

Law Enforcement Presentation on Juvenile Sex Offender Registration and Notification to the Washington State Sex Offender Policy Board Registration and Notification Subcommittee

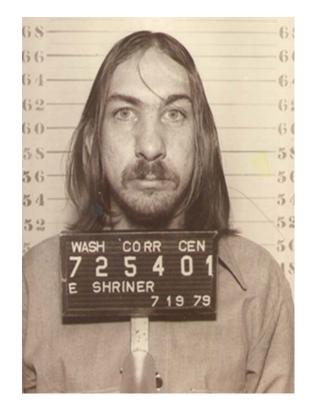
JUNE 17, 2021

## Background – Earl Shriner

At age 16, he was declared "defective delinquent" after choking a 7 year old girl and then he led police to the boxy of a 15-year-old girl instead. He had also strangled her.

Earl Shriner released from prison in 1987 after serving ten years for kidnapping and torturing two teenage girls.

- While in prison he told a cellmate he wanted a van containing cages so he could pick up children, sexually abuse and kill them.
- A psychiatric evaluation stated Shriner "has unusual sexually sadistic fantasies and plans to carry them out."



# Background – Westley Dodd

1984 – Arrested for molesting a 10-year-old boy, received a suspended sentence.

September 1989 – Westley Allan Dodd lured two brothers, 11 and 10, to a secluded park, forced them to undress, tied them to a tree, and performed sex acts on them both. He stabbed them to death.

October 1989 - Dodd encountered a 4 year old in a park, took him to his apartment where he tied him to a bed and photographed his molestation. The the next morning Dodd strangled him with a rope and hanged him in a closet.

November 1989 - Dodd snatched a 6 year old from the bathroom of a theater, the boy broke away, and Dodd was captured.

Dodd had been arrested multiple times and claimed to have over 50 victims under the age of 12.



## Chief Turner

July 1989 – Mountlake Terrace Police Chief John Turner notified the community that an 18 year old, recently released from juvenile custody, was living in the community and at risk to sexually offend based on a plan he had written to abduct and molest children.



## The Governor Responds



## Community Protection Task Force

## Chaired by Norm Maleng

### Members included:

Ida Ballasiotes, Helen Harlow, law enforcement, elected officials, victim groups, and professionals

Conducted 12 community meetings statewide

## The Community Protection Task Force

We held public hearings throughout the state and heard virtually the same concerns everywhere: longer sentences, better supervision, sex offender registration, and the idea of community notification.

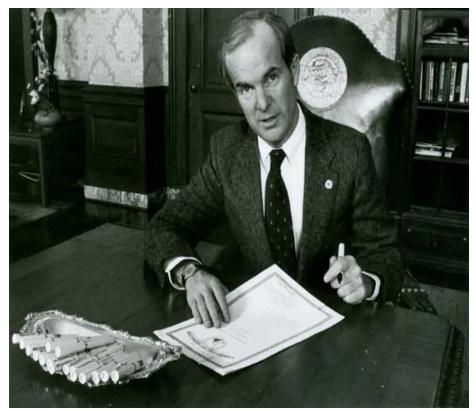
**Community Protection Task Force Member** 

# Community Protection Act of 1990

The Community Protection Act was unanimously passed by the Legislature and signed into law on February 28, 1990

Groundbreaking Changes:

- Sex Offender Registration
- Community Notification
- Civil Commitment of Sexually Violent Predators



## Purpose

- •Public website allows community members the ability to search for published offenders in their area, or people that they are coming into regular contact with. Giving people the opportunity to take common sense measures to protect themselves and their families.
- Public website also provides a means for victims to maintain knowledge of where higher risk offenders are.
- •Allows law enforcement to know where these offenders are and do address verifications to check in with them. Sometimes this is the only opportunity to check in on these people and interact with them in a positive way. Continuing these interactions may help to deter behavior or allow LE to observe behaviors that increase risk. Additional sense of accountability for the registrants.
- Gives law enforcement a starting place or resource when investigating sexually motivated offenses where the suspect is unknown.
- Allows school notifications so that administrators and teachers can be aware of behavior to watch for.

