended the creation of a permanent Sex offender policy Board that would:

- analyze national and state data and trends,
- provide a forum for interagency discussion and collaboration,
- review current laws regarding sex offender registration and public notification, and make recommendations for improvements,
- review sentencing policies and practices and consider whether changes to the sentencing grid are needed,
- review sex offender housing issues and options,
- identify best practices in prevention and response,
- create performance measures and benchmarks for the sex offense response system and for itself,
- review specific cases to pinpoint areas where system improvement is needed,
- generate policy proposals for system improvements.

In 2008, the legislature passed a measure to create the Sex Offender Policy Board, and assigned administrative responsibility for it to the Sentencing Guidelines Commission (SGC). The Board met for the first time in June, 2008, in a meeting convened by SGC Chairman Dave Boerner, in accordance with the statute.

The Board's enabling legislation named 13 specific organizations who were invited to select a representative to serve as a voting Board member:

Washington Association of Sheriffs and Police Chiefs
Washington Association of Prosecuting Attorneys
Washington Association of Criminal Defense Lawyers
Indeterminate Sentence Review Board
Washington Association for the Treatment of Sexual Abusers
Department of Corrections
Washington State Superior Court Judges' Association
Juvenile Rehabilitation Administration
Office of Crime Victims Advocacy
Association of Washington Cities
Washington State Association of Counties
Washington Coalition of Sexual Assault Programs
DSHS Special Commitment Center

In addition, two non-voting members are to be chosen from among the members of the Sentencing Guidelines Commission by the Commission chair and a third non-voting member is to be a representative of the Criminal Justice Division of the Attorney General's Office.

SSB 6596 specifies that Board members are to be selected by the organizations and agencies named in the bill, and that members will serve three year terms. Members were appointed through a process administered by the SGC. (The Sex Offender Policy Board members are listed, along with their terms of service, in Appendix B.)

Administration

Following its first meeting in June, 2008, the Board became official in July, and adopted bylaws (attached as Appendix C). Russ Hauge, Kitsap County Prosecutor, was elected chair, and Andrea Piper, Executive Director of the Washington Coalition of Sexual Assault Programs (WCSAP) was elected vice chair.

Three subcommittees have been established and begun work:

- Sex Offender Registration and Notification,
- Sex Offenders in the Community, and
- Performance Measures and Benchmarks.

(Subcommittee rosters are attached as Appendix D.)

The legislature appropriated \$295,000 for the Sex Offender Policy Board for the FY 2008-2009 Fiscal Year. Of this, \$7,200 has now been "returned" to offset projected revenue shortfalls for this fiscal year. The Board approved a budget in July, 2008 that pays for two staff positions, supports Board meetings, and offsets a portion of office expenses paid by the SGC. Of the total, \$75,000 is set aside for personal service contracts, because the Legislature recognized that the Board would need to purchase specialized expertise. (The budget is attached as Appendix E.) The Sentencing Guidelines Commission (SGC) is providing leased space and management oversight in-kind.

The SGC hired an administrative assistant who supports the Board, but has not yet hired a permanent Program Director. In September, the SGC received approval from the Governor's office and the Department of Personnel to create an exempt Program Director position. An ad hoc Hiring Subcommittee of the Board selected a candidate to whom they offered the position. The candidate accepted the position, but later withdrew due to family considerations. Chairman Hauge and SGC Executive Director Jean Soliz-Conklin are working on an interim plan to support the Board until a new hiring process can take place. The SGC is staffing the Board during this startup period.

Sex Offender Policy Board Work Plan

The new Sex Offender Policy Board responsibilities are described in RCW 9.94A.8676. This work plan contains the Board's plan of action related to each statutory duty, as well as the assignment in SHB 2714 to review sex offender registration and notification laws, and the Governor's request to generate options regarding sex offender housing.

Statutory Duty – Best Practices:

RCW 9.94A 8676 (1) (a) Stay apprised of:

- (i) Research and best practices related to the risk assessment, treatment and supervision of sex offenders;*
- (ii) Community education regarding sex offenses and sex offenders;*
- (iii) Prevention of sex offenses; and*
- (iv) Sex offender management.*

To carry out this assignment, the Board will first adopt a general standard for "evidence-based" best practices at its January 15, 2009 meeting.

Specific standards will be adopted for evidence-based risk assessment, treatment and supervision as the Benchmarks Subcommittee carries out its work. These standards will be based on work from WSIPP and from other states, federal publications, trade publications, and academic research. This will require contracted research to ensure that the Board has full access to the growing body of data, policy development and experience in this field.

