

Fall 2021

# Recommendations and current practices for minors who have committed sex offenses

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## **Sex Offender Policy Board**

Report submitted to the Senate Human Services,  
Reentry and Rehabilitation Committee



### **Prepared by**

Megan Schoor, MPA, PhD, LSSBB  
Whitney L. Hunt, MACRCJ, MSW, LICSWA

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Forecasting and Research Division  
Office of Financial Management

## Table of Contents

Sex Offender Policy Board membership.....	2
Executive summary.....	4
Subcommittee membership.....	5
What we recommend.....	9
Introduction.....	15
Brief overview.....	18
Response 1: Juvenile Sex Offense Treatment.....	21
Recommendations to Response 1 .....	29
Response 2: Juvenile Sex Offense Registration and Notification.....	35
Recommendations to Response 2a .....	44
Response 2: Legal and legislative best practices for juvenile sex offenses .....	50
Recommendations to Response 2b and 2c .....	50
Response 3: Analyzing the racial disproportionality and effects of registration requirements and charging patterns for minors who commit sex offenses .....	56
Response 4: Review research.....	61
Appendices.....	71

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# Sex Offender Policy Board membership

**Brad Meryhew, SOPB Chair**

Attorney | Washington Association of Criminal Defense Lawyers

**Jedd Pelander, SOPB Vice-chair**

Youth who have Sexually Offended program administrator | Department of Children, Youth, and Families, Juvenile Rehabilitation

**Linda Farmer\***

Lakewood City Council councilmember | Association of Washington Cities

**David Flynn\***

Chief executive officer | Special Commitment Center, Washington State Department of Social and Health Services

**Jimmy Hung**

Chief deputy prosecutor | Washington Association of Prosecuting Attorneys

**Susan Marks**

Executive director | Washington Coalition of Sexual Assault Programs

**Maryann Moreno**

Judge | Superior Court Judges Association

**Michael O'Connell, Ph.D.**

Board member | Washington Association for the Treatment of Sexual Abusers

**Jeff Patnode**

Board member | Indeterminate Sentence Review Board

**Terrina Peterson**

Program coordinator | Washington Association of Sheriffs and Police Chiefs

**Mac Pevey\***

Assistant secretary | Department of Corrections

**Shawn Sant**

Franklin County prosecutor | Washington Association of Prosecuting Attorneys

**Richard Torrance**

Managing director | Office of Crime Victims Advocacy

**Jamie Weimer**

Projects and programs manager | Washington Association of Sheriffs and Police Chiefs

## \*Members with Proxy Voters

### **Proxy for Linda Farmer (10/28/21):**

**Sharon Swanson**, government relations advocate | Association of Washington Cities

### **Proxy for David Flynn:**

**Zainab Ghazal, M.D.**, chief of transition and program accountability | Special Commitment Center, Behavioral Health Administration

### **Proxy for Mac Pevey:**

**Donta Harper, Ed.D.**, regional administrator | Department of Corrections

## Executive summary

Washington values treatment for youth and families affected by harmful and/or inappropriate sexual behavior. At the Legislature's request, the Sex Offender Policy Board (SOPB) created subcommittees made up of Washington stakeholders to recommend changes to juvenile treatment, registration and notification requirements, and legal and legislative best practices for youth who have committed sex offenses. This report outlines the 27 recommendations made by the SOPB in these areas.

The SOPB conducted a review of current statewide treatment practices and reached out to treatment providers for their feedback. We found that treatment services and access to care vary depending on multiple factors, such as if the youth is involved in the juvenile legal system, whether the youth is eligible for available treatment programs, and whether the youth has engaged in 'problematic' versus 'illegal' sexual behavior. Overall, the SOPB found **there are not enough treatment resources available for youth in Washington who have engaged in these behaviors**. Current funding streams for treatment services have been substantially limited over the years. Additionally, Washington has a shortage of certified Sex Offense Treatment Providers (SOTPs) who can deliver treatment services to youth and families. We recommend ways to expand treatment access in this report.

The SOPB also examined current registration and community notification requirements for youth with sexual offense histories and the corresponding statutes. We reviewed nationwide research and practices on registration and its effects on youth, families, and communities. Youth who engage in problematic and/or illegal sexual behavior are not like adults with similar histories due to differences in their brain development, decision-making skills, and impulse control. Policies and procedures surrounding this population should reflect these differences. Research shows that labels, such as "sex offender", and registration and community notification requirements for youth can be harmful, have not been shown to reduce recidivism, and do not correlate to an increase in public safety. Additionally, victims and their families are often affected by a youth's registration and community notification because the victims are linked to the offense. Our recommendations include ending the of registration for minors aged 14 years old and younger, ending registration for youth who are compliant with SSODA treatment, eliminating automatic decline to adult court for youth who commit sex offenses, changes to current RCWs and statutes in line with research, clarifying systems and records to indicate that a youth was a minor when they committed their offense, and using person-first language when referring to a youth who has engaged in harmful, sexual behavior, among others. We include materials in the appendices that support and reference these recommendations.

We also analyzed racial disproportionality for this demographic. Unfortunately, the results of the analyses were limited by major challenges with the data. This included small sample size, discrepancies among different data sources, and missing data from King County. We provide recommendations for future research on this topic.

# Subcommittee membership

## Juvenile Sex Offense Treatment Subcommittee

### Subcommittee chairs

- **Jedd Pelander**, SOPB vice-chair, Youth who have Sexually Offended program administrator | Department of Children, Youth, and Families, Juvenile Rehabilitation
- **Richard Torrance**, managing director | Office of Crime Victims Advocacy, Department of Commerce

### Members

- **Deborah Darnell**, treatment provider | Deborah Darnell & Associates LLC
- **Karen Feller**, treatment provider | Karen M. Feller, MSW
- **Sonja Hardenbrook**, attorney | Snohomish County Public Defenders Association
- **Whitney Hellyer**, counseling program supervisor | Harborview Abuse and Trauma Center
- **Emily Hiskes**, attorney | Snohomish County Public Defender Association
- **Katherine Hurley**, special counsel for criminal policy and practice | King County Department of Public Defense
- **Larraine Lynch**, clinical manager | King County Sexual Assault Resource Center
- **Alex Mayo**, board member | Washington Voices
- **Laura Merchant**, director | Harborview Abuse & Trauma Center
- **Paula Reed**, executive director | Children's Advocacy Centers of Washington
- **Ken Schafer**, treatment provider
- **Jermaine Williams**, director | Freedom Project East

## Juvenile Sex Offense Registration and Notification Subcommittee

### Subcommittee chair

- **Jedd Pelander**, SOPB vice-chair, Youth who have Sexually Offended program administrator | Department of Children, Youth, and Families, Juvenile Rehabilitation

### Members

- **Megan Allen**, manager of legal advocacy programs | King County Sexual Assault Resource Center
- **David Flynn**, chief executive officer | Special Commitment Center, Department of Social and Health Services
- **Jimmy Hung**, chief deputy prosecutor | Washington Association of Prosecuting Attorneys
- **Katherine Hurley**, special counsel for criminal policy and practice | King County Department of Public Defense
- **GayLynn Jackson**, specialist | Pierce County Sheriff's Office
- **Theodore Lewis**, law enforcement notification manager | Department of Corrections
- **Elena Lopez, Psy.D.**, director of sex offense treatment and programs | Department of Social and Health Services
- **Susan Marks**, executive director | Washington Coalition of Sexual Assault Programs
- **Laura Martin**, attorney | Snohomish County Public Defenders Association
- **Chad Matthews**, detective | Snohomish County Sheriff's Office
- **Alex Mayo**, board member | Washington Voices
- **Brad Meryhew** (SOPB chair), attorney | Washington Association of Criminal Defense Lawyers
- **Maryann Moreno**, judge | Superior Court Judges Association
- **Terrina Peterson**, program coordinator | Washington Association of Sheriffs and Police Chiefs
- **Joanne Smieja**, board member | Washington Voices
- **Jamie Weimer**, projects and programs manager | Washington Association of Sheriffs and Police Chiefs
- **Jennifer Williams**, corrections specialist | Department of Corrections
- **George Yeannakis**, attorney | TeamChild

## Juvenile Sex Offense Legal and Legislative Best Practices Subcommittee

### Subcommittee Chair

- **Terrina Peterson**, program coordinator | Washington Association of Sheriffs and Police Chiefs

### Members:

- **Megan Allen**, manager of legal advocacy programs | King County Sexual Assault Resource Center
- **Deborah Darnell**, treatment provider | Deborah Darnell & Associates LLC
- **Linda Farmer**, Lakewood City Council councilmember | Association of Washington Cities
- **Sonja Hardenbrook**, attorney | Snohomish County Public Defenders Association
- **Emily Hiskes**, attorney | Snohomish County Public Defender Association
- **Katherine Hurley**, special counsel for criminal policy and practice | King County Department of Public Defense
- **Elena Lopez, Psy.D.**, director of sex offense treatment and programs | Department of Social and Health Services
- **Laura Martin**, attorney | Snohomish County Public Defenders Association
- **Alex Mayo**, board member | Washington Voices
- **Kerry McCarthy**, sex offender treatment provider | Department of Corrections
- **Corey McNally**, clinical quality assurance training manager | Department of Corrections
- **Laura Merchant**, director | Harborview Abuse and Trauma Center
- **Jeff Patnode**, board member | Indeterminate Sentence Review Board
- **Michael O'Connell, Ph.D.**, board member | Washington Association for the Treatment of Sexual Abusers
- **Minu Ranna-Stewart**, assistant director | Harborview Abuse and Trauma Center
- **Paula Reed**, executive director | Children's Advocacy Centers of Washington
- **Shawn Sant**, Franklin County prosecutor | Washington Association of Prosecuting Attorneys



- **Ken Schafer**, treatment provider
- **Joanne Smieja**, board member | Washington Voices
- **Jamie Weimer**, projects and programs manager | Washington Association of Sheriffs and Police Chiefs
- **Jennifer Williams**, corrections specialist | Department of Corrections
- **Jermaine Williams**, director | Freedom Project East
- **George Yeannakis**, attorney | TeamChild

## What we recommend

This is the Sex Offender Policy Board’s final report in response to the Legislature’s March 2021 request. We list our 27 recommendations below. This report also explores our subcommittee process, SOPB process, a brief current state analysis and applicable historical context.

### Icon key

Next to each recommendation, you will see an icon that indicates:



We need changes to the RCW



We need additional funds from Legislature



We need action from Legislature



We had unanimous support



### No. 1 (treatment)



Establish a funding stream to create a program to provide treatment services to youth and families of youth who are involved in problematic sexual behaviors and who are not involved in the juvenile legal system. This program would be in addition to, and separate from Sexually Aggressive Youth (SAY), which currently only serves youth who are under the jurisdiction of the Department of Children, Youth, and Families (DCYF).



### No. 2 (treatment)



Develop a centralized and coordinated intake and referral response system for youth and families of youth who engage in problematic sexual behavior and are not involved in the juvenile legal system. Provide a non-judgmental and coordinated intake procedure that provides referral for services to both youth who engage in problematic sexual behavior, their victims, and their family members.



### No. 3 (treatment)







We recommend that the following sentence be removed from the SAY statute, RCW 74.13.075: “This information shall be shared with relevant juvenile care agencies, law enforcement agencies, and schools, but remains confidential and not subject to public disclosure by those agencies.”



### No. 4 (treatment)



Amend the Department of Health Sex Offense Treatment Provider requirements outlined in RCW 18.155.020 to expand the definition of providers who are eligible to be Affiliate SOTP providers by allowing Licensed Mental Health Counselor Associates (LMHCAs), Licensed Independent Clinical Social Worker Associates (LICSWA), Licensed Advanced Social Worker Associates (LASWA), and Licensed Marriage and Family Therapist Associates (LMFTAs) who have the required experience, to increase provider availability to ensure a sufficient supply of appropriate providers.

			
We need changes to the RCW	We need additional funds from Legislature	We need action from Legislature	We had unanimous support



## No. 5 (treatment)



Modify the DOH SOTP requirement in RCW 18.155.020 to allow SOTPs to supervise up to 4 Affiliates, regardless of full-time or part-time status.



## No. 6 (treatment)



Allocate funds to the new program established under Recommendation #1 above for non-criminally justice involved youth to expand opportunities for trainings and/or other materials to SOTPs to expand the knowledge of treatment providers, for addressing youth who engage in problematic sexual behavior.



## No. 7 (treatment)



Require any public and private health insurance company that wants to do business in Washington State to provide coverage for the treatment of sexual behavior problems in youth, whether they are prosecuted in the juvenile legal system or not, and prohibit the exclusion of sexual misconduct from payment/reimbursement.

### Voting results

Yes: 10 votes — DCYF, WACDL, ISRB, WASCJA, OCVA, AWC, DOC, DSHS, WATSA, WCSAP

No: 0 votes

Abstain: 2 votes — WAPA, WASPC



## No. 8 (treatment)



Expand funding for treatment services in statewide juvenile courts for youth who are involved in the juvenile legal system and are pre-adjudication, and youth who are serving local sanctions or probation only sentences, similar to what is now being done in King County.



## No. 9 (treatment)

Encourage professional organizations and the Sex Offender Treatment Provider Advisory Committee to develop methods to encourage more culturally/linguistically competent providers to work with youth who are adjudicated of sexual offenses as well as youth with problematic sexual behaviors.



## No. 10 (treatment)



We recommend that an agency be directed to administer a funding program to assist in reducing the costs associated with the licensure for Sex Offender Treatment Providers (SOTPs).



We need changes to the RCW



We need additional funds from Legislature



We need action from Legislature



We had unanimous support



## No. 11 (treatment)

A specialized funding stream should be created for the Office of Superintendent of Public Instruction to develop programs for sexual abuse prevention efforts in public and private schools.



## No. 12 (registration and notification)

The SOPB recommends that registration for minors 14 and younger be extinguished.

### Voting results

Yes: 10 votes — DCYF, WAPA, WACDL, ISRB, WASCJA, OCVA, AWC, DOC, WATSA, WCSAP

No: 2 votes — WASPC, DSHS



## No. 13 (registration and notification)

The SOPB recommends the following for minors who are given a SSODA sentence: Minors who are adjudicated of a sex offense committed when the minor was fifteen years of age or older and who are granted a Special Sexual Offender Dispositional Alternative (SSODA) under RCW 13.40.162 shall not be required to register as a sex offender so long as they have not had their SSODA sentence revoked for non-compliance.

### Voting results

Yes: 10 votes — DCYF, WAPA, WACDL, ISRB, WASCJA, OCVA, AWC, DOC, WATSA, WCSAP

No: 2 votes — WASPC, DSHS



## No. 14 (registration and notification)

The SOPB recommends the following for minors whose SSODA sentence is revoked: Minors who are adjudicated of offenses committed when the minor was fifteen years of age or older and who are granted a SSODA sentence but have that sentence revoked by the court for non-compliance shall be required to register as a sex offender after their release from confinement for a minimum of two years.

### Voting results

Yes: 10 votes — DCYF, WAPA, WACDL, ISRB, WASCJA, OCVA, AWC, DOC, WATSA, WCSAP

No: 2 votes — WASPC, DSHS



## No. 15 (registration and notification)

The SOPB recommends the following for minors with subsequent adjudications for sex offenses: Minors of any age adjudicated of a subsequent sex offense committed after having been adjudicated on a first sex offense shall be required to register as a sex offender for a minimum of two years.



We need changes to the RCW



We need additional funds from Legislature



We need action from Legislature



We had unanimous support



## No. 16 (registration and notification)

The SOPB recommends the following regarding registration termination: Minors who are required to register as a sex offender shall remain registered with authorities until they are relieved of that duty by the Court unless relieved of the duty pursuant to RCW 9A.44.140. A hearing shall be scheduled two years after the minor's adjudication and the completion of any term of confinement to determine the minor's duty to register as a sex offender. At the end of the two-year period the Court shall terminate the duty to register unless the State files a motion to extend registration in advance of that hearing. Youth shall be entitled to public counsel at these hearings.



## No. 17 (registration and notification)

The SOPB recommends the following regarding relief from registration: We recommend that county juvenile courts establish procedures that facilitate and promote an opportunity for youth who are required to register as a sex offender to appear before the court to request relief from registration without the need for counsel. Where an expedited process is not available, minors should be entitled to publicly appointed counsel for these requests.



## No. 18 (registration and notification)



Expand Alternative Community Placements for Minors. We recommend increased funding and resources should be devoted to developing alternative placements in the community for minors who are charged with or adjudicated of a sex offense and would otherwise qualify for a SSODA but lack an appropriate placement in the community. Often, minors who lack these resources and a placement will end up at JR rather than in the SSODA program regardless of eligibility and amenability to treatment.



## No. 19 (registration and notification)

The SOPB recommends that the population of minors that are required to register as a sex offender after implementation of this policy be studied to determine whether sex offender registration deters crimes or reduces recidivism rates, the benefits of sex offender registration to law enforcement investigations, community safety and any impact on reporting by victims, as well as the consequences affecting the successful reintegration of these minors into the community, and any economic or racial disproportionality resulting from this statutory change or continued sex offender registration. A referral to the Washington State Institute for Public Policy to conduct this research would be an appropriate way to do this.





We need changes to the RCW



We need additional funds from Legislature



We need action from Legislature



We had unanimous support



## No. 20 (registration and notification)

The SOPB recommends the following regarding Failure to Register convictions: Persons convicted of Failure to Register for offenses committed as minors should not be convicted of felony offenses. We recommend the first offense for Failure to Register be a simple misdemeanor, and that subsequent offenses be gross misdemeanors. Add Failure to Register for an offense committed as a minor to the definition of Disqualifying Offenses in RCW 9A.44.128.

### Voting results

Yes: 9 votes — DCYF, WACDL, ISRB, WASCJA, OCVA, AWC, DOC, WATSA, WCSAP

No: 2 votes — WASPC, DSHS

Abstain: 1 vote — WAPA



## No. 21 (registration and notification)

The SOPB recommends the following in order to correct the current contrast between RCW 4.24.550 and Washington's Public Records Act:

- We recommend that RCW 4.24.550 be amended to add a new section: (12) Sex offender and kidnapping offender registration information is exempt from public disclosure under chapter 42.56 RCW, except as otherwise provided in 4.24.550.
- We recommend that RCW 42.56.240 be amended to add a new section: Information compiled and submitted for the purposes of sex offender and kidnapping offender registration pursuant to RCW 4.24.550 and 9A.44.130, or the statewide registered kidnapping and sex offender website pursuant to RCW 4.24.550, regardless of whether the information is held by a law enforcement agency, the statewide unified sex offender notification and registration program under RCW 36.28A.040, the central registry of sex offenders and kidnapping offenders under RCW 43.43.540, or another public agency.







## No. 22 (legal and legislative best practices)

The SOPB recommends the following with regards to Offense Titles when committed by a minor: Add a New Section to RCW Chapter 9A.44 that adds "committed as a minor" to the Offense Title for any offense defined as a sex offender in RCW 9.94A.030 or RCW 9A.44.128 when the offense is committed by an individual under the age of 18.



## No. 23 (legal and legislative best practices)

The SOPB recommends the following with regards to declines to adult court for Rape First Degree and Rape of a Child First Degree: Exempt Rape First Degree and Rape of a Child First Degree committed by a minor 16 or 17 years old from automatic decline to adult court. Under RCW 13.04.030(A) (Rape First Degree) and (C) (Rape of a Child Second Degree) are currently subject to automatic decline to adult court. We recommend that these offenses not be subject to automatic decline to adult court on a first offense. These two offenses would still be subject to automatic decline if the youth had the requisite criminal history described in subsection B.

 We need changes to the RCW	 We need additional funds from Legislature	 We need action from Legislature	 We had unanimous support
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## No. 24 (legal and legislative best practices)



The SOPB recommends the following with regards to discretionary decline hearings:  
Add Rape of a Child First Degree to Offenses Eligible for discretionary decline hearings.  
Amend RCW 13.40.110(1) to add the crime of Rape of a Child First Degree to those offenses eligible for discretionary decline.

- New Section (d): The respondent was 16 or 17 years of age at the time of the alleged crime and is charged with Rape of a Child First Degree.



## No. 25 (legal and legislative best practices)

We recommend that Rape of a Child First Degree committed by Respondents 16 or 17 of age at the time of the alleged crime should be a juvenile disposition category A+. This would mean the standard range for this offense would be 180 weeks to 21 years of age. A respondent under 16 when the offense was committed would have a juvenile disposition category of B+.

We recommend that Rape First Degree committed by Respondents 16 or 17 years of age at the time of the alleged crime should be a Juvenile Disposition Category of A++. This would mean the standard range for the offense would be 129-260 weeks to 25 years of age.



## No. 26 (legal and legislative best practices)

The SOPB recommends the following with regards to the sealing of records for sex offenses committed as a minor and prosecuted in adult court:

We recommend that those who are prosecuted in adult court for an offense committed as a juvenile once the juvenile court has lost jurisdiction due to the passage of time between the date of the offense and the date of filing of charges be authorized to petition the court to seal their record of conviction just as they could have in juvenile court.

### Voting results

Yes: 9 votes — DCYF, WACDL, ISRB, WASCJA, OCVA, AWC, DOC, DSHS, WATSA, WCSAP

No: 1 vote — WASPC

Abstain: 1 vote — WAPA



## No. 27 (legal and legislative best practices)



The SOPB recommends that person-first language be incorporated into newly written statutes and in every-day written and verbal communications in regard to minors who have committed sexual offenses.

## Introduction

In March 2021, the Senate Human Services, Reentry, and Rehabilitation committee convened the Sex Offender Policy Board (SOPB) to review policies and practices related to youth who have committed sex offenses.

The SOPB met virtually, once a month beginning March 18, 2021. At that meeting, the board determined the need to organize subcommittees to properly address all assignments within the project's letter (Appendix A). Each subcommittee responded to different aspects of the request.

## Request items from the March 2021 letter

We pulled the following directly from the letter:

1. Conduct a review of current juvenile sex offender treatment programs in Washington including the availability, affordability, accessibility and efficacy of treatment resources available across the state and in institutional settings and an analysis of geographic disparity and recommendations for improvement to the current treatment infrastructure and availability of resources.
2. Conduct a review of the current juvenile sex offender policies in Washington State including:
  - a. Registration requirements for 16- and 17-year-olds as well as minors being prosecuted in adult court and a comparison with other states.
  - b. Best practices and make recommendations for how to describe these sexualized behaviors, how to name offenses relating to youth sex offenses; and how to differentiate between problem sexual behavior in children under 12 and youth who have engaged in harmful or illegal sexual behavior youth and are 12 or older.
  - c. Statutory requirements for declining youth who commit certain sex offenses into adult court. In addition, if an individual is prosecuted in adult court for an offense that occurred as a youth, how should that offense be classified.
3. To the extent that data is available, conduct an analysis of racial disproportionality of youth adjudicated or convicted of sex offenses or related offenses as well as an analysis of short- and long-term effects resulting from registration requirements and charging patterns across the state.
4. Review research regarding best practices for juveniles who commit sex offenses including evidenced based assessments and treatment, coordinated community response through MDTs that include victim service providers, with the goal of increasing community safety reducing recidivism and prevent sexual abuse
5. Make recommendations regarding juvenile sex offender policies and practices including improvements to treatment resources, registration policies for minors adjudicated or convicted of sex offenses, revisions to statute for names of offenses, statutory requirements for declining youth who commit certain sex offenses into adult court, and other relevant policies.



## How we created subcommittees

We asked each SOPB member to serve on at least one subcommittee and informed them they could serve on multiple committees if they chose. Membership limitations included no more than six SOPB members on a subcommittee, otherwise it would create a quorum. For the Washington Association of Prosecuting Attorneys (WAPA) and the Washington Association of Sheriffs and Police Chiefs (WASPC) who have co-representatives, we allowed both members to serve on a subcommittee. We also invited community members and other stakeholders to serve on one or multiple subcommittees if they wished.

In instances where multiple representatives from one agency or organization were on a subcommittee, each person could speak and discuss with the group and vote in the subcommittees but for full board votes they could vote only once on behalf of their agency/organization. Each subcommittee worked to address their specific assignments over the course of six months.

## Subcommittees

### **Juvenile Sex Offense Treatment Subcommittee**

We asked this subcommittee to review the current policies and practices for the following item:

- Item 1: Conduct a review of current juvenile sex offender treatment programs in Washington including the availability, affordability, accessibility and efficacy of treatment resources available across the state and in institutional settings and an analysis of geographic disparity and recommendations for improvement to the current treatment infrastructure and availability of resources.
- Item 5: Make recommendations.

### **Juvenile Sex Offense Registration Subcommittee**

We asked this subcommittee to review the current policies and practices for the following items:

- Item 2a: Item 2a: Review current registration requirements for 16- and 17-year-olds, as well as minors being prosecuted in adult court and a comparison with other states.
- Item 5: Make recommendations.

### **Juvenile Sex Offense Legal and Legislative Best Practices Subcommittee**

We asked this subcommittee to review the current policies and practices for the following items:

- Item 2b: Review best practices and make recommendations for how describe these sexualized behaviors, how to name offenses relating to youth sex offenses; and how to differentiate between problem sexual behavior in children under 12 and youth who have engaged in harmful or illegal sexual behavior youth and are 12 or older.
- Item 2c: Review statutory requirements for declining youth who commit certain sex offenses into adult court. In addition, if an individual is prosecuted in adult court for an offense that occurred as a youth, how should that offense be classified.
- Item 5: Make recommendations.

Though the project letter requests a review of these topics, Item 5 also requested recommendations on the items and other relevant topics. We incorporated these recommendations in each response section of this report and summarized them in the **What we recommend** section on Page five. We initially reviewed the current process and then proposed recommendations. Each subcommittee met regularly between March and September to hear from guest speakers, review relevant data and facilitate discussions to brainstorm potential recommendations. Once reviews were complete, subcommittees voted and then submitted the recommendations to the full SOPB for consideration. The three subcommittees provided their recommendations to the full board by September 24, 2021, so that board members had time to review recommendations before voting on their adoption at the Oct. 4 and 14<sup>th</sup> full SOPB meetings.

## Brief overview

### Problematic vs. illegal sexual behaviors

This report makes reference throughout of problematic and/or illegal sexual behaviors. For the purposes of this report, we define problematic sexual behaviors (PSBs) as behaviors that are developmentally inappropriate and potentially harmful to self or others but are not illegal and, therefore, have not resulted in contact with the juvenile legal system or adjudication (i.e. conviction), *or*, alternatively, the minor is too young to be held criminally culpable.<sup>1</sup>

Illegal sexual behaviors are behaviors that are not normative and considered unacceptable by society and that, by definition, are illegal under current state law and criminal code. Washington law presumes a rebuttable assumption that a child under 12 years old lacks the capacity to be held criminally culpable. Illegal sexual behaviors, once committed and become known, result in contact with the juvenile legal system.

### How our juvenile legal system works in Washington

Our juvenile legal system (governed by **Title 13 RCW**, the Juvenile Justice Act of 1977) establishes a system of accountability and rehabilitative treatment for youth who have engaged in illegal behavior.<sup>2</sup> *(For a visual representation of the juvenile legal system in Washington, please see appendices B and C.)*

The following is largely taken from a Washington State Institute for Public Policy (WSIPP) study from January 2020 titled Washington State's Juvenile Justice System: Evolution of Policies, Populations and Practice Research:<sup>3</sup>

In Washington, 33 juvenile courts serve as the administrative authority for youth (under the age of 18) who come into contact with the justice system. The juvenile courts are a division of the Superior Court with exclusive original jurisdiction of youth.

When a crime is reported, police investigate to determine whether there is enough probable cause to arrest a suspect. After arrest, police may refer the case to the local prosecutor. Prosecutors are the chief law enforcement officer with the discretion and authority to determine whether to prosecute the accused for a crime.

Some youth may be diverted from the juvenile court before or after the prosecutor's office files charges with the juvenile court. To be diverted after charges are filed, the prosecutor and probation officer determine whether there is enough probable cause that a crime occurred and whether the accused committed the crime. These youth sign a formal diversion agreement (where the youth agrees to fulfill certain conditions in lieu of prosecution)<sup>4</sup> with the court, and the diversion unit of the local probation department provides services for these youth.

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<sup>1</sup> Academic literature uses varying definitions for problematic sexual behavior. Some national organizations include illegal sexual behaviors in their definition of problematic sexual behavior. This report and the recommendations herein utilize the definitions referenced above.

<sup>2</sup> <https://www.dcyf.wa.gov/services/juvenile-rehabilitation>

<sup>3</sup> For the full report, please click [here](#).

<sup>4</sup> [RCW 13.40.080](#)

Youth who are adjudicated and found guilty by the juvenile court receive a disposition (this means the current status or final outcome of an arrest or prosecution) according to Washington’s juvenile sentencing standards.<sup>5</sup> The seriousness of the youth’s current offense and the number of prior adjudications determines the sentencing range that a judge can impose. Two broad dispositions from the juvenile sentencing standards are “local sanctions” (where a youth remains in their county and may be sentenced to a range of options) or a term of confinement with the state’s Juvenile Rehabilitation (JR).<sup>6</sup>

Locally-sanctioned youth can receive a variety of sanctions including confinement, probation, fines, community service or other sanctions carried out by the local probation department. Youth whose dispositions are more than 30 days of confinement are in the legal jurisdiction of JR.<sup>7</sup>

Juvenile courts may also issue a deferred disposition. Under a deferred disposition, youth enter into a stipulated agreement with the court that includes supervision and may include mandatory participation in treatment. If the youth successfully complies with the terms of their deferred disposition, the conviction is vacated and removed from the youth’s record. A youth failing to comply with the terms of their deferred disposition may have their deferral revoked and be sentenced to serve time.

## Leveling of Adjudicated Youth through the End of Sentence Review Committee (ESRC)<sup>8</sup>

The End of Sentence Review Committee (ESRC) Juvenile Subcommittee reviews every youth in our juvenile legal system in Washington that who has been adjudicated of a registerable sexual offense. The subcommittee is a subgroup of the ESRC within the Department of Corrections (DOC). The group provides risk-level classification recommendations to law enforcement agencies before an individual gets released from state confinement.<sup>9</sup> The ESRC Juvenile Subcommittee provides risk-level classification recommendations to law enforcement for any youth who is adjudicated of a registerable sex offense regardless if they are sentenced to DCYF JR or remain locally under juvenile court jurisdiction. This includes juveniles found to have committed a sex offense and were accepted from another state under a reciprocal agreement under the interstate compact for juveniles (ICJ). This process is known as leveling. The ESRC includes representatives from state and local agencies who have jurisdiction over releasing individuals who have committed sexual offenses or are significantly impacted by their release. Representatives from the ESRC juvenile subcommittee include DOC, Department of Social and Health Services (DSHS), the DCYF, Behavioral Health Administration (BHA), and law enforcement representatives.

When a youth is adjudicated in juvenile court and is sentenced to local sanctions or Special Sex Offender Disposition Alternative (SSODA) for a registerable sex offense, the court sends a packet of case material to the chair of the ESRC Juvenile Subcommittee. The case is then reviewed by the subcommittee within two weeks of receiving the referral. Once the subcommittee has reached a

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<sup>5</sup> RCW 13.40.0357

<sup>6</sup> RCW 13.40.020

<sup>7</sup> RCW 13.40.127

<sup>8</sup> See Appendix C for further detail regarding the ESRC

<sup>9</sup> RCW 72.09.345

decision, a recommendation regarding the individual's risk-level classification is made to law enforcement for consideration and final determination. Law enforcement determines the final risk level classification. Youth who were sentenced to JR are reviewed by the committee roughly 60 days prior to their release or prior to a community facility placement.<sup>10</sup> JR sends a law enforcement notification 30 days before the youth's release or transfer to a community facility. (Note: Minors are not required to register when they are at a JR institution or community facility.) This notification outlines the description of the offense committed and the recommendation by the ESRC of risk level classification.

For youth who move to Washington under the Interstate Compact for Juveniles (ICJ)<sup>11</sup>, the ICJ office sends out an information packet to the local sheriff's office and the juvenile court to determine if the out-of-state conviction is comparable to a registerable offense if it were committed in Washington. Once a determination is made that the youth must register, the case is reviewed by the ESRC Juvenile Subcommittee. Then, the subcommittee sends their recommendation to law enforcement and the juvenile court who is providing courtesy supervision.

**Table No. 1: Number of youth leveled by the ESRC**

	2018	2019	2020
<b>SSODA/Local Sanction</b>	122	114	93
<b>JR</b>	77	54	55

<sup>10</sup> Washington has eight (8) community facilities (CFs), for youth who have been sentenced to JR. CFs are a step-down in security level and considered medium security facilities that are designed to support a youth's successful transition back into the community by providing individual treatment, skills acquisition and generalizations, a variety of educational opportunities and supporting family reintegration

<sup>11</sup> [Washington | Interstate Commission for Juveniles \(juvenilecompact.org\)](http://www.juvenilecompact.org)

# Response 1: Juvenile Sex Offense Treatment

*Our response to: “Conduct a review of current juvenile sex offender treatment programs in Washington including the availability, affordability, accessibility and efficacy of treatment resources available across the state and in institutional settings and an analysis of geographic disparity and recommendations for improvement to the current treatment infrastructure and availability of resources.”*

## Current treatment practices for minors with problematic and/or illegal sexual behavior

Treatment for problematic and/or illegal sexual behavior has been shown to prevent and/or reduce involvement in the juvenile legal system, decrease recidivism and increase community safety. Currently, youth with problematic and/or illegal sexual behavior receive treatment through the following five services: Sexually Aggressive Youth (SAY) program, Special Sex Offender Disposition Alternative (SSODA), Juvenile Rehabilitation (JR), location sanctions and private pay services.

### 1. Sexually Aggressive Youth (SAY) program

In September 1995, the Legislature appropriated funds to provide outpatient assessments, evaluations, and treatment services for “sexually aggressive youth,” as defined by RCW 74.13.075<sup>12</sup>. The SAY Program’s primary purpose is “to guide Children’s Administration (CA) caseworkers in identification of Sexually Aggressive Youth (SAY), removing the SAY identification, and provide the needed supervision and services to meet the youth’s needs”<sup>13</sup>. SAY services through DCYF have undergone many ratifications since their initial funding, which has declined since the 2006/2007 fiscal year:

**Table No. 2: SAY funding from fiscal year 2006-07 through fiscal year 2022**

<b>2006-07</b>	\$1,103,740	<b>2015</b>	\$200,000
<b>2008</b>	\$487,817	<b>2016</b>	\$200,000
<b>2009</b>	\$457,000	<b>2017</b>	\$200,000
<b>2010</b>	\$386,200	<b>2018</b>	\$135,000
<b>2011</b>	\$322,000	<b>2019</b>	\$135,000
<b>2012</b>	\$379,000	<b>2020</b>	\$135,000
<b>2013</b>	\$229,000	<b>2021</b>	\$74,000
<b>2014</b>	\$229,000	<b>2022</b>	\$135,000

According to a May 2021 presentation by DCYF SAY Lead Michael Campbell, SAY services intend to decrease youth’s sexual victimization of others and decrease the presence of ‘acting-out’ behavior among eligible youth<sup>14</sup>.

<sup>12</sup> RCW 74.13.075: Sexually aggressive youth—Defined—Services—Expenditure of treatment funds—Tribal jurisdiction—Information sharing and confidentiality. (wa.gov)

<sup>13</sup> 4536. Sexually Aggressive Youth | Washington State Department of Children, Youth, and Families

<sup>14</sup> Campbell, M. (2021). Sexually Aggressive Youth Services. Presentation to SOPB (05/21/21).

Under current law, all Washington regions must have at least one SAY committee that determines SAY identification/removal and youth's eligibility for SAY funded resources (RCW 74.13.075). The committee also provides quality assurance oversight<sup>15</sup>. To be eligible for SAY services, youth must be 8 years or older and meet one of the following criteria:

- The regional SAY committee has or has previously approved the youth for SAY-funded treatment.
- The regional SAY committee has determined the youth meets the definition of SAY as defined in RCW 74.13.075.
- A valid record exists documenting the youth has been found guilty in a court of law for a sexual offense.

Per legislation, priority for SAY funding must go to dependent youth (RCW 13.34<sup>16</sup>). However, non-dependent youth (i.e., children in need of services, Voluntary Placement Agreement, etc.) may also qualify for SAY services.

## **2. Special Sex Offender Disposition Alternative (SSODA)**

Most youth who have been adjudicated of a sexual offense receive a Special Sex Offender Disposition Alternative (SSODA)<sup>17</sup>, which is an intensive treatment-focused probation. SSODA was established as part of the 1990 Community Protections Act and “was intended to provide an alternative to sending juvenile offenders to juvenile rehabilitation institutions by allowing the court to suspend the disposition”<sup>18</sup> and “impose inpatient or outpatient treatment for certain sex offenses”<sup>19</sup> by a certified treatment provider. For a youth to be granted SSODA, the following criteria must be met:

- The youth must have no previous history of a sexual offense conviction.
- A certified treatment provider is available and willing to provide treatment.
- The youth can be treated while living in the home or an alternative community placement.
- Treatment can be provided with minimal risk to the community.

To determine if SSODA is appropriate, the court also considers the SSODA evaluation that includes:

- A sexual history polygraph.<sup>20</sup>
- A pre-disposition SSODA probation report that includes an offense summary, offense analysis, criminal history, community services and interventions, detention behavior, and medical, mental health, substance use, education and vocational histories.

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<sup>15</sup> [4536. Sexually Aggressive Youth | Washington State Department of Children, Youth, and Families](#)

<sup>16</sup> Dependent youth is defined under Chapter 13.34 RCW

<sup>17</sup> [RCW 13.40.162: Special sex offender disposition alternative. \(wa.gov\)](#)

<sup>18</sup> [WATSA - for Juveniles](#)

<sup>19</sup> [Microsoft Word - JuvenileDispositionSummaryFY2019\\_20191212\\_FINAL.docx \(wa.gov\)](#)

<sup>20</sup> There is some movement in the legal community to request this be removed as a requirement, though consensus has not yet been reached. Some courts and providers are no longer requiring polygraphs as part of the evaluation process, however, this practice is not consistent across the State.

When a SSODA evaluation is conducted, the youth is typically released under community supervision. Release conditions have historically included following home rules, attending school as required, no possession of drugs or alcohol, no further criminal behavior, curfew restrictions, no viewing or accessing pornography, no unsupervised internet access, no unsupervised contact with children more than three years younger than the youth, and compliance with any Sexual Assault Protection Order.

If the court determines a SSODA sentence is appropriate, then the court:

1. Imposes a determinate disposition within the standard range that is suspended.
2. Places the youth on community supervision for at least two years.
3. Orders available outpatient sex offender treatment for up to two years.
4. Imposes up to 30 days of confinement.
5. Orders the youth not to attend the same school as the victim or victim's siblings.
6. Imposes other court conditions.<sup>21</sup>

The court may revoke the suspended sentence for supervision violations or failure to make satisfactory progress in treatment, which may result in the youth serving their sentence at Juvenile Rehabilitation (JR) under DCYF, or through local sanctions of up to 30 days of confinement. Treatment is often mandated, regardless of whether the youth receives local sanctions or serves their sentence at JR.

Youth in the SSODA program receive treatment services from a certified sex offense treatment provider (SOTP). Services and requirements vary regionally by probation department and are typically divided into phases throughout the two-year period, outlined in the table below:<sup>22</sup>

**Table No. 3: Typical phases of Washington's SSODA program**

<b>Phase 1<sup>23</sup></b> <b>(0 to 12 months)</b>	<b>Phase 2</b> <b>(12 to 18 months)</b>	<b>Phase 3</b> <b>(18 to 24 months)</b>
<ul style="list-style-type: none"> <li>• Weekly individual therapy</li> <li>• Weekly group therapy</li> <li>• Weekly home visits</li> <li>• Maintenance polygraph</li> <li>• Six-month review hearing</li> <li>• Leveling through ESRC process</li> <li>• Registration with sheriff's office within three business days of sentencing</li> <li>• Submitting a DNA sample</li> <li>• HIV Test</li> <li>• Standardized risk assessment</li> </ul>	<ul style="list-style-type: none"> <li>• Bi-monthly individual therapy</li> <li>• Weekly group therapy</li> <li>• Weekly home visits</li> <li>• Maintenance polygraph</li> <li>• Court review hearing</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly individual therapy</li> <li>• Weekly group therapy</li> <li>• Weekly home visits</li> <li>• Maintenance Polygraph</li> <li>• Court review hearing</li> </ul>

<sup>21</sup> [Juvenile Court SSODA Program \(wa.gov\)](http://juvenile.court.wa.gov)

<sup>22</sup> [Juvenile Court SSODA Program \(wa.gov\)](http://juvenile.court.wa.gov)

<sup>23</sup> There are discrepancies across counties/regions regarding SSODA. Some counties report that SSODA may consist of weekly interventions (re: individual/group therapy and home visits) though many providers note that, due to SSODA funding limitations, it is often the case that interventions occur less frequently than "weekly". Additionally, maintenance polygraphs are not necessarily required and the subcommittee recognizes that, in practice, polygraphs are occurring less frequently in some counties in WA.



### 3. Juvenile Rehabilitation

Some youth who are adjudicated of sexual offenses do not successfully complete the SSODA program and/or do not qualify for the SSODA program. Most often, these youth are sentenced to DCYF's JR, where they are incarcerated. JR provides treatment services "to help youth assess their previous and current behaviors, and to encourage them to learn new skills that will help them return to their communities as safety community members more prepared to succeed than when they arrive".<sup>24</sup> While at JR, youth with sexual offenses (referred to as "youth who have sexually offended," or YSO) receive additional treatment services focused on addressing and treating the offending behavior(s).<sup>25</sup> All YSO youth receive a Healthy Living Plan, which is:

"A treatment tool within JR YSO treatment curriculum, which utilizes principles from the Integrated Treatment Model for sexually abusive behaviors. Some of the components of the Healthy Living Plan include goal setting, relapse prevention and safety planning, and identifying risk and protective factors".<sup>26</sup>

Additionally, youth receive support for their transition back into the community. Youth releasing from JR will receive 24-36 months of aftercare support if they were adjudicated on one of the following offenses: rape 1, rape 2, rape of a child 1, rape of a child 2, child molestation 1, and indecent liberties with forcible compulsion.<sup>27</sup> Most youth who have had their SSODA disposition revoked and are committed to JR will also receive aftercare services upon their return to the community to support their reintegration and continued treatment. For more information, please see Appendix E.

