

# Washington State

## Sex Offender Policy Board



Annual Report to the Legislature  
2009

# **Washington State Sex Offender Policy Board**

**Annual Report to the Legislature  
2009**

Authored by  
Shoshana Kehoe-Ehlers and  
Shannon Hinchcliffe  
On behalf of the Sex Offender Policy Board

## PREFACE

---

In 2008, the legislature passed SSB 6596 to create the Sex Offender Policy Board (SOPB), and assigned administrative responsibility for it to the Sentencing Guidelines Commission (SGC). RCW 9.94A.8671 states the Legislature's intent is to promote a coordinated and integrated response to sex offender management and create an entity to respond to issues that arise, such as integrating federal and state laws, in a way that enhances the state's interest in protecting the community with an emphasis on public safety.

The Board has been assigned a wide variety of duties that range from examining individuals cases to setting performance measures for the entire system statewide. In addition, the Board will continue to be a repository for research on best practices in sex offender management, response systems, and prevention.

This year the Board fulfilled the task of reviewing the state's adult and youths who sexually offend registration and notification system assigned by the 2008 legislature in 2SHB 2714, including responding to ESHB 2035 enacted by the 2009 legislature. ESHB 2035 directed the board to review whether registered sex and kidnapping offenders should be required to submit information regarding any e-mail addresses and any web sites they create or operate. This report is intended to provide an account of these activities as well as comply with the annual report responsibility as directed in RCW 9.94A.8676.

The Board also served as an advisory resource for the Legislature and Governor's office during and after the 2009 legislative session.

The following report opens with an executive summary, detailing what the Board learned from their overall research and discussions about the complexities of the sex offender management system and prevention. It then lists and details the key findings that the Board reached from its research. These key findings provide the framework and the basis for the proposals reached by the Board. The report then moves into areas of change the Legislature may want to consider. These areas are divided into first, Juveniles Who Commit Sex Offenses area of law; second, the Adult Sex Offense area; third General System areas, and then finally, the Community Notification and Education section.

The report then summarizes the work and progress completed in the areas of: sex offenders in the community, including housing options for sex offenders, developing benchmarks for Washington State's sex offender management and response system.

## TABLE OF CONTENTS

---

ACKNOWLEDGEMENTS .....	3
SOPB MEMBER’S BIOGRAPHIES .....	4
EXECUTIVE SUMMARY AND INTRODUCTION.....	7
Legislative Direction.....	8
2SHB 2714 Board Process.....	9
ADMINISTRATIVE .....	13
2SHB 2714 KEY FINDINGS.....	14
RESPONSE TO 2SHB 2714	
Juvenile Sex Offender Registration and Notification System Issues and Proposals.....	23
Adult Sex Offender Registration and Notification System Issues and Proposals.....	41
Community Notification and Education .....	50
General System Issues .....	56
THE ADAM WALSH ACT .....	61
SEX OFFENDER POLICY BOARD OTHER DUTIES	
Sex Offender in the Community: Housing and Community Education .....	64
Benchmarks: Measuring Washington State’s Sex Offender Response and Management System .....	71
ENDNOTES .....	74
BIBLIOGRAPHY.....	80
APPENDICES LIST.....	86

## ACKNOWLEDGEMENTS

---

The work of the Washington State Sex Offender Policy Board would not have been possible without the resources and support of the following:

- Dr. Russell Lidman, Director of the Seattle University College of Arts & Sciences – Institute of Public Service for advising the Board on approaching evidence based practice research.
- The Sentencing Guidelines Commission for guidance and support for the Board.
- All of the state departments, prosecutor agencies, and non-profit organizations who lent the time and talent of their staff to this project.
- All of the state departments, agencies and organizations who donated conference room space for the numerous meetings held by the Board, the Committees, and Workgroups.
- The many hours of work provided by experts around the state.
- All of the agencies and individuals who participated in interviews, literature reviews and surveys conducted during the Benchmarks and Sex Offender in the Community phases of the project.
- All of the state sex offender management or sex offender policy boards across the nation who provided very helpful information about how other states approach the sex offender management system.
- The legislative staff members who attended the many meetings providing helpful insight and advice.
- Each member of the Board and Committees who followed through on the commitment to participate in a long-term, multi-disciplinary, collaborative process to critically assess and make proposals to improve the management of adult sex offenders and youths who sexually offend, specifically the registration and notification component of the system.
- We would like to acknowledge the extra time and effort of our committee chair persons. Without their leadership and dedication, this would not have been possible. Kecia Rongen (Registration and Notification Committee and Juvenile Workgroup); Mary Ellen Stone (Sex Offender in the Community Chair); Bev Emery and Russell Hauge (Benchmarks Committee); Lindsay Palmer (Community Notification Workgroup), and Brad Meryhew (Failure to Register/Registration/Risk Assessment Workgroup).

## SEX OFFENDER POLICY BOARD MEMBERS' BIOGRAPHIES

---

**Russell Hauge – Washington State Association of Prosecuting Attorneys.** Mr. Hauge was elected Kitsap County Prosecuting Attorney in 1994 and re-elected in 1998, 2002, and 2006. He served as chairman of the Governor's Sex Offender Task Force in 2007 and currently serves as the Chair of the Sex Offender Policy Board.

**Andrea Piper - Washington Coalition of Sexual Assault Programs.**

Andrea Piper is the Executive Director of the Washington Coalition of Sexual Assault Programs (WCSAP) and Vice-Chair of the Washington State Sex Offender Policy Board. Ms. Piper has an extensive background in sexual assault advocacy and victim service provision. Throughout her career she has focused her efforts on enhancing individual and system responses to victims and survivors. Ms. Piper actively works on development of effective public policy and legislation related to sexual assault victimization, supervision and management of sex offenders, and community responses to sexual violence.

**Brooke Burbank -Office of the Attorney General.** Ms. Burbank is the Section Chief for the Sexually Violent Predator Unit of the Attorney General's Office. Prior to joining the Attorney General's Office, she was a Senior Deputy Prosecuting Attorney at the King County Prosecuting Attorney's Office, primarily handling sexual assault and SVP cases.

**Kecia Rongen - DSHS Juvenile Rehabilitation Administration.** Ms. Rongen has worked with juvenile sexual offenders for 13 years within JRA as a residential counselor, parole officer and treatment coordinator. Since 2005 she has been the Program Administrator for the Sexual Offender population at JRA, and is Chair of the JRA Subcommittee of the End of Sentence Review Committee. Ms. Rongen is a Board Member for the Washington Association for the Treatment of Sexual Abusers (WATSA) and serves as the Chair of the Registration and Notification committee for the Sex Offender Policy Board.

**Ida Ballasiotes - Sentencing Guidelines Commission.** Ms. Ballasiotes is a member of the Sentencing Guidelines Commission and served as the public representative, legislative representative, and the victims advocate representative from 1999 to 2009. Ms. Ballasiotes served in the Washington State House of Representatives, 41<sup>st</sup> District, focusing on Public Safety from 1992-2002 and Vice President on the Board for Families & Friends of Violent Crime Victims.

**Brad Meryhew - Washington Association of Criminal Defense Lawyers.** Mr. Meryhew has been in private practice since 2003, focusing in the last several years on sex based offenses. He began his legal career as an attorney for Society of Counsel Representing Accused Persons handling misdemeanor and felony trials (1997-2003).

Prior to his legal career he worked in politics in Washington, D.C., and as a business manager. He practices in state and federal courts throughout western Washington. He is a 1994 graduate of the University Of Puget Sound School Of Law and a 1980 graduate of the University of Utah. Brad has represented WACDL on the Sex Offender Policy Board since its inception in 2008.

**Andrew Neiditz - Association of Washington Cities.** Mr. Neiditz is the Lakewood City Manager, an AWC board member, and past president of the Washington City/County Management Association.

**Anmarie Aylward - Department of Corrections.** Ms. Aylward is Chair of the End of Sentence Review Board for Washington State. Her responsibilities include oversight of Sex Offender Treatment as well as the Enhanced Supervision and Dynamic Supervision Programs at the Department of Corrections, where she has worked for twenty years.

**Maureen Saylor - Washington Association for the Treatment of Sexual Abusers.** Ms. Saylor is certified sex-offender-treatment provider and a psychiatric nurse. She has 35 years of experience evaluating and treating sex offenders. She has been in private practice since 1996 when she retired after twenty – five years of service at Western State Hospital where she also worked with sex offenders for most of her career there. She has worked with both adolescents and adults. She has been active in WATSA since it's inception and has served as an officer and a board member.