The Board plans to schedule regular briefings from this research at its meetings, as well as briefings on prevention, community education, and other topics relevant to its work. The Board will issue periodic reports on its findings that identify gaps, propose policy, and report findings on promising practices.

The Board is also considering hosting biennial conferences, beginning in 2010, to bring together experts from across the state and country to share expertise, and to provide professional development for local and state criminal justice professionals, victim advocates, lawmakers and others.

Statutory Duty - Case Reviews:

RCW 9.94A 8676 (1) (b) Conduct case reviews on sex offenses as needed to understand performance of the sex offender prevention and response systems; or which are requested by the governor, the legislature or local criminal justice agencies. Reviews shall be conducted in a manner which protects the right to a fair trial.

Case reviews will be conducted by multi-disciplinary teams of experts, similar to the 2007 Governor's Sex Offender Task Force. While the Board is composed of appropriately diverse experts and prepared to take on a case review at any time, the Board plans to refine the steps involved in a review in the spring of 2009. Criteria for cases to be reviewed, best practices in case review derived from other states and disciplines, and desired products and outcomes will be specified. The Board anticipates that no case reviews will be undertaken before the judicial process for a specific case has been completed.

Statutory Duty – Benchmarks:

RCW 9.94A 8676 (1) (c) Develop and report on benchmarks that measure performance across the state's sex offender response system, and benchmarks for the work of the Board.

Benchmarks Subcommittee

The Board created a Benchmarks Subcommittee in August of 2008, in its second month of operation. This multidisciplinary team immediately began developing a vision and approach, which they recognize is a "living" plan. It will be modified as stakeholders participate and the learning continues. The Benchmarks Subcommittee will be tapping the time and expertise of local multi-disciplinary teams and experts from across the state.

Members of the Sex Offender Policy Board recognize that effective response to sex offenses requires careful thought about the functioning and the *integration* of numerous system components, and policy decisions based on research and good data.

The Subcommittee is reviewing similar assessments, such as "*The Comprehensive Assessment Protocol: A System-wide review of Adult and Juvenile Sex Offender Management Strategies*" prepared by the Center for Sex Offender Management, a project of the U.S. Department of Justice in 2007.

An effective performance measurement system will identify practical, evidence-based baselines and gaps in performance. It will also be useful as a tool for those within the system who wish to improve their performance or learn from others.

The performance measurement system will contain a concise, empirical statement of the most recent research. Accordingly, the Board benchmarks process will be a deliberate, research-based and highly collaborative information-gathering and analysis process. It will include data and expertise from within and outside Washington State and it will be flexible, recognizing the strengths and barriers that affect performance related to geography, population size and other demographics.

The Sex Offender Policy Board has identified three performance assessment categories within the sex offense system, based on the gender and age of offenders. In 2009, the performance measurement process will focus on the sex offender response system related to adult male offenders (the predominant offender population).

By the time the 2009 Annual Report to the Legislature is submitted, an evidence-based baseline and system status assessment will be completed regarding the supervision and reentry components (areas of practice) of the system that respond to adult male sex offenders. Next, the Board will set performance goals for that portion of the system and set in motion a periodic performance measurement and reporting process. Using this model and the lessons learned from it, the Board will then assess the remaining practice areas that respond to adult male offenders as well as juvenile and female sex offenders.

In 2009, the SOPB Sex Offender Registration and Notification Subcommittee will be investigating the developmental and other research related to juvenile sex offenders as part of its work in response to SHB 2714 (see page 15 of this report). In 2010, the Board's performance measurement process will benefit from the work of that Subcommittee as well as from the work of the Sex Offenders in the Community Subcommittee.

Benchmarks Principles

A comprehensive approach to measuring the performance of the sex offender response system requires the following fundamental principles:

- Adherence to evidence-based practices,
- Specialized knowledge and training,
- A victim-centered approach,
- Consistency with the purposes of the Sentencing Reform Act (RCW 9.94a),
- Collaboration,
- Public education, and
- Monitoring and evaluation.

Areas of Practice

The Board is using the Sentencing Reform Act definition of "sex offense" as found in RCW 9.94A.030. After reviewing the legislative mandate, the Board decided that the "system" to be measured will be one that begins "from once a sex offense becomes known."

A comprehensive approach to "sex offender response system" includes seven key areas of practice:

- Victim reporting and support,
- Investigation, prosecution and disposition,
- Assessment,
- Supervision,
- Treatment,
- Reentry, and
- Registration and Community Notification.