### 4. Local Sanctions

Some youth receive local sanctions instead of an incarceration sentence to DCYF JR. Local sanctions at the county level can apply when a youth is sentenced to serve less than 30 days of confinement. County probation departments supervise local sanctions. Courts that sentence a youth to a local sanction have the discretion to select from options that include confinement, home monitoring, private residence, community supervision, fines, community service and work crew.<sup>28</sup>

### 5. Private Pay Services

Most youth receive treatment services from the resources referenced above. Youth with illegal sexual behavior struggles who are ineligible for SAY and/or are not involved in the juvenile legal system may access treatment services through limited community-based providers on a private pay basis. Certified SOTPs may offer treatment services that address problematic and illegal sexual behaviors. However, because of a shortage of treatment providers with this credential and expertise across the state, these youth and their families are most often (if at all) served by general mental health services through community mental health centers that lack specialized treatment capabilities. Private pay providers may offer specialized treatment services to youth and their families on a

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<sup>24</sup> [Treatment Programs | Washington State Department of Children, Youth, and Families](#)

<sup>25</sup> [JR\\_0034 JR YSO program fact sheet \(wa.gov\)](#)

<sup>26</sup> [Policy4.50.pdf \(wa.gov\)](#)

<sup>27</sup> RCW 13.40.210

<sup>28</sup> [Microsoft Word - JuvenileDispositionSummaryFY2019\\_20191212\\_FINAL.docx \(wa.gov\)](#)

private pay basis,<sup>29</sup> though many youth who have Medicaid or are uninsured do not have access to specialized treatment services. Furthermore, problematic sexual behavior is not currently covered by public or private insurance.

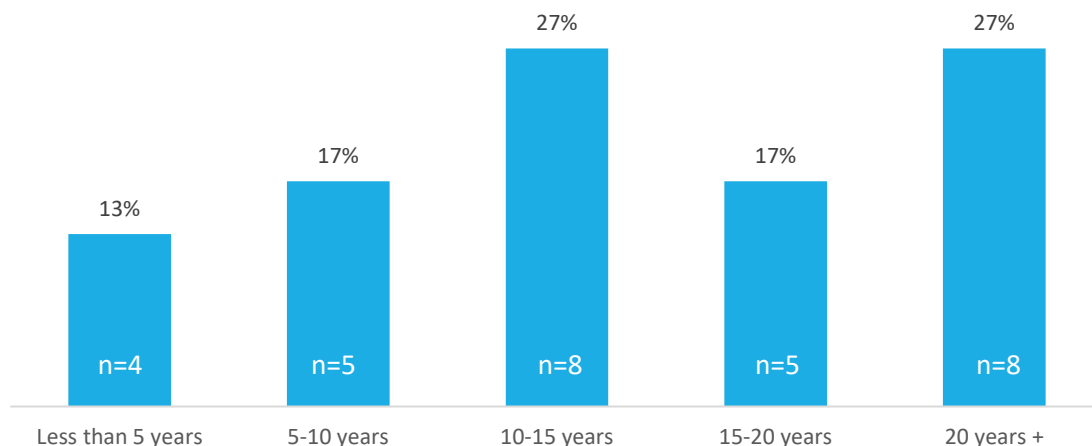
## Affordability, accessibility, and effectiveness of current treatment services

To better understand potential issues with accessing and affording sexual offense treatment services, the Juvenile Sex Offender Treatment Subcommittee conducted an online survey of SOTPs between June 1 and July 1, 2021. This section of the report highlights the key takeaways. Of the 97 currently licensed SOTPs in Washington, 30 providers participated in the survey. This 31% response rate aligns with similar survey participation rates of specialized healthcare providers.<sup>30</sup> (For complete results, please see Appendix F: Juvenile SOTP Survey Results.)

### Takeaway 1: There are not enough treatment providers in Washington to address problematic and illegal sexual behavior among minors

Nearly all providers surveyed (90%, or 27 participants) offer treatment services to minors who are adjudicated for a sex offense. However, as outlined in Figure #1 below, many of the surveyed SOTPs who currently practice may be on the verge of retirement given the large proportion of providers with more than 15+ years of experience.

**Figure No. 1: How long our surveyed SOTPs have been practicing (n = 30)**



Four of the thirty surveyed providers (13%) have been practicing for less than five years. Eight surveyed providers have practiced for 10 to 15 years, while eight additional surveyed providers have practiced for over 20 years.

<sup>29</sup> WATSA - for Juveniles

<sup>30</sup> Cunningham et al., (2015). *Exploring physician specialist response rates to web-based surveys*. *BMC Medical Research Methodology*, Vol. 15, Issue 32: pp. 1 – 8.

A large portion of this group offers services to youth within King (13 providers) and Pierce (9 providers) counties. Three surveyed providers also offer services to minors in Thurston, Clark, Adams, Snohomish, and Spokane Counties, respectively. Appendix F shows where these providers are across the state.

The most common systems and referral sources that SOTPs mentioned are from DCYF, private attorneys, and juvenile courts in the state.<sup>31</sup> This suggests that these providers tend to serve minors who are already adjudicated or involved with the courts to receive treatment services, rather than minors with PSB who are not involved in the legal system. Subcommittee members, including current licensed SOTPs, agree that **the lack of preventive emphasis is a substantial barrier in the treatment services that are currently available to minors.** Families often share with these members how difficult it is to find preventive treatment services for their children with sexual behavior issues, which reduces the likelihood of a minor's involvement in the legal system. Taking a more preventive approach to treatment services could also lessen the stigmas associated with treatment and ultimately empower families and youth to access supports as early as possible.

## **Takeaway 2: Current pay rates and licensing requirements may discourage new providers from treating problematic and illegal sexual behaviors**

The current pay rate and service fees for providers are major barriers to recruiting new providers to work in Washington. Quite often, treatment providers are paid higher rates in other states compared to pay rates here. However, this comparison is difficult because Washington's licensing requirement system is structured differently. Washington pays contracted treatment providers through SAY based on the provider's type of credential. A provider's reimbursement varies between \$74 and \$109 for a one-hour session, while a similar provider in Oregon and Idaho gets between \$140-\$150 per one-hour session.<sup>32</sup> Since SAY began in 1995, the hourly rate for these treatment providers has not increased. Subcommittee members and surveyed providers referenced this low pay rate, along with the low Medicaid reimbursement rate, as key issues the state can address. Treating problematic or illegal sexual behavior is difficult work and requires a substantial investment of time and money to obtain the necessary education and skillset to be an effective provider. Given the level of liability associated with being a treatment provider, the low rate of pay and reimbursement discourages providers from practicing in Washington.

Subcommittee members also identified major challenges to becoming a licensed provider that further contribute to the complexity of offering treatment services. Recruiting new treatment providers to the field can be challenging because of the specialized skillset and interest required for the role. While providers can collaborate and complete additional trainings with state agencies, along with resources from the Association for the Treatment of Sexual Abuse (ATSA) and Washington's ATSA chapter, these resources do not address the pay gap between the state's contractor pay rate (\$75 per hour) and the pay rate for private health insurance (\$117 per hour). The low pay rate may also contribute to the challenge of ensuring services are available and affordable for clients. Some survey providers even stated that the inadequate pay and reimbursement rates from DCYF and

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<sup>31</sup> See Appendix F: Juvenile Sex Offense Treatment Provider Survey Results.

<sup>32</sup> See Appendix D for SAY reimbursement

Medicaid are enough to make them question their ability to renew their contract to provide treatment services.

Current licensing requirements for SOTPs within state statute<sup>33</sup> also impose limits that are confusing and disincentivize the need to expand the field of treatment providers. These providers are considered either a “Certified” SOTP or a “Certified Affiliate” SOTP. A Certified SOTP is a licensed psychologist, licensed marriage and family therapist, licensed social worker, licensed mental health counselor, or psychiatrist, who is certified to examine and treat clients who commit sex offenses. If these providers are licensed affiliates (i.e., mental health clinicians who are working towards full licensure), then the state considers them Certified Affiliate SOTPs. Certified Affiliate SOTPs are supervised by Certified SOTPs until they complete the required number of supervised hours and other criteria to become a Certified SOTP (Chapter 246-930 WAC and RCW 18.155.030). Certified SOTPs who supervise Affiliates typically take on the supervisory responsibility because they have the expertise and capacity to do so. Currently, Certified SOTPs can supervise no more than two Certified Affiliates per state law. Due to the shortage of providers, state agencies have had to make policy exceptions to provide treatment services for youth. For example, DCYF contract terms and conditions for treatment services state that services should be provided by a certified SOTP. However non-certified providers may provide services when there are no certified providers available within four hours of the youth’s home.

### **Takeaway 3: Addressing financial barriers for services can benefit providers and increase access to treatment**

A critical barrier for treatment providers and clients is the extent to which a provider can bill public or private insurance for these treatment services. Most of the surveyed providers (60% or 18 providers) do not take insurance to treat sexual behavior issues, and many of them referenced the ethical issues involved with billing a primary diagnosis code that does not relate to the sexual behavior issue. Insurance currently requires that a minor’s treatment is covered only if they have a diagnosis from the American Psychiatric Association’s Diagnostic and Statistical Manual (DSM-V). Problematic sexual behavior is not a standalone diagnosis that can be billed by providers. Providers can address the problematic sexual behavior in treatment and bill for insurance, but the minor must have an additional diagnosis from the DSM-V and treatment should be focused primarily on the DSM-V diagnosis.<sup>34</sup> Most insurance companies exclude criminal conduct from their coverage and may see problematic sexual behavior as such. Providers may not be able to bill insurance for other outlying issues.

Most of the surveyed treatment providers are not credentialed with private insurance companies (70%, or 21 providers) or Medicaid (80%, or 24 providers), which are often ways to subsidize the treatment costs. A provider’s lack of insurance credentialing and the lack of direct insurance coverage for sexual behavior issues contributes to the financial barriers that minors and their families often experience when looking for affordable treatment options. Eight of the 30 surveyed

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<sup>33</sup> See RCW 18.155.020.

<sup>34</sup> If the root cause of the sexual behavior issue is associated with a qualifying diagnosable condition per the American Psychiatric Association’s Diagnostics and Statistical V (DSM-V) Manual, then providers may be able to bill for treatment services.

treatment providers identified service costs as one of the biggest challenges for minors who are seeking treatment for their sexual behavior issues. Most of the surveyed treatment providers (63% or 19 providers) do not provide sliding scale options for their clients. Furthermore, less than half of surveyed treatment providers (47% or 14 providers) have the capacity to contract or partner with other agencies to serve uninsured and/or underinsured clients. Equipping treatment providers with the knowledge and ability to bill insurance is key to making sure minors and their families can access affordable services.

# Recommendations to Response 1

## No. 1 (Unanimous)

### Recommendation

Establish a funding stream to create a program to provide treatment services to youth and families of youth who are involved in problematic sexual behaviors and who are not involved in the juvenile legal system. This program would be in addition to, and separate from SAY, which currently only serves youth who are under the jurisdiction of DCYF.

### Background

SAY services and its funding levels do not currently address the needs of youth and families in Washington who are impacted by problematic and/or illegal sexual behaviors. SAY funding has continually declined, and the current amount of funds are insufficient to meet the needs of youth and families in Washington. Stakeholders often perceive SAY as a program, even though it is technically only a funding source for treatment services.

Current reimbursement rates for treatment providers are inadequate to attract and retain qualified SOTPs. Reimbursement rates have not changed since SAY's inception in 1995. Only one surveyed treatment provider identified contracting with SAY as a typical referral source for clients. Stringent performance and process requirements are unattractive to SAY-eligible providers. Consequently, over half of surveyed treatment providers (57% or 17 participants) do not contract through SAY to provide treatment services. The lack of rate increase since SAY's inception also discourages providers from renewing their contracts. As a result, minors who are not involved in the juvenile legal system and who lack affordable insurance are left with fewer service options.

The SAY service eligibility requirements and referral process (RCW 74.13.075) are also unclear and need further clarification. The program states that it is for youth 8 through 12 years old who are in care of the state. This does not allow treatment services for youth older than 12 or younger than 8 and those who are not in the state's care. SAY also currently uses language about the child having to be abused to be eligible, which is difficult to prove. Requiring a committee to review each application, primarily due to limited funding and the stringent requirements we referenced above, delays access to necessary services. Oversight by Child Protective Services (CPS) is also a barrier for families who voluntarily agree to SAY services, due to the existing stigma of being involved with CPS.

We strongly recommend oversight of this new program by an independent, neutral source.

## No. 2 (Unanimous)

### Recommendation

Develop a centralized and coordinated intake and referral response system for youth and families of youth who engage in problematic sexual behavior and are not involved in the juvenile legal system. Provide a non-judgmental and coordinated intake procedure that provides referral for services to both youth who engage in problematic sexual behavior, their victims, and their family members.

## **Background**

There is currently no centralized or coordinated support system that provides information about services available to victims, youth, and/or families. This barrier makes it challenging to access support and/or treatment resources and places undue hardship on those needing help. Due to the inherent conflicts of interest that are present when responding to children who have been victimized and children who have sexually abused others, a coordinated response is preferred over a centralized response.

DCYF CPS reports that an intake consists of a brief interview and forwarding of the report to law enforcement (when applicable). However, DCYF does not provide support services and/or treatment information during the intake process. Families need widespread education and more support availability. Non-offending parent's groups and groups for children with PSB need to be widely available and de-stigmatized, with no juvenile legal system liability or risk attached. Early intervention strategies can help youth and families receive supportive, preventive resources before problematic behavior escalates.

Including a website with a centralized call line can increase access to information and be available 24/7. It could also help because it wouldn't require an individual in need to make an initial phone call, which is often an additional barrier to accessing information and services due to the stigma around problematic/illegal sexual behavior. Creating a coordinated response and access to information for treatment and support services could reduce hesitation among parents/caregivers to get the child/youth the help they need and reduce recidivism so that fewer adolescent/minors end up in the juvenile legal system.

## **No. 3 (Unanimous)**

### **Recommendation**

We recommend that the following sentence be removed from the SAY statute, RCW 74.13.075: "This information shall be shared with relevant juvenile care agencies, law enforcement agencies, and schools, but remains confidential and not subject to public disclosure by those agencies."

## **Background**

Sharing treatment information, especially with law enforcement, creates a barrier for youth who are struggling with illegal and/or problematic sexual behavior to receive treatment and fully engage in the treatment process. The current requirements in RCW 74.13.075 opens youth who are in treatment to criminal liability without considering their efforts to address their behavior. Requiring youth who engage in treatment to disclose their treatment records to law enforcement inhibits a youth's willingness to engage in treatment and potentially exposes them to involvement in the legal system and/or additional prosecution. Lawyers who represent these youth have experienced significant hurdles with encouraging them to participate in treatment because of the fear of additional prosecution. There should not be a legal consequence when a juvenile embraces treatment.

## No. 4 (Unanimous)

### Recommendation

Amend the Department of Health Sex Offense Treatment Provider requirements outlined in RCW 18.155.020 to expand the definition of providers who are eligible to be Affiliate SOTP providers by allowing Licensed Mental Health Counselor Associates (LMHCAs), Licensed Independent Clinical Social Worker Associates (LICSWA), Licensed Advanced Social Worker Associates (LASWA), and Licensed Marriage and Family Therapist Associates (LMFTAs) who have the required experience, to increase provider availability to ensure a sufficient supply of appropriate providers.

### Background

There is a shortage of certified SOTPs in the state. Earning an SOTP license is a difficult and lengthy process. The license requirements and fees for SOTPs to provide services are cumbersome and contribute to the shortage of SOTPs and access to services in Washington State. Improving these items would expand access to vital treatment. Removing as many barriers as possible for SOTPs will help contribute to youth and families receiving the treatment services they need.

RCW 18.155.020 defines an Affiliate SOTP. In June 2020, there was a change in how the underlying credential for an affiliate SOTP was legally written and subsequently interpreted by DOH. The language now reads that providers need to be a licensed social worker, licensed mental health counselor or licensed LMFT to provide treatment services with this population. However, DOH interprets that wording as “fully licensed,” — not as an associate social worker or LMHC — which is a major barrier to increasing access to treatment and providers. Affiliates are closely supervised and have significant oversight. As the law currently states (and how DOH puts it into practice) providers must complete three years for full licensure of their mental health professional credential to get fully licensed and then an additional three years to become an SOTP before they can work with this population. This creates an undue hardship for licensed mental health providers and a barrier for new treatment providers entering the field. Providers have also expressed it’s a deterrent to becoming an SOTP.

Providers who are an LMHCA, LICSWA, LASWA, or LMFTA are not considered by DOH to hold the underlying credential required to become an SOTP-Affiliate.

## No. 5 (Unanimous)

### Recommendation

Modify the DOH SOTP requirement in RCW 18.155.020 to allow SOTPs to supervise up to 4 Affiliates, regardless of full-time or part-time status.

### Background

There is a shortage of SOTPs in Washington and a shortage of providers who can supervise affiliate and prospective-affiliate providers. RCW 18.155.020 states a supervisor can supervise only 2 affiliates. This affects the availability and accessibility of treatment providers and creates additional barriers for increasing SOTPs. Increasing the number of affiliates that an SOTP can supervise will improve provider accessibility.



## No. 6 (Unanimous)

### Recommendation

Allocate funds to the new program established under recommendation #1 above for non-criminally justice involved youth to expand opportunities for trainings and/or other materials to SOTPs to expand the knowledge of treatment providers, for addressing youth who engage in problematic sexual behavior.

### Background

There are limited trainings that SOTPs are required to take to help increase provider knowledge and skill. Many providers struggle with billing insurance due to the complexity of billing. After surveying current SOTPs, many providers expressed concern and confusion about the billing process and if they can even bill insurance for treating problematic sexual behavior. Helping our providers with trainings and insurance information can positively impact service accessibility and provider availability.

## No. 7 (Voting results – Yes: 10, No: 0, Abstain: 2)

### Recommendation

Require any public and private health insurance company that wants to do business in Washington State to provide coverage for the treatment of sexual behavior problems in youth, whether they are prosecuted in the juvenile legal system or not, and prohibit the exclusion of sexual misconduct from payment/reimbursement.

### Background

Problematic and/or illegal sexual behavior is an important societal issue that should be covered by insurance. The insurance options currently available in Washington do not recognize or cover services for youth with problematic and/or illegal sexual behavior; these are not standalone diagnoses that treatment providers can bill. And most of the treatment providers we surveyed for this project do not accept private or public insurance to cover treatment costs. Currently, the youth must also have a diagnosis from the Diagnostic and Statistical Manual (DSM-V) for insurance to cover treatment. Providers can address the problematic sexual behavior in treatment and bill for insurance, but the minor must have an additional diagnosis from the DSM-V and treatment should be focused primarily on the DSM-V diagnosis.<sup>35</sup> Excluding coverage for treatment in this area creates victims and decreases community safety. If insurance companies provide coverage for problematic/illegal sexual behavior and insured families have this coverage, then it acts as an additional funding source to expand service access. Additionally, this expansion may also encourage more treatment providers to get credentialed with insurance companies which will also expand services.

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<sup>35</sup> If the root cause of the sexual behavior issue is associated with a qualifying diagnosable condition per the American Psychological Association's Diagnostics and Statistical V (DSM-V) Manual, then providers may be able to bill for treatment services.

If insurance requirements can change to include problematic/illegal sexual behavior, providers should receive training and information on how to bill insurance companies for reimbursement. This can positively impact service accessibility for treatment services and increase provider availability and efficacy.

## No. 8 (Unanimous)

### Recommendation

Expand funding for treatment services in statewide juvenile courts for youth who are involved in the juvenile legal system and are pre-adjudication, and youth who are serving local sanctions or probation only sentences, similar to what is now being done in King County.

### Background

There is not a standardized practice across counties for youth to receive treatment for illegal and/or problematic sexual behaviors especially where the response happens outside the confines of the SSODA statute. Currently, King County pays for outpatient treatment for youth who are charged with cases that have a sexual component. For counties that aren't paying for similar treatment, treatment accessibility is very limited. King County is a model county to consult with for solutions.

Some counties only provide SSODA funding for eligible offenses while other counties provide treatment access for non-SSODA eligible offenses. Providing treatment for both eligible and non-eligible offenses increases the number of youth receiving services. Although SSODA services many juvenile legal system-involved youth, it does not allow for services for youth who are not adjudicated and has eligibility requirements that limit who can receive these treatment services. There are youth who do not meet the SSODA requirements who don't receive the treatment services that they need. Additionally, uninsured, underinsured or youth with public insurance often do not have access to specialized treatment providers who serve youth under juvenile justice contracts, SAY, private insurance or private pay.

## No. 9 (Unanimous)

### Recommendation

Encourage professional organizations and the Sex Offender Treatment Provider Advisory Committee <sup>36</sup>to develop methods to encourage more culturally/linguistically competent providers to work with youth who are adjudicated of sexual offenses as well as youth with problematic sexual behaviors.

### Background

Washington needs more diverse and inclusive treatment providers to effectively serve its multicultural communities. Most of the surveyed treatment providers (80% or 24 participants) do not offer interpreter services to non-English speaking clients, or to clients who speak English as a second language. Among the providers we surveyed who offer interpretive services, very few offer

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<sup>36</sup><https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/SexOffenderTreatmentProvider/CommitteeInformation#heading48002>

services in Spanish (three providers), Portuguese (one provider), and interpretive services as needed (one provider). One provider shared that, “[The] lack of providers who speak Spanish is a huge barrier to services.” Of the 97 certified SOTPs only 17 providers report that they have additional language capabilities.<sup>37</sup> Anecdotaly, the SOPB has identified providers with additional language capabilities is a significant need in Washington. Recruitment strategies and incentives should prioritize expanding the pool of diverse treatment providers with this specialized training.

## No. 10 (Unanimous)

### **Recommendation**

We recommend that an agency be directed to administer a funding program to assist in reducing the costs associated with the licensure for Sex Offender Treatment Providers (SOTPs).

### **Background**

We have a shortage of SOTPs. Removing barriers, such as the extra costs associated with getting a SOTP license, could encourage clinicians to become SOTPs. The small number of SOTPs creates a burdensome fee structure that is a disincentive to providers working in this field. The Legislature should look for ways to subsidize the cost of SOTP licensure fees.

## No. 11 (Unanimous)

### **Recommendation**

A specialized funding stream should be created for the Office of Superintendent of Public Instruction to develop programs for sexual abuse prevention efforts in public and private schools.

### **Background**

Prevention is providing access to early intervention when problematic sexual behaviors are first identified. We need to better educate new and developing therapists on the risks and warning signs and educate schools while bringing them into the discussion. Nearly all the surveyed treatment providers (93% or 28 providers) serve minors who are between 13 and 18 years old, while slightly more than half of surveyed providers (53% or 16 providers) treat minors who 12 years old and younger. We do not have near enough therapists in the state who are trained to work with this issue.

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<sup>37</sup> SOTP Directory <https://www.doh.wa.gov/Portals/1/Documents/Pubs/695021.pdf>

## Response 2: Juvenile Sex Offense Registration and Notification

*Our response to: “a. Conduct a review of the current juvenile sex offender policies in Washington State including: Registration requirements for 16- and 17-year-olds as well as minors being prosecuted in adult court and a comparison with other states.”*

### Current sex offense registration and notification policies<sup>38</sup>

#### Sex offense registration for minors

All minors who are adjudicated of any sex offense must register as a sex offender under current law. Washington is also one of 27 states that have no minimum age for registration. We are also one of 16 states that requires registration for all sex offenses, regardless of whether a person was adjudicated in juvenile or adult court. Current state laws require individuals to register for all sex offenses without any discretion from the court. In contrast, 13 states comply with the federal Sex Offender Registration and Notification Act (SORNA)<sup>39</sup>, which is Title I of the Adam Walsh Child Protection and Safety Act of 2006.<sup>40</sup> SORNA adopts 14 years old as the minimum age requirement for sex offender registration. (We included a state-by-state comparison of registration requirements in Appendix I.<sup>41</sup>) Washington chose not to become compliant with the Adam Walsh registration requirement because the consensus of stakeholders felt the offense-based tiering system of Adam Walsh would not enhance community safety compared to a risk-based tiering system.<sup>42</sup> Washington continues to use a risk-based tiering system that stakeholders believe is superior for community safety.

The required length of time to register as a sex offender varies considerably by state. Specific offenses and other factors may trigger the requirement to register as a sex offender. Eight states automate the registration of minors for certain offenses, typically those involving violence.<sup>43</sup> Thirteen states adopt a discretionary approach that allows the Courts to determine if registration is required for minors who commit certain sex offenses.<sup>44</sup>

How long a youth must register depends on the seriousness of their offense.<sup>45</sup> California, Michigan, Missouri, and Nebraska require minors to register as sex offenders for 10 years, 20 years, or their entire life, depending on the level of offense. In Washington, an adjudicated minor 15 years or older who commits a class A felony offense must register as a sex offender for a minimum of five years. Minors adjudicated for all other sex offenses must register for a minimum of two years. Nearly all

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<sup>38</sup> [RCW 9A.44.130](#), [RCW 9A.44.142](#), and [RCW 9A.44.143](#).

<sup>39</sup> [34 USC § 209](#)

<sup>40</sup> Florida, Idaho, Indiana, Iowa, Louisiana, Maryland, Michigan, Nevada, New Mexico, Ohio, Oklahoma, Pennsylvania, South Dakota.

<sup>41</sup> See Appendix F for full state-by-state comparison.

<sup>42</sup> [https://sgc.wa.gov/sites/default/files/public/SOPB/documents/sorna\\_findings\\_and\\_recommendations.pdf](https://sgc.wa.gov/sites/default/files/public/SOPB/documents/sorna_findings_and_recommendations.pdf)

<sup>43</sup> Arizona, California, Idaho, Louisiana, Michigan, North Carolina, South Dakota

<sup>44</sup> Arkansas, Colorado, Indiana, Iowa, Kansas, Massachusetts, Michigan, North Dakota, Oregon, Texas, Vermont, Wisconsin

<sup>45</sup> [RCW 9A.44.140](#).

adjudicated minors in fiscal year 2020 were charged with non-violent offenses (92 percent or 4,724 minors).<sup>46</sup> Of the 193 total sex offenses adjudicated in Washington juvenile courts statewide in 2020, a vast majority were for felony sex offenses (84 percent or 162 sex crimes).<sup>47</sup>

Minors who are registered as sex offenders in Washington can obtain “relief” that terminates their duty to register, but the process to obtain relief varies based on whether the minor is adjudicated in juvenile court or adult court.<sup>48</sup> Registered minors who are adjudicated in juvenile court can file a petition with the superior court for relief. Otherwise, registered minors who were adjudicated for a class C felony or gross misdemeanor in juvenile court qualify for administrative relief in 10 years. Registered minors who were adjudicated for a class B felony in juvenile court qualify for administrative relief in 15 years. To be relieved of the duty to register, minors must not be convicted of a new sex, kidnapping, or failure to register offense in the 2-5 years before their petition, depending upon their age at the time of their offense and the class of their offense.

Some states automatically terminate a minor’s duty to register after a designated period. About 10 states that have longer mandatory registration terms (i.e., 10 years, 25 years, or lifetime duties to register) do not give minors the chance to petition for an early termination of duties.<sup>49</sup> In Kansas, the duty for minors to register automatically terminates five years after conviction, or when the minor reaches 18 years old. Minors’ duty to register terminates at age 18 in North Carolina, compared to age 17 in New Hampshire. Florida, Pennsylvania, Rhode Island, and Virginia impose lifetime registration requirements for minors who commit sex offenses, although minors can petition for relief after 10, 15, or 25 years. Nine other states also impose lifetime registration for minors who commit sex offenses and institute a waiting period (typically 10 years) before a minor can petition for relief<sup>50</sup>. Nevada and Oklahoma Courts hold a hearing once the minor reaches age 21, to determine if the duty to register should continue. Oregon courts hold a hearing at or near the end of the minor’s sentence to determine if registration duties should be instated.

## **Community notification of minors who commit sex offenses**

Public agencies in Washington are authorized to release relevant and necessary information to the public regarding sex offenders based on the offender’s level of risk to the community, the offender’s location or expected residence, and the community’s need for public safety information.<sup>51</sup> Level I registrants are considered to have the lowest risk of re-offense in the community at large, based on a series of administered risk assessments.<sup>52</sup> Level II and III minors have a moderate or high risk of re-offense within the community at large.

Washington law subjects all Level II and III minors to community notification, including a public registry and additional community notification. This approach aligns with Washington’s community notification policy for adults who commit sex offenses. Arizona, Delaware, Massachusetts, and

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<sup>46</sup> Washington State Caseload Forecast Council. (FY 2020). Juvenile Disposition Summary. Table 9, page 12.

<sup>47</sup> Washington State Caseload Forecast Council. (FY 2020). Juvenile Disposition Summary. Table 6, page 9.

<sup>48</sup> RCW 9A.44.143.

<sup>49</sup> Arizona, California, Connecticut, District of Columbia, Georgia, Hawaii, Kentucky, Maine, Nebraska, Utah.

<sup>50</sup> Iowa, Massachusetts, Michigan, Wyoming, Ohio, South Carolina, South Dakota, Tennessee.

<sup>51</sup> RCW 4.24.550

<sup>52</sup> RCW 13.40.217

North Dakota also impose community notifications for Level II and Level III minors. Arizona, Oregon, and Pennsylvania are the only states in the country who exclusively require Level III minors to register. Very few minors convicted in Washington juvenile courts are Level II and III.

Other states adopted different approaches to community notification, including a non-public registry option for minors who commit sex offenses that law enforcement agencies can exclusively access. Ten states use this non-public registration process.<sup>53</sup> Some states have also taken a discretionary approach to community notification, by allowing the courts<sup>54</sup> or law enforcement agency<sup>55</sup> to determine if a minor should register as a sex offender.

## **Research and Policy Findings of Fact**

### **1. Minors who commit sexual offenses have a low risk of re-offense as established by meta-analyses over many years.**

The Community Protection Act established sex offender registration for adults and minors based on the assumption that sex offenders have a higher risk of re-offense. Since that time, however, the academic and criminal justice research found that these minors pose a relatively low risk to sexually re-offend, particularly as they age into young adulthood.

The most significant research on the risk of recidivism for these minors is the ongoing meta-analyses conducted by Michael Caldwell.<sup>56</sup> The most recent data available comprises a review of over 106 studies regarding 33,783 minors adjudicated of sexual offenses. It found an average sexual offense recidivism rate of 4.92% during a 5-year follow-up period for offenses committed between 1980 and 2015. When Caldwell looked at more recent data for 2000 to 2015, he found the sexual offense recidivism rate was lower at 2.75%. The research further documents a 73% reduction in sexual offense recidivism by minors over the past 30 years. Out of the minors Caldwell studied between 2000 and 2015, 98.3% of them did not re-offend with new sexual offenses.

Research by Dr. Elizabeth Letourneau and her colleagues found similarly low rates of sexual recidivism by minors<sup>57</sup>. These researchers looked at data regarding more than 1,200 male minors adjudicated for a sexual offense in South Carolina and found a 2.5% average sexual recidivism rate over an average 9-year follow-up period. Research in Washington found similar results. A 2016 Washington State University and Washington State Institute for Criminal Justice study<sup>58</sup> measured

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<sup>53</sup> California, Illinois, Iowa, Maryland, Missouri, New Hampshire, North Carolina, Ohio, Rhode Island, South Dakota, Wisconsin.

<sup>54</sup> Alabama, Kansas, Nevada, Ohio, Oklahoma, Oregon, Wyoming.

<sup>55</sup> Arkansas, Florida, North Dakota, South Carolina.

<sup>56</sup> Caldwell (2016). Quantifying the Decline in Juvenile Sexual Recidivism, 22 (4) Psychology, Public Policy and Law 414-426.

<sup>57</sup> Letourneau, E. J., Bandyopadhyay, D., Sinha, D., & Armstrong, K. S. (2009b). The influence of sex offender registration on juvenile sexual recidivism. *Criminal Justice Policy Review*, 20, 136-153.

<sup>58</sup> Hamilton Z., & Pedneault A. (2016). Recidivism rates of juvenile sex offenders in Washington State. Office of Financial Management: Forecasting and Research Division. Olympia, WA.

sexual recidivism rates in minors after a two- and three-year follow up period. Out of the 2,217 individuals they followed, recidivism rates for sex offenses were low, at 2.4% and 3.2%.<sup>59</sup>

## 2. Treatment for illegal sexual behavior has significant positive effects on minors who participate in treatment. This includes lower recidivism rates.

Several studies reviewed demonstrated that minors who commit sexual offenses benefit from and respond to specialized treatment programs. The available methods have reduced the rate of sexual offense recidivism and improved problems with substance abuse, mental health, and general delinquency.<sup>60</sup>

Evaluating the effectiveness of treatment has been studied using research that combines the results of multiple studies. The data shows a gradual improvement in treatment modalities in recent years. Reitzel and Carbonell (2006) conducted a meta-analysis of nine studies with 2,986 minors adjudicated of a sexual offense.<sup>61</sup> They concluded that all nine studies found positive effects for minors who engage in treatment. They found that treatment reduced the risk of sexual offense recidivism by minors by more than 60%. Other studies using different methodologies have found similar positive effects for treatment of minors who commit sexual offenses<sup>62,63</sup>. One recent study of 301 minors and their caregivers found that a form of cognitive behavioral therapy significantly reduced sexually abusive behaviors and non-sexual harmful behaviors by treatment participants.<sup>64</sup>

Researchers also found that family-based community treatment (Multisystemic-Therapy) can reduce sexual and non-sexual behavior problems.<sup>65</sup> Borduin and his colleagues looked at family-based community treatment and the more typical community services and found that the rate of sexual offense recidivism was six times lower for minors in family-based community treatment. Letourneau et al. (2009) looked at outcomes for 67 minors in Multisystemic Therapy (MST) compared to 60 minors in usual treatment services. They found that problematic sexual behaviors were reduced by between 49% and 77% through the MST treatment program, while traditional treatment yielded only a reduction between 4% and 23%.<sup>66</sup> The MST treatment program also was shown to significantly improve substance abuse problems, mental health symptoms, and general delinquency. The MST treatment minors required significantly fewer out-of-home placements as well.

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<sup>59</sup> Ibid.

<sup>60</sup> Letourneau, Henggeler, Borduin, Schewe, McCart, et al. (2009). Multisystemic Therapy for Juvenile Sex Offenders: 1-year Results from a Randomized Effectiveness Trial, 23 *Journal of Family Psychology*, 89.

<sup>61</sup> Reitzel & Carbonell. (2006). The Effectiveness of Sexual Offender Treatment for Juveniles as Measured by Recidivism: A Meta-analysis, 18 *Sexual Abuse: A Journal of Research and Treatment*, 401.

<sup>62</sup> St. Amand, Bard & Silovsky, Meta-Analysis of Treatment for Child Sexual Behavior Problems: Practice Elements and Outcomes, 13 *Child Maltreatment*, 145 (2008)

<sup>63</sup> Walker, McGovern, Poey & Otis, Treatment Effectiveness for Male Adolescent Sexual Offenders: A Meta-analysis and Review, *Journal of Child Sexual Abuse*, 281 (2004).

<sup>64</sup> Silovsky, Hunger & Taylor, Impact of Early Intervention for Youth with Problematic Sexual Behaviors and their Caregivers, 25(1) *Journal of Sexual Aggression*, 4 (2019).

<sup>65</sup> Borduin, Schaeffer & Heblum, A Randomized Clinical Trial of Multisystemic Therapy With Juvenile Sexual Offenders: Effects on Youth Social Ecology and Criminal Activity, 77 *Journal of Consulting and Clinical Psychology* 26 (2009).

<sup>66</sup> Letourneau, Henggeler, Borduin, Schewe, McCart, et al., Multisystemic Therapy for Juvenile Sex Offenders: 1-year Results from a Randomized Effectiveness Trial, 23 *Journal of Family Psychology*, 89 (2009).



### 3. Registering minors for sexual offenses has not proven to deter minors from first-time offenses or future crimes.

A series of studies by Letourneau and colleagues looked at whether sex offender registration prevents or deters first-time sex offenses. They compared first-time sex crime rates during the years before South Carolina implemented a registration and notification policy for minors (1991-1994) with the years after policy implementation (1995- 2004). They did not find any significant data to support a deterrent effect from registration.<sup>67,68</sup>

In their most recent study, Letourneau and colleagues (2018) analyzed data from all first-time offenses by Oregon and Maryland minors. Their data included almost 19,000 minors who had been charged with sex offenses, and more than 7,000 minors adjudicated of sex offenses.<sup>69</sup> The authors found that rates of first-time sex crimes did not decline in either state after implementing minor registration and notification policies, indicating no deterrent or preventive effects.

### 4. Research doesn't prove that registering minors for sexual offenses reduces recidivism.

The board reviewed several studies to better understand the potential impact of federal and state minor registration policies on sexual and violent recidivism. We found that adolescent-specific registration policies for sex offenses did not reduce sexual or violent recidivism rates.

Letourneau and Armstrong (2008) analyzed youth and criminal justice data from South Carolina, comparing 111 minors who were required to register as a sex offender with 111 minors who were not required to register. These two groups were very similar in terms of the index offense, their age, race, and prior criminal history<sup>70</sup>. The only difference was that one group was placed on sex offender registration and notification requirements and the other group was not required to register. During the average, four-year follow up period, the sexual offense recidivism rate was less than 1%, and there were only two repeat sexual offenses for these 222 minors. Registration and notification were not associated with reduced sexual or nonsexual recidivism.

In 2009, Letourneau and colleagues looked at the recidivism rates for all minor males adjudicated of a sexual offense in South Carolina between 1991 and 2004. They followed 1,275 minors for an average of nine years<sup>71</sup>. What was unique about this study was that they looked at the entire population of minor males with sexual offenses, not just a sample of that population. Again, they found that sex offender registration did not reduce sexual or nonsexual offense recidivism. Moreover, those minor males were more likely to be charged with a subsequent offense but not convicted of that offense. The researchers concluded that sex offender registration results in closer

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<sup>67</sup> Letourneau et. al (2010). Evaluating the Effectiveness of Sex Offender Registration and Notification Policies for Reducing Sexual Violence Against Women, Final Report for the National Institute of Justice.

<sup>68</sup> Letourneau, E. J., Bandyopadhyay, D., Armstrong, K. S., & Sinha, D. (2010). Do sex offender registration and notification requirements deter juvenile sex crimes? *Criminal Justice and Behavior*, 37, 553-569.

<sup>69</sup> Letourneau, E. J., Shields, R. T., Nair, R., Kahn, G., Sandler, J. C., & Vandiver, D. M., Juvenile Registration and Notification Policies Fail to Prevent First-time Sexual Offenses: An Extension of Findings to Two New States, 30 *Criminal Justice Policy Review* 7 (2018).

<sup>70</sup> Letourneau & Armstrong, Recidivism Rates for Registered and Nonregistered Juvenile Sexual Offenders, 20 *Sexual Abuse: A Journal of Research and Treatment*, 393-408 (2008).

<sup>71</sup> Letourneau, E. J., Bandyopadhyay, D., Sinha, D., & Armstrong, K. S. (2009b). The influence of sex offender registration on juvenile sexual recidivism. *Criminal Justice Policy Review*, 20, 136-153.



surveillance of those minor males, something they termed a “scarlet letter” effect. These minors were scrutinized more closely than other minors even when their behavior was similar.

## 5. Academic and criminal justice research that the board reviewed does not strongly support the notion that sex offender registration requirements for minors improves law enforcement’s ability to protect their communities, conduct investigations, or quickly apprehend minors who commit sex offenses.

Only one study the board reviewed found that sex offender registration for all registrants cleared stranger-perpetrated sexual assault incidents 1.21 days faster than incidents for non-registrants.<sup>72</sup> However, this research examined data for both adult and minor registrants, and it did not exclusively identify the effects of registration on minors.

## 6. Registering minors has damaging consequences for those minors, their families, and their victims. It’s also associated with mental health struggles, including depression, anxiety, and suicidal ideation and the increased likelihood of becoming a target of sexual abuse by adults<sup>73,74,75,76,77,78,79,80</sup>.

The research demonstrates substantial negative impacts on minors who are required to register, and their families. Children and adolescents who must register experienced more stress, shame, stigma, isolation, loss of friendships, and hopelessness<sup>81,82</sup>, all associated with increased risk for recidivism in adults convicted of sex crimes<sup>83,84</sup>.

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<sup>72</sup> Bieri, D. M., & Budd, K. M. (2020). Registration and the Closure of Stranger-Perpetrated Sex Crimes Reported to Police. *Sexual Abuse*. DOI: [doi.org/10.1177/1079063220931824](https://doi.org/10.1177/1079063220931824)

<sup>73</sup> ATSA. (2020). *Registration and community notification of children and adolescents adjudicated of a sexual crime: Recommendations for evidence-based reform*.

<sup>74</sup> Caldwell, M., & Letourneau, E. (2020). Brief of Michael Caldwell, Psy.D, University of Wisconsin, and Elizabeth Letourneau, Ph.D., Johns Hopkins University Bloomberg School of Public Health, et al. as Amici Curiae. Commonwealth v. Juvenile, Commonwealth of Massachusetts Supreme Judicial Court, No. SJC-12790.

<sup>75</sup> Harris, A.J., S.M. Walfield, R.T. Shields, & E.J. Letourneau. (2015). Collateral consequences of juvenile sex offender registration and notification: Results from a survey of treatment providers. *Sexual Abuse: A Journal of Research and Treatment*, p. 1 – 22. DOI: 10.1177/1079063215574004.

<sup>76</sup> Human Rights Watch. (2013). *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US*. 978-1-62313-0084.

<sup>77</sup> Park, J.H., Bandyopadhyay, D., & Letourneau, E. (2014). Examining deterrence of adult sex crimes: A semi-parametric intervention time-series approach. *Computational Statistics & Data Analysis*, 69(0): 198-207.