**Chief Ed Holmes - Washington Association of Sheriffs and Police Chiefs.** Chief Holmes began his career in law enforcement in 1994 with the Mercer Island Police Department and was appointed to serve as Chief of Police in 2006. Prior to working for Mercer Island, he worked as a Juvenile Rehabilitation Counselor for incarcerated youth at Echo Glen Children's Center. He spent his time working with the youth in the Sex Offender Unit as well as the Maximum Security Unit. Chief Holmes served as the Co-Chair of WASPC's LEMAP Committee for approximately three years, and currently serves as the Chair of the Model Policy Committee. He is also an active member of WASPC's Legislative Committee. Chief Ed Holmes recently joined the Board as a member in November 2009.

The Board would also like to thank and acknowledge the services of former Board member, Sheriff Mark Brown, who worked so hard to assist in the research and policy discussions of the registration and notification committee.

**Bev Emery - Office of Crime Victims Advocacy.** Ms. Emery is the director of the Office of Crime Victims Advocacy (OCVA), since its creation, as part of the Community Protection Act of 1990. Prior to that, she was the Executive Director of the Washington Coalition of Sexual Assault Programs for approximately eight years. Under her leadership at OCVA, universal service definitions and standards have been developed to ensure high quality services throughout Washington for victims of crime. Ms. Emery was part of the DOC sponsored Partnership for Community Safety, an instrumental multi-disciplinary effort towards sex offender management. Ms. Emery has been a leader

in the convergence of interests between sexual assault victim interests, community safety, and sex offender management.

**Mary Ellen Stone -Sentencing Guidelines Commission.** Ms. Stone is the Director of the King County Sexual Assault Resource and has played an active role in changing the nature of sexual assault prevention, education and victim response in Washington State. Under her leadership, KCSARC has become one of the country's leading resources for sexual assault victims, their families, professionals and the community. She currently serves as Chair for the Sex Offenders in the Community committee.

**Lynda Ring-Erickson, Ed. D. – Mason County Commissioner.**

Dr. Ring-Erickson is the President of the Washington Association of Counties and is serving her second term as County Commissioner in Mason County. She is a member of the Sentencing Guidelines Commission and the Washington State Forensic Investigation Council. Dr. Ring Erickson has served as a senior policy analyst, as a corrections program officer in state and local government, and was once a police officer in the King County Department of Public Safety. From 1993 to 1999 she was the Executive Director of the Suburban Cities Association of King County.

**Carey Sturgeon – DSHS Special Commitment Center.** Dr. Sturgeon is a clinical psychologist and Clinical Director of the Special Commitment Center. She has previously worked as a psychologist in the High Intensity Sex Offender Treatment Program for the Correctional Services of Canada. She has presented papers regarding sex offender treatment at national and international conferences.

**Judge Laura Gene Middaugh – Superior Court Judge's Association.**

Judge Middaugh currently serves as a King County Superior Court Judge. She began her law practice in a small firm, then as a general litigation sole practitioner with an emphasis on family law and mediation. She was a pro tem and a Family Law Commissioner with the King County Superior Court prior to her election as a King County Superior Court Judge in 2000. Judge Middaugh has held elected positions as Trustee Superior Court Judge's Association, Chair of the Supreme Court Pattern Forms Committee, and the King County Superior Court Strategic Planning Committee.

**Tom Sahlberg, Indeterminate Sentencing Review Board Representative**

Mr. Sahlberg retired from the Spokane Police Department in 2004. He has also served as Victim/Witness Coordinator with the Spokane County Prosecutor's Office before joining the ISRB.



## EXECUTIVE SUMMARY AND INTRODUCTION

---

The recognition of the extent and seriousness of sexual victimization and of its impact on individual victims and on society as a whole has expanded dramatically over the past twenty years. However, the problem persists; negatively impacting the lives of many in our society and the efforts to stop such harmful behaviors must and continue to do so.<sup>1</sup>

The understanding that sexual assault is a “special” sort of crime that has a different impact on its victims and that, in many cases, is perpetrated by an individual whose psychology and motivation is different from that of other criminals has a number of consequences. One important consequence is that those who deal with such crimes at every stage of the intervention process need to have specialized knowledge.<sup>2</sup>

Because sexual offending is such an emotionally charged topic, it is not always easy to think clearly about how to best manage sex offenders. This report represents the efforts of a multi-disciplinary Board of experts and stakeholders involved in Washington State’s sex offender response and management system who thoughtfully reviewed the available research and knowledge base and designed proposals about how to apply it to Washington State’s policies and practices.

Taking all possible steps to prevent sexual victimization and to ensure that the rates of sexual assault continue to drop is clearly, and should be, a high priority for Washington State policymakers. Although some believe that long or indefinite or lifetime prison sentences are the best way to accomplish this goal, others take the position that even though such a response may be indicated in some cases, it is not a defensible or cost-effective response to every sexual crime.<sup>3</sup> The reality is that, even with extended sentences, most sex offenders will eventually return to the community.<sup>4</sup>

For the safety and well-being of Washington State’s citizens, especially those most vulnerable to sexual assault, it is essential to manage known sex offenders living in the state’s communities in ways that most effectively reduce the likelihood that they will commit another offense, both while they are under the formal supervision of the criminal justice system as well as after that period of supervision comes to an end.<sup>5</sup> Comprehensive interventions and systemic responses tailored to meet the individual levels of risk and needs of offenders are required.

It is for this reason that the Washington State Sex Offender Policy Board was created with the specific goal of conducting a review of Washington State practices in the management of sex offenders and, from the perspective of evidence-based and emerging best practices, making proposals about needed improvements. These efforts are reflected in the following report.

Washington State has a very comprehensive management system as compared to other states. This state had one the very first sex offender registration and notification systems. The Board is now looking at 20 years of research regarding sex offender management and response systems since the inception of the Washington State system.

This research has unveiled several key findings critical to the ongoing development of an effective sex offender management and response system:

- The key to ensuring public safety is to make well-informed decisions based on the best available research.
- Practical obstacles exist as to standard implementation of the current registration and notification laws as identified from stakeholder input, recent court cases, and an in-depth review of the Sex Offender Management System.
- Ongoing coordinated and collaborative efforts are required in order to stay apprised of best practices and to ensure efficient and evidence-based approaches to emerging issues within the Sex Offender Management System.
- Washington State's current system supports public safety by setting community notification standards using a risk-based analysis instead of an offense-based method. This system is built on the premise that the community and sex offender response system partner to achieve public safety.
- Empirically validated risk tools are one of the most effective ways to determine an offender's risk to re-offend. The use of standardized dynamic factors can also be helpful in risk level assignment.
- Youths who have sexually offended are different from adults who commit sex offenses in part, because of ongoing brain and neurological development. Sex and kidnapping offender laws regarding juveniles and public policy should reflect their unique amenability to treatment and vulnerability to collateral consequences due to their ongoing development.

Just as Washington State was the pioneer 20 years ago in developing sex offender laws to ensure public safety, Washington State can now become the leader in creating a sex offender management and response system that benefits from years of research and evidence based best-practices.

### **2SHB 2714 LEGISLATIVE DIRECTION**

In 2007, Governor Gregoire's Sex Offender Task Force recommended the creation of a permanent Sex Offender Policy Board to study sex offender laws and practices, including the effectiveness of registration and notification laws.

In 2008, the Legislature found that in recent years professionals have recognized the value of developing a more coordinated and integrated response to sex offender management. The legislature further found that a comprehensive response to issues that arise, such as integrating federal and state laws or assessing whether system flaws contributed to an offense can enhance the state's interest in protecting the community

with an emphasis on public safety. While the legislature recognizes that sex offenses cannot be eliminated entirely, the interests of the public will be best served if Washington state experts and practitioners from across the continuum of the sex offender response system coordinate sex offender management planning and create a system to assess the performance of all components of the sex offender response systems statewide

In an effort to foster such coordination, the Legislature passed SSB 6596 to create the Sex Offender Policy Board. In 2008, the Legislature directed the Board to assume the following duties:

- Analyze national and state data and trends,
- Provide a forum for interagency discussion and collaboration,
- Review current laws regarding sex offender registration and public notification, and make recommendations for improvements,
- Review sentencing policies and practices and consider whether changes to the sentencing grid are needed,
- Review sex offender housing issues and options,
- Identify best practices in prevention and response,
- Create performance measures and benchmarks for the sex offense response system and for itself,
- Review specific cases to pinpoint areas where system improvement is needed, and
- Generate policy proposals for system improvements.

The same year the SOPB was created, the Legislature passed 2SHB 2714 specifically directing the Board to review the sex offender registration and notification laws, including: the appropriate class of felony and sentencing designations for a conviction of Failure to Register; the appropriate groups and classes of adult and juvenile offenders who should be required to register; the duration and termination process for sex and kidnapping offender registration and public notification; and simplification of statutory language to allow the Department of Corrections; law enforcement, and offenders to more easily identify registration and notification requirements.