# What Washington does..

- Base risk level on the person's risk to sexually reoffend in the community at large.
- •Allow RSOs to request a level reduction.
- •Only publish RSOs that are moderate to high risk to reoffend.
- •In-person address verifications with frequency based on risk level.
- •Meet quarterly with RSO Coordinators in the state to help with consistency in the registry.
- •Host quarterly training in scoring the Static 99/WSORLC\* to help ensure consistency in scoring and review of the limitations and other resources to assist in determining risk level.
- •Yearly review and revision of the model policy on registration and notification to ensure that best practices and lessons learned are incorporated.
- Continued collaboration with DOC/JR.

# What Washington doesn't do...

- •Restrict where a registrant can live or work.
- •Publish level 1s or unranked, unless they are non-compliant or transient.
- Collect internet identifiers.
- •Lifetime registration for everyone.
- •Impose restrictions on community event attendance.

# Pre Registration Notification

Law enforcement receives notifications from DOC, SCC, WSH, ESH and JRA of all sex offenders releasing from state facilities.

- Review notification bulletin and recommendations from ESRC
- Validate conviction information and request/gather any supporting documents
- Track offender's release date to ensure compliance with registration
- Discuss considerations for type and scope of community notifications
- Community notifications are only sent once the offender has registered with the Sheriff's office after release
- Check if DNA is on file

# **Registration Process**

RCW 9A.44.130 requires RSOs to register within 3 days of moving/releasing

- RSO comes to office
- Completes initial registration forms providing all information required under RCW
- Agency takes fingerprints, photo and DNA (if needed)
- Agency reviews registration requirements, notification process and address verification process
- Agency determines/finalizes notification level and scope of community notification

## What is a risk level?

Risk levels refer to an individual offender's risk to **sexually reoffend within the community at large**.

Risk levels are used to determine the level of community notification and verification frequency.

Agencies shall make a good faith effort to notify the public and residents within a reasonable period of time after the offender registers with the agency.

	R Coding Form		Offender Name:		
Question	Risk Factor		Codes		
1	Young			Aged 18 - 34.99	1
			Aged 35 - 39.9		
				Aged 40 – 59.9 Aged 60 or Older	-1
			Lanks	sufficient information to score	õ
2	Ever lived with a lover for a	land	Colone	Yes	0
2	two years?	liedal		No	1
	two years:		Lacks a	sufficient information to score	ó
3	Index non-sexual violence -			No	0
	Any Convictions			Yes	ĭ
4	Prior non-sexual violence -			NO	0
<ul> <li>Any Convictions</li> </ul>				Yes	ĭ
5 Prior Sexual Offenses			Charges	Convictions	
-					
			None	None	0
	1		1-2	2-3	1
			5+	2-3	23
	The second				-
5	Prior sentencing dates (exc index)	luang		3 or less 4 or more	0
7				4 of more No	0
(	Any convictions for non-cor offences	tact sex		Yes	1
8				No	
•	Any Unrelated Victims			Yes	1
9	A mu Oferen en a Mattern			No	0
3	Any Stranger Victims			Yes	ĭ
10	Any Male Victims			No	
	Any male vicunis			Yes	ĭ
	Total Score		Add up scores from in		
TRANSI AT	TING STATIC 99R SCORES	INTO RIS			
		Level I		-3 to +3	
		Level 2		4-5	
		Level 3			
AGGRAVA	TING FACTORS				
State	ments of intent/threat to sexu	ally re-offe	end		
Past	Interventions and/or treatmen	t have not	t deterred sexually devian	t behavlor	
	m of behavior that increases	risk for se	xual re-offense		
Docu	mented information that incre	ases risk i	for sexual re-offense		
				or the primary purpose of victim	
Offen	der used a position on comm	unity trust	t (e.g. coach, teacher, gro	up leader, clergy or police office	er) to gair
	ss to sex offense victim(s)				
Sex 0	Offense victim(s) were of casu	al acquali	ntance with whom no sub	istantial personal relationship ex	lts
MITIGATIN	llal or know sex offense victim				
MITIGATIN		ure			
MITIGATIN Fami	ent offense is not sexual in na				
MITIGATIN Fami Curre Previ	ously released or classified a	s Risk Lev	/el I		
MITIGATIN Fami Curre Previ 24-hc	ously released or classified a our supervised placement				
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## **Risk Level Classification**