<sup>78</sup> Letourneau, Elizabeth & Harris, Andrew & Shields, Ryan & Walfield, Scott & Ruzicka, Amanda & Buckman, Cierra & Kahn, Geoffrey & Nair, Reshmi. (2017). Effects of Juvenile Sex Offender Registration on Adolescent Well-Being: An Empirical Examination. *Psychology, Public Policy, and Law*. 24. 10.1037/law0000155.

<sup>79</sup> Levenson, J.S., & Cotter, L.P. (2005). The effect of Megan’s Law on sex offender reintegration. *Journal of Contemporary Criminal Justice*, 21(1): 49-66.

<sup>80</sup> Levenson, J.S., D’Amora, D.A., & Hern, A.L. (2007). Megan’s Law and its impact on community re-entry for sex offenders. *Behavioral Sciences & the Law*, 25(4): 587-602.

<sup>81</sup> Comartin, Kernsmith & Miles. (2010) Family Experiences of Young Adult Sex Offender Registration, 19 *Journal of Child Sexual Abuse*, 204.

<sup>82</sup> Mercado, C. C., Alvarez, S., & Levenson, J. (2008). The Impact of Specialized Sex Offender Legislation on Community Reentry. *Sexual Abuse: A Journal of Research and Treatment*, 20(2), 188–205. doi:10.1177/1079063208317540.

<sup>83</sup> Levenson, J.S., D’Amora, D.A., & Hern, A.L. (2007). Megan’s Law and its impact on community re-entry for sex offenders. *Behavioral Sciences & the Law*, 25(4): 587-602.

<sup>84</sup> Worling, J. R., & Långström, N. (2006). Risk of Sexual Recidivism in Adolescents Who Offend Sexually: Correlates

Sex offender registration is also associated with increased severity of depression and suicidal ideation in the adult life of juvenile registrants, regardless of whether their registration status was private or publicly shared<sup>85</sup>. In 2013, the Human Rights Watch investigated 517 cases of minors who committed sexual offenses across 20 states, and they conducted in-person interviews of 281 minors required to register. These minors were four times more likely than other youth to report a suicide attempt in the past 20 days, and five times more likely to report having been approached by an adult in the preceding year for sex<sup>86</sup>. These youth were twice as likely to report being sexually victimized in the preceding year.

A study conducted in the United Kingdom in 2015 found that minors who had committed a sexual offense were more likely to experience stigmatization, social isolation, violence, and physical attacks<sup>87</sup>. Treatment providers who work with these minors also report significant, negative impacts of registration on the mental health of minors who are required to register<sup>88</sup>. Difficulties including harassment, unfair treatment, problems at school and lifestyle instability are unintended consequences of registration<sup>89</sup>.

Sex offender registration can signal to others that an individual is especially dangerous, even if the registrant is a minor. Reactions to youth labeled as registered sex offenders can be severe. For example, there are reports of adolescents who died by suicide after being threatened with registration and reports of registered youth who were verbally harassed, physically assaulted, and targeted by gunfire<sup>90</sup>. Letourneau and colleagues (2018) conducted the first, empirically rigorous evaluation of the collateral consequences of registration on minors, surveying 251 male minors aged 12 to 17 years who were in treatment for problematic sexual behavior<sup>91</sup>. Approximately 30% of these minors, who came from 18 different states, were required to register as a sex offender. The researchers found that when unregistered minors were compared with those required to register, the registered minors had significantly worse outcomes. Those registered minors were four times more likely to report a suicide attempt in the preceding 30 days. Registered minors were also five times

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and Assessment. In H. E. Barbaree & W. L. Marshall (Eds.), *The juvenile sex offender* (pp. 219–247). Guilford Press.

<sup>85</sup> Denniston, Sharon E., "The Relationship Between Juvenile Sex Offender Registration and Depression in Adulthood" (2016). *Walden Dissertations and Doctoral Studies*. 1883.

<https://scholarworks.waldenu.edu/dissertations/1883>

<sup>86</sup> Human Rights Watch. (2013). *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the U.S.* 978-1-62313-0084.

<sup>87</sup> Hackett, S., Masson, H., Balfe, M. and Phillips, J. (2015), Community Reactions to Young People Who Have Sexually Abused and Their Families: A Shotgun Blast, Not a Rifle Shot. *Child Soc*, 29: 243-254. <https://doi.org/10.1111/chso.12030>

<sup>88</sup> Harris, A.J., S.M. Walfield, R.T. Shields, & E.J. Letourneau. (2015). Collateral consequences of juvenile sex offender registration and notification: Results from a survey of treatment providers. *Sexual Abuse: A Journal of Research and Treatment*, p. 1 – 22. DOI: 10.1177/1079063215574004.

<sup>89</sup> Tewksbury R, Zgoba KM. Perceptions and coping with punishment: how registered sex offenders respond to stress, internet restrictions, and the collateral consequences of registration. *Int J Offender Ther Comp Criminol*. 2010 Aug;54(4):537-51. doi: 10.1177/0306624X09339180. Epub 2009 Jun 26. PMID: 19561135.

<sup>90</sup> Human Rights Watch. (2013). *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the U.S.* 978-1-62313-0084.

<sup>91</sup> Letourneau, Harris, Shields, Walfield, Buckman, Kahn & Nair. (2018). Effects of Juvenile Sex Offender Registration on Adolescent Well-Being: An Empirical Examination, *Psychology, Public Policy and Law* 105-117. <https://doi.org/10.1037/1aw0000155>.

more likely to report being approached by an adult for sex in the following year. The minors required to register were twice as likely to report experiencing hands-on sexual victimization in the previous year.

The board is particularly concerned about the impact of the “registered sex offender” label on the way minors view themselves and their sense of identity<sup>92</sup>. Even a limited period on a sex offense registry often leaves a youth’s offense record widely available through public and private databases, which capture and publicize any publicly available information. This creates long-term punishment and lifelong impacts even where minors successfully seal their record of conviction at a later time<sup>93</sup>.

When the sexual abuse is within the family, registration and notification will also affect the child who has been victimized -- in essence, notifying the entire community of their victimization. This unintended consequence adds harm to the victim's experiences and also puts families in the untenable position of trying to protect *both* children from family or community backlash<sup>94</sup>. Victim advocates have reported that requiring sex offender registration may reduce the incentive for some victims to disclose their victimization<sup>95</sup>.

## 7. Minors of color are disproportionately convicted of sex offenses in Washington and required to register as sex offenders.

Data from the Administrative Office of the Courts (AOC) suggests that registering minors is racially disproportionate in Washington. Minors of color are disproportionately convicted of sex offenses and required to register as sex offenders. They are also less likely to be successfully deregistered. More than 2,000 individuals are currently on the state’s sex offender registry for offenses committed as minors. Black and American Indian people are over-represented in the population of youth who are required to register as a sex offender: 10% are Black, though they make up 3.7% of the state population; 4% are American Indian, while they represent 2.85% of the state population. Data from the AOC from 2009-2019 shows that:

- Black youth were two times more likely to be charged with a sex offense than white youth.
- Black youth were 2.5 times more likely to have a failure to register (FTR) conviction than white youth.
- Black youth were almost three times less likely to receive registration relief post-conviction than white youth.

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<sup>92</sup> Chaffin, M. (2008). Our Minds are Made Up - Don't Confuse us with the Facts: Commentary on Policies Concerning Children with Sexual Behavior Problems and Juvenile Sex Offenders, 13 Child Maltreatment, 110-121.

<sup>93</sup> Brost, A.R. & Jordan, A. (2017). *Punishment That Does Not Fit the Crime: The Unconstitutional Practice of Placing Youth on Sex Offender Registries*, 62 S.D. L. REV. 806, 817, 829.

<sup>94</sup> Rachel Bandy. (2011). Measuring the Impact of Sex Offender Notification on Community Adoption of Protective Behaviors, 10 CRIMINOLOGY & PUBLIC POLICY 237. (Minneapolis)

<sup>95</sup> Ibid.

8. Researchers and the Association for the Treatment of Sexual Abusers (ATSA) support eliminating sex offender registration for minors and consider it a tool that has not achieved its purpose.

9. The federal government in the Adam Walsh Act/SORNA recommends limiting sex offender registration to minors 14 years old and up who commit more serious rape and violent sexual assault offenses.<sup>96</sup>

10. The public, in general, supports sex offender registration.

11. Law enforcement supports continuing sex offender registration for minors who pose a community safety risk.

Reviewing and proposing recommendations to improve registration policies for minors was a challenging effort for the subcommittee due to complex factors. These include community safety, justice for victims, negative impacts from registration, and the need to provide necessary treatment services to these minors.<sup>97,98,99,100,101</sup> Despite considerable research that suggests sex offender registration does not guarantee community safety<sup>102,103</sup>, some stakeholders – including federal officials and state law enforcement professionals – assert that registration may be used as an enforcement tool to prevent future crimes.<sup>104,105106,107,108,109</sup>

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<sup>96</sup> Juvenile Registration and Notification Requirements under SORNA. (2020). <https://smart.ojp.gov/sorna/juvenile-offenders>

<sup>97</sup> Bieri, D.M. (2016). The utility of sex offender registration: a research note. *Journal of Sexual Aggression*, 22(2): 263 – 273.

<sup>98</sup> Harris, A.J., Lobanov-Rostovsky, C., & Levenson, J.S. (2016). Law Enforcement Perspectives on Sex Offender Registration & Notification. Summary Report submitted to U.S. Department of Justice.

<sup>99</sup> Harris, A.J., S.M. Walfield, R.T. Shields, & E.J. Letourneau. (2015). Collateral consequences of juvenile sex offender registration and notification: Results from a survey of treatment providers. *Sexual Abuse: A Journal of Research and Treatment*, p. 1 – 22. DOI: 10.1177/1079063215574004.

<sup>100</sup> Letourneau, E., Sandler, J., Vandiver, D., Shields, R., & R. Nair. (20018). Juvenile Registration and Notification Policy Effects: A Multistate Evaluation Project. Final Technical Report submitted to the U.S. Department of Justice.

<sup>101</sup> Levenson, J.S., D'Amora, D.A., & Hern, A.L. (2007). Megan's Law and its impact on community re-entry for sex offenders. *Behavioral Sciences & the Law*, 25(4): 587-602.

<sup>102</sup> Harris, A.J., S.M. Walfield, R.T. Shields, & E.J. Letourneau. (2015). Collateral consequences of juvenile sex offender registration and notification: Results from a survey of treatment providers. *Sexual Abuse: A Journal of Research and Treatment*, p. 1 – 22. DOI: 10.1177/1079063215574004.

<sup>103</sup> Adkins, G., Huff, D., & Stageberg, P. (2000). *The Iowa sex offender registry and recidivism*. Des Moines: Iowa Department of Human Rights.

<sup>104</sup> Lobanov-Rostovsky, C. (2017). Sex Offender Management Strategies. Sex Offender Management Assessment and Planning Initiative, Chapter Eight. US Department of Justice, Office of Justice Programs. *Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking*.

<sup>105</sup> Center for Sex Offender Management (CSOM). (1999). Sex Offender Registration: Policy Overview and Comprehensive Practices. Silver Spring, MD: Center for Sex Offender Management. Retrieved from: [www.csom.org/pubs/sexreg.pdf](http://www.csom.org/pubs/sexreg.pdf).

<sup>106</sup> Grant, J.A. (2018). Sex Offender Registration & Notification Current Issues & Case Law: Washington Statewide SORNA Implementation Update. Presentation. SMART Office.

<sup>107</sup> Letourneau, E.J. & Armstrong, K.S. (2008). Recidivism Rates for Registered and Nonregistered Juvenile Sexual Offenders. *Sex Abuse: A Journal of Research and Treatment*, 20(4): 393-408. DOI: 10.1177/1079063208324661.

<sup>108</sup> Schram, D., & Milloy, C. D. (1995). Community notification: A study of offender characteristics and recidivism. Olympia: Washington Institute for Public Policy.

<sup>109</sup> Zevitz, R. G. (2006). Sex offender community notification: Its role in recidivism and offender reintegration. *Criminal*

## Recommendations to Response 2a

*The following recommendations received majority support from the full SOPB.*

### No. 12 (Voting results – Yes: 10, No: 2)

#### Recommendation

The SOPB recommends that registration for minors 14 and younger be extinguished.

We recommend the following:

Minors who are adjudicated of a sex offense committed when the minor was fourteen (14) years of age or younger, and who have no prior sex offense adjudications, shall not be required to register as a sex offender on their first offense.

- We recommend that the duty to register as a sex offender be extinguished by operation of law for all minors convicted in Washington at any time in the past of offenses committed when the minor was 14 years of age or younger.
- We recommend that law enforcement notify eligible registrants, who were 14 years of age or younger when they committed their offense, that they are no longer required to register and that the law requires that their names be administratively relieved of the duty to register during annual address verification contacts over the 12 months following enactment of this proposal. We further recommend that the Washington State Patrol notify all registrants of this change in policy.

#### Background

Washington has traditionally distinguished between 15-year-old and 14-year-old minors under sex offender registration laws. SORNA and the American Law Institute conclude that sex offender registration should be limited to older minors who commit more serious offenses. Minors 14 and under are a small percentage of the total offenders in Washington. Research shows that younger minors are also more amenable to interventions and treatment to address their problematic behavior. Minors 14 years old and younger at the time they commit their offense should be relieved and this should happen without any need for them to go to court, request relief or meet any burdens.

### No. 13 (Voting results – Yes: 10, No: 2)

#### Recommendation

The SOPB recommends the following for minors who are given a SSODA Sentence:

Minors who are adjudicated of a sex offense committed when the minor was 15 years old or older and who are granted a Special Sexual Offender Dispositional Alternative (SSODA) under RCW 13.40.162 shall not be required to register as a sex offender so long as they have not had their SSODA sentence revoked for non-compliance.

## **Background**

Minors in the SSODA program are being closely supervised through probation, including regular polygraph monitoring. These minors are engaged in a rigorous treatment program with a proven track record of success. These minors have been assessed as 'low risk' and suitable for community-based treatment, and must be enrolled.

## **No. 14 (Voting results – Yes: 10, No: 2)**

### **Recommendation**

The SOPB recommends the following for minors whose SSODA sentence is revoked: Minors who are adjudicated of offenses committed when the minor was fifteen years of age or older and who are granted a SSODA sentence but have that sentence revoked by the court for non-compliance shall be required to register as a sex offender after their release from confinement for a minimum of two years.

## **Background**

The SOPB recommends the following for minors whose SSODA sentence is revoked: Minors who are adjudicated of offenses committed when the minor was fifteen years of age or older and who are granted a SSODA sentence but have that sentence revoked by the court for non-compliance shall be required to register as a sex offender after their release from confinement for a minimum of two years.

## **No. 15 (Unanimous)**

### **Recommendation**

The SOPB recommends the following for minors with subsequent adjudications for sex offenses: Minors of any age adjudicated of a subsequent sex offense committed after having been adjudicated on a first sex offense shall be required to register as a sex offender for a minimum of two years.

## **Background**

A repeat sex offense after a minor is already adjudicated for a sex offense is an empirically validated indicator of increased risk to the community.

## **No. 16 (Unanimous)**

### **Recommendation**

The SOPB recommends the following regarding registration termination: Minors who are required to register as a sex offender shall remain registered with authorities until they are relieved of that duty by the court unless relieved of the duty pursuant to RCW 9A.44.140. A hearing shall be scheduled two years after the minor's adjudication and the completion of any term of confinement to determine the minor's duty to register as a sex offender. At the end of the two-year period the Court shall terminate the duty to register unless the State files a motion to extend registration in advance of that hearing. Youth shall be entitled to public counsel at these hearings.

If the State files a motion to object to the termination of the duty to register the court shall consider the following factors. The State bears the burden of proving the need for the minor's further duty to register by a preponderance of the evidence and may consider the following factors:

- a) The nature of the offense committed, including the number of victims and the length of the offense history;
- b) Any subsequent criminal history of the minor;
- c) The minor's compliance with supervision requirements;
- d) The length of time since the charged incident occurred;
- e) Any input from community corrections officers, parole or probation officers, law enforcement, or treatment providers;
- f) The minor's participation in sex offender treatment;
- g) The minor's participation in other treatment and rehabilitative programs;
- h) The minor's stability in employment and housing;
- i) The minor's community and personal support system;
- j) Any risk assessments or evaluations prepared by a qualified professional related to the minor;
- k) Any updated polygraph examination completed by the minor;
- l) Any input of the victim; and
- m) Any other factors the court may consider relevant.

## **Background**

Requiring minors to file a petition and prove even by a preponderance of the evidence has proven to be a barrier to access that has left many minors on the registration rolls for years without hope for relief. Registration termination must overcome the current barriers. We can do this by:

1. Setting the hearing regarding the registration duty at the start so there is no barrier getting before the court.
2. Presuming that minors are sufficiently rehabilitated for relief from registration while still giving the state the ability to contest it, if needed.

Registration termination should happen routinely when the minor has fulfilled their court obligations unless there is a clear and convincing reason to continue registration.

## **No. 17 (Unanimous)**

### **Recommendation**

The SOPB recommends the following regarding relief from registration:

We recommend that county juvenile courts establish procedures that facilitate and promote an opportunity for youth who are required to register as a sex offender to appear before the court to request relief from registration without the need for counsel. Where an expedited process is not available, minors should be entitled to publicly appointed counsel for these requests.



## **Background**

There are still a great number of minors who are required to register for offenses committed at age 15 or older who should have an easier path to appear before the court and request relief. Courts in some counties have expedited proceedings and paperwork, and those examples should be duplicated throughout the state.

## **No. 18 (Unanimous)**

### **Recommendation**

Expand Alternative Community Placements for Minors. We recommend increased funding and resources should be devoted to developing alternative placements in the community for minors who are charged with or adjudicated of a sex offense and would otherwise qualify for a SSODA but lack an appropriate placement in the community. Often, minors who lack these resources and a placement will end up at JR rather than in the SSODA program regardless of eligibility and amenability to treatment.

## **Background**

Some minors cannot participate in the SSODA program simply because they lack a place to live in the community. These are typically minors with familial victims who are otherwise low risk and amenable to treatment. These minors sometimes end up at JR simply because there is no placement for them.

Access to the SSODA program, and the result of the lacking sex offender registration requirement if the board's recommendations regarding SSODA registration are adopted, should be widely available to minors who otherwise qualify. We should particularly consider racial and economic disparities in resolving these cases. We need to find ways to provide community placements in group homes or other alternative situations to make sure we overcome this disproportionality.

## **No. 19 (Unanimous)**

### **Recommendation**

The SOPB recommends that the population of minors that are required to register as a sex offender after implementation of this policy be studied to determine whether sex offender registration deters crimes or reduces recidivism rates, the benefits of sex offender registration to law enforcement investigations, community safety and any impact on reporting by victims, as well as the consequences affecting the successful reintegration of these minors into the community, and any economic or racial disproportionality resulting from this statutory change or continued sex offender registration. A referral to the Washington State Institute for Public Policy to conduct this research would be an appropriate way to do this.

## **Background**

We recognize there may be dramatic shifts in policy due to recommendations we're making. We also recognize it is important to understand any potential disproportionate impacts, unintended consequences, and positive outcomes that these changes may bring. Conducting a research study will likely yield invaluable information that could inform future policy and legislation.



## No. 20 (Voting results – Yes: 10, No: 2, Abstain: 1)

### Recommendation

The SOPB recommends the following regarding Failure to Register convictions:

Persons convicted of Failure to Register for offenses committed as minors should not be convicted of felony offenses. We recommend the first offense for Failure to Register be a simple misdemeanor, and that subsequent offenses be gross misdemeanors. Add Failure to Register for an offense committed as a minor to the definition of Disqualifying Offenses in RCW 9A.44.128.

### Background

After returning to the community, minors often face challenges that interfere with their ability to maintain their sex offender registration. These offenses committed by young adults for offenses committed as minors quickly increase in severity to prison sentences. This is particularly true for minors with unstable housing and minors who are from communities of color. Black minors are 2.5 times more likely to be charged/convicted of failure to register than other minors.

## No. 21 (Unanimous)

### Recommendation

The SOPB recommends the following in order to correct the current contrast between RCW 4.24.550 and Washington's Public Records Act:

We recommend that RCW 4.24.550 be amended to add a new section: (12) Sex offender and kidnapping offender registration information is exempt from public disclosure under chapter 42.56 RCW, except as otherwise provided in 4.24.550.

We also recommend that RCW 42.56.240 be amended to add a new section: Information compiled and submitted for the purposes of sex offender and kidnapping offender registration pursuant to RCW 4.24.550 and 9A.44.130, or the statewide registered kidnapping and sex offender website pursuant to RCW 4.24.550, regardless of whether the information is held by a law enforcement agency, the statewide unified sex offender notification and registration program under RCW 36.28A.040, the central registry of sex offenders and kidnapping offenders under RCW 43.43.540, or another public agency.

### Background

There is currently a contrast between RCW 4.24.550 and Washington's Public Records Act. Addressing this contrast regarding publicly disclosable registration information by making amendments to RCW 4.24.550 and RCW 42.56.240 will have significant positive impacts as it relates to keeping information on compliant level I offenders, of which most juveniles are leveled, as outlined in RCW 4.24.550. Washington's risk-based, leveling and community notification matrix are considered a model across the county. It should be our priority to maintain the integrity of the system by correcting the contrast between statutes. This recommendation is a repeat recommendation from us that we originally made to the Legislature in 2015.<sup>110</sup>

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<sup>110</sup> [SOPB 2015 Report](#)

Washington's comprehensive statutory scheme that controls the release of information to the public regarding sex and kidnapping offenders contained in RCW 4.24.550 has worked well since its inception with the passage of the Community Protection Act in 1990.<sup>111</sup> RCW 4.24.550 should be considered an "other statute" under RCW 42.56.070. Washington's Public Records Act requires agencies to produce public records upon request "unless the record falls within the specific exemptions of this chapter, or any other statute which exempts or prohibits disclosure of specific information or records".<sup>112</sup> Releasing Level I sex and kidnapping offender information is the equivalent to broad-based community notification, which is generally reserved for higher-risk sex and kidnapping offenders in our state. This functionally eliminates our tiered risk-level approach to community notification, which the Legislature and many other stakeholders have worked diligently over the last 20 plus years to develop, implement and improve.<sup>113</sup>

The widespread dissemination of Level I offender information has harmfully impacted victims who are often known to, related to, or connected with offenders. This particularly impacts Level I minors who did not have community notification requirements.<sup>114</sup> The social science research we reviewed indicates that widespread dissemination of information collected for all sexual offenders often unintentionally creates obstacles to community reentry that may actually undermine, rather than enhance, public safety.<sup>115</sup> The widespread dissemination of Level I offender information has even greater collateral consequences for low-risk juvenile offenders and their families. Minors who commit sex offenses already have many challenges re-integrating into society and this would be another obstacle. Releasing their information likely negatively impacts a variety of known risk factors, which may ultimately increase their risk for participating in future criminal behavior.<sup>116</sup> Widespread dissemination of their registration information also undermines the legal rationale for upholding the constitutionality of the registration and notification process that the Washington Supreme Court adopted.<sup>117</sup>

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<sup>111</sup> [SOPB 2015 Report](#) page 17

<sup>112</sup> See RCW 42.56.070. [SOPB 2015 Report](#) page 18

<sup>113</sup> [SOPB 2015 Report](#) page 18

<sup>114</sup> [SOPB 2015 Report](#) page 19

<sup>115</sup> [SOPB 2015 Report](#) page 20

<sup>116</sup> [SOPB 2015 Report](#) page 20

<sup>117</sup> [SOPB 2015 Report](#) page 22

## Response 2: Legal and legislative best practices for juvenile sex offenses

*Our response to: “b. Best practices and make recommendations for how to describe these sexualized behaviors, how to name offenses relating to youth sex offenses; and how to differentiate between problem sexual behavior in children under 12 and youth who have engaged in harmful or illegal sexual behavior youth and are 12 or older; and c. Statutory requirements for declining youth who commit certain sex offenses into adult court. In addition, if an individual is prosecuted in adult court for an offense that occurred as a youth, how should that offense be classified.”*

### Recommendations to Response 2b and 2c

We acknowledge there are several changes to current laws and practice that would better serve minors who have been adjudicated for sexual offenses. Washington took significant steps to recognize that minors who commit illegal behaviors are not the same as adults who commit illegal behaviors because of differences in brain development, decision-making skills and impulse control.<sup>118</sup> We need to consider several factors related to minors when we recommend best practices and potential changes to existing law. The following recommendations reflect our efforts to improve the state’s current practices for minors who commit sexual offenses.

#### No. 22 (Unanimous)

##### Recommendation

The SOPB recommends the following with regards to Offense Titles when committed by a minor: Add a New Section to RCW Chapter 9A.44 that adds “committed as a minor” to the Offense Title for any offense defined as a sex offender in RCW 9.94A.030 or RCW 9A.44.128 when the offense is committed by an individual under the age of 18.

##### Background

State law defines ‘minor’ (RCW [9.68A.011](#) and WAC [388-486-0005](#)) as any person under eighteen years of age. This recommendation clarifies that a minor committed the offense. This recommendation is similar to the approach Washington uses to designate domestic violence or sexual motivation to any offense or anticipatory offense without requiring the enhancement of sentences.

Current statutes do not differentiate between sex offenses committed as a minor or adult. There are some individuals (over the age of 18) being charged in superior court for crimes they committed as a minor. The state expanded the statute of limitations in 2019 (SB5649) to allow individuals who committed offenses as a minor to be prosecuted when they are an adult. However, victim advocates and research indicate there is often a delay in reporting abuse. This is due to many factors, including

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<sup>118</sup> For more information, please see the Evidence-based assessments for childhood sexual behavior problems (SBP) section of the Literature Review.

but not limited to, the trauma of the event, concern for their safety and well-being, and stigma. We identified there can be delays in convictions due to the different times victims report they were harmed. Jurisdiction in these cases, since the individual who committed the crime is now an adult, moves to superior court. This has caused an increase in the number of people being charged in adult court for crimes they committed as a minor. As the RCW stands without the proposed recommendation, this creates a disparity where, on a background check, criminal record, public website, registration and more, there is no delineation that the offense was committed by a minor.

## No. 23 (Unanimous)

### Recommendation

The SOPB recommends the following with regards to declines to adult court for Rape First Degree and Rape of a Child First Degree:

Exempt Rape First Degree and Rape of a Child First Degree committed by a minor 16 or 17 years old from automatic decline to adult court. Under RCW 13.04.030(A) (Rape First Degree) and (C) (Rape of a Child Second Degree) are currently subject to automatic decline to adult court. We recommend that these offenses not be subject to automatic decline to adult court on a first offense. These two offenses would still be subject to automatic decline if the youth had the requisite criminal history described in subsection B below:

#### RCW 13.04.030

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(e): Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations...

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed, and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030; *with the exception of Rape 1.*

(B) A violent offense as defined in RCW 9.94A.030 (all Class A offenses are violent offenses) and the juvenile has a criminal history consisting of: One or more prior serious violent offenses; two or more prior violent offenses; or three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately; ~~or~~

~~(C) Rape of a child in the first degree.~~

### Background

There is growing evidence that minors who commit sexual offenses are different than adults due to differences in brain development, decision-making skills, and impulse control. We recommend that each minor's case should be treated individually based on risk and that sex offenses be moved to discretionary hearings. Minors who commit illegal sexual behaviors have a very low rate of recidivism. Every minor should have the opportunity to go to court and not be automatically declined into adult court. With this change, prosecutors would still be able to make the argument that the minor should be declined and charged as an adult. Before a judge can decline a youth, prosecutors must present a series of findings on why the youth should be declined, including but not limited to, seriousness of the offense, amenability to treatment, and whether the offense was group-

based. We recommend that sex offenses be moved to discretionary hearings, as outlined in the recommendation that follows. By changing the RCW from automatic decline to discretionary decline, minors will have the opportunity to plead their case in juvenile court.

## No. 24 (Unanimous)

### Recommendation

The SOPB recommends the following with regards to discretionary decline hearings: Add Rape of a Child First Degree to Offenses Eligible for discretionary decline hearings. Amend RCW 13.40.110(1) to add the crime of Rape of a Child First Degree to those offenses eligible for discretionary decline.

- ***New Section: (d) The respondent was 16 or 17 years of age at the time of the alleged crime and is charged with Rape of a Child First Degree.***

### Background

With the recommended change, RCW 13.40.110 would appear as following:

RCW 13.40.110

(1) Discretionary decline hearing - The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction only if:

**(a) The respondent is, at the time of proceedings, at least fifteen years of age or older and is charged with a serious violent offense as defined in RCW 9.94A.030; (This covers Rape 1)**

(b) The respondent is, at the time of proceedings, fourteen years of age or younger and is charged with murder in the first degree (RCW 9A.32.030), and/or murder in the second degree (RCW 9A.32.050); or

(c) The respondent is any age and is charged with custodial assault, RCW 9A.36.100, and, at the time the respondent is charged, is already serving a minimum juvenile sentence to age twenty-one.

**New Section: (d) The respondent was sixteen or seventeen years of age at the time of the alleged crime and is charged with Rape of a Child First Degree.**

## No. 25 (Unanimous)

### Recommendation

We recommend that Rape of a Child First Degree committed by Respondents 16 or 17 of age at the time of the alleged crime should be a juvenile disposition category A+. This would mean the standard range for this offense would be 180 weeks to 21 years of age. A respondent under 16 when the offense was committed would have a juvenile disposition category of B+.

We recommend that Rape First Degree committed by Respondents 16 or 17 years of age at the time of the alleged crime should be a Juvenile Disposition Category of A++. This would mean the standard range for the offense would be 129-260 weeks to 25 years of age.

## Background

Rape in the first or second degrees are some of the most serious classified offenses. This recommendation does not eliminate the discretionary decline, it adds an additional option to sentence the minor in juvenile court with extended jurisdiction to age 25. The primary interest is to make sure services are available to a minor. It gives prosecutors greater options to keep the minor in the juvenile system with DCYF and there may be less need for discretionary decline hearings.

If jurisdiction increases to age 25, courts could sentence using a range based on the sentencing grid. If a judge orders a manifest justice sentence, then the minor can appeal the sentence. If the sentence is within the standard range, it is typically difficult for a minor to appeal the sentence.

## No. 26 (Voting results – Yes: 10, No: 1, Abstain: 1)

### Recommendation

The SOPB recommends the following with regards to the sealing of records for sex offenses committed as a minor and prosecuted in adult court:

We recommend that those who are prosecuted in adult court for an offense committed as a juvenile once the juvenile court has lost jurisdiction due to the passage of time between the date of the offense and the date of filing of charges be authorized to petition the court to seal their record of conviction just as they could have in juvenile court. The court shall grant any motion to seal records for sex offenses made if:

The court shall grant any motion to seal records for class A offenses made pursuant to subsection (3) of this section if:

- (i) Since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in an adjudication or conviction;
  - (ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;
  - (iii) No proceeding is pending seeking the formation of a diversion agreement with that person;
  - (iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense;
  - (v) The person has not been convicted of rape in the first degree, rape in the second degree, or indecent liberties that was actually committed with forcible compulsion; and
  - (vi) The person has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any public or private entity providing insurance coverage or health care coverage.
- (b) The court shall grant any motion to seal records for class B, class C, gross misdemeanor, and misdemeanor offenses and diversions made under subsection (3) of this section if:
- (i) Since the date of last release from confinement, including full-time residential treatment, if any, entry of disposition, or completion of the diversion agreement, the person has spent two consecutive years in the community without being convicted of any offense or crime;

- (ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;
  - (iii) No proceeding is pending seeking the formation of a diversion agreement with that person;
  - (iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense; and
  - (v) The person has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW.
- (c) Notwithstanding the requirements in (a) or (b) of this subsection, the court shall grant any motion to seal records of any deferred disposition vacated under RCW 13.40.127(9) prior to June 7, 2012, if restitution has been paid and the person is eighteen years of age or older at the time of the motion.

Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying a sealing order; however, the court may order the juvenile court record resealed upon disposition of the subsequent matter if the case meets the sealing criteria under this section and the court record has not previously been resealed.

Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order.

The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

The Washington state patrol shall ensure that the Washington state identification system provides Washington state criminal justice agencies access to sealed juvenile records information. (See 13.50.260)

## No. 27 (Unanimous)

### Recommendation

The SOPB recommends that person-first language be incorporated into newly written statutes and in every-day written and verbal communications in regard to minors who have committed sexual offenses.

### Background

Research shows that labeling children and adolescents as juvenile sex offenders contributes to ostracism, social isolation, and subsequent loss of pro-social support networks—all particularly important protective factors early in life and that help prevent re-offending.<sup>119</sup> Research also shows that labels such as “sex offender” can lead to delinquent self-identities, decreases in pro-social expectations, increases in association with delinquent peers, and an increase in risk in the likelihood

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<sup>119</sup> Kuhns, P. (2021). Youth Who Engage in Sexually Abusive Behavior: Navigating Risk of Re-offending and Treatment. Webinar sponsored by the Office of Juvenile Justice and Delinquency Prevention. National Training and Technical Assistance Center.

of further engagement in delinquent behavior.<sup>120</sup> Person-first language is particularly important when we refer to minors who commit sexual offenses or engage in sexually abusive behavior. The term “sex offender” fails to make a distinction among the continuum of sexually abusive behaviors that are broadly described in legal and popular contexts. This can range from voyeurism to groping to violent sexual assault. Person-first phrases more accurately capture the range of actions that comprise sexually abusive behaviors. Additionally, the term “sex offender” characterizes a person based solely on their behavior in this area, rather than recognizing that people are complex individuals who may engage in positive behaviors in other aspects of their lives. The phrase “committed by a minor” should be used when talking to, and about, youth who commit these offenses. The recommended changes in language referenced above will apply models of trauma-responsive justice that is also consistent with research.

We know there would be significant and substantial changes needed to numerous RCWs, criminal codes, statutes, governing agencies, and more to implement person-first language to all existing language. Due to the large burden and likely costs associated with changing all existing statutes and communications to person-first language, we recommend that person-first language be incorporated as further amendments are made to applicable statutes and communications.

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<sup>120</sup> Ibid.



## Response 3: Analyzing the racial disproportionality and effects of registration requirements and charging patterns for minors who commit sex offenses

*To the extent that data is available, conduct an analysis of racial disproportionality of youth adjudicated or convicted of sex offenses or related offenses as well as an analysis of short- and long-term effects resulting from registration requirements and charging patterns across the state.*

### Overview

To understand the potential racial disproportionality among youth who are adjudicated for sex offenses, the Office of Financial Management's (OFM) Forecasting and Research Division staff analyzed data on sex offenses committed by Washington youth. We outlined the results, data and methodology, and demographic breakdown in this report.

### Data and methodology

Data on youth adjudicated of sex offenses were obtained from the AOC and the Washington Association of Sheriffs and Police Chiefs (WASPC). WASPC data captures demographic and risk-level information for 1,603 youth who were adjudicated of sex offenses. OFM staff only included youth in this analysis who were assigned a risk level and were born in 1990 or later. This data represents a snapshot in time as risk levels change. However, WASPC could only provide the risk level for each youth on the date they pulled the data.

AOC data includes demographic information and sentencing outcomes for adjudicated youth and adults under age 21 in Washington, excluding King County, who committed sex offenses. Sentencing outcomes were analyzed for 4,696 adjudicated youth who committed sex offenses between 1994 and 2019. The recidivism analysis explores AOC data on 4,051 adjudicated youth for whom recidivism could be determined who committed sex offenses between 1994 and 2019.

We tabulated percentages by demographic factors, risk level, and sentencing outcomes. We applied Z-tests to evaluate statistical differences among percentages. We used logistic regression to evaluate the likelihood of sentencing outcomes by race.

### Study limitations

There were multiple limitations with the available data that severely compromised our ability to produce meaningful results. The study's sample size was quite small. A small sample size suggests that sexual offenses committed by minors is quite rare, which is positive from a community safety standpoint. However, with regards to the analysis, the small sample size limits statistical power. The results indicate that differences may or may not exist among sub-groups, but they are not statistically discernable in the data.

Additionally, the data we used for the analysis spanned a wide time-period. Data from the AOC included cases adjudicated from 1994 and on. Data received from WASPC included many years

before 1994. For this analysis, WASPC data was limited to youth with a date of birth of 1990 or later. Many state policies have changed during the analysis time period, which may cloud the interpretation of the results. However, restricting our analyses to more recent data would reduce the sample size even further, making the results statistically indiscernible.

AOC data also excludes data from King County. Since King County services the highest number of minors in the state and their data was missing, the study results may not truly represent the state. The inability to include King County data further reduced overall sample size. WASPC and AOC's data sets also lacked a common identifier for us to confidently link the two data sources. WASPC data uses the Washington state ID number, but this identifier was not consistently used by the courts. Joining the data sheets by first and last name left many AOC cases with no matching WASPC record, and vice versa. It was not possible to determine whether the unmatched data were due to differing time frames, missing King County cases, name spelling variation, or some other reason. That's why it's impossible to know what population is represented by the matched data. And Washington has a non-unified court system. This means that the AOC can make recommendations to the courts on how to enter data, but, ultimately, the courts may choose whether or not to follow them. Since the AOC does not have oversight authority, data entry processes often vary from court to court.

That's why many of the analyses that we intended to perform were statistically impossible to conduct. Others were technically possible, but the results are questionable due to data quality issues. Examining recidivism and sentencing by risk level was not feasible due to the small sample size and the inability to reliably join the WASPC and AOC data sets. The results you see below highlight our strongest conclusions based on the data limitations we worked with.

## Results

### Demographic breakdown

Most of the adjudicated youth who committed sex offenses are male (98%).

**Table 4. Youth registered for sex offenses by gender**

Gender	Percent (N=1,597 <sup>^</sup> )
Female	1.8%
Male	98.2%

<sup>^</sup>Gender data is missing for 6 youth  
Source: WASPC – WA State, including King County

When we examined the race/ethnicity of adjudicated youth who committed sex offenses, most are white (68.7% or 1,078 youth). Another 15% are Hispanic (242 youth), while slightly more than 10% are Black (10.6% or 166 youth).

**Table 5. Percent of youth registered for sex offenses by race/ethnicity and the proportion of state population**

	Percent of adjudicated youth (N = 1,569 <sup>^</sup> )	Percent of 2016 state population, ages 15-17	
		Excluding multi-race	Multi-race as Black
<b>American Indian / Alaska Native</b>	4%	1.6%	1.5%
<b>Asian / Pacific Islander</b>	1.3%	8.9%*	8.2%*
<b>Black</b>	10.6%	4.6%*	11.4%
<b>Hispanic</b>	15.4%	19.5%	18.1%
<b>White</b>	68.7%	65.4%*	60.8%*

\*Statistically detectable difference between adjudicated youth and the state population.

<sup>^</sup>Race/ethnicity data is missing for 34 youth

Source: WASPC – WA State, including King County

There are differences by race in the proportions of this demographic when we compare it to the 2016 Washington population of 15- to 17-year-old youth<sup>121</sup>. Yet, it is important to interpret these results with caution. These findings may reflect existing inequities in the state’s justice system, *or* they could be due to how race is classified differently within the two datasets. Washington population estimates include ‘multi-race’ as a distinct category<sup>122</sup>. However, multi-race is not an option in the WASPC data. If multi-racial youth are excluded from state totals, then Black youth are significantly overrepresented among youth who are adjudicated of sex offenses. If multi-racial youth are included among Black youth, then the proportion of Black youth among all adjudicated youth matches the state. Similar classification issues may also affect the totals for White and Hispanic youth.

White youth are over-represented and Asian/Pacific Islander youth are under-represented, relative to the 2016 state population of youth who are 15 to 17 years old. Hispanic youth are slightly underrepresented, but the difference does not meet the threshold for statistical significance. It should be noted that Hispanic ethnicity as a race is classified differently in the two data sources, possibly affecting these numbers in unknown ways. American Indian and Alaska Native youth appear to be over-represented, but the result is not significant due to the small sample size.

<sup>121</sup> 2016 was selected as a convenient reference year that fell within the range of the analysis.

<sup>122</sup> OFM’s Forecasting and Research Division uses data from the Census and American Community Survey as the basis for the state’s population estimates.

## Risk levels<sup>123</sup> for Washington youth adjudicated of sex offenses

A majority (85%) of 1,603 adjudicated youth are classified as a Level I risk. About 10% of adjudicated youth are classified as a Level II risk, and just under 5% are classified as Level III.

**Table 6. Percent of youth registered by risk level classification**

Risk level	Percent (N =1,545 <sup>^</sup> )
Level I	85.3%
Level II	10.2%
Level III	4.5%

<sup>^</sup>Risk Level is missing for 58 youth

Source: WASPC – Statewide, including King County

## Sentencing outcomes for these youth

Among the 4,696 adjudicated youth in the AOC data who committed sex offenses between 1994 and 2019, one-third received detention as part of their sentence (38% or 1,815 youth). And almost 16% received JR as part of their sentence (742 youth). Please note that adjudicated youth can have more than one designated sentence.

As we outlined in Table 4 below, a slightly greater proportion of adjudicated youth who are Asian/Pacific Islander (49.1%) or who are Hispanic (44.9%) received detention as part of their sentence, compared to youth from other race/ethnic groups. Although a JR sentence is not as common as a sentence to detention among these youth, a higher proportion of Black (21.3%) and Hispanic (22.1%) youth were sentenced to JR. Please note that adjudicated youth can have more than one designated sentence. Additionally, due to small sample sizes, many of the differences we identified could be merely due to chance.

**Table 7. Youth's sentencing outcomes by their race/ethnicity**

Race (out of 4,436 youth <sup>^</sup> )	Percent with JR sentence	Percent with detention
American Indian / Alaska Native	15.0%	32.7%
Asian / Pacific Islander	17.5%	49.1%
Black	21.3%	30.9%
Hispanic	22.1%	44.9%
White	14.8%	38.8%
Total	16.1%	38.9%

<sup>^</sup>Race/ethnicity data is missing for 260 youth

Source: AOC – WA State excluding King County

<sup>123</sup> Please see the Leveling of Adjudicated Youth section on page 15 of the report and Appendix H for more information on the leveling process for youth in Washington.