Research

A narrative summary of empirical research, other professional literature and/or emerging practice relevant to the category of offenders and the key area of practice will be included in the Board's "Sex Offender Response System Performance Reports." In addition, a list of references will be included so readers and stakeholders can seek additional information.

Data Collection

The process and reports will include substantial data collection, using the best practices standard adopted by the Board. Data from system stakeholders will be conscientiously collected, used and reported, with their involvement.

Performance Measures and Baseline

Data from system stakeholders will be used to develop performance measures and to set a baseline to measure against over time. Stakeholders will be involved in the development and testing of Board findings and decisions.

Best-Practice Model and Goals

The creation of a best-practice model will evolve from the Board's work, and goals will be set accordingly. Again, stakeholder involvement will be key to this process.

Recommendations

The Sex Offender Policy Board will have practice, policy, and resource recommendations after completing the initial and future assessments.

NOTE: This agenda was adopted for the Subcommittee's December 30, 2008 meeting.

- *Assess whether additional stakeholders should be included on the Benchmarks Subcommittee.*
- *Create subcommittees with stakeholder involvement.*
- *Discuss use of graduate students from WSU or other higher educational institutions to support survey and other data gathering processes.*
- *Complete Tasks 1 and 2 of the SOPB Benchmarks Subcommittee detailed Workplan (See Appendix H).*
- *Set meeting schedule to accomplish the following performance measure system development tasks.*

Statutory Duty – Assess and Communicate Best Practices:

RCW 9.94A 8676 (1) (d) Assess and communicate best practices or upcoming trends in other jurisdictions to determine their applicability and validity in Washington.

This duty will be achieved as a part of all other duties.

Statutory Duty - Forum for Interagency Communication:

RCW 9.94A 8676 (1) (e) Provide a forum for discussion of issues that require interagency communication, coordination and collaboration, including:

- (i) Community education and distribution of information about all parts of the sex offender management system to interested parties;*
- (ii) Existing community-based prevention programs; and*
- (iii) Sex offender registration and monitoring in the community.*

Two SOPB subcommittees have begun work to deepen the expertise of Board members through interagency communication, coordination and collaboration. The progress of the Sex Offenders in the Community Subcommittee and the Sex Offender Registration and Notification Subcommittee are described below.

The Board anticipates future work on community-based prevention and other topics where interagency communication, coordination and collaboration are indicated in 2009.

Sex Offenders in the Community Subcommittee

The topic “sex offender management system” (RCW 9.94A.8676) is broad, and overlaps with prevention, registration and monitoring. Sex offender housing has also presented itself as a troublesome issue that may affect recidivism and community safety.

In June, 2008 Governor Christine Gregoire sent a letter asking the Board to investigate sex offender housing issues. She pointed out that research finds that sex offenders are less likely to re-offend if they have stable housing, and asked the Board to review current research and best practices being employed in other states.

In August, the Board members created a subcommittee on Sex Offenders in the Community in furtherance of the “interagency communication” duty under the statute. This subcommittee identified its purpose as working to “normalize” sex offender reentry as a public safety and education strategy.

Housing needs to be addressed in tandem with public education. Members of the Subcommittee agreed that public education could help community members distinguish between types of offenders and their associated risks, strengthen prevention strategies, and explain the services available to specific offenders and their supervision requirements.

As an initial strategy, the subcommittee will present for full Sex Offender Policy Board review the King County Sexual Assault Resource Center/WCSAP pilot approach to leveraging the Legislature’s investments on offender reentry by developing tools and resources to assist community members, with assistance and support from the Washington State Department of Corrections (DOC). The proposal, which is entitled “*Increasing Guardianship against Sex Offenders: A 3-year pilot project to increase the level of prevention in neighborhoods impacted by sex offenders*”, was presented to the Board by Mary Ellen Stone. (It is included as Appendix F.) The pilot programs will work with community members, including landlords and the faith community, to create a model that provides education and training related to being and feeling safer about sex offenders in the neighborhood. The goal is to develop tools for use in diverse areas within the state. These tools will be replicable and increase the practical knowledge of sexual assault prevention.

The subcommittee is planning to research the ideas used by other states and best practices literature related to housing in the community for sex offenders. That review will include a cost-benefit analysis as well. The Sex Offenders in the Community Subcommittee will meet regularly. (See the Sex Offender Policy Board link at www.sgc.wa.gov).

Registration and Community Notification Subcommittee

Statutory duty assigned by SHB 2714:

Review sex offender registration and notification laws, including:

The appropriate class of felony and sentencing designations for a conviction of Failure to Register; the appropriate groups and classes of adult and juvenile offenders who should be required to register; the duration and termination process for sex and kidnapping offender registration and public notification; and simplification of statutory language to allow the Department of Corrections, law enforcement, and offenders to more easily identify registration and notification requirements.