#### **SEX OFFENDER POLICY BOARD 2SHB 2714 PROCESS**

On June 18, 2008, the Board met for the first time. The multi-disciplinary Board is comprised of 13 Members representing a variety of organizations critical to an effective sex offender response system.<sup>6</sup> During the past year, the Board has focused its attention and resources on three primary areas: reviewing current sex offender registration and notification laws and research about the effectiveness of these laws; developing benchmarks that measure the state's sex offender response system; and improve public safety by fostering successful reintegration into the community through public education and appropriate housing. Throughout the Board's work in these areas, they have strived to take a victim centered approach to their policy decision-making. Victim-centeredness is an adherence to a principle that ensures sex offender management strategies do not

overlook the needs of victims, re-traumatize or otherwise negatively impact victims, or inadvertently jeopardize the safety of victims or other community members.<sup>7</sup>

In September 2008, the Board created three committees to assist it in accomplishing these tasks: Registration and Community Notification, Sex Offender in the Community and Benchmarks. On average, the full Board meets once per month and each Committee meets once per month. These meetings are open to the public. In between the in-person meetings, the Board and committees have also periodically held teleconferences to discuss emerging issues.

The Board directed the Registration and Notification Committee to review research regarding sex and kidnapping offender registration and notification and gather information about the current system in accordance with SHB 2714. In an effort to accomplish this task, the Committee formed three workgroups: Community Notification, Failure to Register/Registration/Risk Assessment, and Juvenile.

These workgroups on average meet once a month, in addition to the Committee and Full Board meetings. Members of the Board and Committees have also traveled to other jurisdictions, including Yakima, Everett, Ellensburg and Lakewood to hear from stakeholders within the sex offender management system in an effort to identify best practices used by these jurisdictions and to gather critical information as to what works in the current sex offender system and what improvements can be made. In addition to traveling to different areas, the Board and Committees have also been diligent about advertising their meetings on the SOPB website and to interested others, including legislative staff, sex offender housing providers, victim witness coordinators, local law enforcement, sex offender treatment providers, juvenile offender attorneys and advocates, juvenile probation counselors, and mental health providers.

During the last year, the Board and Committee Members spent countless hours engaging in policy discussions, delving into research assignments, drafting memoranda, reviewing research, engaging in stakeholder forums around the state. Specifically, the Board and Committee members attended and participated in over 60 multi-hour in-person meetings, dozens of teleconferences, and numerous email exchanges.

## **OBJECTIVES OF THE WASHINGTON STATE SEX OFFENDER POLICY BOARD**

Board members brought to this effort a collective awareness of the major events in Washington State's history of responding to sexual offending. Throughout the past year, the Board has worked to review the state of knowledge and to identify well-supported best practices and promising emerging practices in the increasingly specialized field of sex offender management. In addition to looking outward, the Board devoted considerable attention to looking inward to assess and understand in detail a representative sample of the policies and practices actually employed in Washington State's current sex offender management systems.

This Board's Report is grounded upon a set of evidence-based concepts and principles that underlie the entire Report. It was critical to the members of the Board that this Report not be based simply on assumptions or popular beliefs that could not be demonstrated as being true, but rather that it be grounded in research-based practices.

### **PROPOSAL DECISION-MAKING PROCESS OF THE SEX OFFENDER POLICY BOARD**

To facilitate achieving the registration and community notification objectives outlined above, the Washington State Sex Offender Policy Board developed a comprehensive list of proposals as to how to improve the Washington State's registration and community notification system. These proposals are provided in their entirety in the full Report.

In September and October of this year, the SOPB Registration and Notification committee presented its research and proposals to the Board. The Board and committee members then engaged in very long, thoughtful and detailed discussions about the research and proposals. After completing this process the Board decided it would be most beneficial to the Legislature if the research reviewed and the key findings made based on this research during the past year was presented in this report to the Legislature.

The Board then decided to allow each voting Board member to indicate whether the member was in favor of the proposal, objected to the proposal or chose to abstain. Often the members who objected to the proposals did so because they wanted additional time to vet these proposals with their constituent groups. Recognizing this, the Board decided to indicate under each proposal in this report which proposals were unanimous and which were strongly supported by the Board, but needed additional time to vet with some stakeholders, as well as educating these stakeholders about the proposals.

The Board performed a considerable amount of research on best practices as applied to Washington State's sex offender response and management system. During this process, the Board also started visiting stakeholders around the state to hear their concerns about the system as well as what works.

This multi-disciplinary Board took its duties very seriously when compiling and reviewing voluminous amounts of research both from Washington State and across the country. The unique make-up of this Board is its strength. The Board members bring very important and diverse expertise to the table. While working closely together from such different perspectives and backgrounds is very challenging, it is this diversity that will continue to assist this Board in providing the Legislature and Governor's Office with strong, evidence based proposals to improve Washington State's sex offender response and management system.

### **CONCLUSION**

The Board and Committee Members maintained a focus upon evidence-based best practices and on how important the sex offender issues are to public safety. The Board spent the majority of this past year researching and developing proposals as to how to improve the registration and notification component of the sex offender management system. In the next year diverse perspectives will be brought to formalize recommendations.

The Sex Offender Policy Board also started reviewing appropriate and safe housing options for sex offenders living in the community, as well as planning how best to educate community members about sex offenders living in their communities and involve them in this decision-making process.

Further, the Benchmarks Committee of the Board spent quite a bit of time this year mapping the reentry and supervision components of the sex offender management system with the input of key stakeholders. Because an effective performance measurement system will identify practical, evidence-based baselines and gaps in performance, the Board plans to spend next year continuing to work on developing this system.

Finally, the Board remains dedicated to finalizing full recommendations by the 2011 legislative session.

## ADMINISTRATIVE

---

In SSB 6596, the statute creating the Sex Offender Policy Board (SOPB), the Legislature assigned administrative responsibility for it to the Sentencing Guidelines Commission (SGC). RCW 9.94A.8671 states that the Legislature's intent is to promote a coordinated and integrated response to sex offender management and to create an entity to respond to issues that arise, such as integrating federal and state laws, in a way that enhances community safety.

Because of the state budget crisis, the SGC budget was reduced by 22% and staff was reduced by 30% for FY 2009-11. The annual SGC Budget is \$962,500. Administration of the Sex Offender Policy Board is included in this allotment. In its first year the Board was allotted \$75,000 for personal service contracts to purchase research as needed. That allotment was not included in the FY 2009-11 allocations.

The Board and the SGC reduced administrative costs substantially, but chose not to reduce SOPB staff. The SGC was allotted 8.7 FTEs for all activities of the SGC and the SOPB. In 2009 the SOPB combined its legislatively required reports to save money, utilizing state budget authority to delay or suspend reporting responsibilities due to staff cuts. The SOPB was staffed by Program Director Shoshana Kehoe-Ehlers and Administrative Assistant Andi May. In addition many hours of work were provided by SGC Policy Counsel Shannon Hinchcliffe.

## KEY FINDINGS

---

***1. The key to ensuring public safety is to make well-informed decisions based on the best available research.<sup>8</sup>***

Although the label “sex offender” suggests that the individuals who commit sex offenses are essentially the same as one another, in actuality, they are a very diverse population. Sex offenders vary in terms of demographics, range of offending behaviors and patterns, motivations, intervention needs and levels of risk posed to the community.<sup>9</sup> The demographics, range of offending behaviors and patterns, motivations, intervention needs and levels of risk posed by sex offenders are also varied.

In Washington, 26 crimes are defined as “sex offenses,” including the crime of Failure to Register as a Sex Offender. Everyone found guilty of a sex offense, both adults and juveniles, must register as a sex offender. The duration of registration is determined by the class of crime committed. Community notification is based primarily on risk classification; therefore a sex offender classified as a Level III risk is subject to more extensive community notification than a Level I offender.

In Washington State there were a total number of 786 adult felony sex offense sentences and 706 Failure to Register offenses for Fiscal Year 2008. See Appendix Y for a complete breakdown of the number and types of adult felony sex offenses between fiscal years 1986 through 2008. This data was compiled by the Washington State Sentencing Guidelines Commission.

The Washington State Patrol reports as of December 1, 2009 that the total number of registered sex and kidnapping offenders: 20421. This breaks down into the following classifications:

- Level 1: 13213
- Level 2: 3285
- Level 3: 1617
- Kidnapping: 144
- Unclassified: 2162

The Washington State Institute for Public Policy (WSIPP) issued a series of reports on several topics related to sex offenders. The reports found that, compared with the full population of felony offenders, sex offenders have the lowest recidivism rates for felony offenses (13 percent) and violent felony offenses (6.7 percent) but the highest recidivism rates for felony sex offenses (2.7 percent). Sex offenders who victimize children have the lowest felony recidivism rates as well as the lowest sex (2.3 percent) and violent felony (5.7 percent) recidivism rates.<sup>10</sup>

Sex offenders who completed a Special Sex Offender Sentencing Alternative (SSOSA), an outpatient treatment sentence, have the lowest recidivism rates in all categories. In



contrast, sex offenders sentenced to prison have the highest rates. Those sentenced to jail or community supervision have rates similar to, but slightly below, the recidivism rates of those sentenced to prison.<sup>11</sup>

In a recent meta-analysis (Hanson & Morton-Bourgon, 2009), the following sex offender re-offense rates were reported:

- Observed sexual recidivism rate was 11.5% (n = 28 757, 100 samples)
- Sexual or violent recidivism rate was 19.5% (n= 17 421, 50 samples)
- General (any) recidivism rate was 33.2% (n = 23 343, 65 samples)

Most studies examined mixed groups of male, predominantly adult sex offenders and had an average follow-up time of 70 months. It is noted that these rates are likely underestimates given that many offenses are undetected.