OFM examined the statistical likelihood of any potential racial disproportionalities using a logistic regression analysis. Comparisons were made with non-Hispanic whites as the reference group, since this group represented the majority in the data. The odds ratios generated from the logistic regression analysis reflect whether a particular racial/ethnic group of youth are more likely (ratio greater than 1) or less likely (ratio less than 1) to receive a specific sentence, relative to non-Hispanic White youth.

**Table 5. Odds ratios in sentencing outcomes by race, relative to non-Hispanic whites<sup>^</sup>**

<b>Race (N = 4,436)</b>	<b>JR sentence</b>	<b>detention</b>
<b>American Indian / Alaska Native</b>	1.01 (0.59 - 1.73)	0.77 (0.51 - 1.16)
<b>Asian / Pacific Islander</b>	1.22 (0.61 - 2.43)	1.52 (0.90 - 2.57)
<b>Black</b>	1.55 (1.16 - 2.08)*	0.71 (0.55 - 0.91)*
<b>Hispanic</b>	1.63 (1.28 - 2.08)*	1.29 (1.06 - 1.57)*

<sup>^</sup>95% confidence intervals are in parentheses. Confidence intervals that contain 1.00 are not statistically significant.

\*Statistically different than non-Hispanic White youth.

Source: AOC – WA State excluding King County

Blacks and Hispanics had significantly higher odds of being sentenced to JR compared to whites. Blacks were less likely and Hispanics were more likely to have detention, relative to non-Hispanic white youth.

## Recidivism

To analyze recidivism outcomes, OFM examined AOC data for 4,051 youth who were adjudicated in Washington (excluding King County) and committed the violation between 1994 and 2019. Based on the review of offense data, 118 youth were adjudicated for another sex offense within three years of their release (2.9%). The median time for a youth to reoffend was 472 days, or 1.29 calendar years from the time the youth originally offended. OFM couldn't analyze recidivism outcomes by a youth's assessed risk level because of insufficient data.

## Recommendations for future research

We recognize that the Legislature did not directly request recommendations surrounding the data analysis in this assignment. However, we believe it is important to recognize and address the barriers that we encountered while conducting these analyses. Given the challenges with available data, we recommend that stakeholders of this data work together to address the data quality issues and discrepancies. The board is concerned that any future analyses — ours and any other organization conducting research on juveniles in the legal system — will experience similar barriers and/or may yield inconclusive or misleading results. If stakeholders can address this together, then research and other legislative-requested analyses will better inform future state policies and discussions.

## Response 4: Review research

Our response to: “Review research regarding best practices for juveniles who commit sex offenses including evidence-based assessments and treatment, coordinated community response through multidisciplinary teams (MDTs) that include victim service providers, with the goal of increasing community safety, reducing recidivism, and preventing sexual abuse.”

### Research related to evidence-based assessments for childhood sexual behavior problems (SBPs)

Risk assessments are typically used as an investigative tool to inform the legal, treatment, and intervention steps for individuals who commit sex offenses.<sup>124</sup> In 2006, the federal Adam Walsh Child Protection and Safety Act instituted a system that classifies convicted adults and minors who commit sex offenses based on the perceived severity of their offense.<sup>125</sup> However, Washington uses an assessment that classifies offenders based on their risk of sexual recidivism in the community. Community notification requirements are more stringent for individuals who are at a greater risk of sexual re-offense. Currently, the age of rebuttable culpability for youth in Washington is 12, and that includes SBPs offenses.

Over the last 15 years, scholarly research and professional guidelines for sex offense treatment providers have taken strides to clearly define “problematic sexual behavior” and “illegal sexual behavior”.<sup>126</sup> It is equally important to recognize the developmental differences between youth and adults. These differences play a critical role in assessing viable treatment options and the likelihood of re-offense for both groups. Youth with SBPs do not necessarily engage in this behavior out of “deviant” interests or compulsiveness.<sup>127</sup> And cognitive functioning and brain development for youth is vastly different from adults.<sup>128,129</sup> Regions of the brain that govern judgment skills, foresight of consequences, socio-emotional maturity, and the ability to plan and strategize do not fully develop until adulthood.<sup>130,131</sup> Youth also have a greater capacity to divert from future criminal behavior than adults.<sup>132</sup> This insight aligns with the *parens patriae* doctrine of many juvenile justice

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<sup>124</sup> Rich, P. (July 2015). The Assessment of Risk for Sexual Reoffense in Juveniles Who Commit Sexual Offenses. SOMAPI Research Brief.

<sup>125</sup> Pedneault, A. & Choi, E. (2016). Reassessment of risk of sexual offenders living in the community: A review of the literature and practice in Washington State. Office of Financial Management: Forecasting and Research Division. Olympia, WA.

<sup>126</sup> Please see the Problematic v. Illegal Sexual Behaviors section of the Brief Overview on page 16 of this report.

<sup>127</sup> Kuhns, P. (2021). Youth Who Engage in Sexually Abusive Behavior: Navigating Risk of Re-offending and Treatment. Webinar sponsored by the Office of Juvenile Justice and Delinquency Prevention. National Training and Technical Assistance Center.

<sup>128</sup> Przybylski, R. & Lobanov-Rostovsky, C. (2017). Unique Considerations Regarding Juveniles Who Commit Sexual Offenses. Sex Offender Management Assessment and Planning Initiative, Chapter One. US Department of Justice, Office of Justice Programs. *Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking*.

<sup>129</sup> Rich, P. (2011). The adolescent brain: its role in adolescent behavior. *ATSA Forum*, Spring 2011, 13-19.

<sup>130</sup> Kuhns (2021).

<sup>131</sup> Wollert R., Waggoner J., Rypma B., Rypma C., & Caldwell, M. (2010). *Juvenile offenders are ineligible for civil commitment as sexual predators* [Conference presentation]. APA 2010 Convention, San Diego, CA, United States.

<sup>132</sup> Przybylski, R. & Lobanov-Rostovsky, C. (2017). Unique Considerations Regarding Juveniles Who Commit Sexual Offenses. Sex Offender Management Assessment and Planning Initiative, Chapter One. US Department of Justice, Office of Justice Programs. *Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking*.

systems<sup>133</sup>, which often deliver treatment and guidance to youth to protect them from harm.<sup>134,135</sup> Policies, risk assessments, and most treatment modalities developed for adults who commit sex offenses are not appropriate or equivalently designed for youth with SBPs.<sup>136</sup>

The Association for the Treatment of Sexual Abuse (ATSA) acknowledges there are no consistently reliable factors that predict the risk of re-offense for youth with SBPs.<sup>137</sup> However, risk assessments are a method to identify factors that providers can address to enhance the development of youth's prosocial behavior and reduce the likelihood of re-offense. Static risk factors, or historical behaviors and experiences from the past, have been the traditional area of focus when a provider assesses an individual's risk for recidivism.<sup>138</sup> Dynamic risk factors can shift while an assessment takes place, including poor education skills, antisocial behavior with peers, limited leisure time, and/or dysfunctional personality traits.<sup>139</sup> Dynamic risk factors are especially useful in identifying the targets or rehabilitation goals to achieve.<sup>140</sup> Two general models are used in juvenile risk assessment are the actuarial model and clinical model.<sup>141</sup> The actuarial model determines risk by using a score or statistical comparison of static risk factors. In contrast, clinical risk assessment models primarily use insight from the provider's observation and personal judgement to assess static factors, dynamic factors, and protective factors that reduce the likelihood of re-offense.<sup>142</sup> While risk assessment models have evolved considerably, scholars suggest that actuarial assessment models more accurately predict risk than clinical models.<sup>143</sup>

Although extensive research has been conducted on adult risk assessment measures, very few youth-specific risk assessment measures currently exist.<sup>144</sup> The Risk-Need-Responsivity (RNR) is a common framework to assess a youth's risk for recidivism and determine the appropriate treatment option. RNR's principles for reducing recidivism are to develop a treatment intervention that addresses the individual's risk of reoffending, targets criminogenic needs, and customizes the

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<sup>133</sup> Illinois Criminal Justice Information Authority. (1997). Trends and Issues 1997. Author, 120 South Riverside Plaza, Chicago, IL. Page 152.

<sup>134</sup> Przybylski, R. (2008). What Works: Effective Recidivism Reduction and Risk-Focused Prevention Programs. A Compendium of Evidence-Based Options for Preventing New and Persistent Behavior. Prepared for the Colorado Division of Criminal Justice. RKC Group.

<sup>135</sup> For more information on Washington's juvenile legal system, please see The Juvenile Legal System in Washington State section on page 9 of this report.

<sup>136</sup> ATSA (2006). Report of the Task Force on Children with Sexual Behavior Problems.

<sup>137</sup> ATSA (2017).

<sup>138</sup> Rich, P. (2015). The Assessment of Risk for Sexual Reoffense in Juveniles Who Commit Sexual Offenses. Sex Offender Management Assessment and Planning Initiative (SOMAPI) Research Brief. Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), Office of Justice Programs, US Department of Justice.

<sup>139</sup> ATSA (2017).

<sup>140</sup> Beggs & Grace, 2011; Olver & Wong, 2009; Pedersen, Rasmussen, & Elsass, 2010, as cited in Rich (2015).

<sup>141</sup> Rich (2015).

<sup>142</sup> Rettenberger, Boer, & Eher, 2011, as cited in Rich (2015).

<sup>143</sup> Hanson & Thornton, 2000; Harris & Rice, 2007; Meehl, 1996; Quinsey et al., 1998; Steadman et al., 2000; as cited in Rich (2015).

<sup>144</sup> Christiansen, A. K. & Vincent, J. P. (2013). Characterization and prediction of sexual and nonsexual recidivism among adjudicated juvenile sex offenders. *Behavioral Sciences and the Law*, 31:506-529. DOI: 10.1002/bsl.2070

treatment intervention to the individual.<sup>145</sup> Assessments used within the RNR model typically measure both static risk factors and dynamic risk factors, which aid in tailoring the treatment intervention.

Two commonly used juvenile risk assessment tools are the Juvenile Sex Offender Assessment Protocol-II (J-SOAP-II) and the Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (JSORRAT-II). These tools set a reassessment requirement, time limit, and/or expiration date for a child's risk level or score, which is calculated based on static and dynamic risk factors.<sup>146</sup> JSORRAT-II assesses risk based on 12 static risk factors, while J-SOAP-II measures risk based on 16 static risk factors and 12 dynamic risk factors. Both the JSORRAT-II and J-SOAP-II assess factors like history of prior offenses and school stability, but each tool measures them in different ways.<sup>147</sup>

Scholars have also identified that juvenile risk assessments do not always perform consistently when it comes to their predictive power.<sup>148</sup> Worling and Långström (2006) identified a series of protective factors and risk factors that may influence a juvenile's likelihood to recidivate with another sexual offense<sup>149</sup>, but their typology lacks the replication and empirical validation needed to support its systematic use. Assessment tools that measure juveniles' likelihood to recidivate with another sexual offense may be insufficient at predicting recidivism for more unique situations, such as when youth are in civil commitment or when determining the appropriateness of lifetime registration as a sex offender.<sup>150</sup>

## Recidivism

Despite the potential measurement issues with juvenile risk assessment instruments, research suggests that juveniles who commit sex offenses are at low risk to recidivate with another sexual offense.<sup>151</sup> Caldwell (2016) meta-analysis of 106 studies examined outcomes for 33,783 juveniles. He found that the average sexual recidivism rate for youth is less than 5% over an average of five years.<sup>152</sup> The risk of sexual recidivism is statistically similar for youth being treated residentially for either sexual or nonsexual offenses.<sup>153</sup> Juveniles who are at a higher risk to reoffend sexually can be difficult to identify because rates of recidivism are already low for this age group. When a youth gets the appropriate treatment, the risk to reoffend for youth with SBP is typically between 2-3%

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<sup>145</sup> Kuhns (2021).

<sup>146</sup> Rich (2015)

<sup>147</sup> For a complete account of static risk factors and dynamic risk factors assessed via these instruments, please see Choi's (2020) Table 1 – Risk Assessment Instruments and Items for Juvenile Sex Offenders (on page 12).

<sup>148</sup> Choi (2020); Rasmussen (2018); Viljoen et al. (2012)

<sup>149</sup> Factors include deviant sexual arousal, incomplete sexual offender treatment, and problematic parent-child relationships, among others. Worling, J. R., & Långström, N. (2006). Risk of Sexual Recidivism in Adolescents Who Offend Sexually: Correlates and Assessment. In H. E. Barbaree & W. L. Marshall (Eds.), *The juvenile sex offender* (pp. 219–247). Guilford Press.

<sup>150</sup> Viljoen, J.L., Mordell, S., & Beneteau, J.L. (2012). Prediction of adolescent sexual reoffending: A meta-analysis of the J-SOAP-II, ERASOR, J-SORRAT-II, and Static-99. *Law and Human Behavior*, 36, 423–438.

<sup>151</sup> [https://sgc.wa.gov/sites/default/files/public/SOPB/meetings/2021/Amicus\\_202001.pdf](https://sgc.wa.gov/sites/default/files/public/SOPB/meetings/2021/Amicus_202001.pdf)

<sup>152</sup> Caldwell (2016). Quantifying the Decline in Juvenile Sexual Recidivism, 22 (4) *Psychology, Public Policy and Law* 414-426.

<sup>153</sup> Caldwell (2007). Sexual offense adjudication and sexual recidivism among juvenile offenders. Characterization and prediction of sexual and nonsexual recidivism among adjudicated juvenile sex offenders. *ATSA*, 19(2), 107-113. DOI: 10.1177/107906320701900203



percent.<sup>154</sup> These findings align with the low recidivism rate for youth who commit sex offenses in Washington. In one study of Washington’s population of youth who commit sex offenses, Hamilton & Pedneault (2016) identified over a 3-year, follow-up period that only 3% of the 2,217 juveniles were adjudicated for another sexual offense. Washington DCYF’s JR division also recently explored ways to improve the functionality and predictive power of their internal juvenile risk assessment tool.<sup>155</sup>

Many scholars, practitioners, the federal SMART office, and ATSA strongly recommend that any tool someone uses to assess youth’s risk for sexual recidivism should not be the sole mechanism for estimating or predicting future sexual behavior. Rather, it should be one component of a comprehensive and individualized assessment of the youth.<sup>156, 157, 158, 159, 160, 161</sup> Adolescent development can be a fluid and rapid process that varies by child<sup>162, 31</sup>, so treatment intervention decisions should be made on a case-by-case basis<sup>163</sup> with a thorough understanding of the youth and any critical dynamic factors, risk factors, and protective factors that may affect their SBP.<sup>164, 165</sup> Providers should also try to identify any sociological risk factors, co-occurring disorders, or developmental considerations that may influence how the youth responds to treatment. They should consider caregiver/family, peer, school, and community factors when they conduct risk assessments.<sup>166</sup> Pedneault & Choi (2016) emphasize the following general best practices for providers: use research-supported criteria and tools that are in line with assessment goals; ensure that assessors of risk are properly trained; conduct periodic reassessments; practice responsive, fluid case management; and be willing to share information and use common tools to increase the comprehensiveness of the child’s assessment.

## Effective treatments for childhood SBPs

Childhood SBPs can vary widely among youth, depending on the how severe the behavior is and the potential harm to others.<sup>167</sup> Although there may be common features across children with SBP, no universal characteristic or factor automatically signals the presence of SBP. How SBP originates in children is also not clearly understood. Yet, research consistently states that youth who engage in treatment for their SBP have a lower rate of sexual recidivism compared to youth who do not

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<sup>154</sup> ATSA (2006).

<sup>155</sup> Choi (2020).

<sup>156</sup> ATSA (2019). Understanding Juvenile Sexual Risk Assessment: Facts and Considerations for Practice.

<sup>157</sup> Kuhns (2021).

<sup>158</sup> Pedneault and Choi (2016).

<sup>159</sup> Rich (2015).

<sup>160</sup> Center for Sex Offender Management. (2007). *The Importance of Assessment in Sex Offender Management: An Overview of Key Principles and Practices*. Office of Justice Programs, US Department of Justice.

<sup>161</sup> Washington State Institute for Public Policy (2017). Treatment for juveniles convicted of sex offenses (non-MST).

<sup>162</sup> ATSA (2019).

<sup>163</sup> ATSA (2006).

<sup>164</sup> Rich (2015).

<sup>165</sup> Przybylski, R. (2008).

<sup>166</sup> Ibid

<sup>167</sup> ATSA. (2006)

receive treatment.<sup>168,169</sup>

Treatment programs for children with SBP vary considerably in structure, often delivered in outpatient settings, correctional residential facilities, and/or community-based settings. Treatment programs housed within community or correctional settings typically engage a variety of licensed professionals. These include therapists, correctional officers, probation officers, judges, and prosecuting attorneys.<sup>170</sup> The length and intensity of treatment for these children depends on a variety of factors, including the SBP's severity, community safety guidelines, and policies and procedures enforced by the criminal justice system. That said, completing treatment in an outpatient or community-based setting can lower the recidivism rates among children with SBP<sup>171</sup>, sometimes with one year or less of treatment<sup>172</sup>. Much of the research reviewed for this report suggests that two years is a common length of treatment time for youth with SBPs.<sup>173,174</sup>

The National Children's Alliance identified a series of treatment best practices for these youth. Many of their recommendations highlight the need for developmentally appropriate therapy that is evidence-based, trauma-informed, and focused on empowering the youth and their caregiver(s) with effective strategies to manage the youth's behavior.<sup>175</sup> Evidence-based treatment models can decrease problematic sexual behavior and recidivism.<sup>176</sup> Currently, the three models that treatment providers use the most are:

- Multisystemic therapy (MST) for youth between 10-17.5 years old and their families.
- Problematic Sexual Behavior – Cognitive Behavioral Therapy (PSB-CBT) for children 7-17 years old and their caregivers.
- Trauma-focused CBT for children 3-12 years old with known trauma history who are experiencing problematic sexual behavior and PTSD symptoms.

According to the Association for the Treatment of Sexual Abusers (ATSA), successful cognitive behavioral group treatment programs for children of all ages with SBP incorporate the following six components:

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<sup>168</sup> Reitzel, L.R. & Carbonell, J.L. (2006). The effectiveness of sexual offender treatment for juveniles as measured by recidivism: A meta-analysis. *Sexual Abuse: A Journal of Research and Treatment*, 18(4), 401-422. doi: 10.1007/s11194-006-9031-2.

<sup>169</sup> Carpentier, M.Y., Silovskly, J.F., & Chaffin, M. (2006). Randomized trial of treatment for children with sexual behavior problems: Ten-year follow-up. *Journal of Consulting and Clinical Psychology*, 74(3), 482-488. doi: 10.1037/0022-006X.74.3.482

<sup>170</sup> Calvert & Bauer (2019).

<sup>171</sup> Przybylski, R. (2015). *The effectiveness of treatment for juveniles who sexually offend*. Sex Offender Management Assessment and Planning Initiative (SOMAPI) Research Brief. U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking.

<sup>172</sup> Dopp, A. R., Borduin, C.M., Rothman, D.B., Letourneau, E.J. (2017). Evidence-based treatments for youths who engage in illegal sexual behavior. *Journal of Clinical Child and Adolescent Psychology*, 46(5), 631-645. doi: 10.1080/15274416.2016.1261714

<sup>173</sup> Calvert & Bauer (2019)

<sup>174</sup> Ikomi, P.A., Harris-Wyatt, G., Doucet, G., and Rodney, H.E. (2009). Treatment for juveniles who sexually offend in a southwestern state. *Journal of Child Sexual Abuse*, 18:594-610

<sup>175</sup> National Children's Alliance. (2019) "Effective treatment for youth with problematic sexual behaviors" Fact Sheet. <https://www.nationalchildrensalliance.org/>

<sup>176</sup> National Children's Alliance (2019).

1. Identifying, recognizing the inappropriateness of, and apologizing for rule-violating sexual behaviors.
2. Learning and practicing basic, simple rules about sexual behavior and physical boundaries.
3. Age-appropriate sex education.
4. Coping and self-control strategies.
5. Basic sexual abuse prevention/safety skills.
6. Social skills.<sup>177</sup>

However, a randomized controlled trial (RCT) study by Borduin, Schaeffer, and Heiblum (2009) suggests that MST is the only evidence-supported therapy for youth with SBP. In their study of treatment modalities for high-risk juveniles who committed sex offenses, the sexual recidivism rate after eight years was considerably lower for youth who received MST (8%) compared to those who received typical individual and group outpatient therapy (46%).<sup>178</sup> Further empirical research is needed to determine whether CBT is an evidence-based treatment model to address SBP among youth.

The federal SMART Office also recommends the development of more RCT studies that use matched comparison groups, propensity score matching techniques, and other advanced statistical methods to control for potential bias between treatment and comparison groups that may influence the treatment impacts on recidivism outcomes.<sup>179</sup> Additionally, the SMART Office recognizes the need for rigorous studies that identify “offender- and situation-specific treatment approaches,” along with more studies on effective treatment modalities for youth who commit sex offenses.<sup>180</sup>

Engaging family or caregivers in the child’s treatment is another key component of effective treatment for children with SBP.<sup>181</sup> Caregiver involvement in a child’s treatment can predict successful outcomes for youth with both SBPs and other behavioral problems, especially young children.<sup>182,183</sup> It may also promote a more supportive treatment environment for the child and help identify potential protective factors or risk factors that affect the child’s behavior.<sup>184</sup> Treatment components for parents and caregivers often include developing and implementing a safety plan to supervise and monitor behavior; information about sexual development and normal sexual exploration; strategies that encourage children to follow privacy and sexual behavior rules; maintaining an environment that is not overly sexually stimulating for a child; sex education;

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<sup>177</sup> ATSA (2006).

<sup>178</sup> Borduin, C.M., Schaeffer, C.M., & Heiblum, N. (2009). A randomized clinical trial of multisystemic therapy with juvenile sex offenders: Effects of youth social ecology and criminal activity. *Journal of Consulting and Clinical Psychology*, 77(1), 26-37. doi: 10.1037/a0013035

<sup>179</sup> Przyblyski (2015).

<sup>180</sup> Ibid, page 4.

<sup>181</sup> ATSA (2006).

<sup>182</sup> Lipsey, M.W. (2009). The primary factors that characterize effective interventions with juvenile offenders: A meta-analytic overview. *Victims and Offenders*, 4, 124-147. doi: 10.1080/15564880802612573

<sup>183</sup> St. Amand, A., Bard, D.E., and Silovsky, J.F. (2008). Meta-analysis of treatment for child sexual behavior problems: Practice elements and outcomes. *Child Maltreatment*, 13(2), 145-166. doi: 10.1177/1077559508315353.

<sup>184</sup> Zankman, S. and Bonomo, J. (2004). Working with parents to reduce juvenile sex offender recidivism. *Journal of Child Sexual Abuse*. Vol 13. No 3(4):139-156.

supporting children’s self-control strategies; and how to guide a child toward positive peer groups.<sup>185</sup>

## Coordinated community response through multidisciplinary teams

Multidisciplinary teams (MDTs) involve a variety of agencies collaborating to deliver coordinated or “wraparound” services to clients. A considerable portion of the research we reviewed for this report highlights the work of Sexual Assault Response Teams (SARTs), which are collaborative, multidisciplinary groups designed to coordinate and improve cross-system responses to sexual assault within communities.<sup>186</sup> These teams often include police, crisis center staff, school staff, forensic examiners, advocacy center staff, and/or prosecutors.<sup>187</sup>

Although the teams vary considerably in structure<sup>188</sup>, the two major types of teams are acute response SARTs and systems-focused SARTs.<sup>189</sup> Acute response SARTs typically take active case management approach and focus on individual cases. In contrast, systems-focused SARTs adopt a broader approach by focusing on patterns across multiple cases that span the agencies and systems involved in the team. This review pays greater attention to systems-focused SARTs, given the scope of this legislatively mandated assignment.

A national study of SART implementation efforts across the nation found that most SARTs rated the following as important goals: improving legal outcomes, improving victims’ help-seeking experiences, and prevention/education. Yet the teams often prioritized their time and energy toward improving victims’ experiences over legal outcomes.<sup>190</sup> Given that only 8% of the SARTs in this study included a stakeholder from the K-12 school system, it is important to note that stakeholder representation within a SART is an important factor in determining the team’s overall priorities. Team characteristics can also influence its effectiveness and level of stakeholder engagement in collaborative activities, such as case reviews, cross-disciplinary trainings, and policy development efforts.

Barriers to successful collaboration in SARTs include competing goals and values; poor, limited, or unclear communication practices between individuals and agencies; tension between individuals, agencies or disciplines; and meeting logistics.<sup>191</sup> SARTs with more formal structures, multidisciplinary trainings, policy/protocol review, broad active membership, and evaluation engagement were considered more effective than other SARTs at not only improving the prosecution and police processing of sexual assault cases, but also more effective at supporting

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<sup>185</sup> ATSA (2006).

<sup>186</sup> Wegzyn, Anna. (2019). *Team Characteristics as Predictors of Collaboration on Sexual Assault Response Teams (SARTs)*. College of Science and Health Theses and Dissertations. 308

<sup>187</sup> Greeson, MR. and Campbell, R. (2015). Coordinated community efforts to respond to sexual assault: A national study of sexual assault response team implementation. *Journal of Interpersonal Violence*, September; 30(14): 2470-87.

<sup>188</sup> Campbell, R., Greeson, M., Bybee, D., Neal, J. (2013). *Sexual assault response team (SART) implementation and collaborative process: What works best for the criminal justice system?* Research report submitted to Department of Justice.

<sup>189</sup> Engelking, J. & Florman, S. (2019). *Sexual Assault Response Team Starter Kit: A Guide for New SART Teams*. Sexual Violence Justice Institute, Minnesota Coalition Against Sexual Assault.

<sup>190</sup> Greeson, MR, and Campbell, R. (2015). Coordinated community efforts to respond to sexual assault: A national study of sexual assault response team implementation. *Journal of Interpersonal Violence*, Sep;30(14):2470-87

<sup>191</sup> Engelking, J. & Florman, S.(2019). *Sexual Assault Response Team Starter Kit: A Guide for New SART Teams*. Sexual Violence Justice Institute, Minnesota Coalition Against Sexual Assault.

victims and their engagement in the criminal justice system.<sup>192</sup>

Another study involving phone interviews with a national random sample of 172 SARTs found that having formal structures (i.e., bylaws, subcommittees, mission statements, etc.) and the teams' length of time in operation were significantly associated with engagement in collaborative activities.<sup>193</sup>

However, this study did not find that breadth of membership, the presence of a SART leader/coordinator, and rural versus urban community type were significantly associated with collaborative stakeholder engagement.

Very little research exists on SARTs that coordinate community responses to specifically address sexual behavior issues among minors. One study that examined adolescent sexual assault victims' experiences with SARTs found that victims were more likely to seek help from a sexual assault nurse examiner when the contact between the survivor and the legal/medical system was by their choice, rather than an involuntary method of contact.<sup>194</sup> When examining factors related to successful prosecution of adolescent sexual assault cases, crimes against younger victims (13-15 years) or those involving a survivor with documented developmental delays were more likely to progress further through the criminal justice system. The relationship between victim and offender also predicted how far a case progressed through the criminal justice system, with non-stranger assaults more likely to be prosecuted than stranger assaults. The length of time between the incident of assault and the survivor's medical forensic exam also significantly predicted progress in the criminal justice system, suggesting that less time between assault and exam may result in a timelier justice system response.

Research suggests that MDTs may experience barriers to providing integrated and comprehensive responses to child-initiated harm cases when compared to the responses for adult-initiated harm to children.<sup>195</sup> Communities experience significant gaps in accessing resources that are geared towards the initial response and assessment of cases involving children with problematic sexual behavior. Caregivers of children with SBPs may also not know where or how to access available supports. Furthermore, some professionals may lack the training or knowledge on how to serve children with SBPs, which hinders the ability to make quality decisions as a provider and within the MDT context. The Vera Institute of Justice's resource guide for administrators of local community confinement facilities and juvenile detention facilities outlines the potential benefits and ideal structure to collaborate with community SARTs.<sup>196</sup> Specifically, establishing partnerships between local confinement facilities, juvenile detention facilities, and community SARTs may help facilities implement important incident response policies, promote the adoption of uniform protocols for conducting forensic examinations, and expand access to outside victim advocates and supports for

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<sup>192</sup> Campbell, R., Greeson, M., Bybee, D., Neal, J. (2013). *Sexual assault response team (SART) implementation and collaborative process: What works best for the criminal justice system?* Research report submitted to Department of Justice.

<sup>193</sup> Wegrzyn, Anna. (2019). *Team Characteristics as Predictors of Collaboration on Sexual Assault Response Teams (SARTs)*. College of Science and Health Theses and Dissertations. 308.

<sup>194</sup> Campbell, R., Greeson, M., Bybee, D., Kennedy, A., Patterson, D. (2011). *Adolescent sexual assault victims' experiences with SANE-SARTs and the criminal justice system*. Document No 234466.

<sup>195</sup> Sites, J., & Widdifield, J. (2020). *Children with Problematic Sexual Behavior: Recommendations for the Multidisciplinary Team and Children's Advocacy Center Response*. Southern Regional Children's Advocacy Center and Oklahoma Commission on Children and Youth.

<sup>196</sup> Allison Hastings, Ram Subramanian, and Kristin Littel. (2015). *Partnering with Community Sexual Assault Response Teams: A Guide for Local Community Confinement and Juvenile Detention Facilities*. New York, NY: Vera Institute of Justice.

victims of sexual abuse. These benefits align with recommendations from subject matter experts and the U.S. Department of Justice, which emphasizes the development of clear, written protocols that incorporate how to address cases involving children with SBPs in ways that minimize the likelihood that investigators revert to the process they use for adults with sexual behavior issues.<sup>197,198</sup>

For SARTs to effectively collaborate and coordinate responses to sexual behavior issues in the community, these multi-disciplinary groups should consider adopting a series of governance, training, and engagement strategies that the scholarly literature identifies as best practices. Communication and conflict are recurring topics in the research, given the variety of different structures and coordination efforts taken by SARTs.<sup>199</sup> Effective SARTs adopt a shared vision and model with multi-level leadership and diverse membership, while also promoting a culture of learning, continuous improvement, and teamwork.<sup>200</sup> To manage conflict within SARTs, scholars have found that building strong interpersonal relationships and understanding the roles of each team member are preventive strategies that are critical to successful teamwork and reduce the likelihood of future conflict<sup>201</sup>. Providing training opportunities for professionals on normative and problematic sexual behaviors in children<sup>202</sup>, along with team trainings and workshops on interprofessional collaboration<sup>203</sup>, are also distinguishing characteristics of effective MDTs. Rural communities may especially face issues with accessing training and education sessions on various sexual assault topics.<sup>204</sup> Incorporating the 12 measurements of the Interprofessional Collaborative Practice<sup>205</sup>, the Four R's of a Trauma-Informed Approach<sup>206</sup>, Enhanced Emergency Sexual Assault Services<sup>207</sup>, and the Sexual Violence Justice Institute's Phases of Systems Change<sup>208</sup> are some examples of systems-focused resources that some SARTs have previously implemented.

Sites & Widdifield (2020) also suggest that the MDT model expand to engage children and families

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<sup>197</sup> Sites & Widdifield (2020).

<sup>198</sup> US Dept of Justice, Office on Violence Against Women. (2013). *A National Protocol for Sexual Assault Medical Forensic Examinations: Adults/Adolescents*. Second Edition. NCJ 228119.

<sup>199</sup> Adams, Phyllis E. (2016). *Segregation or integration: Exploring the interprofessional collaboration of the sexual assault response Team-A Pilot study*. Doctor of Nursing Practice (DNP) Final Clinical Projects. 4.  
<https://commons.lib.jmu.edu/dnp201019/4>

<sup>200</sup> Engelking, J. & Florman, S.(2019). *Sexual Assault Response Team Starter Kit: A Guide for New SART Teams*. Sexual Violence Justice Institute, Minnesota Coalition Against Sexual Assault.

<sup>201</sup> Moylan, CA, Lindhorst, T. (2015). "Catching flies with honey": The management of conflict in sexual assault response teams. *J Interpers Violence*. July 30(11):1945-1964. <https://doi.org/10.1177/0886260514549464>.

<sup>202</sup> Sites, J., & Widdifield, J. (2020).

<sup>203</sup> Adams, Phyllis E. (2016). *Segregation or integration: Exploring the interprofessional collaboration of the sexual assault response Team-A Pilot study*. Doctor of Nursing Practice (DNP) Final Clinical Projects. 4.  
<https://commons.lib.jmu.edu/dnp201019/4>

<sup>204</sup> Carter-Snell, C., Jakubec, S., and Hagen, B. (2020). Collaboration with rural and remote communities to improve sexual assault services. *Journal of Community Health*, 45:377-387. <https://doi.org/10.1007/s10900-019-00744-4>.

<sup>205</sup> The 12 measures capture motivation, role expectations, personality style, professional power, group leadership, communication, coping, social support, organizational culture, organizational aims, organizational domain, and organizational environment.

<sup>206</sup> SAMHSA's Trauma and Justice Strategic Initiative. (July 2014). [SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach](#).

<sup>207</sup> [Enhanced Emergency Sexual Assault Services \(EEAS\)](#), as cited in Carter-Snell, C., Jakubec, S., and Hagen, B. (2020). Collaboration with rural and remote communities to improve sexual assault services. *Journal of Community Health*, 45:377-387. <https://doi.org/10.1007/s10900-019-00744-4>.

<sup>208</sup> The three phases of systems change include 1) Assess the status quo, 2) Make change, and 3) Measure change.

in ways that focus on long-term outcomes and, ultimately, reduce the risk of re-occurring episodes. Including children's advocacy centers (CACs) may be a more integrated response to serve children with SBP. Access to mental health providers with experience and training working with children who have SBP, their child victims, and their families, is also an essential strategy for MDTs and CACs that use this adapted model. Together, these engagement strategies help ensure that the multidisciplinary collaboration across SARTs and other MDTs lead to effective, coordinated community responses that increase community safety, reduce recidivism, and prevent sexual abuse among minors.

# Appendices



## **Appendix A**

Senate Human Services, Reentry, and Rehabilitation Project Request  
Letter



## Washington State Senate

**Olympia Address:**  
237 John A. Cherberg Building  
PO Box 40427  
Olympia, WA 98504-0427

**Senator Jeannie Darneille**  
27th Legislative District

Phone: (360) 786-7652  
FAX: (360) 786-1999  
Toll-Free: 1-800-833-6388  
Jeannie.Darneille@leg.wa.gov

March 1, 2021

David Schumacher  
Director, Office of Financial Management  
State of Washington  
P.O. Box 43113  
Olympia, WA 98504-3113

Dear Mr. Schumacher,

As Chair of the Senate Human Services, Re-entry, and Rehabilitation Committee, I request that the Sex Offender Policy Board (SOPB) convene pursuant to RCW 9.94A.8673 to undertake projects related to research and recommendations regarding youth who have committed sex offenses.

Over the course of the past year, the legislature has been deeply engaged on this topic. The Human Services, Re-entry, and Rehabilitation Committee held a work session on the issue of youth sex offender registration on December 2nd and has also considered and approved for further consideration SSB 5123. This bill was the culmination of a series of informal workgroup meetings over this past interim.

As SSB 5123 continues to move through the legislative process, it has generated conversations on several other matters pertaining to this population but not addressed by this legislation. In particular, we have received feedback that the system for treatment of youth who have committed sex offense requires examination and redress. While that is outside the scope of SSB 5123, I agree that to be successful in our goal of preventing these offenses from occurring, we need to ensure that our treatment system includes a coordinated community response to offending comprised of all stakeholders in order to be robust and effective. The community response should focus on reducing risk factors and increasing protective factors, promoting family stability and increasing ties to the community. Such a coordinated response is needed to recognize the harm experienced by victims of youth who have committed sex offenses.

In addition, SSB 5123 will only cover a portion of youth who have committed sex offenses. The legislature could not find consensus this year on a response to youth age 16 and 17 that are adjudicated of Class A or Class B offenses or those that are declined into adult court. These are several areas where we hope to rely on the expertise of the SOPB for policy recommendations.

The Sex Offender Policy Board (SOPB) serves to advise the governor and the Legislature on issues relating to sex offender management. The Legislature may request that the SOPB convene to undertake projects to assist policymakers in addressing issues relating to sex offender policy. Age appropriate response to youth who

commit sex offenses remains a critically important issue to not just my district, but the entire state. To that end, the Senate Human Services, Re-Entry, and Rehabilitation Committee formally requests that the SOPB undertake the following projects:

1. Conduct a review of current juvenile sex offender treatment programs in Washington including the availability, affordability, accessibility and efficacy of treatment resources available across the state and in institutional settings and an analysis of geographic disparity and recommendations for improvement to the current treatment infrastructure and availability of resources;
2. Conduct a review of the current juvenile sex offender policies in Washington State including:
  - a. Registration requirements for 16 and 17 year olds as well as minors being prosecuted in adult court and a comparison with other states;
  - b. Best practices and make recommendations for how describe these sexualized behaviors, how to name offenses relating to youth sex offenses; and how to differentiate between problem sexual behavior in children under 12 and youth who have engaged in harmful or illegal sexual behavior youth and are 12 or older;
  - c. Statutory requirements for declining youth who commit certain sex offenses into adult court. In addition, if an individual is prosecuted in adult court for an offense that occurred as a youth, how should that offense be classified.
3. To the extent that data is available, conduct an analysis of racial disproportionality of youth adjudicated or convicted of sex offenses or related offenses as well as an analysis of short- and long-term effects resulting from registration requirements and charging patterns across the state.
4. Review research regarding best practices for juveniles who commit sex offenses including evidenced based assessments and treatment, coordinated community response through MDTs that include victim service providers, with the goal of increasing community safety reducing recidivism and prevent sexual abuse
5. Make recommendations regarding juvenile sex offender policies and practices including improvements to treatment resources, registration policies for minors adjudicated or convicted of sex offenses, revisions to statute for names of offenses, statutory requirements for declining youth who commit certain sex offenses into adult court, and other relevant policies.

Over the past year, I have worked closely with a group of stakeholders that have been key to the progress we have made thus far. In your deliberations, I would strongly encourage that you consult with and involve the following organizations and individuals:

- Dr. Elizabeth Letourneau, Director of the Moore Center for the Prevention of Child Sexual Abuse at Johns Hopkins Bloomberg School of Public Health
- The Office of Public Defense (George Yeannakis)
- King County Department of Public Defense (Katherine Hurley)
- King County Sexual Assault Resources Center (Mary Ellen Stone)
- Harborview Abuse and Trauma Center (Laura Merchant)
- Children's Advocacy Centers of Washington (Paula Reed)

Two other valuable resources are WATSA (Washington Association for the Treatment of Sexual Abusers) and the Department of Health Sex Offender Treatment Provider Advisory Committee.

I would like to invite you and representatives of the board to present and report on these projects to the Senate Human Services, Re-entry, and Rehabilitation Committee during Assembly Days later this year and request that a final work product be transmitted by December 1, 2021. My constituents and I appreciate the efforts of the board members to accomplish this task. We hope that the information and recommendations can help inform the Legislature in advance of the 2022 legislative session.

Sincerely,

A handwritten signature in cursive script that reads "Jeannie Darneille". The signature is written in black ink and is positioned above the printed name.