The purpose of the Registration and Community Notification Subcommittee of the Board, as outlined in Second Substitute House Bill (SSHB) 2714, is to make recommendations for changes to the statutory requirements relating to sex and kidnapping offender registration and notification.

The Board created a Registration and Community Notification Subcommittee in September, 2008. The Subcommittee has met monthly since then. This multidisciplinary team immediately began developing an outline of components of the registration and community notification laws and related processes to review in detail. These include:

- who is required to register and for what length of time,
- comparison of requirements for juveniles and adults,
- relief from requirements,
- risk assessments for adults, juvenile, and females,
- homeless offenders,
- guidelines to law enforcement for lowering classification levels after a period of time,
- risk level classification or notification on non-compliant offenders,
- registration check-in requirements,
- notification to schools regarding juveniles, and
- appropriate classification for failure to register.

The committee will review current Washington laws related to registration and community notification, as well as research conducted by the Washington State Institute for Public Policy (WSIPP) about the effectiveness of our laws. The Board is considering a proposal to contract with WSIPP to conduct a meta-analysis of the effectiveness and impacts of sex offender registration and notice requirements.

The Subcommittee will examine other states' laws and their experiences after implementation. In accordance with the Board's overall standard related to evidence-based practices, members will also examine relevant academic research. This research component will also include any applicable court cases.

As an element of the evaluation, the Subcommittee will solicit stakeholder input. Lastly, the Subcommittee will make recommendations and provide a gap analysis of the components of the system under review. These recommendations will be reviewed by the full Board before submission to the legislature.

The Adam Walsh Act

Congress passed Adam Walsh Child Protection and Safety Act in 2006. It requires that states come into compliance with the Sex Offender Notification Act (SORNA) to retain full funding for federal Byrne Grants. This is a comprehensive law regarding sex offender registration and notification and is of major concern across the states. The Sex Offender Registration and Notification Subcommittee will discuss the implications of this new federal law and monitor litigation and amendments to the law, and consider it as part of the review of Washington's current registration and community notification system.

A report is due to the Governor and Legislature no later than November 1, 2009.

Community Education and Distribution of Information

The Board's meetings, and the meetings of its subcommittees, comprise an effective forum for interagency communication, coordination and collaboration.

To supplement and extend this work, the Board has developed a communication plan that includes a sub-site on the Sentencing Guidelines Commission web site that will provide information useful to criminal justice professionals, victim advocates, the media, and the general public. This will include information about the Board's mission, mandate and members; a "citizen's guide" to sex offense prevention, sentencing, community supervision, and victim services; meeting notices and invitations for public and stakeholder input; links to related web sites; and fact sheets and background information for the media. The web sub-site is expected to be created by January, 2009, and fully populated with relevant information by March, 2009.

As part of its communication plan, the Board will also develop a periodic electronic newsletter to disseminate its work, and a protocol to guide its members' responses to media inquiries.

Sex Offense Prevention

By March, 2009, the Board will convene a subcommittee on sex offense prevention.

Request from Governor's Sex Offender Task Force

By May, 2009, a subcommittee on sentencing will begin a review of the state's sex offender sentencing laws and practices, and will make recommendations to the legislature by December, 2009.

Appendices

- Appendix A: Table of Sex Offense Primary Sentences**
- Appendix B: Sex Offender Policy Board Members and Terms of Service**
- Appendix C: Sex Offender Policy Board Bylaws**
- Appendix D: Subcommittee Rosters**
- Appendix E: Sex Offender Policy Board Budget**
- Appendix F: King County Sexual Assault Resource Center/Washington Coalition of Sexual Assault Programs proposal "Increasing Guardianship Against Sexual Offenders"**
- Appendix G: SOPB Benchmarks Subcommittee Detailed Workplan**

Appendix A

Table 1.