In a six-year follow-up of 135 released sex offenders who were referred for commitment under Washington's Sexually Violent Predator Law, but for whom no petition was filed, the following re-offense rates were reported (Milloy, 2007):

- 50% had a new felony as their most serious new conviction, with 23% subsequently convicted of new felony sex offenses, and 10% convicted of violent (not sex) felony offenses.
- 19% of the group was convicted of the charge of failure to register as a sex offender.

There is no dispute that some sex offenders are extremely dangerous or violent and pose a severe threat to public safety. However, the perception that most of these crimes are committed against strangers is both inaccurate and misleading. In fact, most sexual perpetrators are well known to their victims. 93% of victims know their offenders. According to the Department of Justice, most child sexual abuse victims are molested by family members (34%) or close acquaintances (59%) (Bureau of Justice Statistics, 2000). About 40% of sex crimes take place in a victim's own home, and 20% take place in the home of a friend or relative (Bureau of Justice Statistics, 1997). This also holds true in Washington State. In SFY 2009, there were 10,479 victims of sexual assault who came to forward to one of the Office of Crime Victim's grantees for the first time. Of those who reported relationship to the offender, 10.8% were strangers. (This data was provided by the Washington State Office of Crime Victim's Association.)

It is also important to note that Washington State's "sexually violent predators", considered to be the most dangerous sex offenders and most likely to sexually reoffend, are dealt with in an entirely different manner, where they are often permanently removed from the community.

The reason this data is so critical to policymakers understanding of sex offenders is that it requires developing a very particular approach to addressing sex offender management issues, protecting victims and the community. As part of its task, the Board looked at both types of sex offenders in the registration and notification and the registration and notification system itself.

Although sex offender registration and community notification often go hand-in-hand, it is important to recognize that they are different systems with separate goals. The primary goals of sex offender registration is to help law enforcement investigate new sex crimes by maintaining identifying information about convicted sex offenders and using this information to keep track of sex offenders. On the other hand, the primary goal of community notification is to raise public awareness about specific sex offenders in local jurisdictions, engaging actively in their own self-protection.<sup>12</sup>

Unfortunately, there is limited research available that addresses to what extent the current approaches are achieving their goals. Empirical analyses of sex offender specific policies are very limited in number and scope, and remain a critical need in the overall sex offender management system. The Board requested WSIPP perform a meta-analysis to evaluate the effectiveness of sex offender registration and community notification laws. WSIPP conducted a systematic review of the research evidence throughout the United States and found nine studies which fulfilled their rigorous requirements. WSIPP commonly performs this function for the legislature on different subject areas to determine what public policies and programs work and which ones do not.<sup>13</sup>

The WSIPP study took into account the changes to the sex and kidnapping registration laws since they were first enacted in 1990. In the examination of the nine studies, it was found that some studies addressed the idea of general deterrence, the effect that punishment has on the general population, and some addressed specific deterrence, the effect that punishment has on an offender's subsequent criminality.<sup>14</sup>

For the seven studies which focused on specific deterrence, (five studies focused on adults and two on juvenile offenders), WSIPP found that the combined results of the studies has no statistical significant difference in recidivism rates for either sex or total offenses with regards to registration. WSIPP cautioned that additional research studies would be required before a definitive conclusion could be drawn.<sup>15</sup> Of the two studies which focused on general deterrence, they provide some indication that sex offender registration laws lower sex offense crime rates. However, WSIPP cautioned that they were only able to analyze two studies, and that additional research is needed.<sup>16</sup>

In addition to the meta-analysis, the Board reviewed social science research which did not satisfy the rigorous criteria for WSIPP's study. The Board did, however, apply criteria to their research that was provided by Russell Lidman, Professor and Director, of the Seattle University Institute of Public Service and former director of WSIPP, at the request of the Board.<sup>17</sup> These various studies, cited throughout the report and in the endnotes, provide rather mixed and inconclusive evidence regarding the impact and effectiveness of sex offender registration and community notification laws, both in terms of various stakeholders' perceptions and experiences and the effect on increasing public safety through deterrence.<sup>18</sup>

Although the current research provides some mixed results, the amounts of studies have increased with the passage of the Adam Walsh Act in 2006. Because the Act represents a significant shift in approach to sex offender registration and community notification laws

in many states, many researchers are looking specifically at these impacts. Therefore, it is critical that the Board continue to keep apprised of the best available research.

**2. *The Board identified practical obstacles to standard implementation of the current registration and notification laws through stakeholder input, recent court cases, and an in-depth review of the Sex Offender Management System***

The legislature acknowledged the importance of coordinating and listening to stakeholders and experts to assess the system as a whole when they created the Sex Offender Policy Board and made the following findings in RCW 9.94A.8671.

Stakeholder input was particularly valuable to the review of registration and notification laws. In addition to monthly meetings of the Registration and Notification Committee and the Sex Offender Policy Board, the members put on a highly organized day long forum in Central Washington. The dual purposes of this forum was to both listen to stakeholder concerns, and share with the stakeholders the purpose of the Board and how they could use the Board to assist them in the future. The Board and the stakeholders also heard from speakers involved in specialized sex offender units of law enforcement, treatment providers, victim advocates, community organizations that work to provide housing for sex offenders, and mental health providers for victims.

It was a very well attended forum and provided the Board with a wealth of information as to the strengths, gaps and challenges in maintaining an effective sex offender management system. It was clear that there is a need for forums similar to this for other counties around the state, as well as a well-developed communication system for counties to collaborate with each other.

The Board also held a four-hour forum in Everett; they were invited by the Washington Association of Sheriffs and Police Chiefs (WASPC) to attend their August 2009 Sex Offender and Registration committee meeting and listen to law enforcement's concerns and suggestions; and held a meeting at Lakewood City Hall where Senators Carrell and Regala presented on their High Risk Offender Housing Focus Group, and Lakewood local law enforcement and DOC officials who work with sex offenders in the community presented the work they have been accomplished.

Two significant cases were decided during the course of the Board's work which had an impact on policy considerations. *State v. Werneth* 147 Wn.App. 208 (Div. III, 2008), and *State v. Ramos* 149 Wn.App. 266 (Div. II, 2009).

*State v. Werneth* addressed the current comparability process in which defendants convicted of out-of-state sex offenses are required to register in Washington. The court held that the defendant's conviction of child molestation in Georgia was not comparable to a Washington felony sex offense and therefore, the defendant was not subject to sex offender registration in Washington.

*State v. Ramos* discussed part of the process of risk level assignment of sex and kidnapping offenders when it becomes an element of the crime Failure to Register. The

court held that prosecutors may not criminally charge registered sex offenders Failure to Register to report under RCW 9A.44.130(7) when a risk level classification is made solely by a county sheriff and is used as an element of the crime of failure to report.<sup>19</sup>

Feedback about the current system and the recent case decisions impacted the Board's assignment, an in-depth review of the sex offender management system as it relates to registration and notification. In order to evaluate the registration and notification system thoroughly, members split into workgroups and employed the following methodology to different subject areas; they reviewed: 1) current Washington law and research, 2) other states' laws and corresponding research, 3) journal articles and social science research, 4) national standards, including the Adam Walsh Act, and other relevant federal legislation, and 5) practitioner information regarding the laws and policies as applied.

Finally, during the course the SOPB Registration and Committee's work this past year, they listened to presentations about: the current active notification process, the history of the legislative intent regarding sex offender registration and notification laws, the Department of Correction's sex offender registration and community notification policies, Washington Association of Sheriffs and Police Chiefs Model Policy, case law surrounding registration and community notification laws, a survey of law enforcement about the model policy, the End of Sentence Review Committee process, the program Offender Watch and state surveys including Juvenile Sex Offender Registration and Notification laws, Registration Requirements for Homeless Offenders, Requirements of Online Identifiers, Relief from Sex Offender Registration, Penalty for Failure to Register.

***3. Ongoing coordinated and collaborative efforts are required in order to stay apprised of best practices and to ensure efficient and evidence-based approaches to emerging issues within the Sex Offender Management System.***

The problem of sexual offending is complex. As such, addressing this issue requires a multifaceted and comprehensive strategy. A comprehensive approach takes into account various responses and activities throughout the criminal justice system, including investigations, prosecution and sentencing decisions, assessment practices, offender interventions, supervision and monitoring strategies and public education and prevention efforts.<sup>20</sup>

There are several emerging issues which may have significant impact on the sex offender registration and notification laws in Washington such as the Sex Offender Registration and Notification provisions of the Adam Walsh Act, pending court cases, and the current state budget challenges which require a close look at how resources will be used to manage sex offenders.