## <u>RCW 4.24.550</u>

(6)(a) Law enforcement agencies responsible for the registration and dissemination of information regarding offenders required to register under RCW <u>9A.44.130</u> shall assign a risk level classification to all offenders after consideration of:

- (i) Any available risk level classifications provided by the department of corrections, the department of social and health services, and the indeterminate sentence review board;
- (ii) the agency's own application of a sex offender risk assessment tool; and
- (iii) other information and aggravating or mitigating factors known to the agency and deemed rationally related to the risk posed by the offender to the community at large.

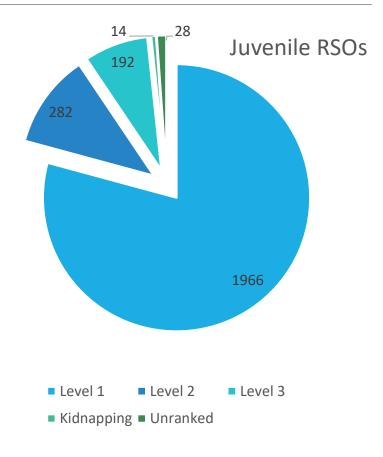
## Risk levels for RSOs with Juvenile Offenses

Offenders are classified as **level I offenders** if his/her risk assessment and other factors indicate s/he is a low risk to sexually reoffend within the community at large. Level I offenders are not published unless they are non-compliant or transient.

Offenders are classified as **level II offenders** if his/her risk assessment and other factors indicate s/he is a moderate risk to sexually reoffend within the community at large. Level II offenders <u>are</u> published on the Washington State Sex offender Registry.

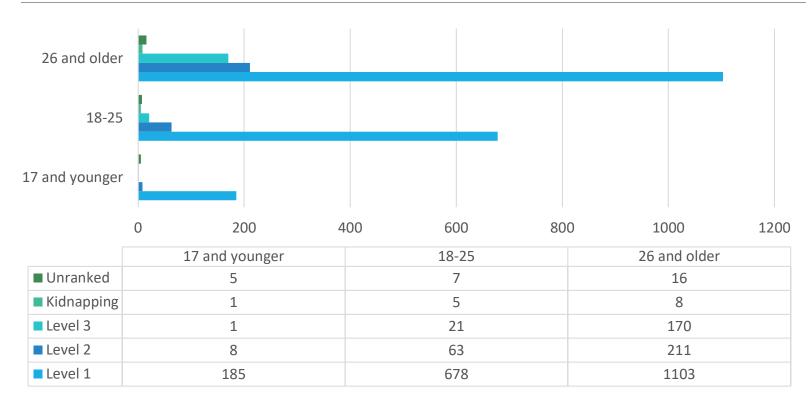
Offenders are classified as **level III offenders** if his/her risk assessment and other factors indicate s/he is a high risk to sexually reoffend within the community at large. Level III offenders <u>are</u> published on the Washington State Sex offender Registry.

\*Currently there are currently 699 (28%) juvenile offenders published on the website. 135 non-compliant level 1s and 98 transient level 1s



As of 5/6/2021

## RSOs Registered for Juvenile Offense by Age and Level



■ Unranked ■ Kidnapping ■ Level 3 ■ Level 2 ■ Level 1

As of 5/

## Community Notification Methods

- Sex Offender Public Websites
- Notification Flyers / Post Cards
- Community Notification Meetings

Media Releases

The focus of community notification should always be education.