Jeannie Darneille  
State Senator, 27<sup>th</sup> Legislative District  
Chair, Senate Human Services, Reentry, and Rehabilitation

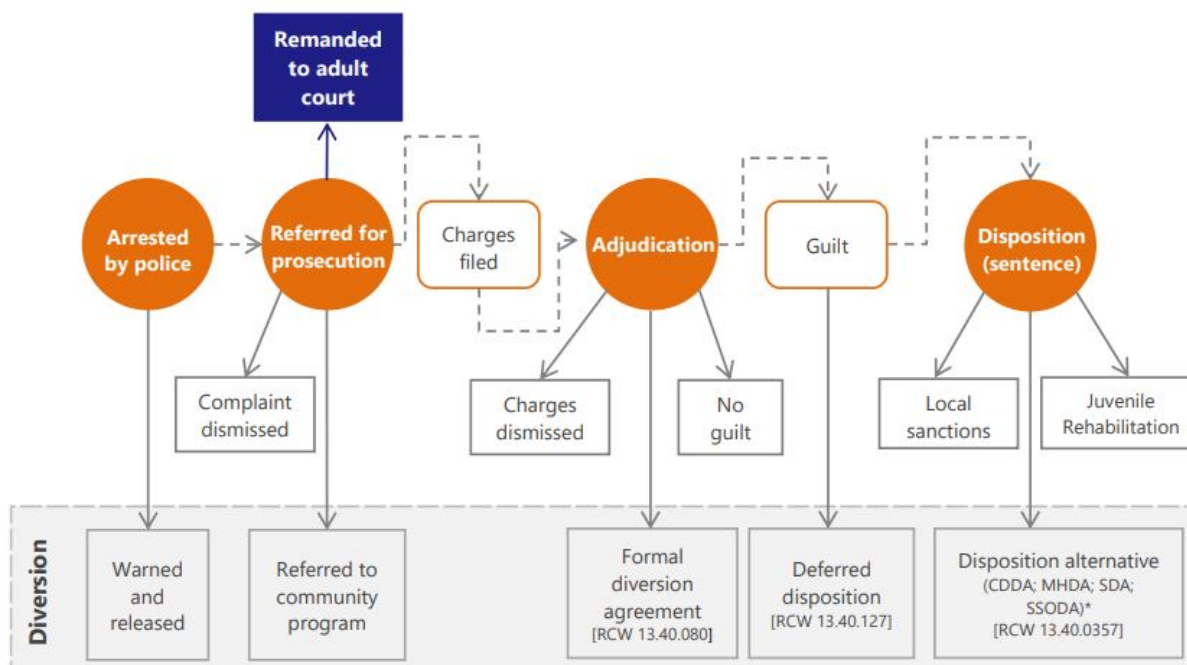
## Appendix B

### Key Stages in Washington State's Juvenile Legal System<sup>174</sup>

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<sup>174</sup> WSIPP's Washington State's Juvenile Justice System Evolution of Policies Populations and Practical Research Report.pdf

## Key Stages in Washington State's Juvenile Justice System



### Notes:

**Orange** indicates the major processing points in the juvenile justice system.

**Blue** indicates youth who are not processed in the juvenile justice system and are remanded to adult court.

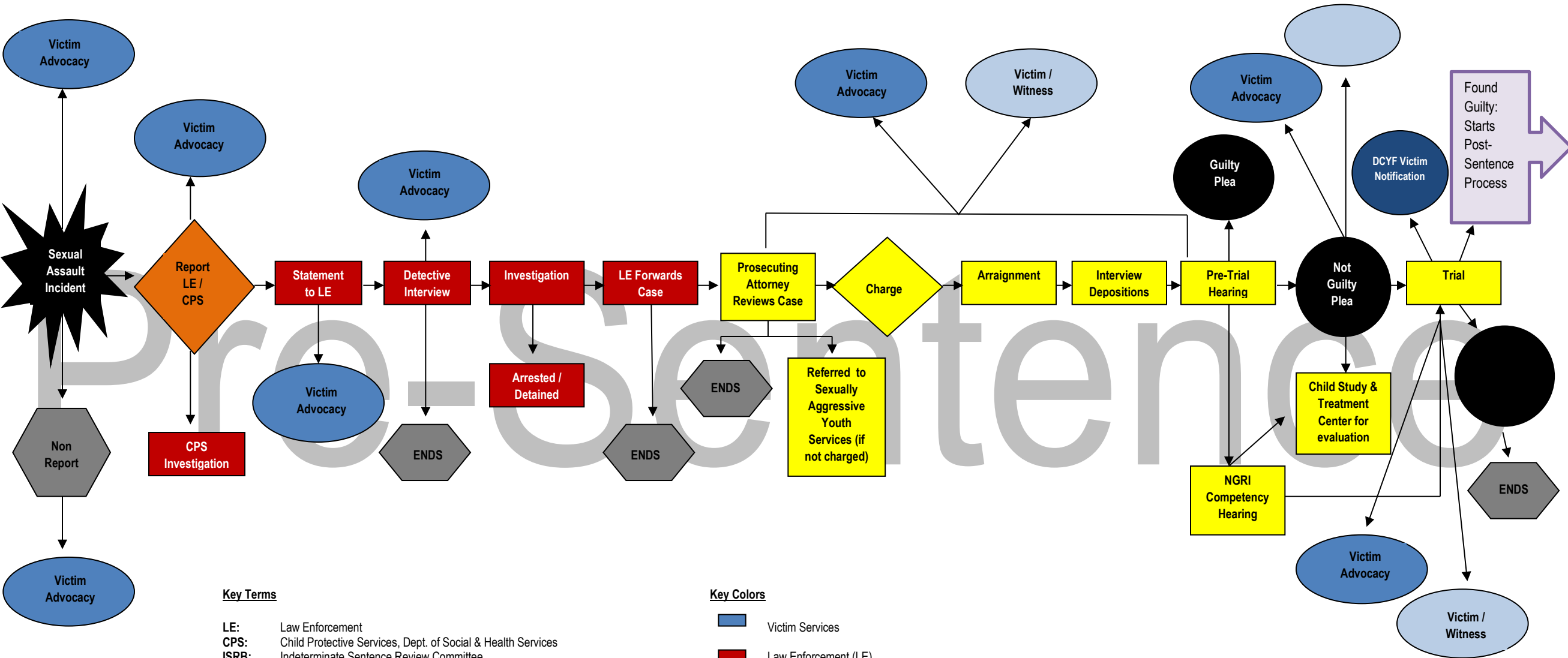
**Solid** lines represent a potential final stage in case processing.

\*Chemical Dependency Disposition Alternative (CDDA); Mental Health Disposition Alternative (MHDA); Suspended Disposition Alternative (SDA); and Special Sex Offender Disposition Alternative (SSODA).

## **Appendix C**

Washington State Juvenile Sex Offense Management System, Pre-Sentence and Post-Sentence

Washington State Juvenile Sex Offense Management System



- Key Terms**
- LE: Law Enforcement
  - CPS: Child Protective Services, Dept. of Social & Health Services
  - ISRB: Indeterminate Sentence Review Committee
  - SVP: Sexually Violent Predator
  - DOC: Department of Corrections
  - SSODA: Special Sex Offender Disposition Alternative
  - SSC: Special Commitment Center
  - ESRC: End of Sentence Review Committee
  - NGRI: Not-Guilty by Reason of Insanity

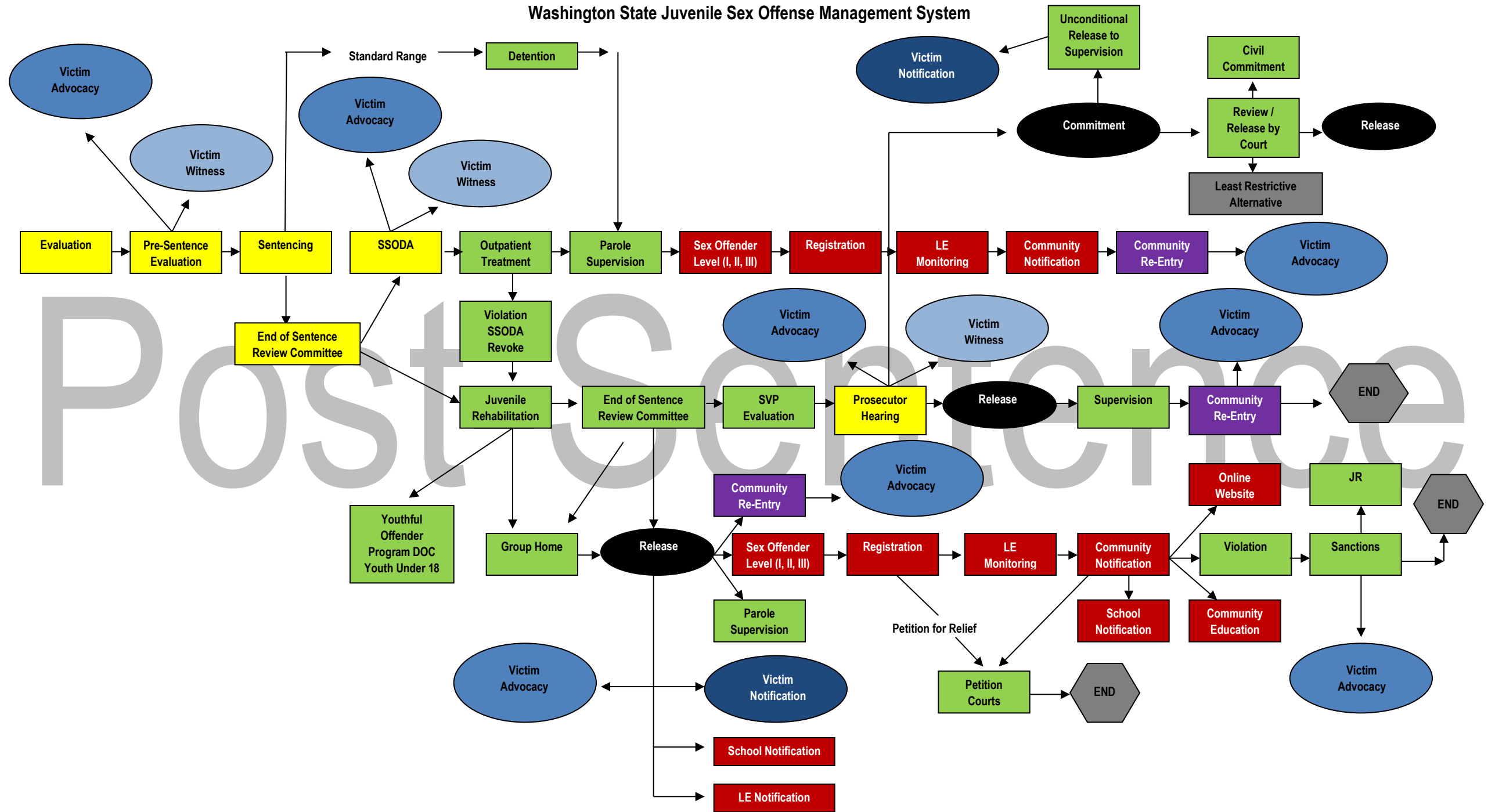
- Key Colors**
- Victim Services
  - Law Enforcement (LE)
  - Juvenile Legal System
  - Detention
  - Community Re-Entry
  - Release/Adjudication/Ends