The responsibility for sex offender management cannot rest solely on a single agency or discipline. Collaborative partnerships across multiple agencies and disciplines are necessary. After conducting in-depth research for several months, the Board has made some proposals regarding the current system pursuant to its assignment in 2SHB 2714 however, it strongly recommends ongoing collaborative consideration of these issues.

**4. Washington State was the first state to enact a sex offender community notification law in the 1990 Community Protection Act. Washington's current system supports public safety by setting community notification standards using a risk-based analysis instead of an offense-based method. This system is built on the premise that the community and sex offender response system partner to achieve public safety.**

In 1990, the Washington State Legislature unanimously passed the Community Protection Act and became the first state to authorize the release of information regarding sex offenders to the public.<sup>21</sup> The law included community notification, which authorized law enforcement agencies to release sex offender information to protect the public. However, since 1990, sex offender registration and notification laws have been amended almost every year.<sup>22</sup>

In 1994, the legislature specifically discussed its intent regarding community notification emphasizing the ability for the community to educate themselves and their children about offenders' release.

Findings -- Intent -- 1994 c 129: "The legislature finds that members of the public may be alarmed when law enforcement officers notify them that a sex offender who is about to be released from custody will live in or near their neighborhood. The legislature also finds 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. A sufficient time period allows communities to meet with law enforcement to discuss and prepare for the release, to establish block watches, to obtain information about the rights and responsibilities of the community and the offender, and to provide education and counseling to their children. Therefore, the legislature intends that when law enforcement officials decide to notify the public about a sex offender's pending release that notice be given at least fourteen days before the offender's release whenever possible." [1994 c 129 § 1.]

While registration laws were originally intended solely to help law enforcement track and apprehend recidivist offenders, notification laws aimed both at reducing crime through greater public awareness and increasing the likelihood of capture after the commission of a crime. Since 1994, legislation has broadened community notification of registered offenders by requiring additional registration information, disclosing relevant information about homeless offenders,<sup>23</sup> making more and more offenders' information available by website,<sup>24</sup> adding kidnapping offenders to the registry,<sup>25</sup> and increasing the list of organizations which receive notifications.<sup>26</sup>

Currently, community notification is conducted by law enforcement. Some types of notification are required by statute and other community notification is guided by the Washington Association of Sheriffs and Police Chiefs Model Policy of 2007.

Four years after Washington passed the Community Protection Act and its community notification law, Congress passed the Jacob Wetterling Law which required states to

implement sex offender registries. It was amended in 1996 to require states implement community notification for offenders convicted of crimes against children or sexually violent offenses. All 50 states currently maintain registries and have some form of community notification although, a survey of states systems show great variation in law.

Currently, 28 states use an offense-based system, which means that all of the registration and community notification requirements are based on the classification of the crime instead of an assessment of the individual's risk to re-offend. In 2006, the Adam Walsh Child Protection and Safety Act was passed which was intended to further standardize state laws and uses an offense-based system.<sup>27</sup>

A registration and notification system focused on the highest risk offenders allows the public to readily identify the most dangerous individuals and allows law enforcement to focus its resources on the most likely threats to the community.

Although current research cannot identify a causal link between Washington's community notification laws and a reduction in recidivism,<sup>28</sup> the public has responded positively to community notification laws. A study in 1997 and follow-up in 2007 indicate that Washington State residents are familiar with community notification laws and believe they are very important.<sup>29</sup>

However, results of the effect of community notification meetings highlighted some practical obstacles to their effectiveness. Survey results on expected outcomes of community notification meetings from residents who attended community notification meetings showed that:

- 80% expected to “acquire as much information as possible to safeguard against the potential threat posed by the offender,”
- 18% expected to remove or prevent the offender from residing in their neighborhood, and
- Only 5% expected to “place blame on whoever was responsible for placing the offender in the neighborhood.

Following the meetings 38% of survey respondents had increased concerns, 27% had no change in their level of concern, and 35% were less concerned than before the meeting. A significant finding of the survey was: “Attendees emerged feeling better informed BUT still feeling anxious and frustrated, with those feelings being more focused on the sex offender.”<sup>30</sup> Therefore, education of the community members about actual risk and protective strategies against predatory behavior outside of the community notification meeting is important.

Second, evidence shows that community notification laws can have an impact on sex offenders which may result in higher recidivism. A few studies have surveyed sex offenders to determine the impact that community notification laws have had upon them.<sup>31</sup> They found that social stigmatization, loss of relationships, employment and

housing, and both verbal and physical assaults were experienced by a significant minority of registered sex offenders.<sup>32</sup>

SOPB Members reviewed research which provides a helpful context. Most victims are assaulted by individuals known to them. Thus increasing public education about the dynamics of sexual assault could help potential victims recognize suspicious behaviors if displayed by friends or family members. By reserving public disclosure and notification for those who pose the greatest threat, resources can be more efficiently allocated, citizens can be appropriately warned and reintegration obstacles can be minimized.

Additionally, notification laws may be counterproductive in that public scrutiny causes additional stress to offenders who are transitioning back into the community. The fear of exposure may cause offenders to avoid treatment, and in the case of pedophiles, may encourage offenders to seek out children as a result of adult isolation. One study shows statistically significant evidence that while some first-time offenders may be deterred by community notification sanctions, referred to as the *general deterrence* concept, imposition of notification may make offenders more likely to recidivate.<sup>33</sup>

The offender's re-entry success is directly related to increased (or decreased) public safety. Stable employment and supportive relationships lead to lower recidivism rates for sex offenders.<sup>34</sup> Social stability and support increase the likelihood of successful reintegration for criminal offenders. Developing this support network is not without its challenges. Many offenders are returning into families where the offending behavior took place and the victim(s) reside, as well as into community agencies and organizations where the offenders found their victims, such as sports leagues, faith based centers, etc.

***5. Empirically validated risk tools are one of the most effective ways to determine an offender's risk to re-offend. The use of standardized dynamic factors can also be helpful in risk level assignment.***

**a. Risk Assessment and Recidivism**

Risk assessment is a method of evaluating the likelihood of future criminal behavior by combining multiple risk factors into an overall assessment of recidivism risk.<sup>35</sup> Prediction of sexual dangerousness has improved markedly over the past decade as a result of studies identifying risk factors correlated with violent and sexual recidivism. When sexual violence risk assessment procedures have been directly compared, actuarial risk scales were better able to predict recidivism than clinical judgment alone or empirically guided assessments.<sup>36</sup>

However, there are no absolutes in the process of identifying risk factors. The process is an exercise in isolating factors that tend to be associated with specific behaviors. So while the association reflects a likelihood of re-offense, it is not definitive in predicting criminal behavior. Some sex offenders will commit subsequent sex offenses regardless of the best efforts to identify risk factors. Likewise, not all sex offenders who have re-offense risk characteristics will recidivate.

## **b. Risk Assessment Tools**

Risk assessment instruments are designed to predict the likelihood that a sex offender will recidivate. Structured actuarial scales based on empirically derived or guided risk factors have consistently been found to be the best supported measures for the prediction of sexual recidivism (Hanson & Morton-Bourgon, 2009). The majority of these instruments relies on static or relatively unchangeable, historical factors (e.g., age and prior offense history) and demonstrates moderate predictive validity (Hanson & Morton-Bourgon, 2009). In particular, the Static-99 is currently the most widely used actuarial scale and has been validated using international samples. Its norms have recently been updated and it has been revised based on research findings that older sexual offenders are at lower risk to reoffend than younger sexual offenders (Barbaree & Blanchard, 2008; Hanson, 2002, 2006).

In addition to using measures of static risk, which provide a more global assessment of an individual's long-term likelihood of reoffense, it is important to evaluate dynamic risk factors that provide an individualized, shorter-term estimate of reoffense risk. Dynamic risk includes stable factors that are often treatment targets and may change gradually over time (e.g., attitudes, relationship skills). Dynamic risk also involves acute factors that may be associated with an imminent risk for reoffense (e.g., substance abuse and victim access). Given that an individual's dynamic risk is subject to change, it is recommended that stable factors be evaluated every 6 months to a year and acute factors be evaluated at every supervision session whereby individuals with higher dynamic risk receive greater supervisory support. Tools have been developed to assess dynamic risk specifically (e.g., Violence Risk Scale: Sex Offender version, STABLE-2007, ACUTE-2007). Overall, the assessment of both static and dynamic risk is considered best practice in the field of sex offender risk assessment.

