

# Juvenile Registration 101

## 2018 Sex Offender Management Conference

Yakima, WA

*May 8, 2018*

## Topics

- ✓ Registration
- ✓ Community notification
- ✓ Relief from the duty to register
- ✓ Record sealing
- ✓ Collateral Consequences

# Juvenile Registration in Washington State

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- **RCW 9A.44.130:** Procedures for registration of juvenile sex and kidnapping offenders.
- **RCW 9A.44.132:** Failure to register as a sex or kidnapping offender
- **RCW 9A.44.138:** Attendance, employment, notice to school districts
- **RCW 9A.44.140:** Length of registration
- **RCW 9A.44.141:** End of the duty to register
- **RCW 9A.44.142:** Relief from the duty to register
- **RCW 9A.44.143:** Relief from duty to register - juvenile offenses
- **RCW 4.24.550:** Community notification

# RCW 9A.44.140:Length of Registration

- Length of Registration is determined by felony class **or** prior offenses:
  - ✓ Class A felony: Indefinite registration (lifetime)
  - ✓ Class B felony: 15 years from date of release
  - ✓ Class C felony: 10 years from date of release
  - ✓ Gross Misdemeanor: Same as class C felony (CMIP & Sexual Misconduct with a Minor 2)
- A person convicted of any sex offense or kidnapping offense who has one or more prior sex or kidnapping offenses, the duty to register shall continue indefinitely.

# RCW 9A.44.140: Length of Registration Continued

- Registration for a federal, tribal, or out-of-state conviction, the duty to register shall continue indefinitely.
- A person who is or has been determined to be a sexually violent predator (SVP), the duty to register shall continue for the person's lifetime.

## RCW 9A.44.130: When to Register

- Registration with County Sheriff must occur within three (3) business days for the following:
  - ✓ Release from DOC
  - ✓ Release from DSHS (SCC, WSH, Juvenile Rehabilitation)
  - ✓ Release from local jail or juvenile detention as a result of a sex/kidnapping offense
  - ✓ Prior to starting work at an institution of higher Ed.

# RCW 9A.44.130: When to Register Continued

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- ✓ Prior to arriving at a school or institution of higher education to attend classes
- ✓ After any termination of enrollment or employment at a school or institution of higher education
- ✓ Move to a new county\*
- ✓ Change of address within same county\*
- ✓ No longer transient\*
- ✓ Moving to Washington\*
- ✓ Visiting Washington for 10 days or longer

# RCW 9A.44.130: When to Register Continued

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- Registration with County Sheriff must occur weekly for the following:
  - ✓ A person who lacks a fixed residence



# RCW 9A.44.130: When to Register Continued

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- Registration with County Sheriff must occur twenty-one (21) days prior to:
  - ✓ Offenders who intend to travel outside the United States

# RCW 4.24.550: Community Notification

## Risk Level I:

- LE agencies authorized to share information with:
  - ✓ other LE agencies
  - ✓ if the offender is a student, the public or private school in which the offender is attending or planning to attend
  - ✓ UPON REQUEST, relevant necessary, and accurate info to any victim or witness to the offense, any community member who lives near the residence where the offender resides
  - ✓ Any individual who request information regarding a SPECIFIC OFFENDER

# RCW 4.24.550: Community Notification Continued

## Risk Level II:

- LE agencies authorized to share information with:
  - ✓ Public private schools
  - ✓ Child day care centers
  - ✓ Family day care providers
  - ✓ Public libraries
  - ✓ Businesses & organizations that serve primarily children, women, or vulnerable adults
  - ✓ Neighbors & community groups
  - ✓ Any individual who request information regarding a SPECIFIC OFFENDER

# RCW 4.24.550: Community Notification Continued

## Risk Level III:

- LE agencies authorized to share information with:
  - ✓ Same info as level I and II AND;
  - ✓ Public at large

## RCW 4.24.550: Community Notification WEBSITE

- Washington Association of Sheriffs and Police Chiefs maintains statewide database available to the public.
  - ✓ Publishes level II & III offenders
  - ✓ Publishes level I offenders during the time they are out of compliance with registration requirements
  - ✓ Publishes Kidnapping offenders

## RCW 9A.44.143: Relief from Registration – Juvenile offense

- Offenders having a duty to register for a sex/kidnapping offense committed when the offender was a juvenile, and who has not been determined to be a SVP, may petition the superior court to be relieved of that duty.