## WASPC Model Policy

### **BEST PRACTICES**

While there are differing avenues for community notification, there is little empirical data as to which methods are most effective in increasing community safety and reducing recidivism. The four most common methods, also used in Washington State, are: (1) media releases; (2) community education/notification forums; (3) offender specific flyers using either door-to-door distribution or defined area mailings; and (4) public website/registration lists/internet access.

Each method has benefits and drawbacks and meets different community needs. Notification methods that connect directly with a community seem to be more effective. It is recommended that more than one method be used.

Whatever methods are used, care needs to be taken to ensure the accuracy of the factual information being presented in order to reduce the threat of harassment of offenders and to protect the confidentiality of victims.

# Community notification bulletins

### STEP 4—DISTRIBUTION OF COMMUNITY NOTIFICATION BULLETINS

The focus of community notification must rationally relate to the goals of enhanced public safety and the effective operation of government. Evaluating what is relevant and necessary information for community notification should include the level of risk of the offender; the location where the offender resides, expects to reside, or is regularly found; and the needs of affected community members to enhance their individual and collective safety. RCW 4.24.550(2).

"Accordingly, the geographic scope of dissemination must rationally relate to the threat posed by the registered offender. Depending on the particular methods of an offender, an agency might decide to limit disclosure only to the surrounding neighborhood, or to schools and day care centers, or, in cases of immediate or imminent risk or harm, the public at large. **The scope of disclosure must relate to the scope of the danger**." State v. Ward 123 Wn2d at 503-504 (Washington State Supreme Court – 1994)

WASPC Model policy page 27

## Flyers and Post Cards

## **FLYERS**

		SHEE		Pierce A. ASION Sex Offender Inf Notification Level III	of Release
Pierce County	WA She	riff's Of	fice		03/07/2017
agencies to inform and protection. The individuals wit county of their res This individual has THIS NOTIFICAT PUBLIC. Law Enforcement	n the public oppear idence. Fisserved to NIS Ni has no le	c of a se on such urther, th he sente DT INTE gal autho	x offende notificati eir previo nce impo NDED To ority to di	er release when, in the discr ons have been convicted of xus oriminal history places ti sed on them by the courts. J D INCREASE FEAR; RATH rect where a sex offender m	on pursuant to RCW 2.4.550, which authorizes law enforment does of the agency. The related of thromosonik life mance public utility a set officed but requires registration with the Directly office in the min to alcastochone winco hardes the pointmal to redeted HEISHE IS NOT WANTED BY LAW PROPOSED HILD LIFE A SAFER by or min solve, Unliese out officient extentions sets, this directed
is constitutionally f	free to live	e wherev	er heishe	chooses. Aliases	
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Age	45	Race	White	McNell Island. On 02/	) and diviliy committed to the Special Commitment Center (SCC) on 5/16 he was released to a less restrictive alternative placement in the instruction of the second seco
Sex	Male	Hair	Brown	Transition Facility (SC	n. In 2016, TF) on McNell Island. He will be escorted when he leaves his secure sexual oriminal history he has been classified as a level 3 Sex
Eyes	Blue			Offender.	scalar arread metory ite nas been diasoned as a level 3 Sex
Residence		block of PANAW			