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graph LR
    Start([Start]) --> ESR1[End of Sentence Review Committee]
    ESR1 --> Violation[Violation SSODA Revoke]
    Violation --> JR1[Juvenile Rehabilitation]
    ESR1 --> JR1
    ESR1 --> ESR2[End of Sentence Review Committee]
    JR1 --> ESR2
    ESR2 --> SVP[SVP Evaluation]
    SVP --> PH[Prosecutor Hearing]
    PH --> Release([Release])
    PH --> VA1([Victim Advocacy])
    PH --> VW([Victim Witness])
    PH --> VA2([Victim Advocacy])
    Release --> Supervision[Supervision]
    Supervision --> CRE[Community Re-Entry]
    CRE --> END{{END}}
    CRE --> VA3([Victim Advocacy])
    CRE --> Online[Online]
    CRE --> JR2[JR]
  
```

The flowchart illustrates the Juvenile Justice Process. It begins with a 'Start' node leading to the 'End of Sentence Review Committee'. From here, the process can lead to 'Violation SSODA Revoke', which then leads to 'Juvenile Rehabilitation'. Alternatively, it can lead directly to 'Juvenile Rehabilitation' or to another 'End of Sentence Review Committee'. 'Juvenile Rehabilitation' leads to 'SVP Evaluation', which then leads to 'Prosecutor Hearing'. 'Prosecutor Hearing' leads to 'Release' and also involves 'Victim Advocacy' and 'Victim Witness'. 'Release' leads to 'Supervision', which then leads to 'Community Re-Entry'. 'Community Re-Entry' leads to the 'END' node and also involves 'Victim Advocacy', 'Online', and 'JR'.



## Appendix D

### Sexually Aggressive Youth (SAY) Statewide Fee Table

## SAY STATEWIDE FEE TABLE

*Effective October 1, 2019*

Service Type/Title	PHD Level	Master Level SOTP Certified	Master Level Affiliate SOTP
SAY Individual treatment hourly rate	\$109.00	\$99.00	\$74.00
SAY Evaluation hourly rate up to 15 hours max	\$109.00	\$99.00	\$74.00
SAY Group treatment hourly rate	\$37.00	\$33.00	\$25.00
SAY Family TX per hour	\$109.00	\$99.00	\$74.00
Polygraph (rate is maximum reimbursed with receipt)	\$245.00	\$245.00	\$245.00
Quarterly Treatment reports (billed once a quarter with report)	\$100.00	\$100.00	\$100.00
Initial safety, supervision and treatment plan (one time during treatment course)	\$100.00	\$100.00	\$100.00
SAY Missed appointment (limit to 3 for a 6 month period or 6 in a contract year)	\$50.00	\$50.00	\$50.00

## **Appendix E**

Youth Who Have Sexually Offended (YSO) Treatment in Juvenile  
Rehabilitation (JR) Fact Sheet

# Juvenile Rehabilitation Integrated Treatment for Youth Who Have Sexually Offended

The Juvenile Rehabilitation (JR) residential program for youth who have sexually offended (YSO) is a Cognitive Behavioral Treatment (CBT) approach that aligns with the JR Integrated Treatment Model (ITM). The YSO program is based on several evidence-based treatment assertions drawn from research and best practices around the world. JR utilizes the “Good Lives Model” (Ward, 2003) as a rehabilitative framework that focuses on identifying strengths, encouraging individuals to work towards achieving personally meaningful goals in prosocial ways.



## Therapeutic Goals

- Identify individual vulnerabilities and protective factors in the life of the youth who has sexually offended.
- Help them clarify their personal values, set value-based goals, and take value-guided actions.
- Determine priority treatment targets that will increase the young person’s success in life and have the greatest impact on reducing the risk of sexual and non-sexual recidivism.
- Encourage and consistently reinforce commitment to take responsibility and make changes in the priority treatment target areas.
- Educate about healthy personal boundaries, sexual behavior, and intimate relationships.
- Design creative problem-solving strategies with the youth that draw from individual strengths and skills learned to increase protective factors and reduce risk.
- Provide practice opportunities to apply learnings to new situations and to prepare for situations that may be encountered in the community.

## Individual Therapeutic Intervention

Young people participate in weekly individual counseling sessions with a residential counselor. Together they focus on identifying functions and drivers of behavior and learn skills for solving the behavior. Young people work with their counselor to develop detailed strategies to use in order to avoid high-risk behaviors that could lead to re-offending. Youth outline detailed descriptions of prosocial and value-guided goals to work towards and document these in their JR Healthy Living Plan.

## Group Therapeutic Intervention

While in residence, youth participate in experiential group learning focused on boundaries, legal requirements, CBT skills, and sexual health and relationships, which supports their Healthy Living Plan.

## Risk Management and Aftercare Service Obligations

- End of Sentence Review Committee for Community Risk Level Classification (RCW 72.09.345).
- Parole Aftercare (RCW 13.40.210).
- Community YSO Registration and Notification (RCW 9A.44.130, RCW 4.24.550).
- Victim Witness Notification (RCW 13.40.215).
- Civil Commitment Review (RCW 71.09).

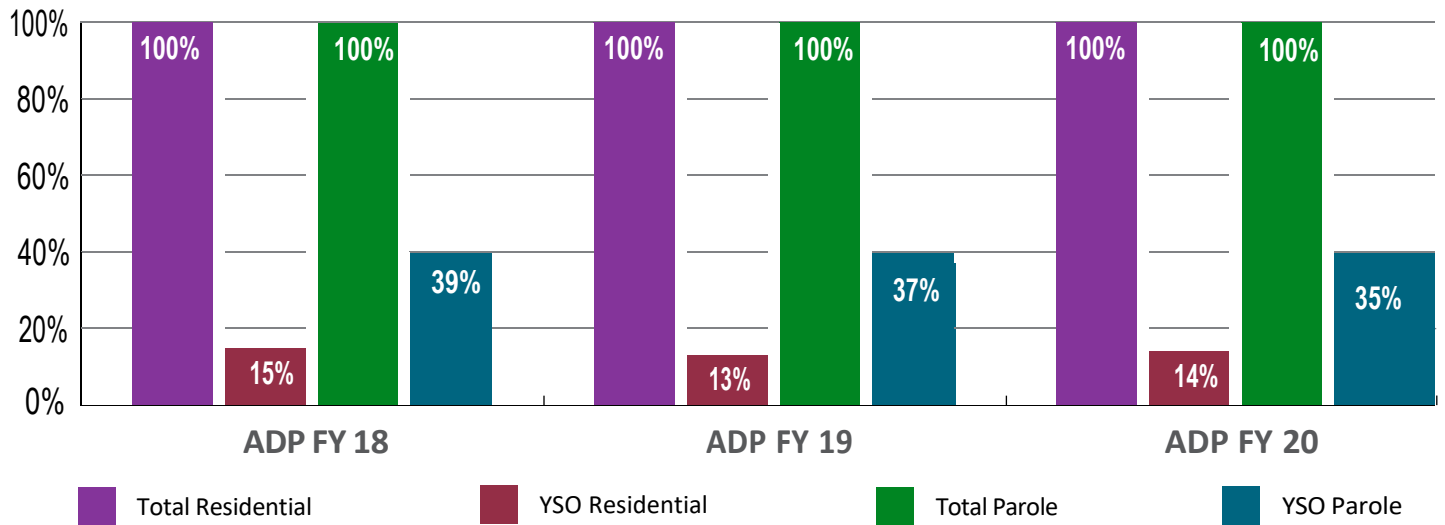
## Community Treatment Supports

Youth who have been committed to JR with a specific sexual offense may receive parole aftercare services (RCW 13.40.210) upon release from a residential facility. The length of parole aftercare services and supervision can range from 24 to 36 months. During this time, the young person participates in treatment services with a certified community treatment provider.



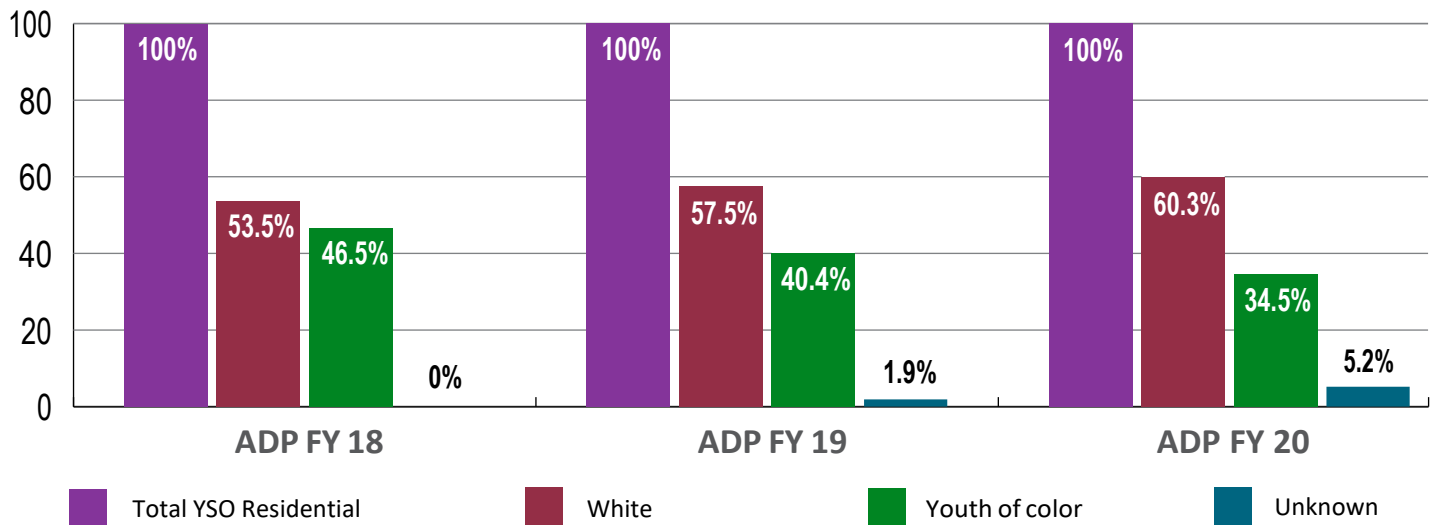
Washington State Department of  
**CHILDREN, YOUTH & FAMILIES**

## YSO Average Daily Population (ADP) Compared to Entire ADP



Youth and young adults with sexual behavior in residential settings make up approximately 14% of the ADP, and approximately 37% of the regional ADP.

## YSO ADP by Race



If you would like copies of this document in an alternative format or language, please contact DCYF Constituent Relations (1-800-723-4831 | 360-902-8060, [ConstRelations@dcyf.wa.gov](mailto:ConstRelations@dcyf.wa.gov)).

## **Appendix F**

### Juvenile Sex Offense Treatment Provider (SOTP) Survey Results

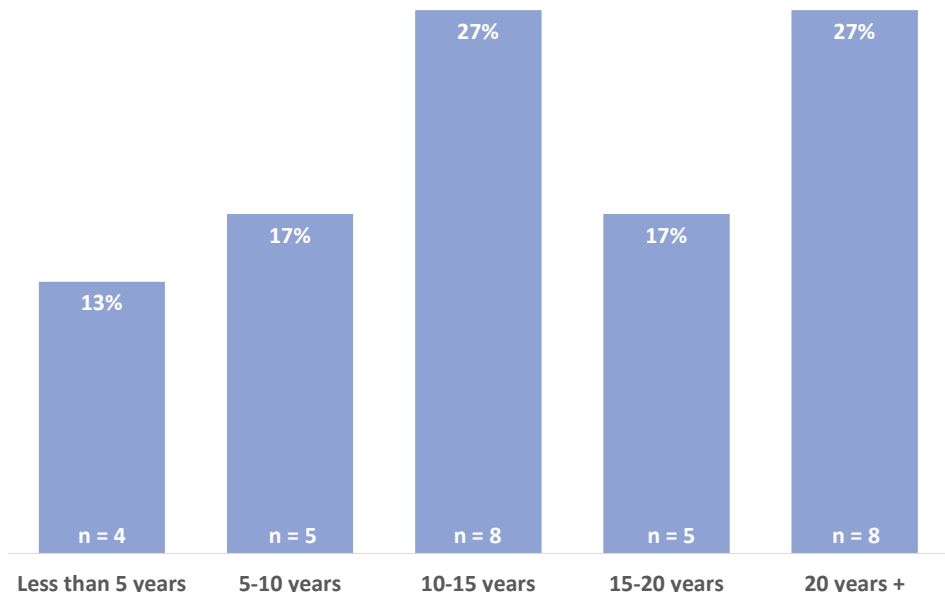
## Juvenile Sex Offender Treatment Provider Survey Results

The Juvenile Sex Offender Treatment Subcommittee of Washington State's Sex Offender Policy Board prepared a 30-question survey that was sent to Sex Offender Treatment Providers (SOTPs) across the state. The survey was open to providers from June 1, 2021, to July 1, 2021.

- Participation and Impact**
- 30 Sex Offender Treatment Providers in Washington completed the survey (n = 30)
  - Results will inform the policy recommendations proposed by the Juvenile Sex Offender Treatment Subcommittee.

### SOTP Characteristics and Services

1. Eight of the 30 participants (27%) have been treatment providers for **10-15 years**. Another eight survey participants have been treatment providers for **over 20 years**.



2. The most common systems or referral sources that surveyed providers work with are **DCYF, private attorneys, juvenile courts, JRA, and the Superior Court**.

Referral Sources	# Surveyed Providers
Department of Children, Youth, and Families - DCYF (n = 9)	13
+ Adoption Supports (n = 1) + Children's Administration (n = 1)	
+ Child Protective Services (n = 1) + Sexually Aggressive Youth contract (n = 1)	
Private attorneys	9
Juvenile Courts	8
Juvenile Rehabilitation Administration - JRA	6
Superior Court	6
County or juvenile probation (n = 4)	6
+ Spokane County and surrounding counties (n = 1) + State and County (n = 1)	
Department of Social and Health Services - DSHS (n = 3)	6
+ Developmental Disabilities Administration - DDA (n = 3)	
Self-referrals / Word of mouth	4
Public defenders	3
Department of Corrections - DOC	2
Schools	2
Family	2
<i>Each referral source/system below was mentioned <b>once</b> among the 30 surveyed providers:</i>	
SODDA, Tribal contracts, Contract only, Other therapists	



3. 47% of surveyed providers (14 participants) spend nearly all their time working with **problematic sexual behavior** (PSB). On average, the surveyed providers spend 66% of their time working with PSB.

PSB Percent of Work	# Surveyed Providers	<b>Open-ended survey question:</b> <i>What percentage of your work is dedicated to working with problematic sexual behavior?</i>  Average percent of work with PSB: <b>66%</b>  Median percent of work with PSB: <b>73%</b>
0 – 19%	3	
20 – 29%	2	
30 – 39%	3	
40 – 49%	1	
50 – 59%	3	
60 – 69%	3	
70 – 79%	0	
80 – 89%	1	
90 – 100%	14	
<b>Total</b>	<b>30</b>	

4. 57% of surveyed providers (17 participants) do **not** have a state Sexually Aggressive Youth (SAY) Program contract.

<b>43%</b> <b>Yes, I do</b> (n = 13)	<b>57%</b> <b>No, I do not</b> (n = 17)
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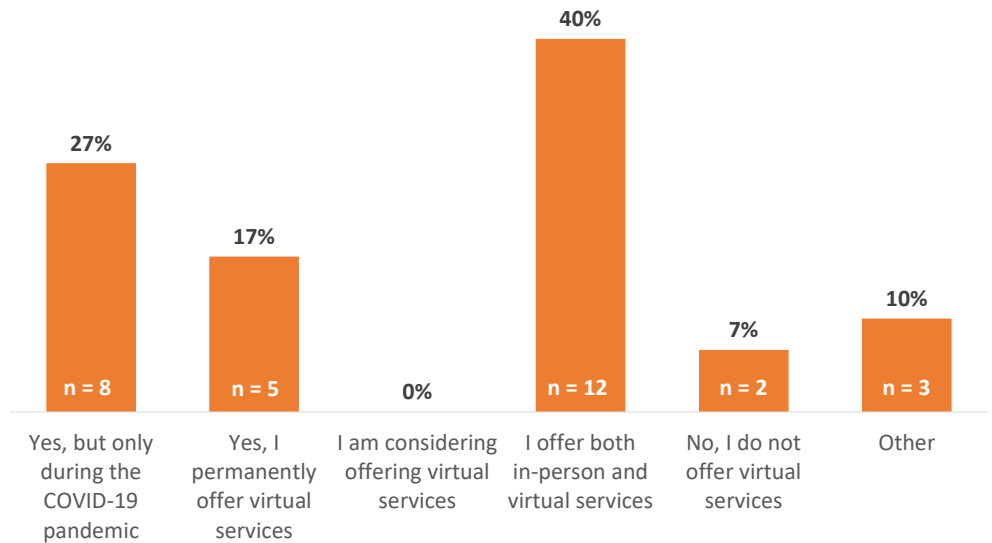
5. Surveyed providers are divided about **requiring a recent psychosexual evaluation** to provide treatment.

<b>40%</b> <b>Yes, required</b> (n = 12)	<b>40%</b> <b>No, not required</b> (n = 12)	<b>20%</b> <b>Other</b> (n = 6)
<i>Participant responses from "Other":</i> <ul style="list-style-type: none"> <li>• Depends on the circumstances</li> <li>• It's strongly preferred. Often, JRA clients have not been evaluated. It is [a] problem.</li> <li>• Always ideal. If there isn't one, some dept's won't pay for one, family won't pay for one. Also defense will hide the report that was done.</li> <li>• Yes, I used to require an evaluation if they came because they committed a sexual offense.</li> <li>• Most typical "psychosexual" evals are not sufficient for understanding a person's cognitive and neurodevelopmental features. I usually end up doing it myself.</li> <li>• Usually if court ordered to treatment, not if voluntary</li> </ul>		

6. Over half of the surveyed providers (70%) use **Cognitive Behavioral Therapy (CBT)** in their services, while the remaining 30% of providers use both CBT and **Multi-Systemic Therapy (MST)**.

<b>0%</b> <b>MST only</b>	<b>70%</b> <b>CBT only</b> (n = 21)	<b>30%</b> <b>MST and CBT</b> (n = 9)	<b>0%</b> <b>Neither</b>
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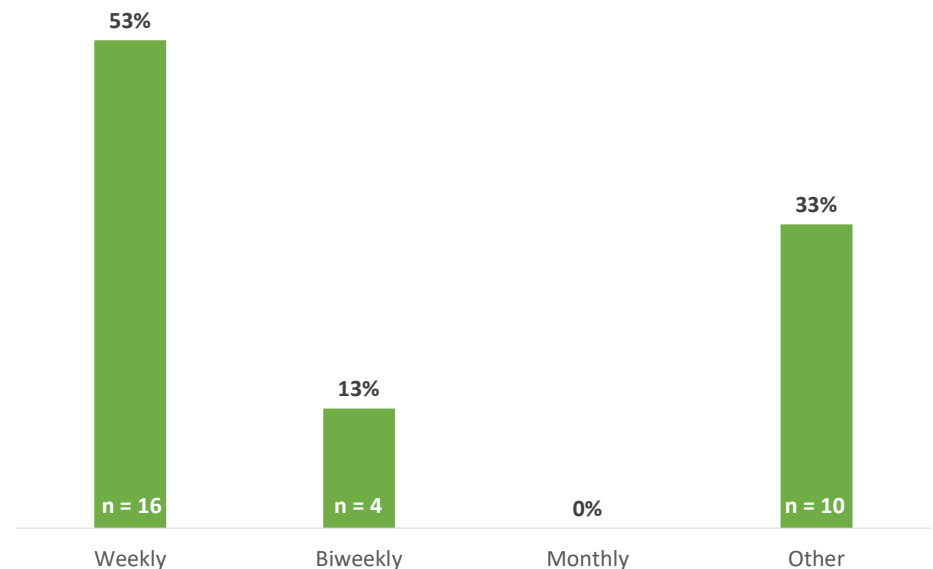
7. Twelve of the 30 surveyed providers (40%) offer **both in-person and virtual services** to their clients. Five other providers (17%) permanently offer virtual services, compared to an additional eight providers (27%) who **only** provide virtual services during the COVID-19 pandemic.



*Participant responses from "Other":*

- I am not taking on any new clients. I am in the process to retire.
- Currently—unknown for future
- Am considering and would like to make as a primary offering. Greatly helps everyone out.

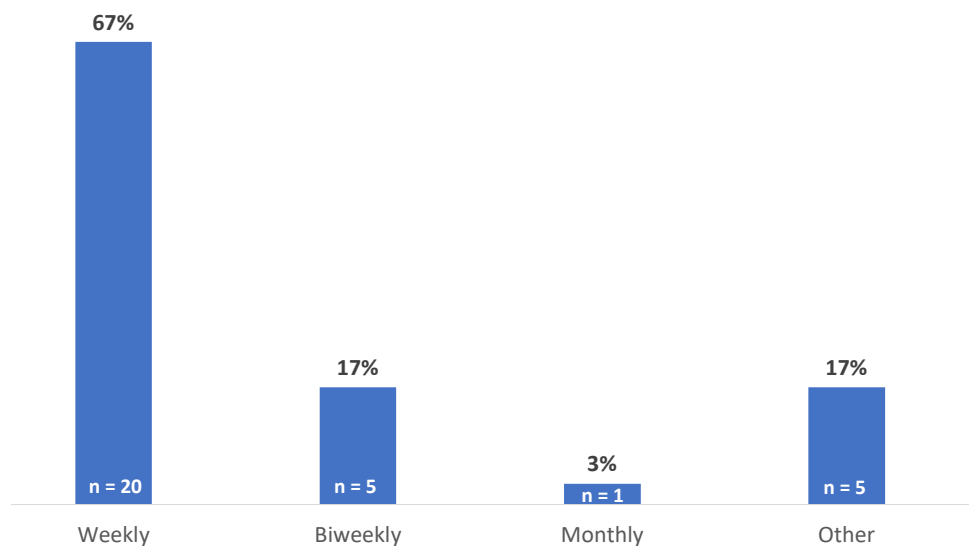
8. 53% of surveyed providers (16 participants) have **weekly group sessions** with most of their clients. Another 13% of surveyed providers have **biweekly group sessions** with most of their clients.



*Participant responses from "Other":*

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• NA / No group treatment offered (3 surveyed providers)</li> <li>• Depends on whether or not funds are provided. [I] have requested for some and denied.</li> <li>• I offered once a week Group Therapy sessions.</li> </ul> | <ul style="list-style-type: none"> <li>• No groups at present</li> <li>• None at the moment, but prior to COVID biweekly</li> <li>• Currently not doing a group for youth, otherwise weekly.</li> <li>• No groups offered during pandemic/virtual</li> <li>• Evals by contract only at the moment.</li> </ul> |
|--|---|

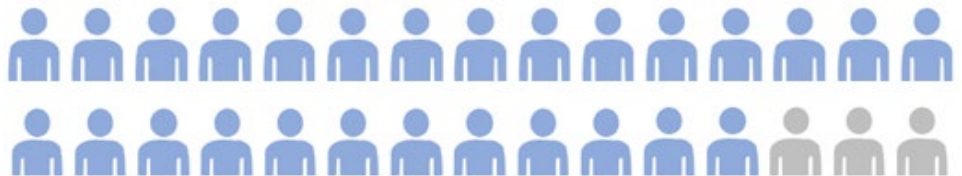
9. Over half of surveyed providers (67% or 20 participants) have **weekly individual sessions** with most of their clients. Another 17% of surveyed providers have **biweekly individual sessions** with most of their clients.



*Participant responses from "Other:"*

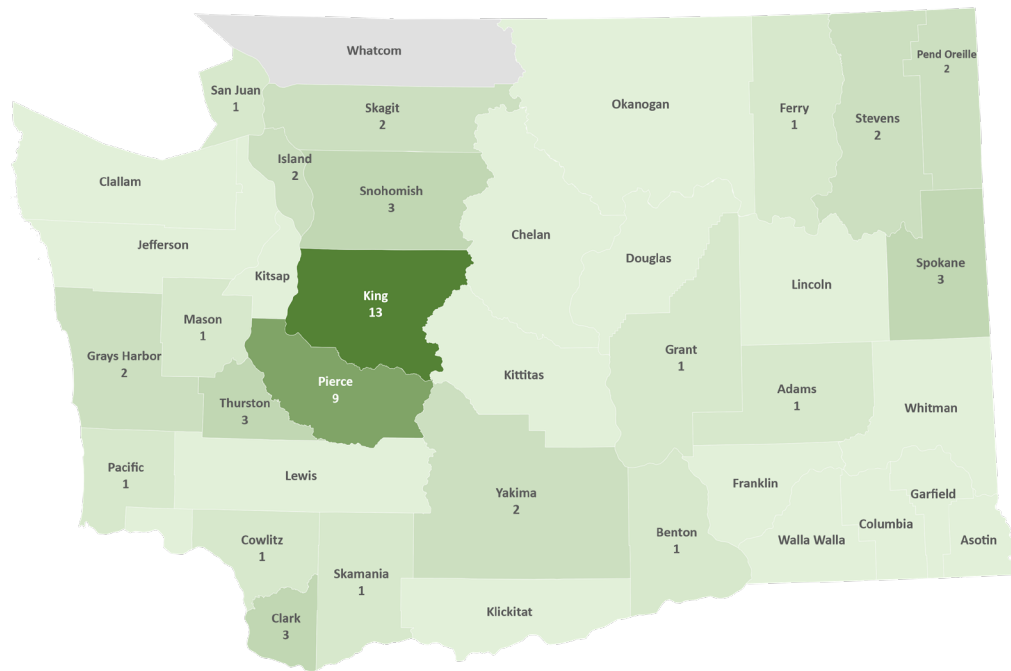
- None now.
- Evals only at the moment.
- Initially weekly, then if appropriate weekly group and individual as needed.
- Depends. Court funded clients are limited to a certain # of sessions.
- Depends greatly on therapeutic needs and overall plan.

10. Nearly all providers surveyed (90%, or 27 participants) offer treatment services to **juveniles who are adjudicated** for a sex offense.



11. Most of the surveyed treatment providers offer services to juveniles adjudicated for a sex offense within **King County, Pierce County, Thurston County, Clark County, and Spokane County\***.

County	# Participants
King	13
Pierce	9
Adams	3
Clark	3
Snohomish	3
Spokane	3
Thurston	3
Grays Harbor	2
Island	2
Pend Oreille	2
Skagit	2
Stevens	2
Yakima	2
Asotin	1
Benton	1
Cowlitz	1
Ferry	1
Grant	1
Mason	1
Pacific	1
San Juan	1
Skamania	1



**\*Note:** Whatcom County was not an option available on the survey.

12. Most surveyed providers (77% or 23 participants) also offer services to **non-convicted juveniles** who exhibit problematic sexual behavior.

**77% - Services are provided** for juveniles who have not been convicted for committing a sexual offense but who exhibit problematic sexual behavior

**23% - No services provided** for juveniles who have not been convicted for committing a sexual offense but who exhibit problematic sexual behavior

## Clients Served

13. Clients between ages 13 and

18 are served by more surveyed providers than clients who are in younger or older age groups.

12 years old and under

Served by 16 surveyed providers

13 - 18 years old

Served by 28 surveyed providers

18+ years old

Served by 19 surveyed providers

14. Most surveyed providers (70%, or 21 participants) do **not** work with youth in residential care.

<b>30%</b> <b>Yes, I work with youth in residential care.</b> (n = 9)	<b>70%</b> <b>No, I do not</b> (n = 21)	<b>0%</b> <b>Unsure</b> (n = 0)
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15. Over half of surveyed providers (67% or 20 participants) work with youth who have significant mental needs or who are intellectually disabled.

<b>67%</b> <b>Yes, I work with youth who have significant mental needs or who are intellectually disabled.</b> (n = 20)	<b>33%</b> <b>No, I do not.</b> (n = 10)
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16. **83% of surveyed providers (25 participants) serve female clients.** However, most of them do **not** offer group sessions for female clients.

<b>10%</b> <b>Yes, I offer group sessions for female clients</b> (n = 3)	<b>67%</b> <b>No, I do not offer group sessions for female clients</b> (n = 20)	<b>23%</b> <b>Not applicable</b> (n = 7)
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17. 67% of surveyed providers do **not** offer group sessions for clients with severe mental health issues or clients who are intellectually disabled.

<b>17%</b> <b>Yes, I offer group sessions for clients with severe mental health issues or intellectual disabilities</b> (n = 5)	<b>67%</b> <b>No, I do not offer group sessions for clients with severe mental health issues or intellectual disabilities</b> (n = 20)	<b>17%</b> <b>Not applicable</b> (n = 5)
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18. Most of the surveyed providers (80% or 24 participants) do **not** offer interpreter services to clients who do not speak English, or clients who speak English as a Second Language.

<b>20%</b> <b>Yes, interpreter services are available</b> (n = 6)	<b>80%</b> <b>No, interpreter services are not available</b> (n = 24)
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19. Among the surveyed providers who offer interpretive services, they offer services in **Spanish** (3 providers), **Portuguese** (1 provider), and interpretive services **as needed** (1 provider).

One provider also shared that, “[The] **lack of providers who speak Spanish is a huge barrier to services.**”

20. Most of the surveyed providers do **NOT** provide sliding scale options for their clients.

<b>33%</b> <b>Yes, I provide sliding scale options.</b> (n = 10)	<b>63%</b> <b>No, I do not provide sliding scale options.</b> (n = 19)	<b>3%</b> <b>Unsure</b> (n = 1)
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21. Among the surveyed providers who offer sliding scale options,

<ul style="list-style-type: none"> <li>• Six providers stated that <b>2 to 4 clients</b> are on their sliding scale at a given time.</li> <li>• One provider stated that <b>10-25% of their clients</b> are on the sliding scale.</li> </ul>	<ul style="list-style-type: none"> <li>• Another provider uses <b>reduced-price slots</b> instead of sliding scale options.</li> <li>• One additional provider stated that private practitioners <b>cannot offer</b> a sliding scale.</li> </ul>
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22. 47% of surveyed providers (14 participants) have the capacity to serve uninsured and/or underinsured clients through other contracts or partnerships.

<b>47%</b> <b>Yes, I have the capacity</b> (n = 14)	<b>30%</b> <b>No, I do not have the capacity</b> (n = 9)	<b>23%</b> <b>Unsure</b> (n = 7)
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## Costs, Insurance, and Payments

23. One-third of surveyed providers

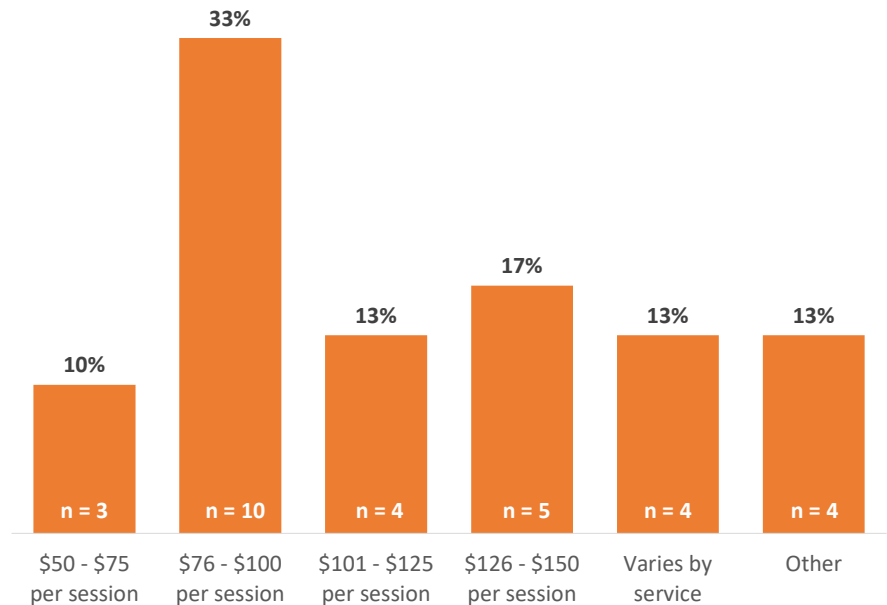
(33%) charge clients between \$76 -

\$100 per session of services.

Another 17% of surveyed providers

charge between \$126 - \$150 per

session.



### Participant responses from "Varies by service:"

- Varies based on contract
- Depending on contract, \$80 - \$120
- Depends on service. Individual session \$150-175/hr., Evaluation \$200/hr
- Depends on the service, usually \$150/hr +

### Participant responses from "Other:"

- SCC no charge to residents
- Also accept Medicaid
- Working on full licensure, under an agency
- \$80 - \$225

24. 70% of surveyed providers (21 participants) do **NOT** take private insurance (Regence, Aetna, Premera, etc.).

<b>27%</b> <b>Yes, I take private insurance</b> (n = 8)	<b>70%</b> <b>No, I do not take private insurance</b> (n = 21)	<b>3%</b> <b>Unsure</b> (n = 1)
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25. 80% of surveyed providers (24 participants) do **NOT** take public insurance (Apple Health / Medicaid).

<b>13%</b> <b>Yes, I take public insurance</b> (n = 4)	<b>80%</b> <b>No, I do not take public insurance</b> (n = 24)	<b>7%</b> <b>Unsure</b> (n = 2)
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26. Most of the surveyed providers do **NOT** take insurance to treat Problematic Sexual Behavior (PSB).

<b>20%</b> <b>Yes, I take insurance to treat PSB</b> (n = 6)	<b>60%</b> <b>No, I do not take insurance to treat PSB</b> (n = 18)	<b>20%</b> <b>Other</b> (n = 6)
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### Participant responses from "Other":

- For diagnosable bx, not for SO treatment
- Can we? I've been told this can pose an ethics problem if using a primary diagnosis code as something other than for behavior related to problematic sexual behavior-- was told this in a state certified ethics course. [It] also would add to administrative time, the most limited commodity. Open to suggestions.

- I am not taking on any new clients now
- If other mental health issue also exists
- No charge for services
- If an individual is referred to us for Sex Offense Specific Treatment (problematic), ethically we cannot bill insurance for treatment. If providers are billing with a primary code such as depression, anxiety, etc., then proceeding to treat the client for ordered sex offense (problematic) specific treatment, this is unethical and arguably fraudulent. We continue to be asked if we take insurance through this survey; we cannot. Also, the insurance companies do not recognize our specialized credential. I have learned all of this through state recognized ethics CEU training. If this process would like to help us with this, that would be great. Question #25 or #29 are not valid questions.

27. Most of the surveyed providers accept other types of payment for services, such as through the superior court.

<b>43%</b> <b>Yes, my services can be paid through other means.</b> (n = 13)	<b>33%</b> <b>Sometimes my services can be paid through other means.</b> (n = 10)	<b>13%</b> <b>No, my services cannot be paid through other means.</b> (n = 4)	<b>10%</b> <b>Other</b> (n = 3)
<i>Participant responses from "Other":</i> <ul style="list-style-type: none"> <li>• SSODA (Mason/Grays Harbor or Thurston if financially eligible)</li> <li>• No payment for services</li> <li>• I don't see why not, though it is usually private pay.</li> </ul>			

#### Provider Input

28. Over half of surveyed providers (53%) believe **there is a shortage of treatment providers** for juveniles adjudicated for a sex offense.

<b>53%</b> <b>Yes</b> (n = 16)	<b>27%</b> <b>No</b> (n = 8)	<b>20%</b> <b>Unsure</b> (n = 6)
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29. According to surveyed providers, the **top three biggest challenges for youth** to obtain treatment services are: 1) client motivation/fear/lack of process knowledge, 2) cost/financial means, and 3) accessible treatment providers.

Challenge/Barrier	Surveyed Provider Opinions
<b>Client motivation, fear, and/or lack of knowledge about process</b> (n = 9 providers)	<ul style="list-style-type: none"> <li>• "Client motivation"</li> <li>• "Embarrassment"</li> <li>• "Fear of judgment or consequences"</li> <li>• "Denial/avoidance of acknowledging the problems, client reluctance/refusal to be accountable"</li> <li>• "Very high percentage of denial of problematic behaviors. when you are trying to treat someone and try to process the 'offense,' they will say they didn't do anything, etc."</li> <li>• "To Feel Safe and not Judged in a Mean Manner. So that they can learn, 'How did I do what I did?' 'What do I need to do to never to this again?'"</li> <li>• "Lack of understanding on the evaluation process"</li> <li>• "Some youth have to get charged to participate in treatment."</li> <li>• "I think the biggest obstacle is the trend to have to plead to a felony and register in order to access services through SSODA."</li> </ul>



<b>Cost, financial means, insurance coverage</b> (n = 8 providers)	<ul style="list-style-type: none"> <li>• “Cost, if they are not formally adjudicated with a sex offense.”</li> <li>• “Cost” / “Paying for services” (n = 4 providers)</li> <li>• “Insurance coverage”</li> <li>• “When I have worked with youth at other places in the past, cost was the biggest challenge for them to obtain services.”</li> </ul>
<b>Accessible treatment providers</b> (n = 6 providers)	<ul style="list-style-type: none"> <li>• “Not enough treatment providers”</li> <li>• “Access to affordable care”</li> <li>• “Finding treatment providers”</li> <li>• “Location of providers is not accessible”</li> <li>• “Pre pandemic: offenders in counties (coastal region) with no access to providers due to distance/transportation. Currently: offenders with no internet access.”</li> <li>• “Internet for virtual services, confidential location”</li> </ul>
<b>Funding for services</b> (n = 5 providers)	<ul style="list-style-type: none"> <li>• “Funding is almost always an issue. I contract with JRA at \$80 per session. This is well below market value which is closer to \$120. I will likely not be able to renew the contract at the current rate.”</li> <li>• “Medicaid does not reimburse at a high enough rate to work for those in private practice. Most treatment providers have terminated the SAY contract because DSHS would not provide a rate increase after rates remained the same for over a decade. This leaves youth who have not been adjudicated and who do not have private health insurance (or health insurance with an affordable co-pay) without an option for effective sexual behavior counseling.”</li> <li>• “Low pay, way below the standard. Massage therapists make more!”</li> </ul>
<b>Too much or too little processing from courts, agencies, and/or legal support</b> (n = 4 providers)	<ul style="list-style-type: none"> <li>• “Slow Court processing”</li> <li>• “Too much coaching to the point the youth won't fully immerse. Getting worse and seriously considering dropping youth services.”</li> <li>• “Agencies do not account for family systems work--we meet with a client 1x per week, if the treatment concepts are not utilized or understood in the home.” / “Defense attorneys undermining and sanitizing cases. We are here to help, not to hide the behaviors. Also, if we do not know the range of behaviors, we cannot fully treatment.”</li> <li>• “Plea bargaining to a lesser offense that takes juveniles out of qualifications for SSODA funding, i.e., Child molest to simple assault. This occurs often in Yakima County.”</li> </ul>
<b>Lack of family or caregiver support</b> (n = 3 providers)	<ul style="list-style-type: none"> <li>• “Parents” / “caregivers”</li> <li>• “Lack of parental support” / “disruptive home environment”</li> <li>• “Lack of family support”</li> </ul>
<b>“Transportation”</b>	<ul style="list-style-type: none"> <li>• 3 providers</li> </ul>
<b>Lack of experienced clinicians</b> (n = 2 providers)	<ul style="list-style-type: none"> <li>• “A lack of clinicians sufficiently trained in contemporary neurodevelopment and cognitive neuroscience to take advantage of the science and treatment methods.”</li> <li>• “Need for competent clinicians. It is not enough to have clinicians do this work if they do not also have expertise in sexuality, juveniles, and problematic sexual behavior.”</li> </ul>
<b>Lack of referral / information that providers need</b> (n = 2 providers)	<ul style="list-style-type: none"> <li>• “Lack of factual information in the referral” / “Lack of information about the youth”</li> <li>• “Appropriate (or no) referrals”</li> </ul>
<b>“Substance abuse”</b>	<ul style="list-style-type: none"> <li>• 1 provider</li> </ul>

## **Appendix G**

### AOC Aggregate Data Caseload Summary

## Juvenile Offender Charges by RCWs Provided and Not Adjudicated, 2016 – 2021\*

Since 2016, the most common charges for juvenile offenders who were not adjudicated are *Child Molestation 1<sup>st</sup> Degree*, *Rape of a Child 1<sup>st</sup> Degree*, and *Rape 2 – By Forcible Compulsion*.

**2016** In 2016, there were 98 unique juveniles with 122 unique charges who were not adjudicated. The most common charges were:

1. Child Molestation 1<sup>st</sup> Degree (25 juveniles with 29 charges)
2. Rape of a Child 1<sup>st</sup> Degree (24 juveniles with 28 charges)
3. Rape 2 – By Forcible Compulsion (8 juveniles with 9 charges)
4. Deal Depict Minor Sex Conduct-2 (3 juveniles with 8 charges)
5. Comm. With Minor – Immoral Purposes (3 juveniles with 7 charges)
6. Rape – 2<sup>nd</sup> degree (4 juveniles with 6 charges)

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**2017** In 2017, there were 99 unique juveniles with 124 unique charges who were not adjudicated. The most common charges were:

1. Child Molestation 1<sup>st</sup> Degree (28 juveniles with 30 charges)
2. Rape of a Child 1<sup>st</sup> Degree (16 juveniles with 23 charges)
3. Voyeurism (3 juveniles with 15 charges)

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**2018** In 2018, there were 101 unique juveniles with 123 unique charges who were not adjudicated. The most common charges were:

1. Child Molestation 1<sup>st</sup> Degree (21 juveniles with 24 charges)
2. Rape of a Child 1<sup>st</sup> Degree (18 juveniles with 23 charges)
3. Rape 2 – By Forcible Compulsion (9 juveniles with 9 charges)
4. Rape – 3<sup>rd</sup> Degree No Consent (6 juveniles with 10 charges)

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**2019** In 2019, there were 66 unique juveniles with 87 unique charges who were not adjudicated. The most common charges were:

1. Rape of a Child 1<sup>st</sup> Degree (18 juveniles with 26 charges)
2. Child Molestation 1<sup>st</sup> Degree (18 juveniles with 25 charges)
3. Rape – 3<sup>rd</sup> Degree No Consent (6 juveniles with 6 charges)

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**2020** In 2020, there were 43 unique juveniles with 57 unique charges who were not adjudicated. The most common charges were:

1. Child Molestation 1<sup>st</sup> Degree (9 juveniles with 15 charges)
2. Rape of a Child 1<sup>st</sup> Degree (9 juveniles with 11 charges)
3. Rape 2 – By Forcible Compulsion (3 juveniles with 6 charges)

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**2021** As of August 27, 2021, there are 14 unique juveniles with 17 unique charges who were not adjudicated. The most common charges were:

1. Child Molestation – 1<sup>st</sup> Degree (3 juveniles with 3 charges)
  2. Rape – 3<sup>rd</sup> Degree No Consent (1 defendant with 4 charges)
-

## Juvenile Offender Charges by RCWs Provided and Adjudicated (Guilty Charge), 2016 – 2021\*

Since 2016, the most common charges for adjudicated juvenile offenders are *Child Molestation 1<sup>st</sup> Degree*, *Rape of a Child 1<sup>st</sup> Degree*, and *Indecent Liberties – Incapable Consent*.

**2016** In 2016, there were 215 unique adjudicated juveniles with 253 unique charges. The most common charges were:

1. Child Molestation 1<sup>st</sup> Degree (64 juveniles with 73 charges)
2. Rape of a Child 1<sup>st</sup> Degree (31 juveniles with 43 charges)
3. Indecent Liberties – Incapable Consent (22 juveniles with 25 charges)
4. Child Molestation – 2 (9 juveniles with 9 charges)
5. Rape of a Child 2<sup>nd</sup> Degree (6 juveniles with 9 charges)
6. Rape – 3<sup>rd</sup> Degree No Consent (6 juveniles with 7 charges)

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**2017** In 2017, there were 205 unique adjudicated juveniles with 264 unique charges. The most common charges were:

1. Child Molestation 1<sup>st</sup> Degree (58 juveniles with 79 charges)
2. Rape of a Child 1<sup>st</sup> Degree (44 juveniles with 55 charges)
3. Indecent Liberties – Incapable Consent (12 juveniles with 18 charges)
4. Rape of a Child 2<sup>nd</sup> Degree (12 juveniles with 18 charges)
5. Rape – 3<sup>rd</sup> Degree No Consent (9 juveniles with 10 charges)
6. Comm. With Minor – Immoral Purposes (6 juveniles with 8 charges)

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**2018** In 2018, there were 223 unique adjudicated juveniles with 274 unique charges. The most common charges were:

1. Child Molestation 1<sup>st</sup> Degree (66 juveniles with 86 charges)
2. Rape of a Child 1<sup>st</sup> Degree (32 juveniles with 40 charges)
3. Indecent Liberties – Incapable Consent (23 juveniles with 30 charges)
4. Comm. With Minor – Immoral Purposes (13 juveniles with 13 charges)
5. Rape of a Child 2<sup>nd</sup> Degree (9 juveniles with 12 charges)
6. Possess Depictions of Minor – Sexual Conduct 1 (6 juveniles with 9 charges)

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**2019** In 2019, there were 144 unique adjudicated juveniles with 176 unique charges. The most common charges were:

1. Child Molestation 1<sup>st</sup> Degree (38 juveniles with 48 charges)
2. Rape of a Child 1<sup>st</sup> Degree (24 juveniles with 31 charges)
3. Indecent Liberties – Incapable Consent (14 juveniles with 14 charges)
4. Child Molestation – 2 (13 juveniles with 15 charges)
5. Rape of a Child 2<sup>nd</sup> Degree (9 juveniles with 9 charges)
6. Comm. With Minor – Immoral Purposes (7 juveniles with 7 charges)

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**2020** In 2020, there were 126 unique adjudicated juveniles with 164 unique charges. The most common charges were:

1. Child Molestation 1<sup>st</sup> Degree (34 juveniles with 43 charges)
2. Rape of a Child 1<sup>st</sup> Degree (19 juveniles with 22 charges)
3. Indecent Liberties – Incapable Consent (18 juveniles with 23 charges)
4. Child Molestation – 2 (8 juveniles with 12 charges)
5. Rape – 3<sup>rd</sup> Degree No Consent (6 juveniles with 9 charges)

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**2021** As of August 27, 2021, there are 104 unique adjudicated juveniles with 121 unique charges. The most common charges are:

1. Child Molestation 1<sup>st</sup> Degree (32 juveniles with 34 charges)
  2. Rape of a Child 1<sup>st</sup> Degree (21 juveniles with 26 charges)
  3. Child Molestation 2 (9 juveniles with 12 charges)
  4. Indecent Liberties – Incapable Consent (6 juveniles with 8 charges)
  5. Rape – 3<sup>rd</sup> Degree No Consent (5 juveniles with 6 charges)
-

## Juvenile Offenders and Charge Counts With At Least One Commitment, 2016 – 2021\*

Since 2016, a total of 781 adjudicated juveniles have been found guilty of 976 sex offense charges. *Detention* and *Commitment to a state facility* are the most common types of sentences imposed on adjudicated juveniles who are found guilty of sex offense charges.

### **2016 In 2016, a total of 159 unique adjudicated juveniles were found guilty of 190 sex offense charges.**

There were 16 unique adjudicated juveniles with 19 charges for **Child Molestation in the 1<sup>st</sup> Degree** who only had state commitment imposed as a condition of their sentence. An additional 10 unique adjudicated juveniles with 13 charges for Child Molestation in the 1<sup>st</sup> degree had detention, local commitment, and commitment to another facility imposed as conditions of their sentence. Six other adjudicated juveniles with six charges for the same offense had only detention imposed as a condition of sentence. Another six adjudicated juveniles with the same number of charges had detention and commitment to a state facility as a condition of their sentence.

This same year, 12 unique adjudicated juveniles with 20 charges for **Rape of a Child 1<sup>st</sup> Degree** were committed to a state facility as a condition of sentence.

Another seven unique adjudicated juveniles with 7 charges for **Indecent Liberties – Incapable Consent** were committed to a state facility as a condition of sentence.

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### **2017 In 2017, a total of 160 unique adjudicated juveniles were found guilty of 209 sex offense charges.**

There were 24 unique adjudicated juveniles with 25 charges for **Child Molestation in the 1<sup>st</sup> degree** who only had state commitment imposed as a condition of their sentence. An additional 10 unique adjudicated juveniles with 13 charges for the same offense had both detention and state commitment imposed as conditions of their sentence. Another seven unique adjudicated juveniles with 12 charges for the same offense had detention, state commitment, and commitment to another facility imposed as conditions of their sentence. Six other adjudicated juveniles with 15 charges for this same offense were committed to a state facility and another facility as conditions of their sentence.

This same year, 22 unique adjudicated juveniles with 27 charges for **Rape of a Child in the 1<sup>st</sup> Degree** were committed to a state facility as a condition of sentence. Another eight adjudicated juveniles with 12 charges for the same offense were committed to a state facility and another facility as conditions of their sentence.

Another eight unique adjudicated juveniles with 11 charges for **Rape of a Child in the 2<sup>nd</sup> Degree** were committed to a state facility as a condition of their sentence.

Another six unique adjudicated juveniles with 12 charges for **Indecent Liberties – Incapable Consent** were committed to a state facility and another facility as conditions of their sentence.

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### **2018 In 2018, a total of 170 unique adjudicated juveniles were found guilty of 215 sex offense charges.**

There were 23 unique adjudicated juveniles with 27 charges for **Child Molestation in the 1<sup>st</sup> degree** who only had state commitment imposed as a condition of their sentence. Another seven adjudicated juveniles with seven charges for this same offense also only had state commitment imposed as part of their sentence. Five other adjudicated juveniles with 11 charges for this offense had both state commitment and commitment to another facility imposed as part of their sentence. Nine additional adjudicated juveniles with 10 charges for this same offense had detention and commitment to a state facility imposed as a condition of their sentence. Five more adjudicated juveniles with eight charges for this offense had detention, state commitment, and commitment to another facility imposed as conditions of their sentences.

Eight unique adjudicated juveniles with nine charges for **Indecent Liberties – Incapable Consent** had only state commitment imposed as a condition of their sentence. Five additional adjudicated juveniles with seven charges for this offense only had detention imposed as a condition of their sentence.

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**2019 In 2019, a total of 117 unique adjudicated juveniles were found guilty of 148 sex offense charges.**

There were 26 unique adjudicated juveniles with 33 charges for **Child Molestation in the 1<sup>st</sup> degree** who only had state commitment imposed as a condition of their sentence.

Five unique adjudicated juveniles with six charges for **Child Molestation in the 2<sup>nd</sup> degree** also only had state commitment imposed as a condition of their sentence.

An additional 16 adjudicated juveniles with 21 charges for **Rape of a Child in the 1<sup>st</sup> degree** also only had state commitment imposed as a condition of their sentence.

Eight other adjudicated juveniles with eight charges for **Indecent Liberties – Incapable Consent** also only had state commitment imposed as a condition of their sentence.

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**2020 In 2020, a total of 98 unique adjudicated juveniles were found guilty of 125 sex offense charges.**

There were 12 unique adjudicated juveniles with 14 charges for **Rape of a Child in the 1<sup>st</sup> degree** who had only state commitment imposed as a condition of their sentence.

Another 17 unique adjudicated juveniles with 21 charges for **Child Molestation in the 1<sup>st</sup> degree** had only state commitment imposed as a condition of their sentence. Another six unique adjudicated juveniles with seven charges for this offense had only detention imposed as a condition of their sentence.

Five additional unique adjudicated juveniles with eight charges for **Child Molestation in the 2<sup>nd</sup> degree** had only state commitment imposed as a condition of their sentence.

Eleven other adjudicated juveniles with 14 charges for **Indecent Liberties – Incapable Consent** also had only state commitment imposed as a condition of their sentence.

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**2021 As of August 27<sup>th</sup>, a total of 77 unique adjudicated juveniles have been found guilty of 89 sex offense charges.**

There were 18 unique adjudicated juveniles with 19 charges for **Child Molestation in the 1<sup>st</sup> degree** who had only state commitment imposed as a condition of their sentence. An additional five adjudicated juveniles with five charges for this offense had only detention imposed as a condition of sentence.

Eight unique adjudicated juveniles with 9 charges for **Rape of a Child in the 1<sup>st</sup> degree** had only state commitment imposed as a condition of their sentence. Six additional adjudicated juveniles with six charges for the same offense had only detention imposed as a condition of their sentence.

Five other adjudicated juveniles with 8 charges for **Child Molestation in the 2<sup>nd</sup> degree** had only state commitment imposed as a condition of sentence.

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## **Appendix H**

End of Sentence Review Committee (ESRC) Rules of Order

# **WASHINGTON STATE END OF SENTENCE REVIEW COMMITTEE RULES OF ORDER**

## **Purpose**

In accordance with RCW 72.09.345 and RCW 9.95.140, the End of Sentence Review Committee (ESRC) is required to assess, on a case by case basis, the public risk posed by sex offenders who are: (a) preparing for their release from confinement for sex offenses committed on or after July 1, 1984; (b) preparing for their release from confinement for sex offenses committed before, on or after July 1, 1984 and are under the Indeterminate Sentence Review Board's (ISRB) jurisdiction; and (c) accepted from another state under a reciprocal agreement under the interstate corrections compact authorized in Chapter [72.74](#) RCW.

The ESRC is comprised of representatives of Washington State agencies who have the jurisdiction over the release of sex offenders or are significantly impacted by their release, to include the Department of Corrections (DOC), Indeterminate Sentence Review Board, (ISRB), Department of Social and Health Services (DSHS) including the Special Commitment Center (SCC), Juvenile Rehabilitation (JR), and the Behavioral Health Administration (BHA) Institutions consisting of Western State Hospital (WSH), Eastern State Hospital (ESH), Child Study and Treatment Center (CSTC) and Juvenile Courts.

Offenders who are reviewed include those that have been adjudicated, convicted, found not guilty by reason of insanity or found legally incompetent\* to stand trial of a current sex offense or sexually motivated offense in accordance with RCW 72.09.345. In addition, the committee may review certain offenders who were previously adjudicated, convicted of or found not guilty by reason of insanity of a sexually violent offense as defined under RCW 71.09.020 and have since returned to total confinement for a current offense that involves sexual elements or sexual motivation but by crime title is not a "sex offense" that requires registration per RCW 9A.44.130, or have exhibited behavior that appears to constitute a Recent Overt Act as defined under RCW 71.09.020.

\*Sex offenders who have been found legally incompetent per Chapter 10.77 Revised Code of Washington (RCW) and committed to the DSHS Secretary under Chapter [71.05.280\(3\)](#) RCW are not required to register; however, a Law Enforcement Alert will be submitted and the case shall be assessed for possible civil commitment referral under Chapter 71.09 RCW.

The MnSOST-R and Static-99R are the principal assessments used to classify sex offender risk levels for persons who are releasing from state confinement as an adult and have a registration requirement. However, the committee may depart from the initial classification if there are aggravating or mitigating circumstances that are not captured by the actuarial risk assessments. For sex offenders sentenced under RCW 9.94A.507, the committee additionally recommends conditions of supervision to the ISRB that may mitigate the offender's risk in the community if released.

Due to the volume of cases requiring review, the End of Sentence Review Committee includes two subcommittees in addition to the primary committee. Adjudicated youth under the jurisdiction of Juvenile Rehabilitation (JR) will be reviewed by the JR Subcommittee for risk level classification for the purpose of community notification. The JR Subcommittee will coordinate with the DSHS Children's Administration (CA) and the Developmental Disabilities Administration (DDA) as appropriate. With the exception of Recent Overt Act referrals, all cases submitted by state



agencies with jurisdiction that appear to meet the criteria for civil commitment under RCW 71.09.020 will be reviewed by the ESR Sexually Violent Predator (SVP) Subcommittee.

## **END OF SENTENCE REVIEW COMMITTEE**

### **Membership**

The End of Sentence Review Committee includes the following voting members (excluding the Chair):

#### **Department of Corrections (4)**

- Civil Commitment Program
- Law Enforcement Notification Program
- Community Corrections Division
- Prisons Division

#### **Department of Social and Health Services (5)**

- Juvenile Rehabilitation
- Behavioral Health Division
- Victim/Witness Notification Program
- Developmental Disabilities Administration
- Children's Administration

#### **Law Enforcement (1-2)**

- City and/or county agency representative

#### **Indeterminate Sentence Review Board (1)**

### **Process**

1. The ESRC reviews all offenders who may be released from DOC confinement for a current sex offense, a current sexually violent offense (as defined under Chapter 71.09.020 RCW, or any other current offense with sexual elements/motivation when the offender has a prior sexually violent offense conviction, adjudication or commitment; all sex offenders under ISRB jurisdiction; adult sex offenders who may be released from a Department of Social and Health Services institution or facility; and those offenders referred by the JRA Subcommittee/JRA Chair. The ESRC may also review offenders who were previously adjudicated, convicted of or found not guilty by reason of insanity or found incompetent to stand trial of a sexually violent offense who are currently confined for an offense that is not a sex offense by crime title, but was originally charged as a sex offense and/or involves sexual elements, as well as possible Recent Overt Acts, for potential referral to the ESR SVP Subcommittee.
2. The ESRC meets from 8:30 a.m. to 4:00 p.m., which includes a lunch and two breaks, on the first consecutive Tuesday, Thursday and Friday combination at the beginning of each month, and from 8:30 a.m. to 4:00 p.m., which includes a lunch and two breaks, on the third Wednesday of each month. When necessary, special ESRC meetings will be scheduled. The committee will reschedule when a holiday or emergency occurs on a regular meeting date or when other arrangements are made with members' concurrence.
3. The Secretary of the Department of Corrections (DOC) appoints the Chair of the ESRC.

4. A quorum consists of five (5) voting members. **Voting members are responsible for ensuring adequate representation at each meeting.** Members may send an approved alternate from their agency if the person is familiar with the ESRC process, the risk level actuarial assessments used, and the mission of the committee. If a voting member is unable to attend or plans to send an alternate, they must notify the designated ESRC facilitator (Law Enforcement Notification or Civil Commitment Program Manager) as soon as possible.
5. The agency with jurisdiction will review and prepare case files for committee review. The draft file review will include a brief overview of the offender's criminal history, sexual deviancy, risk assessment, specific concerns, and any previous ESRC actions. Members will review the case documents. The designated ESRC facilitator will open the case for discussion and then call for a vote.
6. If a member has had any personal/professional interaction with the offender under review, they will abstain from voting.
7. Recommendations to the ESRC Chair will be made by a majority vote. In the event of a tie, the Chair will make the final decision. The Chair has authority to override ESRC recommendations.
8. The ESRC Chair or designated ESRC facilitator will provide yearly reports to all ESRC members. The reports will include statistics on all cases reviewed (e.g. number of Level I, II and III sex offenders); number of notification departures (including aggravations and mitigations); and Chapter 71.09 RCW civil commitment referral information (e.g. number referred to Subcommittee, number referred for Forensic Psychological Evaluation, number that did not meet SVP criteria, and number filed by Prosecuting Attorney).
9. ESRC and Subcommittee meetings are not open to the public; however, the ESRC Chair or designated ESRC facilitator may approve appropriate guests (i.e. staff from those agencies with ESRC voting members) who wish to observe committee processes. It is important that visitors do not interrupt the ESRC process in any manner while observing. Requests will be approved in consultation with the ESRC Chair. A signed confidentiality agreement may be required prior to attendance. Members and guests shall not remove any written and/or electronic information from the ESRC meeting unless permitted by the ESRC Chair.

## **POTENTIAL END OF SENTENCE REVIEW DECISIONS AND CRITERIA**

### **Sex Offender Classifications**

The types of classifications issued when a sex offender with registration requirements is releasing to the community are summarized below. The committee's decision regarding notification is made in the best interest of community protection. All cases are considered on an individual basis. At times, modification from these guidelines may occur based on aggravating or mitigating circumstances that are not captured by the actuarial risk assessments.

#### **Level I Notification (low risk of sexual reoffense within the community at large)**

- Must be convicted or found not guilty by reason of insanity of a sex offense that requires registration; and
- Must have a MnSOST-R score of up to and including 3 points and/or a Static-99R score of up to and including 3 points.

**Level II Notification (moderate risk of sexual reoffense within the community at large)**

- Must be convicted or found not guilty by reason of insanity of a sex offense that requires registration; and
- Must have a MnSOST-R score of 4-7 points and/or a Static-99R score of 4-5 points.

**Level III Notification (high risk of sexual reoffense within the community at large)**

- Must be convicted or found not guilty by reason of insanity of a sex offense that requires registration; and
- Must have a MnSOST-R score of 8 points and above and/or a Static-99R score of 6+ points.

**Agency Notifications & Services**

The following are general guidelines regarding other types of notification that may be issued when a sex offender is releasing from a confined facility. All cases are considered on an individual basis and may depart from the guidelines noted below.

**Potential Victim/Witness Notification (regardless of enrollment status with agency programs)**

- Offender is making or has made threats to individual(s);
- DOC/DSHS has new information regarding the offender's potential risk to individual(s); and
- Consideration should be given to the circumstances and time frames in which the threats were made.

**DSHS Children's Administration Notification (in state/out of state)**

- Offender's behavior places a known minor at risk; and/or
- Offender is returning to a residential situation that places an identifiable minor(s) at risk.

**DSHS Developmental Disability Administration (DDA)**

- Offender is currently enrolled with DDA services and is still eligible for services;
- Offender appears to have a developmental disability (e.g., intellectual disability, cerebral palsy, epilepsy, autism, or other neurological conditions similar to intellectual disability). Eligibility criteria for DDA services are defined in Chapter 71A RCW;

**DSHS Aging and Long Term Services Administration**

- Offender has offended against a dependent or vulnerable adult;
- Offender's behavior places a known dependent or vulnerable adult at risk; and/or
- Offender's releasing residential situation places a dependent or vulnerable adult at risk.

**Law Enforcement Alert**

- Offense or behavior that may be of special interest to law enforcement, including sex/sexually violent offenses that do not require registration.

**Chapter 71.09 RCW Referral**

Detailed under the Sexually Violent Predator Subcommittee section below.

**Other Notifications**

- Notification to other state agencies or organizations of special interest is based on a need to know necessary and relevant information.

## **JUVENILE REHABILITATION (JR) SUBCOMMITTEE**

### **Membership**

The JR Subcommittee consists of the following voting members (excluding the Chair):

#### **DSHS Juvenile Rehabilitation**

- Regional Sex Offense Treatment Coordinators
- Institutional Sex Offense Treatment Coordinators

#### **Other DSHS Representatives**

- Children's Administration (CA)