# RCW 9A.44.143: Relief from Registration – Juvenile offense

Type of offense	Time since offense	Other requirements
Class A Sex or Kidnapping Offense committed when the juvenile was 15 or older	At least 60 months (5 years) have passed since adjudication and term of confinement; with no additional sex offense or kidnapping convictions	Person has not been adjudicated or convicted of Failure to Register within 60 months of filing petition; offender has been sufficiently rehabilitated.
All other Sex or Kidnapping Offenses	At least 24 months (2 years) have passed since adjudication and term of confinement, with no additional sex offense or kidnapping convictions	Person has not been adjudicated or convicted of Failure to Register within 24 months of filing petition; offender has been sufficiently rehabilitated.

# RCW 9A.44.143: Relief from Registration – Juvenile offense

## Court considerations for sufficiently rehabilitated:

- ✓ Nature of the offense including number of victims and length of offending history
- ✓ Any subsequent criminal history
- ✓ Compliance with supervision
- ✓ Length of time since charged incident(s) occurred
- ✓ Input from CCO's juvenile probation/parole, law enforcement, treatment providers
- ✓ Participation in treatment
- ✓ Stability in employment and housing
- ✓ Community and personal support system
- ✓ Any updated polygraph
- ✓ Victim input
- ✓ Any other factors the court may consider relevant



# RCW 13.50.260: Record Sealing for Juveniles

Type of Offense	Time since last date of release from confinement	Other Requirements
Class A offense (except for rape in the first degree, rape in the second degree, or indecent liberties with forcible compulsion – these offenses are not eligible for sealing)	Five consecutive years in the community without committing a crime.	No longer required to register as a sex offender or has been relieved of the duty to register;  No criminal proceeding pending;  Full victim restitution, if any, was paid.
Class B, Class C, Gross Misdemeanor, Misdemeanor, and diversions	Two consecutive years in the community without committing a crime.	No longer required to register as a sex offender or has been relieved of the duty to register;  No criminal proceeding pending;  Full victim restitution, if any, was paid.
Deferred disposition vacated under RCW 13.40.127(9) prior to June 7, 2012	None specified.	Person is eighteen or older;  Restitution, if any, was paid.

# Collateral Consequences

- Washington State was the first U.S. state to implement community notification.
- WA Community Protection Act created after several brutal crimes occurred in late 80's/early 90's.
- Community Protection Act developed from “what we knew” at the time.
- Community Protection Act did not differentiate between adults & juveniles.

# Collateral Consequences

- What we know now:
  - ✓ Research and practice suggest we shouldn't use adult approaches with juveniles.
  - ✓ Juveniles account for a low percentage of sexual recidivism (3-12%) (Caldwell, 2010)
  - ✓ Incomplete brain development
  - ✓ Greater influence of family & peers
  - ✓ More impulsive
  - ✓ Most victims are known (Greenfield, 1997; Lieb, Quinsey & Berliner, 1998; Tjaden & Thoennes, 1998)

# Collateral Consequences

- Balancing community safety with collateral consequences:
  - ✓ Housing
  - ✓ Employment
  - ✓ Accessing community services
  - ✓ Increased verification checks
  - ✓ Increase dissemination of information

# Community Protection Act Through the Years.....

- ✓ Created in 1990 to include civil commitment, registration, community notification.
- ✓ Funds allotted for treatment
- ✓ Kidnapping offenses added in 1997
- ✓ ESRC formalized in 1997 (RCW 72.09.345)
- ✓ Transient offenders added in 2001
- ✓ Statewide public registry website for level III's in 2002

# Community Protection Act Through the Years.....

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- ✓ Level II's added to the public registry in 2003.
- ✓ School attendance added to registration requirements in 2005
- ✓ Out of compliance, level I's added to website
- ✓ Sex Offender Policy Board created in 2008
- ✓ SSODA, local sanctions, and out-of-state youth added to ESRC review in 2011

Questions?