## POST CARDS

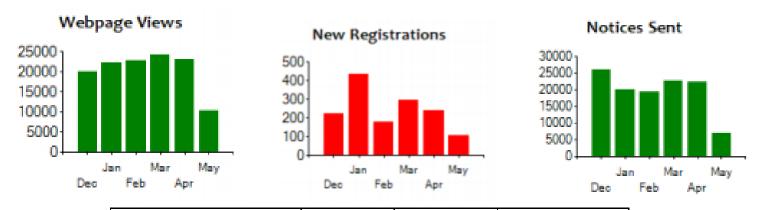
	Sex Offender Notification								
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The Thurston County Street	,			City	County	State	Zip		
Sheriff's Office is 2100 block of 2100 block	OVERHULSE RD 1	NW	OL	(MPIA	Thurston	WA	98502		
Alias									
HOURGEOON HER DEEN	OOPER-LINN								
convicted of an offense that requires registration with the Sheriff's Office and places himiter in a	005 Type/Descriptio	n	Location	Type/Description	Location	Туре	/Description		
classification level which reflects the potential to re-offend. This individual has served the sentence Date Commit	ted Date Convicted	Counts	RS Code/Description	m	Crime Deta	is			
imposed on him/her by the courts and has advised this	01/04/2012	1	9A.64.020(1)(b)- I first degree						
office that he/site will be living at the location is not intended to increase fear; rather, it is our belief that an informed public is a safer public.	01/04/2012 08/22/2016	1	9A.64.020(2)(b)-1 second degree 9A.40.090- Luring Motivated)						

## WA Statewide Registered Kidnapping and Sex Offender Public Website (<u>www.wasor.org</u>)

### Offender Search

In your area Name	City Non-compliant	Other Search Options
	all published offenders within a specified radius of your home, business, address. > <u>How searches work</u>	Click here to list all published offenders registered with this agency.
Address:	*	Click here to search by name or other options.
City:	*	
State:	WA 🔹	Receive Email Alerts
Zip:	*	Click <u>here</u> to register to receive an email alert whenever a published offender
Zip Plus:		registers within the selected radius of your desired addresses.
Offender Address Type:	✓ Home Addresses	Experiencing Problems?
* Denotes required field		Click here if you are experiencing
	Search Reset	technical problems or need assistance using this site.

# Public Registry and the Community



EMAILS	MTD	YTD	LTD
New Registrations	107	1,072	93,981
Notices Sent	7,141	91,468	3,389,274

WEB ACTIVITY	MTD	YTD	LTD	
Web Page Views	10,343	99,568	4,914,822	

## School Notifications

#### RCW 9A.44.138

Attendance, employment of registered sex offenders and kidnapping offenders at schools and institutions of higher education —Notice to designated recipients—Information exempt from disclosure.

(1) Upon receiving notice from a registered person pursuant to RCW <u>9A.44.130</u> that the person will be attending a school enrolling students in grades kindergarten through twelve or an institution of higher education, or will be employed with an institution of higher education, the sheriff must promptly notify the designated recipient of the school or institution of the person's: (a) Name and any aliases used; (b) complete residential address; (c) date and place of birth; (d) place of employment; (e) crime for which convicted; (f) date and place of conviction; (g) photograph; and (h) risk level classification.

(2) Except as provided in subsection (3) of this section, a designated recipient receiving notice under this section must disclose the information received from the sheriff as follows:

(a) If the student is classified as a risk level II or III, the designated recipient shall provide the information received t o every teacher of the student and to any other personnel who, in the judgment of the designated recipient, supervises the student or for security purposes should be aware of the student's record;

(b) If the student is classified as a risk level I, the designated recipient shall provide the information received only to p ersonnel who, in the judgment of the designated recipient, for security purposes should be aware of the student's record.

(3) When the designated recipient is the administrator of a school district, the designated recipient must disclose the information to the principal of the school that the registered person will be attending, whether the school is a common school as defined in RCW <u>28A.150.020</u> or a school that is the subject of a state-tribal education compact under chapter <u>28A.715</u> RCW. The principal must then disclose the information as provided in subsection (2) of this section.

(4) The sheriff shall notify the applicable designated recipient whenever a student's risk level classification is changed or the sheriff is notified of a change in the student's address.

(5) Any information received by school or institution personnel under this section is exempt from disclosure under chapter 42.56 RCW and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(6) For the purposes of this section, "designated recipient" means: (a) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (b) the administrator of a charter public school governed by chapter 28A.710 RCW; (c) the administrator of a private school approved under chapter 28A.195 RCW; or (d) the director of the department of public safety at an institution of higher education.