Offense	FY86	FY87	FY88	FY89	FY90	FY91	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01	FY02	FY03	FY04	FY05	FY06	FY07
RAPE	125	141	132	160	155	187	174	170	165	131	119	126	128	110	87	92	91	122	112	102	98	80
RAPE OF A CHILD	205	287	294	309	352	362	351	378	371	337	290	313	300	269	280	289	294	326	330	313	309	246
CHILD MOLESTATION	0	0	0	67	300	356	432	469	461	413	346	334	320	314	249	288	339	304	311	256	266	258
INDECENT LIBERTIES	309	327	398	348	172	105	91	89	62	55	44	40	38	33	39	26	44	41	43	35	31	45
INCEST	63	98	70	51	36	36	29	31	26	21	26	18	16	12	19	18	16	20	13	18	16	30
OTHER SEX OFFENSES	54	58	57	52	45	60	67	63	71	64	57	42	68	58	150	179	189	230	191	204	221	237
Total	756	911	951	987	1060	1106	1144	1200	1156	1021	882	873	870	796	824	892	973	1043	1000	928	941	896
FAIL TO REGISTER	0	0	0	0	0	1	9	13	25	21	34	80	252	328	296	376	461	474	540	614	782	742
Grand Total	756	911	951	987	1060	1107	1153	1213	1181	1042	916	953	1122	1124	1120	1268	1434	1517	1540	1542	1723	1638

Table 1 presents the total number of adult primary sex offense sentences between fiscal year 1986-2007. In year 2007, primary sex offense sentences had increased by 140 felonies, about 19% compared with year 1986. However, Washington State Population increased more than 45% during that time period.

Appendix B



STATE OF WASHINGTON

Sex Offender Policy Board

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Indeterminate Sentencing Review Board

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**Washington Association for the Treatment of
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Appendix C



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SEX OFFENDER POLICY BOARD

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ADOPTED JULY 7, 2008

MEMORANDUM

To: Sex Offender Policy Board

FROM: Jean Soliz-Conklin

RE: Proposed Interim Bylaws

ACTION REQUESTED:

1. Please improve and adopt these Interim Bylaws so the Sex Offender Policy Board (SOPB) can begin its work.
2. Please decide which initial members shall serve on the board for terms of one, two and three years (see proposed Article IV, below)
3. Please select an Interim Chair to serve until an election can be held.

Background

SSB 6596 states that "the (SOPB) board shall develop bylaws to govern its operation, using the bylaws created by the sentencing guidelines commission as a guide" (Section 5(3)).

These proposed interim bylaws are for the purpose of getting started. They will give the board authority to call meetings and make decisions. As I reviewed the SGC bylaws I noted that the functions of the SOPB are very different, so I expect the bylaws will evolve as the Workplan takes shape.

NOTE: At your next meeting you will need to ratify any decisions made this time, because the board legally exists as of July 1, 2008.

Interim Bylaws of the Washington State Sex Offender Policy Board

Article I: Name

The board shall be known as the Washington State Sex Offender Policy Board.

Article II: Legal Authority

The Sex Offender Policy Board is formed pursuant to ESSB 6596, passed by the Washington State Legislature and effective July 1, 2008.

Within available funding, the board may contract with outside entities which have specific expertise necessary to assist the board in performing its duties. Contracts shall be administered by the Sentencing Guidelines Commission.

Article III: Duties

The Sex Offender Policy Board duties are as follows:

- (1) Stay apprised of:
 - a. Research and best practices related to the risk assessment, treatment and supervision of sex offenders;
 - b. Community education regarding sex offenses and sex offenders;
 - c. Prevention of sex offenses; and
 - d. Sex offender management.
- (2) Conduct case reviews on sex offenses as needed to understand performance of the sex offender prevention and response systems; or which are requested by the governor, the legislature or local criminal justice agencies. Reviews shall be conducted in a manner which protects the right to a fair trial.
- (3) Develop and report on benchmarks that measure performance across the state's sex offender response system.
- (4) Assess and communicate best practices or upcoming trends in other jurisdictions to determine their applicability and viability in Washington State.
- (5) Provide a forum for discussion of issues that requires interagency communication, coordination and collaboration, including:
 - a. Community education and distribution of information about all parts of the sex offender management system to interested parties;
 - b. Existing community-based prevention programs; and
 - c. Sex offender registration and monitoring in the community.
- (6) Develop and annually update a work plan detailing the methods for achieving its duties with reasonable performance measures to indicate whether its duties are being met.
- (7) Submit an annual report to the legislature, beginning December 1, 2008 with findings on:
 - a. Current research and best practices related to risk assessment, treatment and supervision of sex offenses and offenders;
 - b. Community education regarding sex offenses and offenders;
 - c. Prevention of sex offenses;
 - d. Sex offender management;
 - e. The performance of sex offender prevention and response systems; and
 - f. Any other activities performed by the board in the prior 12 months in furtherance of the act.

Article IV: Officers of the Sex Offender Policy Board.

- (1) The presiding officer of the Sex Offender Policy Board, denominated the "chairperson", shall be appointed by a majority of the voting members and serve a

two-year term. An interim chairperson may be appointed by majority vote to act until an election is held.