WSIPP's 2008 study of risk assessment tools points out that no statutes direct the decision-making process for assigning risk levels. Law enforcement has relied on a model policy created by WASPC which gives advisory guidelines for sex offender registration and notification. WSIPP found that since law enforcement agencies have different perspectives and different resources, they may implement assessment procedures differently.<sup>37</sup> In this study, several law enforcement personnel noted concerns about the stability of the risk assessment over time and suggested that adjustments may be warranted based on certain factors.<sup>38</sup>

These concerns were echoed by local law enforcement and other organizations at the stakeholder forums. The Department of Corrections uses a list of dynamic factors that is used in the End of Sentence Review Committee (ESRC) assessment and other jurisdictions shared that they use other factors beside the Static-99 score. It is clear that those responsible for risk level assignment are attempting to use the best tools and predictors of risk but no protocol has been standardized to date.



## Juvenile Sex Offender System Findings and Recommendations

---

### Introduction

When the 1990 Community Protection Act was enacted, there was very little research available about juvenile sex offenders, from everything having to do with appropriate treatment programs, brain and social development, amenability to treatment, and the high percentage of victims being related to the juvenile offender. In view of the fact that there was little research done on juvenile sexual offenders, treatment curriculum was largely modeled after adult programs. There was a belief that all adult sex offenders began their sex offending as juveniles, offering little hope for rehabilitation. Treatment programs based on the Relapse Prevention Model developed for adults were applied to juveniles, implying their sexual offending was fixed and incurable. Many of these programs also did not account for developmental factors, learning styles and the impact of trauma in treating youths who have sexually offended. In most cases they were sex offender specific and seldom focused on areas outside of the sexual offending behavior.<sup>39</sup>

The treatment of youths who have sexually offended has been further complicated by the overall increased societal attention on sex offenders as a whole and mistaken belief that the juvenile sex offender population has a high rate of recidivism. This has resulted in very little differentiation between adult and youths who have sexually offended registration and community notification laws.

During the last 19 years, the research done on youths who have sexually offended and adult sex offenders now demonstrates that youths who have sexually offended are very different than their adult counterparts. Youth who commit sexual offenses are not necessarily "little adults;" many will not continue to offend sexually.<sup>40</sup> Research suggests that four to eight percent of juveniles will become repeat offenders.<sup>41</sup>

### Key Finding

*Youths who have sexually offended are different from adults who commit sex offenses in part, because of ongoing brain and neurological development. Therefore, sex and kidnapping offender laws regarding juveniles and public policy should reflect their unique amenability to treatment and vulnerability to collateral consequences due to their ongoing development.*

In developing the youths who have sexually offended key findings, the Board reviewed research on (1) neurological and adolescent brain development, provided by Dr. Terry Lee, Child and adolescent psychiatrist and Assistant Professor in the Division of Public Behavioral Health and Justice Policy, in the Department of Psychiatry and Behavioral Sciences at the University of Washington School of Medicine; (2) the effectiveness of sex offender registration and notification laws as it applies to juveniles by way of a meta-analysis performed by WSIPP; (3) Washington state sentencing data, from fiscal year

2002 through fiscal year 2008, on the number of juvenile offenders who were convicted of sex offenses, the types of sex and kidnapping offenses they committed, and the age of the offender when convicted of the offense(s); (4) youths who have sexually offended registration and notification laws in Washington state and across the country; and (5) social science literature on juvenile sex offenders and the impact of registration and notification laws and policies.

**1. Youths who have sexually offended differ from their adult counterparts from a neurological and social science perspective.**

*a. Juvenile Brain and Social Development*

Dr. Terry Lee, M.D., from University of Washington's Public Behavioral Health and Justice Policy Center, provided the Board a detailed and comprehensive look at adolescent brain development, highlighting some of the key differences between adolescent and adult decision-making, impacting their amenability to treatment and recidivism rates.<sup>42</sup> During early adolescence, brain development has great potential for skill development. The two areas of the brain responsible for this are the frontal lobes and the limbic system. They are still in the process of developing during adolescence and continue to do so into a person's mid-twenties. The frontal lobes are the part of the brain involved with executing functioning, including controlling inappropriate social behavior as well as sexual arousal.<sup>43</sup>

The limbic system is also still developing during adolescence; key functions are memory, emotional regulation and primary sensory integration. This system processes and manages emotion and motivation. When fully developed it helps maintain control of behavior. In the same earlier referenced study by Beauregard (2001), the limbic area was also activated during sexual arousal.

At the request of the SOPB, the Sentencing Guidelines Commission compiled research showing the number of juveniles convicted of sex offenses, the age at which they committed the offense(s) and the type of sex offense they committed.<sup>44</sup> The same research compilation was done for juvenile offenders declined from the juvenile justice system and convicted of a sex offense or sex offenses in adult court.<sup>45</sup> It is clear that the number of juveniles convicted of sex offenses in juvenile court was highest when the juvenile was between the ages of 12 and 15 years old. Based on this, the SOPB decided not to recommend that the legislature not impose a minimum age for youths who have sexually offended registration and notification. However, what this research also demonstrates is that the number of juveniles committing these sex offenses peak at an age when their brain is at a critical development phase and can most be influenced by treatment, intervention, and other rehabilitative services.

Due to the ongoing development of the frontal lobes of an adolescent, the adolescent brain must rely heavily on their limbic system when making decisions. This can be problematic in some situations because adolescents tend to use more emotional areas of the brain, and less portions that involve planning. The flipside of this is that youths who

have sexually offended are not yet capable of complex planning, such as the planning that is often observed in adult sex offenders, intervention during their adolescence can assist in reversing their sexual behavior.

Some of the key differences between juveniles who commit sex offenses and adults who commit sex offenses are: juveniles have less extreme forms of sexual aggression, fantasy and compulsivity; their sexual arousal is not fixed, it continues to develop; they are more amenable to rehabilitation; there is no clear developmental pathway from juvenile to adult offending; parental and caregiver involvement enhances rehabilitation efforts; and juveniles who commit sex offenses respond well to treatment and have low recidivism.<sup>46</sup> Most youth appear to engage in only transient sexual offending and will not reoffend.

Dr. John Hunter<sup>47</sup>, a nationally and internationally renowned clinical psychologist in the area of juvenile sexual offending, has created typologies which put youth into three different categories: (1) Juvenile Onset, Non-Paraphilic; (2) Early Juvenile Onset, Paraphilic; and (3) Life Course Persistent. The first category is made up of the majority of juveniles who are participating in transient sexual offending due to risk factors in their life. The second category is made up a small group of juveniles who are developing pedophilic interests and the third category is also made up of a small percentage of juveniles whose sexual offending is likely tied to larger conduct related problems.

Juveniles involved in the criminal justice system, including youths who have sexually offended, often experience factors in their life that disrupt typical brain development, leading to their delinquent behavior.<sup>48</sup> These can include: substance abuse, abuse and dependence; and family and social disruptions; chronic stress and abuse, and chronic fear and hunger. This further supports the assertion that a “one size fits all” approach to dealing with youths who have sexually offended is ineffective. These factors are, however, encouraging in that they are often situational and can be changed with appropriate interventions, especially in light of the fact that juvenile brain development is ongoing and can be appropriately modified.<sup>49</sup> Finally, the most promising difference about juveniles that can assist in their development, and also underlines the need for a separate sex offender system for juveniles is how sensitive juveniles are to rewards as opposed to punishment.<sup>50</sup>

*b. Youths who have sexually offended Laws: Recidivism and Collateral Consequences*

The best practices and research surrounding registration and community notification laws show that, currently, there is no research or studies linking community notification of juveniles to lowered recidivism. The Association for the Treatment of Sexual Abusers (ATSA) believes that juveniles should be subject to community notification procedures in only the most extreme cases and instead recommend that enhanced community monitoring and supervision should be provided to ensure public safety.<sup>51</sup> The International Association for the Treatment of Sexual Offenders (IATSO) recommends that registries and community notification not be applied to juveniles.<sup>52</sup>

For purposes of community notification, it is important to understand that like their adult counterparts, youths who have sexually offended primarily offend against “relatives or acquaintances; rarely are they strangers.” This was also true in a snapshot of Juvenile Rehabilitation Administration (JRA) youth in August of 2008, which showed 92% of offenders on parole had offended against victims who were known or related and 88% of the offenders in residence had victims who were known or related.<sup>53</sup>

Finally, registration and community notification laws can have unintended consequences on juveniles that can contribute to recidivism; thereby compromising public safety. Lifetime registries can create stigmatization, social exclusion and marginalization. The SOPB listened to stakeholders who worked with juvenile sex offenders. One of the primary concerns expressed was that young adults, convicted as juvenile sex offenders, saddled with the current sex offender registration and notification requirements, have an especially difficult time obtaining housing and employment, as well as participating in pro-social activities. Experts who work with and study juvenile sex offenders, find that when they enter the adult world with these hindrances, it can set them on a course where they will never be able to fully function in mainstream society.<sup>54</sup>

## **2. Other states treat youths who sexually offend differently: A Survey of 50 states juvenile sex offender laws.**

The primary difference between Washington sex offender registration and notification law as compared to the other 49 states is that most states treat registration differently from notification. Shannon Hinchcliffe, SOPB staff policy counsel, conducted a 50 state survey of juvenile sex offender registration and notification laws. The Board wanted to learn what practices other states implemented since Washington State initially created its sex offender registration and notification system as well as what new juvenile social science research has found.<sup>55</sup>

Washington State was the first state to enact juvenile registration and notification sex offenses in 1990. This state has some of the strictest sex offender laws for juveniles, making it very difficult for juvenile sex offenders to exit the system.