# SORNA Juvenile Requirements

•Juveniles 14 years or older at the time of offense and was adjudicated delinquent for committing (or attempting or conspiring to commit) a sexual act with another by force, threat of serious violence or by rendering unconscious or drugging the victim.

 Because of the severity of these offenses, these juvenile sex offenders would be categorized as tier III and subject to applicable duration, in-person verification and community notification requirements.

•2011 Guidelines/recommendations:

- No requirement to post juveniles on public registry.
- Consider school notifications
- Consider a limited community notification process

## Court Relief for Juveniles

Court Petitions <u>RCW 9A.44.143</u>:

- Class A (15 and older) can petition 5 years after adjudication/confinement with no new sex offenses/FTRs.
- All others can petition 2 years after adjudication with no new sex offenses/FTRs.
- A juvenile convicted as an adult can still petition under <u>RCW 9A.44.142</u>:
- May petition after 10 years with no disqualifying offenses.
- A person may not petition if the person has been:
  - Determined to be an SVP under RCW 71.09.
  - Convicted as an adult of a Class A felony with forcible compulsion after 6/8/2000.

If a person is not eligible for relief, they can petition to be exempt from any community notification after 15 years in the community

SSODA sentence relief RCW 13.40.162:

• The court shall relieve the offender's duty to register unless the court finds that the offender is not sufficiently rehabilitated to warrant removal and may consider factors outlined in RCW 13.40.162.

## Administrative Relief

- Persons with a Class A felony, or more than one sex offense conviction shall register indefinitely unless relieved by the court under RCW 9A.44.142
- •Persons with a Class B felony and no disqualifying offense can be administratively relieved after 15 years in the community.
- •Persons with a Class C or gross misdemeanor and no disqualifying offenses can be administratively relieved after 10 years in the community.
- •Persons with federal, tribal or out-of-state convictions shall register indefinitely unless relieved by the court under RCW 9A.44.142.

\*Juveniles with class B, C and gross misdemeanors can be relieved by the court earlier under RCW 9A.44.142.

# The Sex Offender Registry and Law Enforcement...

- •191 tips received from Jan 1 to May 11
  - These tips help locate non-compliant offenders and notify LE of risky behaviors.
- •Public disclosure requests
  - Currently no exemption to withhold level 1 information.
- •WSP pays \$35 per full registration to LE agencies.
- •Verification grant money is often used to fund RSO coordinators and detectives to register and monitor RSOs.
- •Law enforcement reports that the registry has helped in identifying unknown suspects for new sex offenses.

## Case Study – N.M.

#### July 2009 (N.M. 15 years old)

Lakewood, WA – N.M.'s mother called 911 and reported she had been contacted by a prostitute who reported an incident to her. The prostitute said she had been called to the house (in Lakewood) where N.M. and his mother lived by N.M.. N.M. led her into a bedroom, pulled out a knife that he threatened her with, held her at knifepoint, and masturbated. According to his mother, N.M. had been using her credit card to call "phone sex lines," and he had been leaving at night and coming home sweaty, as if he were "up to something." N.M.'s mother reported to police that she was concerned about N.M.'s behavior, and she was concerned for the safety of others because of N.M.'s behavior.

#### August 2009

Lakewood, WA – Attempted burglary at N.M.'s house in Lakewood. Threats from the attempted burglar and a demand for money related to prostitution services previously received by N.M..

#### September 2009

Lakewood, WA – Prostitute called 911 and reported having been called to N.M.'s house. She said N.M. threatened her with a knife and ordered her to give him oral sex for free. She threatened to call police and N.M. told her to leave. Later in the day, another woman came to the house, banged on the walls, and was yelling that N.M. was a "rapist."

N.M.'s mother told law enforcement that she had been contacted by multiple prostitutes. One of the prostitutes told N.M.'s mother that N.M. called her to an abandoned house on their block. He attempted to lure her around the back of the house; she got scared and left. N.M. repeatedly called the prostitute after the incident.