- (2) The chair shall call and preside over all meetings of the board, appoint the presiding officers and members of subcommittees, except as specifically provided herein, and do all such other things as are appropriate for or delegated to such officer by the board.
- (3) The chair shall decide all points of order, unless two thirds of the voting members present vote to the contrary.
- (4) A vice-chair, shall be appointed by a majority of the voting members, shall preside in the absence of the chair as well as act for the chair and the board, under direction.
- (5) In the absence of both the chair and vice-chair, an acting vice-chair, appointed by a majority of voting members present, shall preside at that meeting of the board.
- (6) Any officer may be removed, with or without cause, by action of the board. Any officer may resign at any time, by giving written notice to the board. Any such resignation shall be effective on the date of receipt of such notice or at any later date specified therein, and the acceptance of such resignation shall not be necessary to make it effective.

Article V: Members of the Sex Offender Policy Board; and Membership Terms

The Sex Offender Policy Board shall consist of thirteen (13) voting members and three nonvoting members as follows:

A. Voting Members

1. a representative of the Washington Association of Sheriffs and Police Chiefs;
2. a representative of the Washington Association of Prosecuting Attorneys;
3. a representative of the Washington Association of Criminal Defense Lawyers;
4. a representative of the Washington Association for the Treatment of Sex Abusers;
5. a representative of the Washington State Superior Court Judge's Association;
6. a representative of the Association of Washington Cities;
7. a representative of the Washington State Association of Counties;
8. a representative of the Washington State Coalition of Sexual Assault Programs;
9. The Secretary of the Department of Corrections or the Secretary's designee;
10. The Assistant Secretary of DSHS for the Juvenile Rehabilitation Administration or the Assistant Secretary's designee;
11. The Director of the Special Commitment Center or the Director's designee;
12. The Chair of the Indeterminate Sentence Review Board, or the Chair's designee; and
13. a representative of the Office of Crime Victims Advocacy.

B. Nonvoting Members

The nonvoting members of the Sex Offender Policy Board are:

1. two representatives of the Sentencing Guidelines Commission; and

2. one representative of the Washington State Office of the Attorney General.

C. Membership Terms

All voting members except Ex-Officio voting members shall serve three-year terms, except that the initial terms shall be one, two and three years, staggered in accordance with a decision by the board. Ex-Officio voting members are those who are appointed by a state agency and shall serve throughout their appointment to the state agency. (See numbers 9 through 13, above.)

D. Vacancies

Any vacancy before the expiration of a term shall be filled by the appointing agency for the unexpired portion of the term in which the vacancy occurs.

Article VI: Meetings of the Sex Offender Policy Board.

- (1) Meetings of the Sex Offender Policy Board shall be held in compliance with the Open Public Meetings Act (RCW 42.30).
- (2) The Sex Offender Policy Board shall meet at the call of its chair or upon request of any three members of the board.
- (3) The Sex Offender Policy Board shall meet at least two times a year in locations that allow easier attendance by persons in rural regions and/or persons in the eastern part of the state.
- (4) Subcommittees and advisory committees shall meet upon the call of their respective presiding officers.
- (5) Policies and rules relating to the calling of, frequency, openness to the public, and opportunity for participant discussion during meetings; member's absences; quorums; rules of order; forms of action; and voting procedures pertain also to subcommittees.
- (6) Members of the Sex Offender Policy Board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

Article VII: Absences of Members from Meetings.

Any member who misses three consecutive meetings will have the fact called to that member's attention by the chair of the sex offender policy board with the request that the member reconsider his or her ability to continue as a member. The chair shall also advise the appointing agency of situations regarding absenteeism which the chair deems appropriate to request that the appointing agency consider a replacement for that member.

Article VIII: Quorum.

A quorum for the transaction of business, shall constitute no fewer than a simple majority of the voting members appointed (7). The members present at a meeting at which a quorum is not present may elect to proceed with the business of the meeting subject to ratification of all action taken whenever a quorum is next present at a meeting.

Article IX: Participation and Discussion during Sex Offender Policy Board Meetings, Rules of Order, and Forms of Action.

(1) Only duly appointed members of the Sex Offender Policy Board or their designees and such other persons as are recognized by the chair shall be permitted to participate in the discussion of any matter before the board unless otherwise authorized by the chair or a majority of the members of the board, present and voting.

(2) The business of the Sex Offender Policy Board shall be conducted in accordance with *Robert's Rules of Order*, new edition, unless such rules are suspended or unless otherwise provided for by these rules.

(3) The Sex Offender Policy Board shall act by the adoption of a motion or a resolution.