- Developmental Disabilities Administration
- Victim/Witness Notification Program

#### **Department of Corrections (1)**

- Law Enforcement Notification Specialist

#### **Law Enforcement (1-2)**

- City and/or county agency representative

#### **WA Juvenile Court Administrator or Designee (1)**

Additionally, the JR Subcommittee has the following non-voting members:

- The JR Chair, who votes only in the case of a tie
- One (1) Institutional Sex Offense Treatment Coordinator (presenting the case)
- One (1) Regional Sex Offense Treatment Coordinator (receiving the case)
- One (1) Juvenile Court representative presenting the case.

### **Process**

1. The JR Subcommittee reviews juvenile offenders committed to Juvenile Rehabilitation who may be released from the Department of Social and Health Services institutions or facilities for a current sex or sexually violent offense as defined under Chapter 71.09 RCW; juveniles following disposition, under the jurisdiction of a county juvenile court for a registerable sex offense; and juveniles found to have committed a sex offense and accepted from another state under a reciprocal agreement under the interstate compact for juveniles authorized in chapter 13.24 RCW.
2. The subcommittee meets from 9:00 a.m. to 4:00 p.m., including lunch and two breaks on the second and fourth Thursday of each month. The committee will reschedule when a holiday or emergency occurs on a regular meeting date or if the Chair makes other arrangements with members' concurrence.
3. The JR Sex Offense Program Administrator assumes Chair responsibilities for the JR Subcommittee, and represents JR as a voting member of the ESRC.
4. A quorum consists of five (5) voting members. **Voting members are responsible for ensuring adequate representation at each meeting.** Members may send an approved alternate from their agency if the person is familiar with the JR Subcommittee process, the

risk level actuarial assessment used, and the mission of the committee. If a voting member is unable to attend or plans to send an alternate, they must notify the Chair as soon as possible.

5. The facility with jurisdiction will review and prepare case files for committee review. The draft file review will include a brief overview of the offender's criminal history, sexual deviancy, risk assessment, specific concerns, and any previous JR Subcommittee actions. Members will review the case documents. The Chair will open the case for discussion and then call for a vote. Decisions will be made by a simple majority. Cases may be referred to the ESRC by the JR Subcommittee or at the discretion of the Chair.
6. If a member has had any personal/professional interaction with the offender under review, they will abstain from voting.
7. In the event of a tie, the Subcommittee Chair will make the final decision. The Chair has authority to override the JR Subcommittee recommendations.
8. Decisions will be recorded at each meeting and distributed to the ESRC Chair.
9. JR Subcommittee meetings are not open to the public; however, the Chair may approve appropriate guests (i.e. staff from those agencies with ESRC voting members) who wish to observe committee processes. It is important that visiting staff do not interrupt the JR Subcommittee process in any manner while observing. A signed confidentiality agreement may be required prior to attendance. Members and guests shall not remove written and/or electronic information from the JR Subcommittee meeting, unless permitted by the Chair.

## **END OF SENTENCE REVIEW SEXUALLY VIOLENT PREDATOR SUBCOMMITTEE**

### **Membership**

In addition to the regular ESRC voting members, the ESR Sexually Violent Predator (SVP) Subcommittee includes at least one (1) attorney from the King County Prosecutor's Office Sexually Violent Predator Unit and/or one (1) attorney from the Washington State Office of the Attorney General Sexually Violent Predator Unit.

### **Chapter 71.09 RCW Referrals**

The agency with jurisdiction will submit Chapter 71.09 RCW written referrals to the prosecuting attorney of the county where the person was charged when it appears that the individual meets all of the following three criteria:

1. Has been convicted of or charged with a crime of sexual violence per Chapter 71.09 RCW;
2. Suffers from a mental abnormality\* or personality disorder\*\*;
3. As a result of a mental abnormality or personality disorder is more likely than not to engage in predatory\*\*\* acts of sexual violence if not confined to a secure facility\*\*\*\*.

\*RCW 71.09.020(8) defines **mental abnormality** as "a congenital or acquired condition affecting the emotional or volitional capacity which predisposes a person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others."

**\*\*RCW 71.09.020(9)** defines a **personality disorder** as “an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual’s culture, is pervasive and inflexible, has onset in adolescence or early adulthood, is stable over time and leads to distress or impairment. Purported evidence of a personality disorder must be supported by testimony of a licensed forensic psychologist or psychiatrist.

**\*\*\*Predatory** means acts directed towards: (a) Strangers; (b) Individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or (c) Persons of casual acquaintance with whom no substantial personal relationship exists.

**\*\*\*\*Secure facility** refers to a residential facility for persons civilly confined under the provisions of chapter 71.09 that include security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement under RCW 71.09.096.

Sex offenders who have previously been adjudicated, convicted of, found not guilty by reason of insanity of, or found legally incompetent to stand trial for a sexually violent offense,, who have since been released from confinement for the offense, and appear to have committed a Recent Overt Act\* may be referred for civil commitment under Chapter 71.09 RCW by any agency with jurisdiction over, or knowledge of, the offender. In the interest of time, Recent Overt Act referrals do not require ESRC Subcommittee review, but they will be processed via the Joint Forensic Unit\*.

**\*Recent Overt Act** means any act, threat, or combination thereof that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm in the mind of an objective person who knows of the history and mental condition of the person engaging in the act or behaviors.

**\*The Joint Forensic Unit (JFU)** is comprised of a pre-selected group of nationwide forensic psychologists/psychiatrists who are uniquely qualified to conduct sexually violent predator evaluations and provide expert opinion in regards to whether an individual meets criteria for civil commitment in accordance with RCW 71.09.020. The JFU primarily enables centralization of records processing and a fair method of assigning forensic psychological evaluations on the behalf of the various agencies (including DOC, JR, ISRB, and Eastern/Western State Hospitals) that refer sex offenders for consideration of civil commitment under RCW 71.09.

## **Process**

1. The End of Sentence Review Committee or JR Sex Offense Oversight Committee identifies those cases that appear to meet the civil commitment criteria outlined above and refers those cases to the SVP Subcommittee for review.
  - The Sex Offense Treatment Coordinator provides an initial 71.09 screening for youth adjudicated for a sexually violent offense to determine if the youth appears to meet the criteria of a sexually violent predator within 30 days of admission to JR, or no later than 180 days before the youth’s planned release date from their residential obligation.
  - Reviews may occur at any other time during commitment or parole as deemed necessary.
  - JR internal screening is necessary to meet JR security classification, sentencing obligations and to facilitate timely referral to the SVP Subcommittee.

2. All relevant records are requested by the DOC Civil Commitment Program Specialist or the JRA Subcommittee chair for presentation to the SVP Subcommittee. These records include full copies of each DOC file, JR file, juvenile records, ISRB file, Eastern/Western State Hospital files, files and documents from other states, court and prosecutor files, police reports, treatment records, federal records, and military records.
3. The SVP Subcommittee reviews available documents and determines if the case appears to meet criteria for civil commitment under RCW 71.09.020. If the answer is no, the committee will not vote to obtain an expert forensic psychological evaluation. If yes, the committee will vote to obtain an expert forensic psychological evaluation to assess to a reasonable degree of psychological certainty whether the offender meets criteria as a Sexually Violent Predator per RCW 71.09.
4. When a forensic psychological evaluation is recommended by the SVP Subcommittee, full copies of all available records and files will be requested by the DOC Civil Commitment Program Specialist.
5. Once the available records and documents are received, they are electronically prepared and provided to the proper prosecuting agency (either the King County Prosecutor's Office or the Washington State Office of the Attorney General) for processing, which includes organizing, removing all duplicates, indexing, and Bates Stamping (a legal numbering system for future court proceedings).
6. Once the file has been organized, the prosecuting agency will contact the DOC Civil Commitment Program Specialist to assign the case to the next available forensic expert. The materials are immediately sent to the assigned expert for the forensic psychological evaluation.
7. Upon receiving the forensic psychological evaluation report, the DOC Civil Commitment Program Specialist will review and distribute it to the appropriate agency representatives. Any requests for a copy of the forensic psychological evaluation shall be staffed with the DOC Civil Commitment Program Administrator.
8. If the offender meets civil commitment criteria under RCW 71.09.020 via forensic expert opinion, the agency with jurisdiction will refer the case to the proper prosecuting authority for civil commitment consideration as outlined under RCW 71.09.025.
9. If the offender does not meet civil commitment criteria under RCW 71.09.020 via forensic expert opinion, the completed forensic psychological evaluation report will be presented to the SVP Subcommittee for review and the case will not be referred for civil commitment consideration at that time. If a written referral has already been submitted, an amended letter will be submitted, withdrawing the former referral.
10. In cases where the offender is assessed by a JFU expert who is unable to reach an opinion regarding whether or not the offender meets civil commitment criteria under RCW 71.09.020, the case may be assigned to a second forensic psychologist within the Joint Forensic Unit for assessment, with the approval of the Attorney General's Office SVP Unit.

## Appendix I

State-by-State Comparison Table 1: Definitions, Eligibility Requirements and Classification Processes for Juveniles Who Commit Sex Offenses by State



State/ Territory	Definition of "juvenile sex offender"	Age of Eligibility for Adjudication	Minimum Age for Transfer to Adult Court	Juvenile Sex Offenders Classified into Tiers/Levels	If so, how are they classified? (assessment, statute, policy?)
<div> <div>Summary of All States:</div> <div>(# = total number of states)</div> <div> <ul style="list-style-type: none"> <li>None specified: 29</li> <li>Depends on crime: 4</li> <li>Less than 10: 3</li> <li>Age 10: 12</li> <li>Age 11: 1</li> <li>Age 12: 1</li> <li>Missing: 1</li> </ul> </div> <div> <ul style="list-style-type: none"> <li>No minimum:1</li> <li>Age 12: 1</li> <li>Age 13: 4</li> <li>Age 14: 17</li> <li>Age 15: 6</li> <li>Age 16: 4</li> <li>Depends on crime: 12</li> <li>Missing: 6</li> </ul> </div> <div> <ul style="list-style-type: none"> <li>Yes: 19</li> <li>No: 23</li> <li>N/A: 4</li> <li>Missing: 5</li> </ul> </div> </div>					
Alabama	A child adjudicated delinquent for committing a sex related offense to include Rape, Sodomy, Sexual abuse and all other sex acts defined in the Alabama code with the exception of sexual misconduct, indecent exposure and incest (where the perpetrator is a child).	None specified	14 with a juvenile court hearing; 16 with direct file for class A felonies	Yes	Following treatment, youth can be classified into Low, Medium and High risk, based upon a judge's ruling in a court hearing. The judge can also decide not to apply "notification requirements" if they choose.
Alaska	A juvenile sex offender is a juvenile who has been adjudicated delinquent for any sexual crime	None specified	16	N	N/A
Arizona	Sexual Offense is defined in ARS 13-1420. Juvenile Sex Offender is not defined.	10		N	N/A
Arkansas	<p>This is not a term that is defined as such under Arkansas law. Ark. Code Ann. § 12-12-903 defines "sex offender" as "a person who is adjudicated guilty of a sex offense or acquitted on the grounds of a mental disease or defect of a sex offense." This includes individuals classified by the court as "sexually violent predators."</p> <p>Ark. Code Ann. § 9-27-303 defines "juvenile" as an individual who is from birth to eighteen (18) years of age, or "adjudicated delinquent, a juvenile member of a family in need of services, or dependent-neglected by the juvenile division of circuit court prior to eighteen (18) years of age and for whom the juvenile division of circuit court retains jurisdiction." Under this definition of juvenile, it is possible for an individual under age 21 to be considered a juvenile.</p> <p>"Juvenile sex offender", as the term is used in the Arkansas Code, applies to individuals who are charged and adjudicated delinquent for a sex offense by the juvenile division of circuit court. The term is not used to describe youthful sex offenders who are charged and convicted as adults in the criminal division of circuit court.</p>	10	14	Y	If the juvenile is referred for screening and assessment, the assessment team assigns a risk level to the juvenile considering both static and dynamic factors.

State/ Territory	Definition of "juvenile sex offender"	Age of Eligibility for Adjudication	Minimum Age for Transfer to Adult Court	Juvenile Sex Offenders Classified into Tiers/Levels	If so, how are they classified? (assessment, statute, policy?)
California	Pursuant to PC 290.008, any person who, on or after January 1, 1986, is discharged or paroled from the Department of Corrections and Rehabilitation to the custody of which he/she was committed after having been adjudicated a ward of the juvenile court pursuant to Section 602 of the Welfare and Institutions Code.	12; except for murder, rape by force, sodomy by force, oral copulation by force, and sexual penetration by force; for which there is no age limit (California Welfare & Institutions Code § 602).	16	No	N/A
Colorado	Any juvenile who has been adjudicated for an offense involving sex or of a sexual nature	10	15	Y	
Connecticut	<p>A child/youth who has been convicted as a delinquent for violating a sex offense as defined in CT General Statutes.</p> <p>1. "Sexual Offense" or "Problem Sexual Behavior" means conduct as defined under the Penal Code of the CT General Statutes. This includes the following crimes and the attempts to commit those crimes.</p> <p>1a. Subsection (2) of Sec. 53a-21. Injury or risk of injury to, or impairing morals of, children has contact with the intimate parts, as defined in section 53a-65, of a child under the age of sixteen years or subjects a child under sixteen years of age to contact with the intimate parts of such person, in a sexual and indecent manner likely to impair the health or morals of such child.</p> <p>1b. Sec. 53a-70. Sexual assault in the first degree: Class B felony.</p> <p>1c. Sec. 53a-70a. Aggravated sexual assault in the first degree: Class B felony.</p> <p>1d. Sec. 53a-70b. Sexual assault in spousal or cohabiting relationship: Class B felony.</p> <p>1e. Sec. 53a-71. Sexual assault in the second degree: Class C felony.</p> <p>1f. Sec. 53a-72a. Sexual assault in the third degree: Class D felony.</p> <p>1g. Sec. 53a-72b. Sexual assault in the third degree with a firearm: Class D felony.</p> <p>1h. Sec. 53a-73a. Sexual assault in the fourth degree: Class A misdemeanor.</p> <p>1i. Sec. 53a-86(a)(2). Promoting prostitution in the first degree: Class B felony. (a) A Person is guilty of</p>	7	15	Y	Yes, classified according to Risk Assessment

State/ Territory	Definition of "juvenile sex offender"	Age of Eligibility for Adjudication	Minimum Age for Transfer to Adult Court	Juvenile Sex Offenders Classified into Tiers/Levels	If so, how are they classified? (assessment, statute, policy?)
	<p>promoting prostitution in the first degree when he knowingly (2) advances or profits from prostitution of a person less than sixteen years old.</p> <p>1j. Sec. 53a-87(a)(2). Promoting prostitution in the second degree: Class C felony (a) A person is guilty of promoting prostitution in the second degree when he knowingly (2) advances or profits from prostitution of a person less than eighteen years old.</p> <p>1k. Sec. 53a-92. Kidnapping in the first degree: Class A felony (2) he restrains the person abducted with intent to (A) [inflict physical injury upon him or] violate or abuse him sexually.</p> <p>1l. Subsections (2) and (3) of Sec. 53a-186(a). Public indecency: Class B misdemeanor (a) A person is guilty of public indecency when he performs any of the following acts in a public place (2) a lewd exposure of the body with intent to arouse or to satisfy the sexual desire of the person; or (3) a lewd fondling or caress of the body of another person. For the purposes of this section, "public place" means any place where the conduct may reasonably be expected to be viewed by others.</p> <p>1m. Sec. 53a-196. Obscenity as to minors: Class D felony.</p> <p>(a) A person is guilty of obscenity as to minors when he knowingly promotes to a minor, for monetary consideration, any material or performance, which is obscene as to minors.</p> <p>(b) For purposes of this section, "knowingly" means having general knowledge of or reason to know or a belief or ground for belief which warrants further inspection or inquiry as to (1) the character and content of any material or performance which is reasonably susceptible of examination by such person and (2) the age of the minor.</p> <p>(c) In any prosecution for obscenity as to minors, it shall be an affirmative defense that the defendant made (1) a reasonable mistake as to age, and (2) a reasonable bona fide attempt to ascertain the true age of such minor, by examining a draft card, driver's license, birth certificate or other official or apparently official document, exhibited by such minor, purporting to establish</p>				

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Delaware	Youth with adjudications for specific sexual offenses as outlined in Delaware Code.	None Specified	14	Y	By adjudicated charge
Florida	<p>A juvenile who has been adjudicated delinquent for committing, or attempting, soliciting, or conspiring to commit, any of the following criminal offenses in the Florida or similar offenses in another jurisdiction when the juvenile offender was 14 years of age or older at the time of the offense will be required to register:</p> <ul style="list-style-type: none"> <li>· Sexual battery</li> <li>· Lewd and lascivious offense upon or in the presence of youth less than 16 and the court finds sexual activity by use of force or coercion.</li> <li>· Lewd and lascivious molestation by an offender under 18, with a victim under 12, and the court finds molestation involving unclothed genitals.</li> <li>· Lewd and lascivious offense committed upon or in the presence of youth less than 16 where the court finds use of force or coercion and unclothed genitals.</li> <li>· The complete statute may be found under Florida Statute 943.0435.</li> </ul> <p>Florida Statute 943.0435, a sexual offender is a person who has been convicted of committing, or attempting, soliciting, or conspiring to commit, one of the enumerated crimes in this statute or similar offenses in another jurisdiction and who has been released from the sanction imposed for this crime on or after October 1, 1997, -OR- a person who establishes either temporary or permanent residency in this state and has been designated as a sexual offender or sexual predator by another state or jurisdiction and was, as a result of such designation, subjected to registration or community/public notification, or both, or would be if the person were a resident of that state or jurisdiction. Under Florida's public records laws an individual is subject to listing on the Florida Sexual Offender/Predator Registry's public web site based upon meeting the statutory criteria outlined in Florida Statute</p>	None Specified	14	N	N/A

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	943.0435. Florida Department of Law Enforcement has a statutory mandate to operate the Florida Sexual Offender/Predator Registry which is accessible via the internet for the purpose of assisting criminal justice agencies and the public with information regarding sexual predators and offenders. This information, by state statute, is a public record. Florida Statute 943.043, titled "Toll-free telephone number; Internet notification; sexual predator and sexual offender information" states: "The department may notify the public through the Internet of any information regarding sexual predators and sexual offenders which is not confidential and exempt from public disclosure under s. 119.07(1) and s. 24(a), Art. I of the State Constitution." If an individual meets the criteria for Florida sexual offender or predator registration per Florida Statute 943.0435, 985.4815, or 775.21, he or she registration information and photo will be posted on the internet site of the Florida Sexual Offender/Predator Public Registry.				
Georgia		None Specified	13-17 for certain offenses	N/A	N/A
Hawaii	N/A	None Specified	On/after 16 and alleged to have committed act that would constitute felony if committed by adult under certain circumstances. Minimum age on/after 14 & alleged to have committed act that constitutes a felony if committed by adult. See HRS 571-22.	N/A	N/A

State/ Territory	Definition of "juvenile sex offender"	Age of Eligibility for Adjudication	Minimum Age for Transfer to Adult Court	Juvenile Sex Offenders Classified into Tiers/Levels	If so, how are they classified? (assessment, statute, policy?)
Idaho	<p>"Juvenile sex offender" means a person who was between fourteen (14) years of age to eighteen (18) years of age at the time the qualifying sex offense was committed and who:</p> <p>(1) On or after July 1, 1998, was adjudicated delinquent under the juvenile corrections act for an action that would be an offense enumerated in section 18-8304, Idaho Code, if committed by an adult; or</p> <p>(2) As of July 1, 1998, is serving formal probation, a period of detention, or commitment to the department of juvenile corrections as the result of sentencing imposed under section 20-520, Idaho Code, for an action that would be an offense enumerated in section 18-8304, Idaho Code, if committed by an adult; or</p> <p>(3) Was adjudicated delinquent in another state for an action that is substantially equivalent to the offenses enumerated in section 18-8304, Idaho Code, and is subject on or after July 1, 1998, to Idaho court jurisdiction under the interstate compact on juveniles; or</p> <p>(4) Is required to register in another state for having committed a sex offense in that state regardless of the date of the offense or its adjudication.</p> <p>I.C. 18-8403.</p>	None Specified	Generally, 14 but for certain offenses in Idaho Code 20-509 (murder, rape, arson, etc.) there is no minimum age	N	
Illinois	A juvenile sex offender is defined by the Illinois Sex Offender Registration Act as any juvenile who is adjudicated as sex offenders in any juvenile court can be deemed sexually dangerous, sexually violent, or a sexual predator.	None Specified		Y	Class A misdemeanor convicted of a third or subsequent violation for public indecency is guilty of a Class 4 felony Class 1 felony predatory criminal sexual assault of a child or aggravated criminal sexual assault Class 2 felony would be criminal sexual assault Class 3 felony would be aggravated criminal sexual abuse Class X Sexually Violent Person Class X Sexually Dangerous Person Youth with a history of sexual acts will not have to register or provide DNA but will be supervised on a sex offender security level.

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Indiana	N/A	None Specified	Upon waiver motion by prosecutor and finding of juvenile court: 12-16 for certain major felony offenses; no minimum age for felony offense and previous felony or non-traffic misdemeanor conviction (see IC 31-30-3)	N/A	N/A
Iowa	See Iowa Code 692A. Generally, it is a sex offender age 14 or younger.	None Specified	14	Y	By Iowa Code, Tiers I, II & III
Kansas	A Youth adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of, or the attempt, conspiracy or solicitation to commit, any of the following sexually violent crimes: Rape, Indecent Liberties With A Child, Aggravated Indecent Liberties With A Child, Criminal Sodomy (w/ Child 14-15 YOA), Aggravated Criminal Sodomy, Indecent Solicitation Of A Child, Aggravated Indecent Solicitation Of A Child, Sexual Exploitation Of A Child, Sexual Battery, Aggravated Sexual Battery, Aggravated Incest, or any crime deemed by a court to be Sexually Motivated.	10	14	N	
Kentucky	A juvenile sexual offender means an individual who was at the time of the commission of the offense under the age of eighteen (18) years who is not actively psychotic or mentally retarded and who has been adjudicated guilty of or has been convicted or pled guilty to: (a) A felony under KRS Chapter 510; (b) Any other felony committed in conjunction with a misdemeanor described in KRS Chapter 510; (c) Any felony under KRS 506.010 when the crime attempted is a felony or misdemeanor described in KRS Chapter 510; (d) An offense under KRS 530.020; (e) An offense under KRS 530.064(1)(a); (f) An offense under KRS 531.310; or (g) A misdemeanor offense under KRS Chapter 510.	None Specified	Must be at least fourteen (14) years of age., under circumstances outlined in KRS 640.010.	N	

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Louisiana	Males between the ages of 13 and 20 who have engaged in and been adjudicated for documented sex offending behavior, inclusive of "hands on" sexual offenses against children, peers, and adults and exhibitionism.	10		Y	Based on assessments: the most appropriate type and level of care for a given youth is designated at Low, Moderate, and High levels of risk for supervision by probation/parole officers in the community. If a youth is committed to secure care the classification is based on assessments that will indicate dorm-based treatment, clinic-based treatment, high-need clinic-based treatment and community-based treatment.
Maine	A juvenile adjudicated in Maine of a sex offense as defined under Maine law	None Specified	No minimum age for a bind over to adult court.	N	See above comment
Maryland		None Specified	14 for 1st degree murder and rape; but normally 16		
Massachusetts	A sex offender is any person who resides, works or attends an institution of higher learning in the Commonwealth of Massachusetts and who has been convicted of a sex offense, or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense, or a person released from incarceration or parole or probation supervision or custody with the Department of Youth Services for such a conviction or adjudication, or a person who has been adjudicated a sexually dangerous person or a person released from civil commitment on or after August 1, 1981.	12	14	Y	<p>Classification Process Sex offenders will be classified according to the degree of dangerousness they pose to the public and their likelihood for re-offense. The definitions of the Classification Levels for Sex Offenders are:</p> <ul style="list-style-type: none"> <li>Level 1 Sex Offenders Where the Sex Offender Registry Board determines that the risk of re-offense by an offender is low and the degree of dangerousness posed to the public by that offender is not such that a public safety interest is served by public availability, the Board shall give that offender a Level 1 designation. Information on Level 1 offenders will not be available to the public. Neither the police nor the Board have authority to disseminate information to the general public identifying a Level 1 offender. Information identifying Level 1 offenders may only be given to the Department of Correction, any county correctional facility, the Department of Youth Services, the Department of Social Services, the</li> </ul>



State/ Territory	Definition of "juvenile sex offender"	Age of Eligibility for Adjudication	Minimum Age for Transfer to Adult Court	Juvenile Sex Offenders Classified into Tiers/Levels	If so, how are they classified? (assessment, statute, policy?)
					<p>Parole Board, the Department of Probation and the Department of Mental Health, all city and town police departments and the Federal Bureau of Investigation for law enforcement purposes.</p> <ul style="list-style-type: none"> <li>• Level 2 Sex Offenders Where the Board determines that the risk of re-offense is moderate and the degree of dangerousness posed to the public is such that a public safety interest is served by public availability of registration information, it shall give a level 2 designation to the sex offender. The public shall have access to the information regarding a level 2 offender through the Local Police Department and through the Sex Offender Registry Board.</li> <li>• Level 3 Sex Offenders Where the Board determines that the risk of re-offense is high and the degree of dangerousness posed to the public is such that a substantial public safety interest is served by active dissemination, it shall give a level 3 designation to the sex offender. The public shall have access to the information regarding a level 3 offender through the Local Police Departments and through the Sex Offender Registry Board.</li> </ul>
Michigan	As defined in the ICJ Rules, a juvenile sex offender is defined as having been adjudicated for an offense involving sex or of a sexual nature as determined by the sending state or who may be required to register as a sex offender in the sending or receiving state.	None Specified	14		
Minnesota	Minnesota does registration of individuals based on predatory offense history. A juvenile who has been charged with a defined predatory offense and adjudicated delinquent of any offense arising out of the same set of circumstances falls under Minnesota's	10	14	N	N/A

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	"Predatory Offender Registration" (POR) requirements. MN STATUTES 243.166 and 243.167. No definition of "juvenile sex offender" exists in the Minnesota POR system. In addition, Minnesota law allows certification of juveniles as adults and Extended Juvenile Jurisdiction (EJJ). Same or similar history in another state or federal jurisdiction also triggers the duty to register in Minnesota.				
Mississippi	A juvenile between the age of 10 - 17 who has committed an inappropriate sexual behavior toward another person.	10	13		
Missouri	If the juvenile is adjudicated for an offense that if committed by an adult would be considered a felony under RSMo 566.	None Specified	14	N	
Montana		None Specified	12 <sup>1</sup>	Y	Assessments, court determines level <sup>2</sup>
Nebraska		11	14	N	
Nevada	Sexual assault pursuant to NRS 200.366 Battery with intent to commit sexual assault pursuant to NRS 200.400 An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720 Lewdness with a child pursuant to NRS 201.230 An attempt to commit an offense listed in this section	8-10 if charged with murder or sex offense; 8-14 in the absence of clear proof that at the time of offense they knew its wrongfulness. Nev. 194-010 <sup>3</sup>	13	Y	Assessment
New Hampshire		None Specified	15		
New Jersey	NJ Title 2C:7-2b(1),(2) (1) Aggravated sexual assault, sexual assault, aggravated criminal sexual assault, kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these crimes if the court found that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior, regardless of the date of the commission of the offense or the date of conviction; (2) A conviction, adjudication of delinquency, or acquittal by reason of insanity for aggravated sexual assault; sexual assault; aggravated criminal sexual	None Specified	A discretionary and presumptive waiver can be used for youth age 15 and older that meet statutorily-delineated offense criteria set forth in NJ SA 2A:4A-26.1	Y	The Prosecutor's Office will classify the offender according to Tier 1, Tier 2, and Tier 3 from statutes and the Attorney General's Guidelines.

<sup>1</sup> [https://leg.mt.gov/bills/mca/title\\_0410/chapter\\_0050/part\\_0020/section\\_0060/0410-0050-0020-0060.html](https://leg.mt.gov/bills/mca/title_0410/chapter_0050/part_0020/section_0060/0410-0050-0020-0060.html)

<sup>2</sup> [https://leg.mt.gov/bills/mca/title\\_0460/chapter\\_0230/part\\_0050/section\\_0090/0460-0230-0050-0090.html](https://leg.mt.gov/bills/mca/title_0460/chapter_0230/part_0050/section_0090/0460-0230-0050-0090.html)

<sup>3</sup> <https://casetext.com/statute/nevada-revised-statutes/title-15-crimes-and-punishments/chapter-194-persons-liable-to-punishment-for-crime/section-194010-persons-capable-of-committing-crimes>

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	contact; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare of a child pursuant to paragraphs (3) or (4) or subparagraph (a) of paragraph (5) of subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L. 1993, c.291 (C.2C:13-6); criminal sexual contact pursuant to N.J.S.2C:14-3b; if the victim is a minor; kidnapping pursuant to N.J.S.2C:13-1, criminal restraint pursuant to N.J.S.2C:13-2, or false imprisonment pursuant to N.J.S.2C:13-3 if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1; or an attempt to commit any of these enumerated offenses if the conviction, adjudication of delinquency or acquittal by reason of insanity is entered on or after the effective date of this act or the offender is serving a sentence of incarceration, probation, parole or other form of community supervision as a result of the offense or is confined following acquittal by reason of insanity or as a result of civil commitment on the effective date of this act.				
<b>New Mexico</b>	A juvenile adjudicated of a sexual related offense.	None Specified	14	N	
<b>New York</b>	Not legally defined.	7	13	N	N/A
<b>North Carolina</b>	If a juvenile is adjudicated in NC for 1st degree Rape, 1st degree Sexual Offense, 2nd degree Sexual Offense or Attempted Rape or Sexual Offense and was at least 11 years of age at the time of the offense and he/she is deemed by the court to be a danger to the community, then the juvenile is required to register as a juvenile sex offender with the county sheriff.	6	13 <sup>4</sup>	N	N/A
<b>North Dakota</b>	North Dakota does not have separate criminal code for juvenile offenders. They are referenced the same as adults.	10	14 or older for serious offenses (Murder, Attempted Murder, Gross Sexual Imposition by force or threat of force, or	Y	Low, Medium or High based on compiled information/assessment reviewed and level determination made by SORAC (Sex Offender Risk Assessment Committee).

<sup>4</sup> [https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_7B/GS\\_7B-2200.pdf](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_7B/GS_7B-2200.pdf)

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			kidnapping). A juvenile can ask for a voluntary transfer to adult court if both the juvenile and the parents agree.		
<b>Ohio</b>	A person who is adjudicated for an offense of a sexual nature that requires registration in this state or an offense under the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice if the offense contains elements that are substantially similar to the elements of an offense listed in the Ohio Revised Code.	None Specified	14	Y	Via the Adam Walsh Act <sup>5</sup>
<b>Oklahoma</b>	A person who was 14 - 17 years old at the time of the offense.	None Specified	13 to 15 (for Murder I) some age 13-14 can become Youthful Offender Cases	N	There is no hierarchy. They are assessed.
<b>Oregon</b>	A person who has been found to be within the jurisdiction of the juvenile court for having committed an act, if committed by an adult, would constitute a sex crime	None Specified	15	N/A	N/A
<b>Pennsylvania</b>	See 42 PA CSA Section 9799, et Seq. <sup>6</sup>	10	Automatic certification to adult court if murder. 15+ with the commission of certain crimes with a deadly weapon. 15+ charged with certain crimes and who have previously been adjudicated delinquent of certain crimes. Prosecutor can file motion to certify	Y	See 42 PA CSA Section 9799, et seq

<sup>5</sup> <https://codes.ohio.gov/ohio-revised-code/section-2152.84>

<sup>6</sup> [http://www.portal.state.pa.us/portal/server.pt/community/pa\\_sexual\\_offender\\_registration\\_law/20820](http://www.portal.state.pa.us/portal/server.pt/community/pa_sexual_offender_registration_law/20820)

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Rhode Island		None Specified	No age limit if charge punishable by life imprisonment. 16 if charge is another felony. If under 16 with felony charge, youth may be certified to serve sentence in juvenile facility until age of majority & may transfer to adult facility or adult probation		
South Carolina	This term is not defined in SC law. Juveniles are subject to the same sex offender laws as adults. The SO laws apply to "any person, regardless of age" according to SC Code 23-3-430. Although people under age 17 are usually heard as juveniles in SC, some younger than age 17 are waived up to adult court based on the offense.	None Specified		N	
South Dakota	"A juvenile sex offender" is a juvenile who is 14 years of age or older who has committed the offense of rape." (SDCL 22-24B-2)	10	16	Y	Sex offenses are now classified in tiers based on statute.
Tennessee		None Specified	Depends on offense	N	N/A
Texas	A person who is adjudicated for an offense of a sexual nature that requires registration in this state or an offense under the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice if the offense contains elements that are substantially similar to the elements of an offense listed in Texas CODE OF CRIMINAL PROCEDURE Chapter 62. <sup>7</sup>	10	14 for capital murder, aggravated controlled substance felony, or first degree felony; 15 for 2nd degree, 3rd degree, or state jail felony	Y	Assessment
Utah	"Sex offender" means any person: (i) convicted in this state of: (A) a felony or class A misdemeanor violation of Section 76-4-401, enticing a minor; (B) a felony or class A misdemeanor violation of Section 76-9-702.7, voyeurism;	None Specified	14 and charged with murder, attempted murder, aggravated murder, or attempted aggravated murder	N	

<sup>7</sup> <http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.62.htm>

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	<p>(C) a felony violation of Section 76-5-401, unlawful sexual activity with a minor;</p> <p>(D) Section 76-5-401.1, sexual abuse of a minor;</p> <p>(E) Section 76-5-401.2, unlawful sexual conduct with a 16 or 17 year old;</p> <p>(F) Section 76-5-402, rape;</p> <p>(G) Section 76-5-402.1, rape of a child;</p> <p>(H) Section 76-5-402.2, object rape;</p> <p>(I) Section 76-5-402.3, object rape of a child;</p> <p>(J) a felony violation of Section 76-5-403, forcible sodomy;</p> <p>(K) Section 76-5-403.1, sodomy on a child;</p> <p>(L) Section 76-5-404, forcible sexual abuse;</p> <p>(M) Section 76-5-404.1, sexual abuse of a child or aggravated sexual abuse of a child;</p> <p>(N) Section 76-5-405, aggravated sexual assault;</p> <p>(O) Section 76-5a-3, sexual exploitation of a minor;</p> <p>(P) Section 76-7-102, incest;</p> <p>(Q) Subsection 76-9-702(1), lewdness, if the person has been convicted of the offense four or more times;</p> <p>(R) Subsection 76-9-702(3), sexual battery, if the person has been convicted of the offense four or more times;</p> <p>(S) any combination of convictions of Subsection 76-9-702(1), lewdness, and of Subsection 76-9-702(3), sexual battery, that total four or more convictions;</p> <p>(T) Section 76-9-702.5, lewdness involving a child;</p> <p>(U) Section 76-10-1306, aggravated exploitation of prostitution; or</p> <p>(V) attempting, soliciting, or conspiring to commit any felony offense listed in Subsection (1)(n)(i);</p> <p>(ii) who has been convicted of any crime, or an attempt, solicitation, or conspiracy to</p> <p>commit a crime in another jurisdiction that is substantially equivalent to the offenses listed in Subsection (1)(n)(i) and who is:</p> <p>(A) a Utah resident; or</p> <p>(B) not a Utah resident, but who, in any 12 month period, is in this state for a total of 10 or more days, regardless of whether the offender intends to permanently reside in this state;</p> <p>(iii) who is required to register as an offender in any other jurisdiction, and who, in any 12 month period, is in</p>				

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	the state for a total of 10 or more days, regardless of whether or not the offender intends to permanently reside in this state; (iv) who is a nonresident regularly employed or working in this state or who is a student in this state and was convicted of one or more offenses listed in Subsection (1)(n)(i), or any substantially equivalent offense in any jurisdiction, or as a result of the conviction, is required to register in the person's jurisdiction of residence; (v) who is found not guilty by reason of insanity in this state, or in any other jurisdiction of one or more offenses listed in Subsection (1)(n)(i); or (vi) who is adjudicated delinquent based on one or more offenses listed in Subsection (1)(n)(i) and who has been committed to the division for secure confinement and remains in the division's custody 30 days prior to the person's 21st birthday.				
Vermont	1. A youth who has been adjudicated for a sexual offense in Vermont statute: a. Sexual assault as defined in 13 VSA § 3252; b. Aggravated sexual assault as defined in 13 VSA § 3253; c. Lewd and lascivious conduct as defined in 13 VSA § 2601; d. Sexual abuse of a vulnerable adult as defined in § 1379 of 13 VSA; e. Second or subsequent conviction for voyeurism as defined in 13 VSA § 2605(b) or (c); f. Kidnapping with intent to commit sexual assault as defined in 13 VSA § 2405(a)(1)(D); g. Aggravated sexual assault of a child in violation of 13 VSA § 3253a. h. Lewd and lascivious conduct with a child as defined in 13 VSA § 2602; i. Slave traffic as defined in 13 VSA § 2635; j. Sexual exploitation of children as defined in 13 VSA §§ 2822-2828; k. Procurement or solicitation as defined in 13 VSA § 2632(a)(6); l. Sex trafficking of children or sex trafficking by force, fraud, or coercion as defined in 13 VSA § 2635a; m. Prohibited Act as defined in 13 VSA § 2632;	10; except for murder which has no age limit	16	N	N/A

State/ Territory	Definition of "juvenile sex offender"	Age of Eligibility for Adjudication	Minimum Age for Transfer to Adult Court	Juvenile Sex Offenders Classified into Tiers/Levels	If so, how are they classified? (assessment, statute, policy?)
	n. Sexual exploitation of a minor as defined in 13 VSA § 3258(b); o. Luring a child as defined in 13 VSA § 2828; or p. An attempt to commit any offense listed in this section.				
<b>Virgin Islands</b>	There is no specific definition as such. What we have is "Rape in the third degree", codified at 24 V. I. Code Section 1703, as "any person under 18 years of age but over 16 years of age who perpetrates an act of sexual intercourse or sodomy with a person not the perpetrator's spouse who is under 16 years of age but over 13 years of age, under circumstances not amounting to rape in the first degree, is guilty of rape in the third degree and shall be subject to the jurisdiction of the Family Division of the Superior Court pursuant to Title 4, Chapter 11, Virgin Islands Code. In lieu of a term of detention, the court, in its discretion, may recommend appropriate treatment, counseling or family planning. Additionally, our juvenile statutes provide for a child who was fourteen (14) years of age or older at the time of the alleged offense of "rape in the first degree" and "aggravated rape" to be transferred to adult criminal court and tried as an adult. See 5 V. I. Code Section 2508.			N	N/A
<b>Virginia</b>	VA has no definition for juvenile sex offender.	None Specified	14	N	
<b>Washington</b>	Juveniles who are adjudicated for a sex offense and have to register.	8; 8-12 presumed incapable, but presumption can be removed. <sup>8</sup>	12-18 w/ discretionary hearing; 16-17 for certain offenses	Y	They are assessed by a multi-agency committee upon release from confinement.
<b>West Virginia</b>	There is no specific statutory definition.	None specified	14, unless other factors are present	N	
<b>Wisconsin</b>	A person adjudicated delinquent, found to be incapable or not responsible because of mental disease or defect, or adjudicated a Juvenile in Need of Protection and Services because s/he was under age 10 when the offense was committed;	10	Any state criminal law violation age 15; certain offenses or circumstances age 14	N	

<sup>8</sup> <https://apps.leg.wa.gov/rcw/default.aspx?cite=9a.04.050>



State/ Territory	Definition of "juvenile sex offender"	Age of Eligibility for Adjudication	Minimum Age for Transfer to Adult Court	Juvenile Sex Offenders Classified into Tiers/Levels	If so, how are they classified? (assessment, statute, policy?)
	For a sex offense as defined in WI law or a sexually-motivated offense as determined by the court.				
<b>Wyoming</b>	Any juvenile who has been adjudicated for an offense involving sex or of a sexual nature	None specified		Y	Statute

## Appendix J

### State-by-State Comparison Table 2: Juvenile Sex Offense Registration Requirements by State

State/Territory	Registration required?	Registration Age Requirements	Length of Registration	Can the juvenile petition for relief early?	Registration Timeline (in days)	Penalties for failure to register?	Type of penalty
<b>Summary of All States:</b> (# = total number of states) <ul style="list-style-type: none"> <li>Registration required?               <ul style="list-style-type: none"> <li>Yes: 21</li> <li>Yes, certain offenses: 11</li> <li>No: 3</li> <li>No, unless convicted as adult: 9</li> <li>Court Discretion: 7</li> </ul> </li> <li>Registration Age Requirements               <ul style="list-style-type: none"> <li>None specified: 22</li> <li>Age 11: 1</li> <li>Age 13: 1</li> <li>Age 14: 14</li> <li>N/A: 11</li> <li>Missing: 2</li> </ul> </li> <li>Can the juvenile petition for relief early?               <ul style="list-style-type: none"> <li>Yes: 25</li> <li>No: 6</li> <li>Court can terminate: 1</li> <li>N/A: 11</li> <li>Missing: 8</li> </ul> </li> <li>Penalties for failure to register?               <ul style="list-style-type: none"> <li>Yes: 35</li> <li>No: 12</li> <li>Other: 1</li> <li>N/A: 1</li> <li>Missing: 2</li> </ul> </li> </ul>							
Alabama	Yes <sup>1</sup>	None	Lifetime for certain offenses; 10 years for all others. <sup>2</sup>	Yes. If a juvenile is required to register for life, they may petition for relief after no less than 25 years. For those not required to register for life, the duty to register automatically terminates after 10 years. <sup>3</sup>	3 days or, for travel permits, an aggregate of 10 days per month	Y	Felony for failing to register during the 10-year period.
Alaska	No, unless charged in adult court <sup>4</sup>	N/A	N/A	N/A	N/A	N	N/A
Arizona	Court discretion. ARS 13-03821(D/E) <sup>5</sup>	None Specified	Until age 25 ARS 13-03821(F) <sup>6</sup>	Court can terminate early. ARS 13-03821(G) <sup>7</sup>	10 days	N	N/A
Arkansas	Yes, court discretion for certain offenses.	None Specified	Automatically removed at age 21 or after 10 years on registry	Can petition anytime.	Within 3 "business days" of establishing residence in Arkansas	Y	Class C Felony

<sup>1</sup> <http://alisondb.legislature.state.al.us/alison/CodeOfAlabama/1975/15-20A-3.htm>

<sup>2</sup> <http://alisondb.legislature.state.al.us/alison/CodeOfAlabama/1975/15-20A-28.htm>

<sup>3</sup> <http://alisondb.legislature.state.al.us/alison/CodeOfAlabama/1975/15-20A-34.htm>

<sup>4</sup> <http://www.akleg.gov/basis/statutes.asp#12.63.100>

<sup>5</sup> <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/03821.htm>

<sup>6</sup> <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/03821.htm>

<sup>7</sup> <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/03821.htm>

State/Territory	Registration required?	Registration Age Requirements	Length of Registration	Can the juvenile petition for relief early?	Registration Timeline (in days)	Penalties for failure to register?	Type of penalty
California	Yes, if the offense is committed under the California Penal Code Book 290.008, registration is required.	None Specified	Minimum length: Tier 1, 5 years; Tier 2, 10 years;	After minimum term. Prior to 2021 registration was lifetime.	Within 5 working days. All registrants must register annually within 5 days of their birthday with a ten-day window (5 days before or after). A registrant is also required to register within 5 working days each time the move. Transients must register every 30 days. If registrants are attending a college campus, they are required to register with the campus police within 5 working days.	Y	It is a Felony charge. Out of state juvenile sex offenders must be assessed before he/she is required to register pursuant to PC 290. Out of state conviction /statute must be comparable to a California Sex Offense. All requests for supervision of a sex offender from out of state must be submitted to the California Department of Justice Assessment Unit, Sex Offender Tracking Program.
Colorado	Yes, court can determine no upon a motion <sup>8</sup>	None Specified	Age 25 or 7 years whichever is later. <sup>9</sup>	Yes, at completion of sentence with requirements. <sup>10</sup>	5 days	Y	Felony--mandatory minimum 45-day detention sentence. Misdemeanor--mandatory minimum 30-day detention sentence.
Connecticut	No, only those convicted as adults. <sup>11</sup>	N/A	N/A	N/A	N/A	N	N/A
Delaware	Yes, for certain offenses, discretionary for others <sup>12</sup>	14	Tier I, 15 years; Tier II, 25 years; Tier III, Lifetime	Tier 1 and 2 can after 10 years; Tier 3 can petition for a "re-designation" down to tier 2, requiring 25 years.		Y	Felony

<sup>8</sup> <https://advance.lexis.com/documentpage/?pdmfid=1000516&crd=a77a9b87-953c-441f-97eb-1caa63785658&nodeid=AAQAAIAADAAD&nodepath=%2FROOT%2FAAQ%2FAAQAAI%2FAAQAAIAAD%2FAAQAAIAADAAD&level=4&haschildren=&populated=false&title=16-22-103.+Sex+offender+registration>

<sup>9</sup> <https://advance.lexis.com/documentpage/?pdmfid=1000516&crd=f34ab5bd-208e-4cec-bb46-8c8583a2db09&action=pawlinkdoc&pdcomponentid=&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A639V-N943-CH1B-T39M-00008-00&pdtocontentidentif>

<sup>10</sup> [https://leg.colorado.gov/sites/default/files/documents/2020A/bills/2020a\\_1079\\_01.pdf](https://leg.colorado.gov/sites/default/files/documents/2020A/bills/2020a_1079_01.pdf)

<sup>11</sup> [https://www.cga.ct.gov/current/pub/chap\\_969.htm#sec\\_54-251](https://www.cga.ct.gov/current/pub/chap_969.htm#sec_54-251)