#### November 2009

Lakewood, WA – An investigator called N.M.'s mother to follow up with her from the September incident. She told the investigator that N.M. had moved to Florida to be with his father, so he could be monitored more closely.

#### December 2009 (N.M. was still 15 years old)

Temple Terrace, FL – N.M. called a prostitute to an abandoned residence near his house. At knifepoint, he forced her to give him oral sex, and then raped her vaginally. Based on the way this incident came to the attention of police, it was initially treated as a sex offense against N.M., since he was still a juvenile. No criminal charges were filed in relation to this incident. Later, police followed up and determined N.M. had victimized the prostitute.

#### August 2010 (N.M. 16 years old)

Temple Terrace, FL – N.M. invited a prostitute to a house he believed was unoccupied. When she arrived, he threatened her with a knife and told her if she cooperated, everything "will be cool." He ordered the woman to get on her knees and give him oral sex, which she did. He then ordered her to bend over and put his penis in her vagina, which she did. N.M. saw vehicle lights approaching the house, got scared, and left, running through yards. N.M. was convicted of raping this prostitute, which resulted in him having to register as a sex offender.

N.M. was arrested for several other crimes in Florida, including failure to register as a sex offender and burglary of an unoccupied dwelling.

## Case Study (cont.)

N.M. was in prison in Florida for approximately 5 years, and was released from prison on 8/19/2018. He arrived in Puyallup, WA at his mother's house on approximately 8/22/2018, having ridden a Greyhound bus across the country.

Washington Timeline:

8/22/2018 - Arrived at mother's house in Puyallup

8/24/2018 - N.M. attempted to rape/rob C.D. at house #1

8/26/2018 - N.M. attempted to rape/rob A.B. at house #1

### 8/27/2018 - N.M. registered as a sex offender with the Pierce County Sheriff's Department

8/31/2018 - Stabbing incident with C.D. and S.H. at house #1

9/24/2018 - N.M. attempted to kidnap/rape K.T. at house #1

10/17/2018 – Lack of victim cooperation up to this point, and further research revealed person matching suspect description was seen on foot, never in a vehicle, near house #1. Checked sex offender registry, found N.M. Milko matched suspect physical description, time frame of arrival in WA, proximity to house #1, and M.O. (\*\*THIS WAS ABSOLUTELY KEY INFORMATION FOR THIS ENTIRE INVESTIGATION.\*\*) Met with victim K.T. and she picked N.M. out of a photographic montage.

10/17/2018 - N.M. attempted to rape A.Q. at house #2

10/18/2018 – N.M. raped B.P. at house #2. N.M.'s actions were almost identical to what he did to the prostitute in Temple Terrace in 2010.

10/18/2018 - N.M. arrested

8/3/2020 – Following an approximately one-month long trial, N.M. was convicted of: Rape in the 1<sup>st</sup> Degree – victim B.P. Attempted Rape in the 1<sup>st</sup> Degree – victim A.Q. Burglary in the 2<sup>nd</sup> Degree – victim A.Q. Burglary in the 1<sup>st</sup> Degree – victim A.B. Attempted Kidnapping 1<sup>st</sup> Degree – victim A.B. Felony Harassment – victim A.B. Attempted Rape 1<sup>st</sup> Degree – victim C.D. Attempted Burglary 1<sup>st</sup> Degree – victim K.T. Attempted Kidnapping 1<sup>st</sup> Degree – victim K.T.

N.M. was sentenced to 50 years to life (will see indeterminate sentence review board after 50 years).

# When early interventions don't work.

Examples of cases where juvenile RSOs were convicted as minors and then re-offended.

Examples of cases where the juveniles were relieved and records sealed, then they re-offended.

Many of the offenders at the Special Commitment Center began their offending as juveniles.

## Balance

- •Public disclosure laws around release of level 1 information need to be updated
- •Seal and relief hearings automatically scheduled.
  - RCW 13.50.260 could include sex offenses with the same parameters set in the automatic relief in RCW 13.40.162 SSODA
  - Equitable access to SSODA program.

## Questions

