

**Sex Offender Policy Board (SOPB)**

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Sex Offender Treatment Provider  
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WATSA  
March 2016

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**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, provide a forum for interagency collaboration, review current laws regarding sex offender registration and notification and make recommendations for improvements, sentencing, housing, best practices in prevention and response for sexual assault, review specific cases for improvements and generate policy proposals.
  - Assignment protocol.

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**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?

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### 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

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### Sex Offender Registration and Notification Act (SORNA) or Adam Walsh Act

- Federal law passed in 2006
- Established “baseline” requirements for registration and notification.
- First time that juveniles (14 and over) were included in a national requirement.
- Includes all States, principal territories and Indian Tribes.
- Tiers
- Penalty for non-compliance.

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### Sex Offender Policy Board

#### **2009**

ESHB 2035 and 2SHB 2714 directed the SOPB to review Washington State’s sex offender registration and notification system.

#### **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.

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### Sex Offender Policy Board

**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

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### Jose Reyes Case Review

Findings and Recommendations:

- WASPC to create a standard form (model policy) to be used by law enforcement for notification purposes.
- Law enforcement shall provide notice to the school when a student moves, transfers to a new school, when a student changes schools but residence is the same, and when law enforcement changes the risk level.
- All inquires should go to law enforcement agency for any information related on a juvenile sex offender.
- The End of Sentence Review Committee (ESRC) to assign the initial risk classification for all juveniles required to register as a sex offender who go through JRA, Juvenile Court, and/or Interstate Compact for Juveniles.
- All schools shall develop and implement policies and procedures regarding students who have been adjudicated or convicted of a registrable sex offense and the provision of a safe learning environment for all students.

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### Sex Offender Policy Board

**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.

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## Sex Offender Policy Board

### 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.

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## 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.

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## Sex Offender Policy Board

### 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.

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## Sex Offender Policy Board

### 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.

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## Sex Offender Policy Board

### 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;
- Ability for sex and kidnapping offenders to petition for review of their risk level classification and whether it should be conducted according to a statewide uniform standard; and
- Whether and how public access to the guidelines can be improved.

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## Sex Offender Policy Board

### 2015 ESSB 5154

Disclosure of Registry Information to the Public and the Relationship Between chapter 42.56 RCW and RCW 4.24.550

#### Recommendations:

- 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 1 offender information would have a deleterious effect on known/familial victims, particularly for level 1 offenders.
- Widespread dissemination would create 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).

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### Sex Offender Policy Board

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.

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### Sex Offender Policy Board

ESSB5154

**Ability for Offenders to Petition for Review of Risk Level Classification and Whether the Process Should Follow a Statewide Uniform Standard**

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.

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### Sex Offender Policy Board

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 (<http://www.waspc.org/sex-offender-information>, <http://www.waspc.org/model-policies>, [http://sheriffalerts.com/cap\\_safety\\_1.php?office=5452](http://sheriffalerts.com/cap_safety_1.php?office=5452) ) and the SOPB requests the Legislature take no action.

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### SOPB Current Assignment

**2016**

Governor's Office Assignment

1. Provide summaries of the State's current registration and notification statutes and practices.
2. Evaluate which elements of the Sex Offender Registration and Notification Act (SORNA) that Washington has not adopted.
3. Survey other states as to how the adopted SORNA,

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### SOPB Current Assignment

4. Recommendations on how to move toward SORNA compliance, or not,
5. Other changes in notification and reg statutes to further public safety,
6. Other issues related to sexual offending that could advance public safety through further study.

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### SOPB Current Assignment

- Recommendations, 4-6?

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### 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

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### More Examples of Law Changes

- \*Tiered approach to FTR's and community custody ranges for supervision.
- \*Standardize all registration requirement deadlines to "within 3 business days."
- Defined disqualifying offenses for petitioning to be relieved of the duty to register.
- Sealing of juvenile records.
- SSODA and 24/7 supervision (Jose Reyes case review)

\*ESSB6414

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### Other Input of SOPB

- On-line Identifiers, registration fees, posting conditions of supervision on-line.
- Sexting
- Adam Walsh Act
- Juvenile Sexual Offenders in School
- Residency Restrictions
- Review of SSOSA\*
- Housing\*
- Statute of Limitations\*

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**Sex Offender Policy Board**

Q&A

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**Indeterminate Sentence Review Board  
(ISRB**

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**Indeterminate Sentence Review Board (ISRB)**  
Formerly known as the Parole Board

- History
- Three distinct caseloads:
  - Pre-1984
    - 250 (prison) 60 (community)
  - Community Custody Board (CCB) or Determinate Plus (sex offenders)
    - 1988 (prison) 919 (community)
  - Juvenile Board Cases
    - 27 (prison)

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Indeterminate Sentence Review Board (ISRB)

- Why does "Life" not mean "Life?"
• CCB Legislative Intent related to RCW 71.09 and Civil Commitment for Sexually Violent Predators?
• Prison Based Treatment for CCB's?
- Prioritization

Horizontal lines for notes corresponding to the first section.

CCB Qualifying Offenses

- For "Non-Persistent" offenders (RCW9.94A.712 or 9.94A.507):
- Rape 1st Degree, Rape 2nd Degree
- Rape of a Child 1st and 2nd Degree
- Child Molestation 1st Degree
- Indecent Liberties with Forcible Compulsion
- Sexually Violent Predator Escape
- \*Murder 1st or 2nd Degree
- \*Kidnapping 1st or 2nd Degree
- \*Assault 1st or 2nd Degree
- \*Assault of a Child 1st Degree
- \*Burglary 1st Degree
- \*Homicide by Abuse
\*if sexual motivation is attached

Horizontal lines for notes corresponding to the second section.

More CCB Qualifying Offenses

- For "Persistent" Offenders [RCW9.94A.030 (32)(b)]:
- Current sex offense or sexually motivated offense that occurred on or after 9/1/01
PLUS
- Have been previously convicted of one of the aforementioned crimes.
- Failure to Register is not considered a sex offense for the purposes of Determinate-Plus sentencing.
- Ex. Previous Rape of a Child 1st in 1996 (not ISRB), now has a Rape 3rd, they would be under our jurisdiction.

Horizontal lines for notes corresponding to the third section.

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

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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

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Parole/Release Hearings

- Held 120 days prior to their minimum term.
- Hearings are often referred to as “.100 Hearings” for Pre-84 offenders, “.420 Hearings” for CCB offenders and JUVBRD Hearings based on the corresponding RCW’s or type of population.
- Testimony received from DOC Staff and Offender. Information reviewed.

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### 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.

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### Release Considerations

Additional Considerations (Decision Framework, Serin and Gobel, 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

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### Conditions of Supervision

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

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### Case Examples

- Juvenile Board, LT and AM
- CCB
- Pre-84

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### Current & Possible Future Legislation

- ESSB 6242
  - Requires 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.
  - Pre-84 and LT Juvenile Board.
- Second Chance Review Board
  - Sentencing Guidelines Commission recommendation.
  - 3<sup>rd</sup> Strike Offenders.

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### Q&A

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## Contact Info. & Resources

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- SOPB Information and Reports
  - <http://www.ofm.wa.gov/sac/sopb/>
- ISRB
  - <http://www.doc.wa.gov/isrb/>

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