

WASHINGTON DEFENDER ASSOCIATION
WASHINGTON ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

March 18, 2020

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Re: Veto Request SB 6641: Increasing the availability of certified sex offender treatment providers

Dear Governor Inslee:

The Washington Defender Association (WDA) and Washington Association of Criminal Defense Lawyers (WACDL) respectfully request that you veto Sections 1 - 4 of SB 6641: Increasing the availability of certified sex offender treatment providers. WDA and WACDL support the reestablishment of the Sexual Offender Treatment Provider Advisory Committee (SOTPAC) to advise the Department of Health and recommend regulatory and policy reform; however, we strongly oppose the reduction in requirements for individuals to become certified sex offender treatment providers (SOTPs) until the advisory committee has had a chance to meet and make recommendations. Lowering these standards puts the public at greater risk and the state at increased risk for liability.

Growing the pool of certified sex offender treatment providers should be addressed by properly compensating current treatment providers, not lowering current standards. Under this bill, someone could be certified who only has two years of institutional experience before working with individuals whose criminal history includes extremely dangerous, violent behavior. The standards for treating such individuals should be higher, not lower. This statutory change means future SOTPs, who provide all sex offender treatment to the highest risk offenders in Washington and all treatment-in-lieu-of-prison sentences in WA (SSOSAs and SSODAs) could have gained all of their treatment experience:

- Under the supervision of a non-certified state employee (who was the sole guarantee of their own qualifications) who lacked any direct treatment experience, having only experience with assessments.
- Under the supervision of a non-certified state employee who has not provided treatment in decades and is unfamiliar with current modalities or evidence-based practice, therefore passing on out of date practices.
- Under the supervision of a non-certified state employee who lacked actual qualifications, but claimed to have some in their attestation.

SB 6641 is an end run around the Secretary's "experience requirement" for certification of sex offender treatment providers and affiliate providers authorized under RCW 18.155.070 and detailed in WAC 246-

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WDA is a non-profit organization created in 1983 to promote, assist, and encourage public defense systems which ensure that all accused persons in every court receive effective assistance of counsel

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WACDL is a non-profit organization working to improve the quality & administration of justice by protecting & insuring by rule of law those individual rights guaranteed by the Washington and Federal Constitutions

930. This bill greatly reduces the hands-on treatment experience required for certification and affiliate providers – who by statute are the only ones who can treat level III sex offenders on SSOSAs, SSODAs, and 71.09 Less Restrictive Alternatives. It removes requirements for a background in treatment *and* assessment, allowing a combined “two years of full-time work in a state run facility or treatment program” doing solely one or the other to suffice. WAC 246-930-040 currently requires “two thousand hours of treatment and evaluation experience” at least 250 of which must be evaluation and 250 hours must be treatment. SB 6641 would remove the 250 requirement and allow a professional who has only assessed and never treated sex offenders to become a “qualified supervisor.”

It also removes the requirement imposed by secretary in WAC 246-930-040 that “treatment and evaluation experience shall have been within the ten-year period preceding application for certification.” SB 6641 instead would allow someone uncertified to claim a “lifetime experience” so long as they “continue to maintain professional involvement in the field.”

It is premature to make significant changes to the requirements for certification until the Sexual Offender Treatment Provider Advisory Committee (SOTPAC) is reestablished. The committee’s role is to advise the Department of Health and recommend regulatory and policy reform. We strongly support the reestablishment of the SOTPAC, but would suggest in a future legislative session that the following changes be made to its composition and voting requirements:

- The committee should include two defense representatives, one with criminal defense experience and one with 71.09 civil experience.
- The committee should include a representative from Disability Rights of Washington.
- The quorum requirements for the committee should be increased to protect against the passage of recommendations that do not reflect the whole body of the committee

Thank you for your consideration. Sonja Hardenbrook would be happy to answer any questions you may have at (425) 339-6300 x 225 or shardenbrook@snocopda.org.

Sincerely,



Amy Hirotaka
Executive Director, WACDL



Christie Hedman
Executive Director, WDA