Washington state sex offender registration laws differ from other states in two significant ways. First, the law makes no distinction between juvenile and adult sex offenders; requiring mandatory registration for both under the same criteria, on the same registry. Several states have separate adult and juvenile registries (usually where the juvenile registry is only available to law enforcement, not to the public). Other states have discretionary registration, (a finding must be made by a judge or board that the juvenile is a threat), while some states require registration only if convicted as an adult.<sup>56</sup>

Second, the Washington State law requires juvenile registration for “any sex offense.” Sex offense, as it is defined,<sup>57</sup> includes 26 different offenses, more anticipatory felony offenses, and felony offenses with a sexual motivation finding. The original “Megan’s Law” made an important distinction that an act by a juvenile that is criminal only because

of the age of the victim does *not* trigger the registration requirement for juveniles.<sup>58</sup> Many states require juvenile registration for a limited list of sex offenses and the federal Adam Walsh Law requires registration only if the juvenile is over 14 and the crime is comparable to or more serious than an “aggravated offense.” The definition applicable to juveniles includes use of force, or threat of force.<sup>59</sup>

Washington State’s juvenile justice system was created to make certain that rehabilitation would be the ultimate objective in devising juvenile punishment.<sup>60</sup> The rationale for this separate system was that children do not have the capacity for rational thoughts as adults do and more amenable to rehabilitation.<sup>61</sup> Washington enacted the Juvenile Justice Act of 1977 to establish a separate system to ensure that juveniles be held accountable while the state would provide punishment commensurate with the age, crime, and criminal history of the juvenile offender, as well as protect the citizenry from criminal behavior, among other objectives.<sup>62</sup> This Act furthered the notion of the state as a protector of the child, better known as the doctrine of *parens patriae*.<sup>63</sup>

The next part of this report identifies the issues in the juvenile who have sexually offended registration and notification system that the Board identified as some possible areas of movement for change based on the Board’s review of research and evidence based best practices. As mentioned earlier in the executive summary, some issues under discussion to fix is will have detailed proposals. These proposals will indicate whether the Board was unanimous or whether there was strong support for the proposal by the Board members, but it was not unanimous. In some areas, the Board proposed further review and refinement of the proposal during the next year. These proposals will detail the research already completed and explain why a proposed change was not yet ready.

## Juvenile Recommendations

### 1. **Create separate juvenile and adult registry and community notification statutes**

The current statutory scheme combines adult and youths who have sexually offended sex and kidnapped offenders into the same chapter. See RCW 9A.44.140. As the system is currently, one registry makes sense because there are only two specific sections which apply differently to juveniles, the burden of proof for relief and school notification.

However, if juvenile-specific recommendations are implemented, having a separate statute that addresses juvenile registration and community notification statute would serve several purposes. First, by separating the registries, it recognizes juveniles as different in terms of criminal behavior, capacity for rehabilitation and recidivism. Second, participants in the sex offender management system, including law enforcement would be able to easily recognize the differences between a juvenile and adult in the registration and notification systems. Third, the treatment plans, relief from registration processes, and rehabilitative approaches would be more easily facilitated if the two systems were separate.

To accomplish the above listed purposed, the SOPB has discussed creating a separate statute for adjudicated juveniles titled the “Juvenile Sexual and Kidnapping Offender Registration and Notification Laws.”

The justice system for juveniles has traditionally been separate from the adult system because of the belief that juveniles are more amenable to treatment and rehabilitation and to respond to their unique supervision, treatment and custody needs. Since 1990, research supports treating juveniles separately.

*The Board expressed strong support for this proposal, but not unanimous.*

### 2. **Fund creation of a validated juvenile risk assessment tool and training**

Currently, there is no validated risk assessment tool for juvenile sex offenders used in Washington State. The tool currently used by the ESRC and Law Enforcement, titled the Washington State Sex Offender Risk Level Classification, is not considered the best it for the youths who have sexually offended population.

Due to the vast differences between adult and juvenile development and risk factors, a juvenile’s ongoing development, a separate risk assessment tool specifically designed for youths who have sexually offended is necessary. Other states have reached this conclusion as well and use a separate tool for youths who have sexually offended.<sup>64</sup>

The SOPB proposes a twofold modification. First, that the Legislature authorize funding for the training on a current standardized and accepted juvenile risk assessment tool and

second, that the Legislature authorize funding for creation and/or validation of a risk assessment tool.

In June 2008, the Washington State Institute for Public Policy (WSIPP) looked at several risk assessment instruments that are used to determine risk of re-offense.<sup>65</sup> It determined that the lack of appropriate instruments for juvenile sex offenders was a topic of concern.<sup>66</sup> In light of the fact that risk assessment for juvenile sex offenders is a key predictor in future recidivism, risk leveling in the community and determining what services and treatment must be provided to the juvenile, developing and using a valid actuarial risk assessment tool is very important.

WSIPP interviewed a number of professionals who work with juvenile sex offenders. WSIPP concluded that there was very little consensus on the types of instruments and the best way to use them.<sup>67</sup> “Some groups have chosen to adopt adult measures and articulate their limitations, whereas others use instruments specifically designed for juveniles but whose validity and reliability have not been demonstrated.”<sup>68</sup> All of these professionals “agreed that the [risk assessment instrument] options available to them at this time are insufficient and that additional research with juveniles is needed to develop a more predictive risk instrument.”<sup>69</sup>

*The Board unanimously supported this proposal.*

### **3. Repeal 90-day registration check-in for Juveniles.**

In May 2009, Division II (149 Wn. App. 266) of the Washington State Court of Appeals, under State of Washington v. Ramos, held in part that sex offenders may not be criminally charged with the crime of Failure to Register RCW 9A.44.130(7) under State of Washington v. Ramos when a risk level classification made by a county sheriff is used as an element of a crime for failure to report under 9A.44.130(7).

Currently, both juveniles adjudicated in juvenile court and juveniles tried as adults are required to register as sex offenders if they are convicted of a sex offense, same as adult offenders. See RCW 9A.44.140. If the ESRC or Sheriff’s Office classifies the juvenile or adult sex offender as Level II or Level III risk level, that offender is required to check-in with their local Sheriff’s Office every 90 days.

Aside from the problem raised by the *Ramos* decision, some juveniles who are dependent on adults for transportation and other necessities face significant barriers in complying with this periodic check-in requirement and can be unfairly punitive.<sup>70</sup> Based on stakeholder input, this disproportionately affects juveniles in rural areas where they have to travel long distances to “check-in.”

The statutory 90 day check-in requirement is somewhat duplicative. Juveniles are already closely monitored by parents and/or guardians, the Department of Social and Health Services, school officials, and/or Juvenile Probation Counselors.

The Board is proposing substituting the 90 day check-in requirement for adult sex offenders required to register with law enforcement's current address verification program. (This proposal will be further discussed in the adult sex offender section of this report.) The Board would like to further study the address verification program to determine if there are unique consequences for juveniles. The Board was unable to gather enough information on this subject to make a recommendation.

**4. Change statute so juvenile sex offenders first failure to register offense will not bar them from petitioning for relief from registration**

Many youths who have sexually offended are technically eligible to petition the Court for relief from registration after two years in the community with no new sexual or violent offenses, and yet for a variety of reasons many of those youths who have sexually offended do not petition the Court. If they are then subsequently charged with "Failure to Register as a Sex Offender" this imposes a minimum additional 10 year duty to register.

The SOPB heard from attorneys, law enforcement and many other stakeholders who expressed concern that youth who have sexually offended and then later convicted of a "Failure to Register" offense, find themselves caught in the sex offender registration system regardless of their actual risk to the community. These same stakeholders noted that this has become a persistent problem. Many times these first offenses are related to forgetfulness, practical barriers such as no transportation, or not understanding the importance of the registration requirement. Though they may have been eligible to obtain relief from the registration requirement for years, and may have otherwise lived an offense-free life, the effects of a "Failure to Register" conviction are that they are mixed in with a pool of offenders who pose an actual risk to the community, but must still register.