Article X: Voting Procedures.

(1) Voting during meetings of the Sex Offender Policy Board shall be recorded.

(2) The chairperson shall have the same voting rights as any other member of the Sex Offender Policy Board, unless the chairperson is one of the nonvoting members, as designated in the statute.

(3) Only duly appointed members of the Sex Offender Policy Board (not designees) shall be permitted to vote on any issue before the board; no proxies shall be permitted to vote.

(4) Action by the Sex Offender Policy Board will be determined by a simple majority vote in accordance with quorum requirements.

(5) Any member on the Sex Offender Policy Board who has a direct or indirect personal interest in a contract or application, or case review before the sex offender policy board will withdraw himself/herself from voting on that matter and explain the withdrawal on the record. The sex offender policy board member may, however, participate in discussions and answer questions from other board members.

Article XI: Staff.

The Sex Offender Policy Board shall be staffed and maintained by the Sentencing Guidelines Commission, although it will maintain an independent existence from the Commission. Board staff shall include a professional analyst, an administrative assistant and other staff allocated by the legislature. Board staff shall be paid in accordance with the SGC Compensation Plan and subject to Commission policies and procedures. The Executive Director of the Sentencing Guidelines Commission shall hire and supervise the staff in consultation with the chair of the Sex Offender Policy Board.

Article XII: Minutes.

(1) All meetings of the Sex Offender Policy Board will have staff available to make a written record concerning the actions of the board.

(2) Upon termination of the Sex Offender Policy Board meeting, the minutes shall be recorded and submitted to the board members for review at the next scheduled meeting of the board. The minutes shall be reviewed by the board and any

amendments or changes will be made. The board will then adopt the minutes as final.

- (3) The chair of the Sex Offender Policy Board, along with the lead SGC staff at the meeting, will sign the approved board meeting minutes. The minutes will then be placed in appropriate folders for a permanent record, subject to audit and public inspection.

Article XIII: Change in bylaws.

- (1) A section or subsection of the bylaws may be reviewed for change at the request of any voting member of the Sex Offender Policy Board.
- (2) A change in the bylaws must be approved by a simple majority vote of the Sex Offender Policy Board.

Appendix D

Sex Offender Policy Board Subcommittees August 19, 2008

Sex Offender Registration and Notification Subcommittee (appt. 8/12/08)

Brad Meryhew
Bev Emery
WCSAP representative
Maureen Saylor
Kecia Rongen
Anmarie Aylward
Jeri Costa
Sheriff Mark Brown
Lindsay Palmer

For inclusion at the Subcommittee's request:

Joe Hawe
Susan Dohrmann

Sex Offenders in the Community-Housing

Brooke Burbank
Mary Ellen Stone
Anmarie Aylward
Judge Dean Lum
Dr Henry Richards
Russ Hauge
Brad Meryhew
Andrew Neidetz

SOPB Benchmarks Committee

Jeri Costa
Bev Emery
Maureen Saylor
Ida Ballasiotes
Russ Hauge
Brad Meryhew
Bernie Ryan
Roxanne Lieb
WCSAP Representative
Lindsay Palmer

Appendix E



STATE OF WASHINGTON

SEX OFFENDER POLICY BOARD
PO Box 40927 • Olympia, Washington 98504-0927
(360) 407-1050 • FAX (360) 407-1043

December 1, 2008*

FISCAL YEAR BUDGET

* amended to respond to budget reduction requests

Assumptions:

- Annual Budget for FY 09
- Policy Board begins operations July 1, 2008
- Policy Board staff occupies leased space within the SGC offices.
- Supervision and some support services are provided within SGC current funds
- The policy board will want to purchase some research assistance

Salaries and Wages

\$124,732

1. One exempt professional staff to implement sections 5, 6 & 7
\$85,000 per year maximum **\$117,532**
2. One administrative assistant
Range 39 Step L = \$39,732

Employee Benefits

\$ 34,320

1. $1,841.66 \times 12 = \$22,100$
2. $1,033 \times 12 = \$12,396$

Personal Service Contracts

\$ 75,000

Funding to purchase expertise as defined by the board,
i.e. the creation of a sex offender risk assessment tool.