<sup>12</sup> <https://delcode.delaware.gov/title11/c041/sc03/index.html>

State/Territory	Registration required?	Registration Age Requirements	Length of Registration	Can the juvenile petition for relief early?	Registration Timeline (in days)	Penalties for failure to register?	Type of penalty
Florida	Yes <sup>13</sup>	14	Lifetime	After 25 years in certain circumstances. <sup>14</sup>	Must register within 48 hours	Y	Third degree felony
Georgia	No, unless convicted in adult court or unless required to register in the home state, then within 72 hours.	N/A	N/A	N/A	72 hours, if required	Yes	Felony
Hawaii	No, unless convicted in adult court	N/A	N/A	N/A	N/A	Y, for required juveniles	Class C Felony for require juveniles who fail to register
Idaho	Yes, but maintained on separate registry (ages 14-18) <sup>15</sup>	14	Until age 21, unless court ordered to adult registry <sup>16</sup>	No	Three (3) working days. I.C. 18-8405 and I.C. 18-8406.	Y	I.C. 18-8409. Failure to register, penalties. (1) A juvenile sex offender who fails to register or provide notification of a change of name or address is guilty of a misdemeanor.
Illinois	Yes <sup>17</sup>	None Specified	Minimum 5 years or 2 years depending on offense. <sup>18</sup>	Yes, after minimum years.	3 days; Registration must be made within three days following the juvenile's arrival--if the juvenile resides within a municipality, he/she must register with the local police department. If the juvenile resides within the county or within an unincorporated area, the juvenile must register with	Y	Class 3 Felony any person convicted of failure to register of any provision of this Article shall, in addition to any other penalty required by law, be required to serve a minimum period of 7 days in the local county jail and the court shall impose a mandatory minimum fine of \$500.00 730 ILCS 150/10. Penalty

<sup>13</sup> <https://www.flsenate.gov/Laws/Statutes/2020/0943.0435>

<sup>14</sup> <https://www.flsenate.gov/Laws/Statutes/2020/0943.0435>

<sup>15</sup> <https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH84/SECT18-8404/>

<sup>16</sup> <https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH84/SECT18-8410/>

<sup>17</sup> <https://ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2009&ChapterID=55>

<sup>18</sup> <https://ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2009&ChapterID=55>

State/Territory	Registration required?	Registration Age Requirements	Length of Registration	Can the juvenile petition for relief early?	Registration Timeline (in days)	Penalties for failure to register?	Type of penalty
					the local sheriff's department. The adjudicated juvenile must be accompanied by a parent, legal guardian, or other court appointed official until he/she reaches the age of 18. The adjudicated juvenile must bring a copy of his/her judgment orders with them to register. Failure to comply with the Sex Offender Registration Act is a Class 3 Felony.		
Indiana	Upon Court Order, IC 11-8-8-7 <sup>19</sup>	14	10 years for most. Life if certain criteria is met.	Yes <sup>20</sup>		N/A	N/A
Iowa	Yes, with court discretion <sup>21</sup>	14	Minimum 10 years <sup>22</sup>	Yes <sup>23</sup>	5 Business days	Y	Aggravated misdemeanor for 1st offense. Class D felony for 2nd or more offense
Kansas	Yes; if the offense is rape or aggravated sodomy, all other sex offenses are registration may be ordered by the Court.	None Specified	5 years or 18 (whichever comes later) OR lifetime <sup>24</sup>	No	10 days	Y	K.S.A. 22-4903. Failure to register is a Level 5 person Felony. It is a new and separate offense every 30 days for as long as the youth fails to register

<sup>19</sup> <http://iga.in.gov/legislative/laws/2020/ic/titles/011#11-8-8-7>

<sup>20</sup> <http://iga.in.gov/legislative/laws/2020/ic/titles/011#11-8-8-22>

<sup>21</sup> <https://www.legis.iowa.gov/docs/code/2021/692A.103.pdf>

<sup>22</sup> <https://www.legis.iowa.gov/docs/code/2021/692A.106.pdf>

<sup>23</sup> <https://www.legis.iowa.gov/docs/code/2021/692A.103.pdf>

<sup>24</sup> [http://www.kslegislature.org/li\\_2020/b2019\\_20/statute/022\\_000\\_0000\\_chapter/022\\_049\\_0000\\_article/022\\_049\\_0006\\_section/022\\_049\\_0006\\_k/](http://www.kslegislature.org/li_2020/b2019_20/statute/022_000_0000_chapter/022_049_0000_article/022_049_0006_section/022_049_0006_k/)

State/Territory	Registration required?	Registration Age Requirements	Length of Registration	Can the juvenile petition for relief early?	Registration Timeline (in days)	Penalties for failure to register?	Type of penalty
Kentucky	No, unless convicted in adult court. <sup>25</sup>  Senate Bill 120 Amend KRS 17.510 provides that juveniles adjudicated in other states are not required to register in Kentucky. Provision is retroactive.	N/A	N/A	N/A	N	N	
Louisiana	Yes, for certain offenses <sup>26</sup>	14	15 years or lifetime <sup>27</sup>	Yes, 15 down to 10 and lifetime down to 25 years. <sup>28</sup>	Within 3 "business days" of relocating to Louisiana, all out-of-state sex offenders are required to register until a final determination is made. All out of state sex offenders must report to their local police department or sheriff's officer to complete the initial registration process.	Y	1st conviction: mandatory minimum of 2 years up to 10 years with hard labor and probation, parole, or suspension of sentence and fine up to 1,000.00. 2nd conviction: Mandatory minimum of 5 years up to 20 years with hard labor and probation, parole, or suspension of sentence and mandatory fine of 3,000.00
Maine	No, unless convicted in adult court <sup>29</sup>	N/A	N/A	N/A	N/A	N	
Maryland	Yes, certain offenses <sup>30</sup>	14	Registration ends with court jurisdiction		Contact ICJ Office	N	N/A

<sup>25</sup> <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=47954>

<sup>26</sup> <http://www.legis.la.gov/Legis/Law.aspx?d=79161>

<sup>27</sup> <http://www.legis.la.gov/Legis/Law.aspx?d=79164>

<sup>28</sup> <http://www.legis.la.gov/Legis/Law.aspx?d=79164>

<sup>29</sup> <https://legislature.maine.gov/statutes/34-A/title34-Asec11272.html>

<sup>30</sup> <https://advance.lexis.com/documentpage/?pdmfid=1000516&crd=c27c0ddd-86ce-4c52-a8b2-8e4d3fc35e77&nodeid=AAKAAMAAHAG&nodepath=%2FROOT%2FAAK%2FAAKAAM%2FAAKAAMAAH%2FAAKAAMAAHAG&level=4&haschildren=&populated=false&title=%C2%A7+11-704.1.+Registry+of+juvenil>

State/Territory	Registration required?	Registration Age Requirements	Length of Registration	Can the juvenile petition for relief early?	Registration Timeline (in days)	Penalties for failure to register?	Type of penalty
Massachusetts	Yes, by court order	None Specified	20 years or life	Yes <sup>31</sup>	2 Days	Y	Penalties for failure to comply with G.L. c. 6, §§ 178C to 178P Sex offenders will be prosecuted for violating the law if they knowingly: Fail to register; Fail to verify registration information; Fail to provide notice of change of address, place of employment, or institution of higher learning; or Provide false information. The penalties for the above-referenced violations are: Imprisonment for not less than 6 months and not more than 2 1/2 years in a house of correction nor more than 5 years in state prison or by a fine of not more than \$1,000 or by both; and Certain unclassified and Level 1 offenders and all Level 2 and 3 offenders shall receive a term of community parole supervision for life in addition to any sentence or fine imposed. Second and subsequent conviction: imprisonment in state prison for not less than 5 years.

<sup>31</sup> <https://www.mass.gov/files/documents/2017/09/18/Sex%20Offender%20Registry%20Board%20CMR.pdf>



State/Territory	Registration required?	Registration Age Requirements	Length of Registration	Can the juvenile petition for relief early?	Registration Timeline (in days)	Penalties for failure to register?	Type of penalty
Michigan	Yes, but can dispute with a court hearing <sup>32</sup>	14 <sup>33</sup>	15, 25 or life	Yes	See the Michigan State Police links and phone in previous column.	See Michigan Compiled Laws (MCL) for the Sex Offenders Registration Act at MCL 28.729.	See Michigan Compiled Laws (MCL) for the Sex Offenders Registration Act at MCL 28.729.
Minnesota	Yes <sup>34</sup>	None Specified	10 years <sup>35</sup>		A juvenile subject to POR is required register at least 5 days before they enter the state to reside, within 5 days of beginning work or attending school, or upon remaining in the state for 14 days or longer.	Y	Felony
Mississippi	Yes, certain offenses	14 <sup>36</sup>	Minimum 15, 25 or life based on offense. <sup>37</sup>	Yes, after minimum years. <sup>38</sup>	10	Y	Revocation of Parole/Probation
Missouri	Yes <sup>39</sup>	None Specified	21, unless required to register as an adult <sup>40</sup>		10 days if required to register as a juvenile; 3 days if required to register as an adult	Y	Failure to register as a juvenile is a class A misdemeanor  If you are a juvenile required to register as an adult, the penalty is a felony.
Montana	Yes, court discretion <sup>41</sup>	None Specified	Minimum 10 Years or 25;	Only after minimum term, or	3 business days		

<sup>32</sup> [http://www.legislature.mi.gov/\(S\(zdrv3ufdzvonnygvtwiw2gc\)\)/mileg.aspx?page=getObject&objectname=mcl-28-723a](http://www.legislature.mi.gov/(S(zdrv3ufdzvonnygvtwiw2gc))/mileg.aspx?page=getObject&objectname=mcl-28-723a)

<sup>33</sup> [http://www.legislature.mi.gov/\(S\(zdrv3ufdzvonnygvtwiw2gc\)\)/mileg.aspx?page=getObject&objectName=mcl-28-722](http://www.legislature.mi.gov/(S(zdrv3ufdzvonnygvtwiw2gc))/mileg.aspx?page=getObject&objectName=mcl-28-722)

<sup>34</sup> <https://www.revisor.mn.gov/statutes/cite/243.166>

<sup>35</sup> <https://www.revisor.mn.gov/statutes/cite/243.166>

<sup>36</sup> [http://state.sor.dps.ms.gov/so\\_law.html#SECT453325](http://state.sor.dps.ms.gov/so_law.html#SECT453325)

<sup>37</sup> [http://state.sor.dps.ms.gov/so\\_law.html#SECT453347](http://state.sor.dps.ms.gov/so_law.html#SECT453347)

<sup>38</sup> [http://state.sor.dps.ms.gov/so\\_law.html#SECT453347](http://state.sor.dps.ms.gov/so_law.html#SECT453347)

<sup>39</sup> <https://revisor.mo.gov/main/OneSection.aspx?section=211.425&bid=35445&hl=>

<sup>40</sup> <https://revisor.mo.gov/main/OneSection.aspx?section=211.425&bid=35445&hl=>

<sup>41</sup> [https://leg.mt.gov/bills/mca/title\\_0410/chapter\\_0050/part\\_0150/section\\_0130/0410-0050-0150-0130.html](https://leg.mt.gov/bills/mca/title_0410/chapter_0050/part_0150/section_0130/0410-0050-0150-0130.html)

State/Territory	Registration required?	Registration Age Requirements	Length of Registration	Can the juvenile petition for relief early?	Registration Timeline (in days)	Penalties for failure to register?	Type of penalty
			some lifetime <sup>42</sup>	if the court ordered shorter registration.			
Nebraska	No; unless required to register in Sending State; within 3 business days <sup>43</sup>	N/A	N/A	N/A	3 business days	Y	Felony
Nevada	Yes	14 <sup>44</sup>	Age 21, unless court orders adult registration. <sup>45</sup>	No, but they can extend <sup>46</sup>	Within 2 days, if 14 and over	Y	First offense: Category D Felony Second Offense: Category C Felony
New Hampshire	Yes; upon court order <sup>47</sup>	None Specified	Until age 18 <sup>48</sup>	No, court can extend <sup>49</sup>	5 Business days	Y	Misdemeanor
New Jersey	Yes <sup>50</sup>	None Specified	Minimum 15 years	Yes, after minimum years. <sup>51</sup>	NJ 2C-c (1), (3) In state - once on supervision, out-of-state within 10 days of moving to NJ	Y	3rd Degree Felony
New Mexico	No, only those convicted as adults.	N/A	N/A	N/A	0	N	
New York	No <sup>52</sup>	N/A	N/A	N/A	N/A	N	N/A
North Carolina	Yes, for certain offenses <sup>53</sup>	11	Age 18 or when court jurisdiction ends, whichever comes first. <sup>54</sup>	No	N/A	N	N/A

<sup>42</sup> [https://leg.mt.gov/bills/mca/title\\_0460/chapter\\_0230/part\\_0050/section\\_0060/0460-0230-0050-0060.html](https://leg.mt.gov/bills/mca/title_0460/chapter_0230/part_0050/section_0060/0460-0230-0050-0060.html)

<sup>43</sup> <https://sor.nebraska.gov/FAQ#:~:text=Juveniles%20are%20not%20required%20to,was%20adjudicated%20in%20juvenile%20court.&text=The%20current%20law%20no%20longer%20has%20a%20sexually%20violent%20predator%20provision>

<sup>44</sup> <https://www.leg.state.nv.us/NRS/NRS-062F.html#NRS062FSec300>

<sup>45</sup> <https://www.leg.state.nv.us/NRS/NRS-062F.html#NRS062FSec340>

<sup>46</sup> <https://www.leg.state.nv.us/NRS/NRS-062F.html#NRS062FSec340>

<sup>47</sup> <http://www.gencourt.state.nh.us/rsa/html/xii/169-B/169-B-19.htm>

<sup>48</sup> <http://www.gencourt.state.nh.us/rsa/html/xii/169-B/169-B-19.htm>

<sup>49</sup> <http://www.gencourt.state.nh.us/rsa/html/LXII/651-B/651-B-6.htm>

<sup>50</sup> [https://lis.njleg.state.nj.us/nxt/gateway.dll?f=templates\\$fn=contents-frame-js.htm\\$vid=Publish%3A10.1048%2Fenu\\$3.0&cp=&sel=0&tf=main&tt=document-frameset.htm&t=contents-frame-js.htm&och=onClick](https://lis.njleg.state.nj.us/nxt/gateway.dll?f=templates$fn=contents-frame-js.htm$vid=Publish%3A10.1048%2Fenu$3.0&cp=&sel=0&tf=main&tt=document-frameset.htm&t=contents-frame-js.htm&och=onClick)

<sup>51</sup> [https://lis.njleg.state.nj.us/nxt/gateway.dll?f=templates\\$fn=contents-frame-js.htm\\$vid=Publish%3A10.1048%2Fenu\\$3.0&cp=&sel=0&tf=main&tt=document-frameset.htm&t=contents-frame-js.htm&och=onClick](https://lis.njleg.state.nj.us/nxt/gateway.dll?f=templates$fn=contents-frame-js.htm$vid=Publish%3A10.1048%2Fenu$3.0&cp=&sel=0&tf=main&tt=document-frameset.htm&t=contents-frame-js.htm&och=onClick)

<sup>52</sup> <https://www.nysenate.gov/legislation/laws/COR/168-A>

<sup>53</sup> [https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_7B/GS\\_7B-2509.pdf](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_7B/GS_7B-2509.pdf)

<sup>54</sup> [https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_14/GS\\_14-208.30.pdf](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_14/GS_14-208.30.pdf)

State/Territory	Registration required?	Registration Age Requirements	Length of Registration	Can the juvenile petition for relief early?	Registration Timeline (in days)	Penalties for failure to register?	Type of penalty
North Dakota	Yes, for certain offenses <sup>55</sup>	None Specified	15, 25 or life	Yes	3	Y	Felony
Ohio	Yes <sup>56</sup>	14	10, 25 or life <sup>57</sup>	Yes <sup>58</sup>	5 days	Y	If convicted or adjudicated of a misdemeanor, the charge for failure to register is a misdemeanor. If convicted or adjudicated of a felony, the charge for failure to register is a felony.
Oklahoma	Yes, certain offenses (10A-2-8-102/104) <sup>59</sup>	14	Age 21, unless court orders adult registration. (10A-2-8-108) <sup>60</sup>		3 days	Y	It is reported to law enforcement agencies and local district attorneys for consideration of filing charges.
Oregon	Yes (163A.025/030) <sup>61</sup>	None Specified		Yes (163A.130) <sup>62</sup>	10 days	Y	Misdemeanor - up to 1 year in custody maximum
Pennsylvania	Yes <sup>63</sup>		Minimum 25 years <sup>64</sup>		N/A	N	
Rhode Island	Yes <sup>65</sup>	None Specified	15 years, less with court discretion <sup>66</sup>		Within 24 hours	Y	Felony

<sup>55</sup> <https://www.legis.nd.gov/cencode/t12-1c32.pdf#nameddest=12p1-32-15>

<sup>56</sup> <https://codes.ohio.gov/ohio-revised-code/section-2950.04>

<sup>57</sup> <https://codes.ohio.gov/ohio-revised-code/section-2950.15>

<sup>58</sup> <https://codes.ohio.gov/ohio-revised-code/section-2152.85>

<sup>59</sup> <http://www.oklegislature.gov/osstatuestitle.html>

<sup>60</sup> <http://www.oklegislature.gov/osstatuestitle.html>

<sup>61</sup> [https://www.oregonlegislature.gov/bills\\_laws/ors/ors163A.html](https://www.oregonlegislature.gov/bills_laws/ors/ors163A.html)

<sup>62</sup> [https://www.oregonlegislature.gov/bills\\_laws/ors/ors163A.html](https://www.oregonlegislature.gov/bills_laws/ors/ors163A.html)

<sup>63</sup> <https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=42&div=0&chpt=97&sctn=99&subscn=13>

<sup>64</sup> <https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=42&div=0&chpt=97&sctn=99&subscn=17>

<sup>65</sup> <http://webserver.rilin.state.ri.us/Statutes/TITLE11/11-37.1/11-37.1-3.HTM>

<sup>66</sup> <http://webserver.rilin.state.ri.us/Statutes/TITLE11/11-37.1/11-37.1-4.HTM>

State/Territory	Registration required?	Registration Age Requirements	Length of Registration	Can the juvenile petition for relief early?	Registration Timeline (in days)	Penalties for failure to register?	Type of penalty
South Carolina	Yes (23-3-430) <sup>67</sup>	None Specified	Life		10 days	Y	1st offense-misdemeanor (serve up to 30 days) 2nd offense-misdemeanor (serve 1yr mandatory) 3rd offense-felony (serve 3-5 years mandatory)
South Dakota	Yes, certain offenses <sup>68</sup>	14 <sup>69</sup>	Minimum 5, 25 or life	Yes <sup>70</sup>	3 days	Y	Class 6 felony
Tennessee	Yes <sup>71</sup>	14	Minimum 10 years <sup>72</sup>	Yes <sup>73</sup>	48 hours	y	Class E Felony
Texas	Yes (62.351) <sup>74</sup>	None Specified	10 years or life	Yes (62.352, 62.404) <sup>75</sup>	7 days	Y	The maximum penalty for failure to register is 99 years of incarceration.
Utah	Yes, certain offenses <sup>76</sup>	None Specified	10 years <sup>77</sup>	Yes <sup>78</sup>	10 days. UT requires juvenile sex offenders to register if they are required to register in their home state. Also, UT requires sex offenders to register if they were incarcerated in our state 30 days prior	Y	It's a 3rd Degree felony if the sex offense was a felony, or a Class A misdemeanor if the sex offense was a misdemeanor. Both are punishable by a minimum of 90 days incarceration and 1 year of probation.

<sup>67</sup> <https://www.scstatehouse.gov/code/t23c003.php>

<sup>68</sup> [https://sdlegislature.gov/Statutes/Codified\\_Laws/2047436](https://sdlegislature.gov/Statutes/Codified_Laws/2047436)

<sup>69</sup> [https://sdlegislature.gov/Statutes/Codified\\_Laws/2047436](https://sdlegislature.gov/Statutes/Codified_Laws/2047436)

<sup>70</sup> [https://sdlegislature.gov/Statutes/Codified\\_Laws/2047455](https://sdlegislature.gov/Statutes/Codified_Laws/2047455)

<sup>71</sup> <https://advance.lexis.com/documentpage/?pdmfid=1000516&crld=d755dfea-9c6e-41b2-aefd-4991868d602c&pdlistocdocslideraccess=true&config=025054JABIOTJjNmlyNi0wYjI0LTRjZGEtYWE5ZC0zNGFhOWNhMjFINDgKAFBvZENhdGFsb2cDFQ14bX2GfyBTai9WcPX5&pddocfullpath=%2Fshared%2Fdo>

<sup>72</sup> <https://advance.lexis.com/documentpage/?pdmfid=1000516&crld=68d7fc30-03c2-493b-9f92-1ced6800bea8&action=pawlinkdoc&pdcomponentid=&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A50JB-7980-R03N-T29F-00008-00&pdtocnodeidentif>

<sup>73</sup> <https://advance.lexis.com/documentpage/?pdmfid=1000516&crld=68d7fc30-03c2-493b-9f92-1ced6800bea8&action=pawlinkdoc&pdcomponentid=&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A50JB-7980-R03N-T29F-00008-00&pdtocnodeidentif>

<sup>74</sup> <https://statutes.capitol.texas.gov/Docs/CR/htm/CR.62.htm>

<sup>75</sup> <https://statutes.capitol.texas.gov/Docs/CR/htm/CR.62.htm>

<sup>76</sup> [https://le.utah.gov/xcode/Title77/Chapter41/77-41-S102.html?v=C77-41-S102\\_2021051920210901](https://le.utah.gov/xcode/Title77/Chapter41/77-41-S102.html?v=C77-41-S102_2021051920210901)

<sup>77</sup> <https://le.utah.gov/xcode/Title77/Chapter41/77-41-S105.html>

<sup>78</sup> <https://le.utah.gov/xcode/Title77/Chapter41/77-41-S112.html>

State/Territory	Registration required?	Registration Age Requirements	Length of Registration	Can the juvenile petition for relief early?	Registration Timeline (in days)	Penalties for failure to register?	Type of penalty
					to their 21st birthday.		
Vermont	No, only those convicted as adults.	N/A	N/A	N/A	N/A	N	N/A
Virgin Islands	No, unless they are required to register in their home state				Five (5) working days, or not later than 120 days. 14 V. I. Code 1724	Y	Not specific to juveniles, just sex offenders who fail to register.
Virginia	Yes <sup>79</sup>	13	Upon termination; minimum 15, 25 <sup>80</sup>	Yes <sup>81</sup>	If required to register in another state 10 days when arriving in VA	Y	When registration is required. 1st offense-misdemeanor 2nd or more-felony if convicted of sexually violent offense-felony
Washington	Yes <sup>82</sup>	None Specified	10, 15, life <sup>83</sup>	Yes <sup>84</sup>	3 business days for youth moving WA AND for sex offenders who are visiting for 10 days or more.	Y	Yes, it is a Class C Felony for the first two and then becomes a Class B.
West Virginia	No, unless convicted in adult court	N/A	N/A	N/A	n/a	N	n/a
Wisconsin	Yes, registration can be waived by court <sup>85</sup>	None Specified	15 years	No	10 days	Y	Felony if the underlying offense was a felony; misdemeanor if the underlying offense was a misdemeanor.

<sup>79</sup> <https://law.lis.virginia.gov/vacode/title9.1/chapter9/section9.1-901/>

<sup>80</sup> <https://law.lis.virginia.gov/vacode/title9.1/chapter9/section9.1-908/>

<sup>81</sup> <https://law.lis.virginia.gov/vacode/9.1-910/>

<sup>82</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130>

<sup>83</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.140>

<sup>84</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.143>

<sup>85</sup> <https://docs.legis.wisconsin.gov/statutes/statutes/301/45>

State/Territory	Registration required?	Registration Age Requirements	Length of Registration	Can the juvenile petition for relief early?	Registration Timeline (in days)	Penalties for failure to register?	Type of penalty
Wyoming	Yes (7-19-301) <sup>86</sup>	None Specified	Life	Yes, after 10 years (7-19-304) <sup>87</sup>	3 business days	Y	Felony - First offense punishable by a fine of up to one thousand dollars (\$1,000) and imprisonment for not more than five (5) years or both. Subsequent violations for failure to register is punishable by a fine of one thousand dollars (\$1,000) imprisonment of not more than ten (10) years or both.

<sup>86</sup> <https://wvleg.gov/statutes/compress/title07.pdf>

<sup>87</sup> <https://wvleg.gov/statutes/compress/title07.pdf>

## Appendix K

State-by-State Comparison Table 3: Community Notification, Risk Assessment and Additional Court Requirements by State

State/ Territory	Community Notification?	Risk Assessment?	Residential Requirement?	Type of Residential Requirement	Electronic Monitoring?	Details for e-monitoring	DNA Testing?	Conditions for DNA Testing
<b>Summary of All States:</b> (# = total number of states)	<ul style="list-style-type: none"> <li>▪ Yes: 21</li> <li>▪ Yes, court or law enforcement determination: 5</li> <li>▪ Yes, school notification: 4</li> <li>▪ No: 17</li> <li>▪ No, unless convicted as adult: 1</li> <li>▪ Other: 1</li> <li>▪ N/A: 2</li> </ul>	<ul style="list-style-type: none"> <li>▪ Yes: 24</li> <li>▪ No: 22</li> <li>▪ N/A: 4</li> <li>▪ Missing: 1</li> </ul>	<ul style="list-style-type: none"> <li>▪ Yes: 22</li> <li>▪ No: 24</li> <li>▪ Other: 1</li> <li>▪ N/A: 3</li> <li>▪ Missing: 1</li> </ul>		<ul style="list-style-type: none"> <li>▪ Yes: 10</li> <li>▪ No: 35</li> <li>▪ Other: 1</li> <li>▪ N/A: 4</li> <li>▪ Missing: 1</li> </ul>		<ul style="list-style-type: none"> <li>▪ Yes: 33</li> <li>▪ No: 14</li> <li>▪ N/A: 3</li> <li>▪ Missing: 1</li> </ul>	
Alabama	Yes; court determination based on risk. Includes school notifications by proximity <sup>1</sup>	Y	Y	Medium and High-risk offenders must not reside near childcare facilities and schools	N		Y	
Alaska	N	N	N	N/A	N	N/A	Y	A juvenile 16- or 17-year-old juvenile is adjudicated for "crimes against person" or a felony sex offense, the juvenile shall submit a blood sample, oral sample, or both, for inclusion into the DNA identification registration system in the AK Department of Public Safety.

<sup>1</sup> <http://alisondb.legislature.state.al.us/alison/CodeOfAlabama/1975/15-20A-27.htm>



State/ Territory	Community Notification?	Risk Assessment?	Residential Requirement?	Type of Residential Requirement	Electronic Monitoring?	Details for e-monitoring	DNA Testing?	Conditions for DNA Testing
Arizona	Yes, ONLY upon court order <sup>2</sup>	N	N	N/A	N	N/A	Y	In the state of Arizona, if the youth adjudicated depending on the type offenses. Reference ARS 13-610
Arkansas	Once required to register, juvenile sex offenders are subject to the same requirements and standards as adult offenders. Pursuant to Ark. Code Ann. § 12-12-913, the Sex Offender Assessment Committee develops and promulgates guidelines which are used by local law enforcement agencies with jurisdiction to determine whether disclosure of certain relevant information is necessary for the public protection. Levels of notification are assigned, which determines who	Y	Y	Y	N		Y*	Ark. Code Ann. § 12-12-906 requires the agency responsible for registering an individual to obtain a DNA sample if one has not already been provided. Juvenile sex offenders who are not required to register are not required to provide a DNA sample.

<sup>2</sup> <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/03825.htm>

State/ Territory	Community Notification?	Risk Assessment?	Residential Requirement?	Type of Residential Requirement	Electronic Monitoring?	Details for e-monitoring	DNA Testing?	Conditions for DNA Testing
	in the community is notified and what information they receive.							
California	N, not unless convicted as an Adult or in the Superior Court. If they are a Juvenile Court Commitment, they do not fall under Megan's Law for Public notification. In 2022 juvenile will be removed from the public registry.	The Division of Juvenile Justice is currently utilizing the Juvenile Sexual Offense Recidivism Risk Assessment Tool II (J-SORRAT-II), for Juvenile Sex offenders, and for Adults the Static 99. Both J-SORRAT-II and Static 99 will be completed four months prior to release from a DJJ facility for youth	Y	Y, under Jessica's Law, they cannot reside within 2,000 feet of schools and parks.	Y	It is on a case-by-case basis. They can be monitored electronically or by GPS.	Y	All California Division of Juvenile Justice wards adjudicated of a felony, including cases required to register as a sex offender for a felon offense described in PC 290 (Juvenile and Criminal Court) shall provide a Buccal swab or blood specimen and saliva sample, and a thumb, finger and palm print.

State/ Territory	Community Notification?	Risk Assessment? who are adjudicated for a sex offense requiring registration (PC 292.008).	Residential Requirement?	Type of Residential Requirement	Electronic Monitoring?	Details for e-monitoring	DNA Testing?	Conditions for DNA Testing
Colorado	No, changes in 2020, excludes juveniles <sup>3</sup>	Y	Y	Varies based on County of residence.	N	Only if necessary	Y	determined by court order
Connecticut	Y; ONLY upon Court Order	Y	N	N/A	N	N/A	N	n/a
Delaware	Y: Degree of Public notification varies on Risk Assessment Level	N	Y	It's based on local township law, Not state law	Y	Tier 3 only paid for by the offender	Y	Per DE Code: Notwithstanding any provision to the contrary, a DNA sample will also be taken from the offender. The resulting DNA profile will be submitted for entry into the Combined DNA Index System (CODIS). All information collected pursuant to this paragraph shall be kept in digitized form in an electronic database maintained by the designated Delaware Police facility responsible for registration.

<sup>3</sup> <https://leg.colorado.gov/bills/hb20-1079>

State/ Territory	Community Notification?	Risk Assessment?	Residential Requirement?	Type of Residential Requirement	Electronic Monitoring?	Details for e-monitoring	DNA Testing?	Conditions for DNA Testing
Florida	Y	Y	Y	State Law registration and local ordinance	N	n/a	Y	All felonies
Georgia	N	N/A	N/A	N/A	N/A	N/A	N	N/A
Hawaii	N	N	Y	Requirement applies to juveniles 18 years or older visiting HI for 10 or more days or 30 or more days in one calendar year.	N	N/A	N/A	N/A
Idaho	Yes <sup>4</sup>	N	N		N		Y	If tried as an adult and convicted of, or pleads guilty, to any of the crimes set forth in I.C. 19-5506.
Illinois	Not published on website, but LE has discretion when needed.	Y	Y	Juvenile are required to report within 72 hours change of address, school, employment, vehicle or if planning to leave town for more than 72 hours. Only schools and licensed daycare facilities	Y	It is required that the host has a land phone for Electric Monitoring or GPS Monitoring services.	Y	Yes - Mouth swab then registered with the state police

<sup>44</sup> <https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH83/SECT18-8323/>

State/ Territory	Community Notification?	Risk Assessment?	Residential Requirement?	Type of Residential Requirement	Electronic Monitoring?	Details for e-monitoring	DNA Testing?	Conditions for DNA Testing
				<p>receive the list of adjudicated juvenile sex offenders and their names do not appear on the Illinois State Police Sex Offender website. The schools and licensed daycare facilities are not allowed to provide the names of these juvenile offenders to third parties. Local law enforcement and the Illinois State Police have discretion to provide names of the adjudicated juveniles to the public only when public safety is compromised . Adjudicated juvenile sex offenders are treated as</p>				

State/ Territory	Community Notification?	Risk Assessment?	Residential Requirement?	Type of Residential Requirement	Electronic Monitoring?	Details for e-monitoring	DNA Testing?	Conditions for DNA Testing
				juveniles during their entire registration period. The name of the juvenile offender will not be released to the public even after the juvenile offender becomes an adult. Improper release of juvenile information can result in a misdemeanor conviction.				
Indiana	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Iowa	Y	N	Y	Does not apply if the SO lives with parents, under 18 or in court ordered facility.	Y	Electronic monitoring is determined by the J-SORRAT II.	Y	Required for youth placed on the SO Registry or at the felony level.
Kansas	Y: public Notification if rape or aggravated sodomy, all other offenses may be either 1) ordered to register, which would trigger	N	N		N		Y	

State/ Territory	Community Notification?	Risk Assessment?	Residential Requirement?	Type of Residential Requirement	Electronic Monitoring?	Details for e-monitoring	DNA Testing?	Conditions for DNA Testing
	public Notification, 2) Not ordered to register, thus No public Notification, or 3) ordered to register, but information will Not be available to the public or posted on any website							
Kentucky	N	N	N		N		N	
Louisiana	No, with exception <sup>5</sup>	Y	Y	Changes of address must be made in person w/in 3 business days in parish of new residence. If new parish, send written Notification w/in 3 business days of establishing new residence to parish of old residence. If youth plans to stay in temporary lodging for 7 consecutive	N	Electronic monitoring is not required for compact youth under supervision but once accepted they have to abide by the same rules as any other sex offender is this state. In secure care or a community based secure	Y	A youth who is arrested for a felony or other specific offense, including an attempt, conspiracy, criminal solicitation, or accessory after the fact of such offense on or after September 1, 1999, shall have a DNA sample drawn or taken at the same time he is fingerprinted pursuant to the booking procedure. Interstate compact youth shall have a DNA sample drawn or taken within 3 days after he has

<sup>5</sup> <http://www.legis.la.gov/legis/Law.aspx?p=y&d=79162>

State/ Territory	Community Notification?	Risk Assessment?	Residential Requirement?	Type of Residential Requirement	Electronic Monitoring?	Details for e-monitoring	DNA Testing?	Conditions for DNA Testing
				days or more, they must personally notify the sheriff of residence at least 3 days prior to establishing temporary lodging. The youth must notify the Sheriff of residence in person w/in 3 business days if (a) vacating current address w/N intent to return (b) absent from current address for 30 consecutive days or aggregate of 30 days per calendar year and physically present another address.		detention facility, sex offender youth must wear an electronic monitor if granted furlough away from the grounds without supervision from facility staff.		reported to the regional office which will be providing active supervision.



State/ Territory	Community Notification?	Risk Assessment?	Residential Requirement?	Type of Residential Requirement	Electronic Monitoring?	Details for e-monitoring	DNA Testing?	Conditions for DNA Testing
Maine	Y, Public notification and DNA requirements apply only to juveniles adjudicated in Maine; they currently do not apply to juveniles transferring to Maine under the provisions of the ICJ.	Y	N	N/A	N	Only if ordered by the court as a condition of supervision	Y	Only if adjudicated in Maine of a qualifying felony offense. Public notification and DNA requirements apply only to juveniles adjudicated in Maine; they currently do not apply to Juveniles transferring to Maine under the provisions of the ICJ.
Maryland	N	N	N	N/A	N	N/A	N	N/A
Massachusetts	Yes, Degree of Public Notification varies on Risk Assessment Level	Y	N	N/A	N	N/A	N	N/A
Michigan	In Michigan, juvenile offenders do not appear on the Public Sex Offender Registry.	A risk assessment for sex offenders is required as part of an ICJ referral for transfer of parole/probation supervision of a juvenile sex offender.	See the Michigan Compiled Laws (MCL) for the Sex Offenders Registration Act, MCL 28.721 et seq.	See the Michigan Compiled Laws for the relevant statute, MCL 28.721 et seq.	There is no electronic monitoring on ICJ juveniles coming to Michigan from other states, unless the juvenile offends in Michigan, a Michigan court takes jurisdiction and directs electronic monitoring by court	See Previous Column	DNA profile sampling applies for certain adjudications or convictions in Michigan. See MCL 28.176(1)(a), 803.225a, and 803.307a. See also Michigan Administrative Code R28.5051-28.5059.	

State/ Territory	Community Notification?	Risk Assessment?	Residential Requirement?	Type of Residential Requirement	Electronic Monitoring? order.	Details for e-monitoring	DNA Testing?	Conditions for DNA Testing
Minnesota	N	N	N	N/A	N	Minnesota allows electronic monitoring , but it is not required.	Y	Yes, for those adjudicated delinquent of an offense arising out of a petition for committing or attempting to commit a felony offense.
Mississippi	Y	Y					N	N/A
Missouri	N	N	Y	N/A	N		N	
Montana	Y; ONLY upon court order <sup>6</sup>	Y	Y	Restrictions on the defendant's residency in the proximity of a private or public elementary or high school, preschool as defined in 20-5-402, licensed day-care center, church, or park	N		Y	44-6-102. Establishment of DNA identification index. (1) The department shall establish a computerized DNA identification index for the receipt, storage, and exchange of DNA records. The DNA identification index is the central repository for DNA records in the state of Montana.

<sup>6</sup> [https://leg.mt.gov/bills/mca/title\\_0460/chapter\\_0230/part\\_0050/section\\_0080/0460-0230-0050-0080.html](https://leg.mt.gov/bills/mca/title_0460/chapter_0230/part_0050/section_0080/0460-0230-0050-0080.html)

State/ Territory	Community Notification?	Risk Assessment?	Residential Requirement?	Type of Residential Requirement	Electronic Monitoring?	Details for e-monitoring	DNA Testing?	Conditions for DNA Testing
				maintained by a city, town, or county.				(2) The DNA identification index must include: (a) DNA records for an individual convicted of a felony offense or a youth found under 41-5-1502 to have committed a sexual or violent offense;
Nebraska	Y	N	Based on City or Village ordinance		N		Y	
Nevada	Y; School/Law Enforcement; dependent on offense <sup>7</sup>	N	N		N		Y	
New Hampshire	N	N	N	N/A	N	N/A	n/a	n/a
New Jersey	Y: Degree of Public notification varies on Risk Assessment Level	Y	N		Y	Case Specific	Y	
New Mexico	N	N	N		N		N	
New York	N	Y	N	N/A	N	N/A	N	N
North Carolina	N	N	N	N/A	N	N/A	N	N/A
North Dakota	Y: Degree of Public notification varies on Risk Assessment Level	Y	N		N		Y	

<sup>7</sup> <https://www.leg.state.nv.us/NRS/NRS-062F.html#NRS062FSec320>

State/ Territory	Community Notification?	Risk Assessment?	Residential Requirement?	Type of Residential Requirement	Electronic Monitoring?	Details for e-monitoring	DNA Testing?	Conditions for DNA Testing
Ohio	The juvenile provisions of Senate Bill 10 make some youth subject to automatic public provisions of the Ohio Revised Code. Though only some youth are subject to this type of public notification, each youth classified as a juvenile offender registrant may appear on a public information request if a registrant search is conducted in a county where he or she lives or works.	Yes, if court ordered	Y	SB 97 permits local municipalities and townships the authority to exercise all powers of local self-government within their limits to restrict where an individual may reside if they have been convicted of or pleaded guilty to any sex or child-victim offender offense. Local discretion where ordinances have been passed.	Y	If court ordered	Y	Felony Offenses
Oklahoma	N	Y	Y	They cannot be within a certain distance of day care center, playground, etc.	Y	When needed		N
Oregon	Y - School notification only	N	Y	If designated predatory	N/A	N/A	Y	Only for felony sex crimes
Pennsylvania	N/A	N/A	N/A	N/A	N/A	N/A	Y	N/A

State/ Territory	Community Notification?	Risk Assessment?	Residential Requirement?	Type of Residential Requirement	Electronic Monitoring?	Details for e-monitoring	DNA Testing?	Conditions for DNA Testing
Rhode Island	Yes, upon classification	N/A	Yes	N/A	Yes, RI adjudicated offenders only with court order	N/A	N	N/A
South Carolina	Y	N	Y	Same restrictions as adults & applies only to certain offenses SC Code 23-3-535 (see Megan's Law)	Y	Same as for adults & applies only to certain offenses SC Code 23-3-540	Y	DNA Testing requirements are determined separately from SO registry requirements. In SC, any person (juvenile or adult) who is adjudicated/convicted of a felony offense, an offense punishable by 5 yrs. or more, or eavesdropping, peeping, or stalking is required to produce a DNA sample. Many offenses that trigger SO registry, also trigger DNA testing. (Blood sample)
South Dakota	Y	N	Y	Cannot reside in school safe zones if meet the requirement described above.	N	n/a	Y	
Tennessee	School Reporting for Certain Offenses	Y - YLS Assessment on Probation and kids in custody. YLS stands for	N	N/A	Upon court order	N/A	Y	For qualifying offenses

State/ Territory	Community Notification?	Risk Assessment?	Residential Requirement?	Type of Residential Requirement	Electronic Monitoring?	Details for e-monitoring	DNA Testing?	Conditions for DNA Testing
		Youth Level of Services.						
Texas	Y; School notification Only	Y	N	However, different city/county localities may have restrictions.	N	Not as a standard requirement.	Y	DNA samples are required for offenders who commit offenses that require sex offender registration. See #2
Utah	Y	Y	N		N		Y	All juveniles who have been adjudicated for a Class A misdemeanor or felony level offense are required to provide a DNA sample. Most of our sex-related offenses are Class A's or higher.  In regard to Question 6 below, once they are registered a public registry is created. There is an active public notification.
Vermont	Yes, School Notification Only	Y	N	N/A	N	N/A	N	N/A
Virgin Islands	N	Y	N	N/A	N	N/A	N	N/A
Virginia	Y; School notification Only		N		N		Y	Felony Offense

State/ Territory	Community Notification?	Risk Assessment?	Residential Requirement?	Type of Residential Requirement	Electronic Monitoring?	Details for e-monitoring	DNA Testing?	Conditions for DNA Testing
Washington	Yes, Degree of Public Notification varies on Risk Assessment Level	Y	Y	The City of Monroe, Steilacoom and Issaquah have residency restrictions that apply to juveniles and adults. The statewide residency restriction is only applicable to adults with certain offenses.	N	Only if ordered by court or as a condition of parole.	Y	A person is guilty of the refusal to provide DNA if the person has a duty to register and refuses to comply with a request for a DNA sample as required by law. The refusal to provide DNA is a gross misdemeanor.
West Virginia	N	N	N	n/a	N	Judge may order it at his/her discretion	N	n/a
Wisconsin	N	N	Y	In WI, under current law, municipalities can pass such ordinances. There is no statewide law.	N		Y	Required for statutorily-listed offenses, and discretionary for others. note: Required testing may be stayed/waived by a juvenile court.

State/ Territory	Community Notification?	Risk Assessment?	Residential Requirement?	Type of Residential Requirement	Electronic Monitoring?	Details for e-monitoring	DNA Testing?	Conditions for DNA Testing
Wyoming	Notification is provided to the persons and entities within at least seven hundred fifty (750) feet of the offender's residence, organizations in the community including schools, religious and youth organizations. In addition, notification regarding an offender employed by or attending school at any educational institution shall be provided upon request by the educational institution to a member of the institution's campus community. Adjudications as delinquent are not listed on a public registry.	N	Y	W. S. 6-2-320 - No person who is eighteen years of age or older and required to register as a sex offender pursuant to W.S. 7-19-302 shall reside within one thousand feet of the property on which a school is located unless the residence was established prior to July 1, 2010.	N	Only if ordered by the court as a condition of supervision	Y	Required for any offense listed in W.S. 7-19-302(j)



## **Appendix L**

WASPC's October 7, 2021, Response to Recommendations to SOPB  
Chair



Washington Association of  
**SHERIFFS &  
POLICE CHIEFS**

3060 Willamette Drive NE  
Lacey, WA 98516  
360-486-2380 (Phone)  
360-486-2381 (Fax)  
[www.waspc.org](http://www.waspc.org)

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Douglas County

Chief Rafael Padilla  
City of Kent

Sheriff James Raymond  
Franklin County

Don Voiret, SAC  
FBI—Seattle

Chief Sam White  
Lower Elwha Klallam  
Police Department

Steven D. Strachan  
Executive Director

October 7, 2021

Brad Meryhew, Chair  
WA State Sex Offender Policy Board (SOPB)  
Deliver to [brad@meryhewlaw.com](mailto:brad@meryhewlaw.com)

**Subject: WASPC Response to Recommendations not Voted on During October 4, 2021 SOPB Meeting**

WASPC recognizes the SOPB's efforts to reach a consensus on these recommendations, unfortunately our organization cannot agree with all of them. We believe that with the rapidly changing language and recommendations the members were not given enough time to fully vet the recommendations with their stakeholders. Perhaps, if given more time to analyze and fully discuss options, a consensus could have been met. Please see our final vote and justification for the following recommendations.

**Treatment Subcommittee recommendation number 7:** WASPC abstains from voting on this recommendation. WASPC fully supports making treatment more available; however, it is outside of our scope to provide insurance recommendations to providers.

Final  
SOPB  
Rec 7

**Registration and Notification Subcommittee recommendation number 1:** WASPC votes no on this recommendation. The purpose of the registry is, in part, for Law Enforcement to be aware of those that have sexually offended and is used as an investigative tool to rule out or identify suspects earlier in investigations. Furthermore, the Washington State Legislature found that if the public is provided adequate notice and information, the community can develop constructive plans to prepare themselves and their children for the offender's release (see RCW 4.24.550 intent). The majority of juvenile registrants are not published on the state sex offender public website and are the subject of very few community notifications.

Final  
SOPB  
Rec 12

WASPC adamantly believes that addressing public disclosure will have significant positive impacts as it relates to keeping information on compliant level I offenders, of which most juveniles are leveled, restricted as outlined in RCW 4.24.550. WASPC's recommendation regarding public disclosure is a repeat recommendation from the Sex Offender Policy Board, originally made to the Legislature in [2015](#).

Final  
SOPB  
Rec 21

- Amend RCW 4.24.550 to add a new section: (12) Sex offender and kidnapping offender registration information is exempt from public disclosure under chapter 42.56 RCW.
- Amend RCW 42.56.240 to add a new section: Information compiled and submitted for the purposes of sex offender and kidnapping offender registration

pursuant to RCW 4.24.550 and 9A.44.130, or the statewide registered kidnapping and sex offender website pursuant to RCW 4.24.550, regardless of whether the information is held by a law enforcement agency, the statewide unified sex offender notification and registration program under RCW 36.28A.040, the central registry of sex offenders and kidnapping offenders under RCW 43.43.540, or another public agency.

NOTE: WASPC is aware of the following recent example of a case where an eighteen-year-old individual required to register, who was fourteen at the time of their offense, was applying for jobs as an in-home nanny. The individual asked the Detective conducting his annual address verification if this was an appropriate job. They were informed that it was not. The employer had already offered them the job and completed a background check; the background check did not show the juvenile sex offense conviction. The Detective reached out to the employer and discussed the situation with them. Under the current proposal, this individual never would have been required to register and would have gained access to children in their victim age pool. Prevention of crimes is difficult to measure. We hope this experience and others reported by law enforcement demonstrates that there are instances where individuals who offend while under the age of fifteen do pose a risk to public safety.

**Registration and Notification Subcommittee recommendation numbers 2 and 3:** WASPC votes no on these recommendations. Registration requirements for juveniles on SSODA were changed with the adoption of [ESB 6180](#) and went into effect in 2020. There has not been enough time to assess if the changes implemented have had a positive impact on youth who granted SSODA sentences.

Final  
SOPB  
Recs  
13 & 14

**Registration and Notification Subcommittee recommendation number 9:** WASPC votes no on this recommendation. With the significant decrease in individuals required to register and the automatic relief recommendations, Washington should see fewer failure to register convictions for those with offenses committed as minors. It is WASPC's preference that these changes be provided an opportunity to work before making amendments to failure to register statutes. Failure to register is one of the few tools the criminal justice system has in place to impact compliance with registration requirements.

Final  
SOPB  
Rec 20

**Legal and Legislative Best Practices subcommittee recommendation number 2, 3, and 4:** WASPC believes that the SOPB inadvertently failed to include Rape of Child 1 to RCW 13.40.0357 for sixteen and seventeen year olds in recommendation four. It is our recommendation that Rape of a Child 1 be added to RCW 13.40.0357 with an A+ disposition category for sixteen and seventeen year olds. With the adoption of this correction, WASPC votes yes on recommendations two, three and four. Without the adoption of this correction, WASPC votes no on recommendations two, three and four.

Final  
SOPB  
Recs  
23, 24  
& 25

**Legal and Legislative Best Practices subcommittee recommendation number 5:** WASPC votes no on this recommendation. We are not opposed to the concept; however, sufficient review and stakeholder discussion was not afforded this recommendation. We believe the recommendation as originally included and subsequently amended may not accomplish the underlying goal. We also have concerns about practicality with the adult court system not having established processes for sealing records.

Final  
SOPB  
Rec 26

In addition to our final vote on the recommendations above, WASPC has concerns with wording from the report that we were not able to discuss during the last meeting. We request that these concerns be addressed in subsequent versions of the report.

#### **Treatment Subcommittee.**

- In the section on SSODA Phase 1 (0-12 Months), the statement "leveling through the state leveling board" is made. We request that this language be revised to more accurately reflect

that a risk level recommendation is established through the End of Sentence Review Committee process. Washington does not have a state leveling board.

**Registration and Notification Subcommittee:**

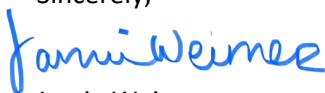
- In the Community Notification of Minors Who Commit Sex Offenses section, the following statement is made, “Level I minors who commit sex offenses are considered to have the lowest risk of reoffense in the community, based on a series of administered risk assessments. Level I minors who commit sex offenses may be released from community notification upon specific request. Level II and III minors who commit sex offenses have a moderate or high risk of reoffense (respectively) within the community at large.” We are unclear on what is meant by “may be released from community notification upon specific request.”
- In the Research and Policy Findings of Fact section, item number 6 states that: “Registration of minors for sexual offenses has very damaging consequences for those minors, their families, and their victims, and is associated with mental health struggles, including depression, anxiety, and suicidal ideation as well as the increased likelihood of becoming a target of sexual abuse by adults.” We request that “has very damaging consequences” be revised to state, “may have damaging...”
- In the Registration and Notification Recommendations section, the following statement is included, “Despite considerable scholarly research that suggests sex offender registration does not ensure community safety, multiple stakeholders in Washington and the federal SMART office acknowledge that registration may be used as an enforcement tool to prevent future crimes.” We were unable to find any specific mention of registration being used as an enforcement tool to prevent future crime in the citations. We argue that an informed community is a safer community. The ability to evaluate the prevention of new sex offenses because of the registry is nearly impossible. The example provided above and the Legislature’s finding of intent as articulated earlier in this document, further demonstrate the value of the registry to law enforcement and community safety.

**Table 1: State-by State Comparison of How States Define and Classify Minors who Commit Sex Offenses:**

- In the Washington section regarding classification/leveling, it should be noted that a risk level recommendation is made through the End of Sentence Review Committee Process and that local law enforcement has the statutory authority to assign the risk level.

Thank you for your consideration of our feedback. WASPC recognizes that the SOPB has voted on the recommendations. Without our vote, each of these recommendations has passed the SOPB process. We respectfully request that WASPC’s vote in opposition to various recommendations be included along with our justification for the opposition in the final report to the legislature.

Sincerely,



Jamie Weimer,  
Projects and Programs Manager

Cc: SOPB Vice-Chair Jedd Pelander  
WASPC: Terrina Peterson, James McMahan  
SOPB Staff: Whitney Hunt, Megan Schoor

Sex Offender Policy Board  
Office of Financial Management  
P.O. Box 43113  
Olympia, Washington  
98504-3113  
360-995-3847