

Washington State Criminal Sentencing Task Force
Sentencing Alternatives Subgroup
Meeting Notes: August 24, 2021
Meeting via Zoom

ATTENDEES

Task Force Members/Alternates:

- Nick Allen, *Interests of Incarcerated Persons*
- Tiffany Attrill (Alt for Riddhi Mukhopadhyay), *Interests of Crime Victims*
- Russell Brown (Alt. for Jon Tunheim), *WA Association of Prosecuting Attorneys*
- Keri-Anne Jetzer, (Alt. for Judge St. Clair), *Sentencing Guidelines Commission*
- Rep. Roger Goodman, *WA Legislature*
- Riddhi Mukhopadhyay, *Interests of Crime Victims*
- Judge St. Clair, *Sentencing Guidelines Commission*
- Clela Steelhammer (research & data support), *Caseload Forecast Council*
- Waldo Waldron-Ramsey, *Interests of Incarcerated Persons*

Presenter: Brad Meryhew, Chair, Sex Offender Policy Board

Guests: Bruce Glant, Joanne Smieja, Alec Mayo, Megan Allen, Lauren Knoth

Ruckelshaus Center: Chris Page, Molly Stenovec

WELCOME & AGENDA REVIEW

Chris welcomed everyone to the meeting and provided a brief overview of the agenda: primarily a presentation and discussion on SSOSA (Special Sex Offense Sentencing Alternative), leaving some time to get ready for a conversation on the Drug Offense Sentencing Alternative (DOSA) and potentially reviewing a set of preliminary potential recommendations.

Facilitation Update: Please send emails through the facilitation team to minimize the number of emails filling inboxes. Facilitation team will either pass along information to the full group and/or connect guests with appropriate CSTF member.

PRESENTATION: The Special Sexual Offender Sentencing Alternative – A Victim Centered Alternative to Prison for Certain Sex Offenders, Brad Meryhew, Chair, Sex Offender Policy Board (SOFB).

Brad provided a brief overview of the history of treatments for individuals convicted of sex offenses and Washington's Special Sexual Offender Sentencing Alternative (SSOSA)

- Approach to treatment has evolved in the last 60 years.
- SSOSA was enacted in 1984, along with the Sentencing Reform act, to preserve prosecutions and treatment community

- Eligibility has narrowed and opinions of victims/survivors have been elevated in subsequent revisions.
- In addition to the eligibility criteria, the court must consider a set of criteria when considering sentencing SSOSA, such as whether the individual is amenable to treatment, victim/survivor opinion, and risk/benefit to community.

Q: What were the FY19 sentencing events for SSOSA?

R: 68 sentences for SSOSA imposed in FY19

Q: What was the motivation for changes to SSOSA?

R: Typically, changes were in response to political will.

Brad then provided an overview of findings and recommendations from the SOPB 2013 review of SSOSA – some which have been implemented, while others have not moved forward ([full report available here](#)). SOPB Recommendations:

- Do not Limit SSOSA to family members.
- Reduce the Length of Supervision for SSOSA offenders who succeed to the length of the suspended sentence. End lifetime supervision.
- Re-establish the Sex Offender Treatment Provider Advisory Committee.
- Expand SSOSA or another community-based treatment alternative to Non-Contact Sex Offenses.
- Prison-based SSOSA, available to low-risk individuals with substance addictions, employment/housing challenges, and weak/negative family and social support. While in prison, an individual would be required to complete certain treatments and programs before being released with a suspended sentence. DOC would provide reentry services and supports upon release. Such a program is authorized under the SSOSA statute.

Q: What should be done with lifetime registration?

R: When lifetime supervision was enacted, there was a general perception that it would result in monitoring the riskiest individuals. Often the stress of adhering to terms of supervision is cited as contributing factors to violations. There might be an opportunity for courts to release an individual from lifetime supervision if person has met certain criteria. **R:** Council of State Governments and the Sentencing Guidelines Commission both have expressed support reducing the duration of supervision from life.

Q: Is there an effective modality for individuals convicted of crimes without contact, such as pornography?

R: Yes – in programs like those with “contact” and victim crimes. These treatment programs really look at the trigger behaviors, rather than differentiating between contact/no contact. Polygraphs and screening can be effective and account for an individual’s behavior.

Q: Can you provide more information about recidivism rates for those convicted of sex offenses? For those that successfully complete SSOSA?

R: Typically, those convicted of sex offenses have a much lower rate of recidivism, however the data may not provide a full picture. For example – sex crimes are often underreported, or reported many years after the fact, and lengthy terms of supervision may contribute to rates of recidivism that may occur in a much longer timeframes than three years, which is the typical duration for measurement.

Q: Where does the information from recidivism come from?

R: The WSIPP report from 2006 compares individuals who were eligible for SSOSA but instead went to prison with those who did receive SSOSA, and risk rates were much different for those populations. The report most likely looked at a five-year window for date of offense. At 3-5 years post-conviction, individuals are still very involved in supervision terms, **R:** A 10-year window may be a more appropriate length of time for evaluating “successful rehabilitation”.

Q: Is there a wealth gap for those who can access SSOSA? It looks like ability to pay for the evaluation and treatment are part of the eligibility requirements?

R: Yes, people have had SSOSA revocations because of their inability to keep up with the payments, which could include a lack of family financial supports.

Q: Could you provide information about revocations?

R: Between 2009 and 2011, 16% of SSOSAs were revoked. Revocations tend to occur in the first couple years; however, courts are starting to see revocation requests involving individuals who have been on supervision for 10-15 years.

Resources:

- Benefit-Cost results for sex offender related treatment programs and policies, including registration: <https://www.wsipp.wa.gov/BenefitCost/Program/729>
- Recidivism of Sex Offenders Released from State Prison: A 9-Year Follow Up (2005-14): <https://bjs.ojp.gov/library/publications/recidivism-sex-offenders-released-state-prison-9-year-follow-2005-14>
- Sex Offender Sentencing in Washington State: Special Sex Offender Sentencing Alternative Trends: https://www.wsipp.wa.gov/ReportFile/928/Wsipp_Special-Sex-Offender-Sentencing-Alternative-Trends_Report.pdf

NEXT STEPS/ACTION ITEMS

- Clela will provide a couple names of individuals who could provide information on DOSA (prison and non-), as well as the treatment components AND supervision structure.
- All: review potential recommendations emerging from discussions and presentations.

APPENDIX: COMMENTS AND QUESTIONS SUBMITTED BY PUBLIC VIA ZOOM CHAT

Due to limited time, the public may submit questions via the zoom chat and the Facilitation Team includes with the meeting notes. The following questions and comments were sent during this meeting:

From Bruce Glant:

- What are Brad's suggested Alternatives to those charged with crimes that harm NO ONE? Net Nanny and Depictions crimes.
- Any talk of alternatives to those who are in the age of youth 18-25?
- How about a lesser period of incarceration and use those funds to pay for outside treatment which most reentering the community can't afford?
- We have found that many arrested in net nanny stings did not have intentions or desires to make contact with minors but were role playing and manipulated in conversation
- What items are included in the risk score?
- Couldn't the funds saved from not imposing incarceration be used for treatment on the outside?