Goods and Services

\$22,423

1. Office Space **In-Kind**
2. Training **\$ 4,523**
3. Communication Expenses **\$ 2,100**
 - Includes:
 - Telephones **\$1,100**
 - Printing **\$1,000**
 - \$2,100**

4. Office Supplies		\$ 5,000
5. Meeting Costs		\$10,300
Includes:		
Room Rental (\$600 per meeting)	\$7,200	
Refreshments	\$1,800	
Conference Calls	<u>\$1,300</u>	
	\$10,300	
6. Subscriptions		\$ 500
7. Equipment (One time)		In-Kind
Travel		\$23,700
General Staff Travel	\$1,800	
Board Member Subsistence and Lodging	\$3,600	
Board Member Mileage	\$5,400	
In-State Air Transportation	\$5,400	
Out of State Staff/Board Member Travel	<u>\$7,500</u>	
	\$23,700	
Capital Outlays		\$ 450
Telephone Installation	\$ 450	
Remodeling of Space (SGC will pay)		
InterAgency/Fund Transfers		\$14,375
IT Support (Gambling Commission)	\$1,500	
DIS (1/3 of current SGC - telephone)	\$1,100	
OFM SACS (1/3 of current SGC)	\$7,100	
DOP (1/3 of current SGC)	\$2,000	
GA fees (1/3 of current SGC)	\$2,675	
Audit, Archiving (SGC will pay)	<u>-0-</u>	
	\$14,375	
	TOTAL	\$295,000

Increasing Guardianship against Sex Offenders: A 3-year pilot project to increase the level of prevention skills in neighborhoods impacted by sex offenders.

Rationale: Housing for returning sex offenders has been a focus of much public debate and concern. With the passage of the 2006 Re-Entry bill, counties have an opportunity to address housing and transition needs for returning offenders. However the fears and needs of the impacted communities are not addressed.

The knowledge that a sex offender is moving into an area may provoke an understandable sense of alarm and outrage from neighbors and area residents. People fear for their families' safety. Typically they have few resources or tools to respond in a proactive manner. They may perceive local government, correction, and law enforcement as being unresponsive to their fears. Communities need more than just information about where sex offenders reside, they need tailored tools and resources to address their fears and concerns.

Proposal: This proposal will develop and evaluate specific tools and strategies to be tested in 2-3 neighborhoods in Seattle-King County that are dealing with sex offenders. Four KCSARC staff will use a combination of community readiness tools, focus groups and community meetings to identify issues, concerns and motivation to increased guardianship. The goal will be to increase the abilities of neighbors, business and institutions to provide effective guardianship to children, teens and other vulnerable individuals.

Experience: KCSARC's considerable experience in working with different groups (both geographic and community focus) on this issue includes: on-going consultation with the Muckleshoot Indian Tribe resulting in the development their first Sexual Assault Taskforce, development of the Interfaith Group to look at sex offenders and prevention in the faith community, establishment of the multidisciplinary Sex Offender Management Team and routine participation since 2001 in Community Notifications.

Replicable Strategies will include:

- A Landlord Academy: Landlords and property managers who rent to sex offenders will receive training on how to recognize danger signs or grooming behaviors as well as how to work effectively with Department of Corrections and Law Enforcement to monitor the offender.
- On-site, skill- building educational seminars on sexual assault prevention combined with ongoing community development work in 2-3 neighborhoods where sex offenders are living.
- Community watch programs specifically geared at monitoring sex offenders.
- Successful strategies will be replicable in other communities across the state.

Benefits:

- Replicability
- Increased practical knowledge of sexual assault prevention and utilization of community resources
- Leverage progress made by re-entry bill.

Evaluation: Washington Institute Public Policy

Budget: \$125,000/year for 3 years

Contact: Mary Ellen Stone, Executive Director, KCSARC mstone@kcsarc.org (425)-282-0354

Appendix G

SOPB Benchmarks Subcommittee Detailed Workplan

Task 1

Review definitions related to scope and process (Sex Offender Response System, Areas of Practice, Reentry, Stakeholders, etc.).

Task 2

Detail initial map component parts (areas of practice). Detail areas of practice selected for initial assessment and reporting (supervision and reentry).

Task 3

List initial measures or observations critical about each component. Develop a plan to connect with system representatives about the availability of data and their suggestions or observations about measures.

Task 4

Revisit Tasks 2 & 3 as needed.

Task 5

Adopt final "map" of system areas of practice, with detailed map for areas of practice selected for initial assessment and reporting (supervision and reentry).

Task 6

Plan and complete data gathering on supervision and reentry; inventory available research.

Task 7

Develop draft measures of performance for supervision and reentry.

Task 8

Gather feedback on proposed performance measures for supervision and reentry.

Task 9

Research and set baselines for supervision and reentry performance.

Task 10

Identify the ultimate goals of current system for supervision and reentry.

Task 11

Describe a best practice-system for supervision and reentry.

Task 12

Gap analysis and recommendations

Task 13

Plan for reassessment