The research and literature regarding risk based actuarial assessments consistently indicate that a "Failure to Register as a Sex Offender" is not considered a sexual offense or violent offense for the purposes of assessing future risk.<sup>71</sup> In fact, a conviction for "Failure to Register" is not scored or deemed relevant in the Static 99 assessment of risk. Taking into account the fact that youths who have sexually offended are inherently less likely to reoffend, allowing those offenders an opportunity to still petition the Court after a single conviction for "Failure to Register" would not jeopardize community safety. The Board noted that in this scenario the youth who has sexually offended will still have to petition the Court and convince a judge they should be relieved of the underlying juvenile registration requirement.

The Board acknowledged that the Legislature has already started to address the problem this issue poses when it passed SSB 5236:Concerning notice to individuals convicted of a sex offense as a juvenile of their ability to terminate registration requirements, during the 2009 legislative session. This law requires that no less than annually, the Washington State Patrol (WSP) must notify sex and kidnapping offenders who committed their crime as a juvenile about their ability to petition for relief from registration. During public



testimony of this bill, it was noted that many sex offenders who were convicted as juveniles do not know that they have this right. It impacts their ability to find employment and housing, and often subjects them to harassment.

**Proposal:**

The Board proposes statutory modification to address the obstacles faced by registered sex offenders who were convicted of their sex offense as a juvenile:

*Do not add any additional sex offender registration requirements for a first conviction for any violation of RCW 9A.44.130 (Failure to Register or Attempted Failure to Register) those offenders who were convicted as juveniles.*

*Allow those offenders who were convicted as juveniles to file a petition for relief from registration even where they have a single conviction for Failure to Register.*

In other words, for juvenile offenders, a first offense FTR would not bar them from petitioning the Court to be relieved of the registration duty at that time or at any point down the road. Subsequent offenses for FTR would continue to have the existing requirement of 10 additional years of registration.

*This Board unanimously supported this proposal.*

**5. Relief from registration and automatic termination for adjudicated juveniles.**

Pursuant to RCW 9A.44.140, a sex or kidnapping offender who committed his or her crime as a juvenile may petition the Superior court to be relieved of the duty to register. The court must consider the nature of the offense committed by the petitioner as well as relevant conduct by the petitioner since the date of the offense. Standards differ depending on how old the petitioner was when the crime was committed.

Under current RCW, if the petitioner was 15 years of age or older, the petitioner must show by clear and convincing evidence that future registration will not serve the interests of public safety. If the petitioner was under the age of 15 years when the crime was committed, the court may relieve the petitioner of the duty to register if that person has not committed another sex offense for two years and can show by a preponderance of the evidence that future registration will not serve the interests of public safety. This provision does not apply to a juvenile prosecuted as an adult.

After hearing from stakeholders, the Board learned that while the legislature has provided an opportunity for sex offenders adjudicated as juveniles to be relieved of the duty to register, there are several barriers to accessing this. The standards for relief are vague, making it difficult for juveniles to adequately represent themselves. Currently, there is no right to an attorney and the cost can be prohibitive. Further, research clearly states

that it is critical to enable youths who have sexually offended the ability to get off the registry if they no longer pose to public safety, especially prior to adulthood.

Understanding the significance of this proposal, the Board reviewed and subsequently relied on a substantial amount of research in reaching this proposal. The foundation of this proposal is rooted in the juvenile brain development and social science research demonstrating that the majority of youths who have sexually offended are believed to have been engaging in transient sexual offending as a form of adolescent experimentation, often in compensation for lack of social skills that impair healthy peer relationship development. It is predicted that these types of youths who have sexually offended will respond well to treatment and not sexually reoffend.

The Board also reviewed and considered how the other 49 states treat juvenile sex and kidnapping offender relief from registration process.<sup>72</sup> Several different methods are used for termination of registration and they are often used in combination with other methods that require registration based on the offender's risk.<sup>73</sup> Early termination procedures vary from state to state. Many states employ automatic registration termination at a certain age.<sup>74</sup> For some states, when an offender reaches the state's age of majority, the duty to register is automatically terminated. Alternatively, some states have an automatic hearing at the age of majority to determine whether the juvenile should be required to continue to register. In these cases, the prosecutor must show that the offender poses a threat to the safety of others and should therefore not be relieved of the duty to register..<sup>75</sup>

Finally, the Board heard from numerous stakeholders who work with juvenile sex offenders, as well as youths who have sexually offended who have reached majority, on this issue. The overall consensus was that the focus of registration and community notification should be on those youths who have sexually offended who pose an actual risk to reoffend sexually. Youths who have sexually offended are often the least likely to sexually offend and they are likely to age out of that earlier behavior. There is a cost to monitor sex offenders and a burden on law enforcement and community resources. The cost is especially high when those resources are used to monitor all sex offenders, including those that no longer pose a risk, as opposed to directing those resources towards the high-risk offenders. There was also agreement that youths who have sexually offended who no longer pose a risk face significant obstacles transitioning into the adult world, including obtaining housing, education and employment, if required to register as a sex offender.

In Washington, juveniles are required to register as sex or kidnapping offenders based solely on the offense they committed. The requirement to register is not based on assessment of any risk factors. The Board's proposal attempts to work within the current registration system but allow those who are at a lower risk to be relieved of the duty to register with a more specific criterion.

**Proposal:**

Level I Juveniles who have sexually offended:

- Automatic termination from the youths who have sexually offended registry on their 21<sup>st</sup> birthday.
  - Prosecutor’s Office can object to the termination. If this happens, the petitioner would have a right to an evidentiary hearing.
- The court may relieve the petitioner of the duty to register for a sex offense or kidnapping offense that was committed if the petitioner has no subsequent disqualifying offenses on their criminal history and is 24 months post supervision. These are defined as a conviction for any offense that is a felony, a conviction for a sex offense as defined in RCW 9A.44.130, a conviction for an offense with a domestic violence designation, conviction for Stalking, a conviction for any Assault charge, or a conviction for Indecent Exposure. The following criteria for consideration are illustrative only and are not necessarily intended to be specific requirements or exclusive factors in granting the request for relief:
  - The nature of the registrable offense committed including the number of victims and the length of the offense history;
  - Input from corrections officers, juvenile probation counselors, law enforcement, and/ or treatment providers; and
  - Pass an updated polygraph
  - Input from victim
- If the court determines the juvenile petitioner has not been significantly rehabilitated, the petitioner can re-petition after 12 months has elapsed.
- 24 months post supervision is consistent with current practice of many SOTP’s and courts.

Level II Youths who have sexually offended :

- Automatic termination from sexual offender registration at age 25.
- May petition the court for relief from the duty to register if the petitioner demonstrates by preponderance of evidence that the petitioner is “significantly rehabilitated” to warrant removal from the Sex Offender Registry. The following criteria are illustrative only and are not necessarily intended to be specific requirements or exclusive factors in granting the request for relief:
  - The nature of the registerable offense committed including the number of victims and the length of the offense history;
  - 2 years post-supervision;
  - Have no subsequent disqualifying offenses on their criminal history. These are defined as a conviction for any offense that is a felony, a conviction for a sex offense as defined in RCW 9A.44.130, a conviction for an offense with a domestic violence designation, conviction for Stalking, a conviction for any Assault charge, or a conviction for Indecent Exposure;
  - Input from corrections officers, juvenile probation counselors, law enforcement, and/ or treatment providers; and
  - Pass an updated polygraph
  - Input from victim
- Prosecutor’s Office can object to the termination. If this happens, the petitioner would have a right to an evidentiary hearing.
- If the court determines the juvenile petitioner has not been significantly rehabilitated, the petitioner can re-petition after 12 months has elapsed.

Level III Juvenile Registered Sexual Offenders:

- May petition the court for relief from the duty to register only if the petitioner demonstrates by preponderance of evidence that the petitioner is “significantly rehabilitated” to warrant removal from the Sex Offender Registry. The following criteria are illustrative only and are not necessarily intended to be specific requirements or exclusive factors in granting the request for relief:
  - The nature of the registrable offense committed including the number of victims and the length of the offense history;
  - 5 years post-supervision;
  - Have no subsequent disqualifying offenses on their criminal history. These are defined as a conviction for any offense that is a felony, a conviction for a sex offense as defined in RCW 9A.44.130, a conviction for an offense with a domestic violence designation, conviction for Stalking, a conviction for any Assault charge, or a conviction for Indecent Exposure;
  - Input from corrections officers, juvenile probation counselors, law enforcement, and/ or treatment providers; and
  - Pass an updated polygraph
  - Input from victim
- No automatic termination provision.
- Prosecutor’s Office can object to the termination. If this happens, the petitioner would have a right to an evidentiary hearing.
- If the court determines the juvenile petitioner has not been significantly rehabilitated, the petitioner may re-petition after 12 months has elapsed.

*The Board expressed strong support for this three-box proposal, but not unanimous.*

**6. Assigning a risk level to juvenile sex offenders**

The End of Sentence Review Committee levels youths who have sexually offended that are being released from the Juvenile Rehabilitation Administration (JRA). Local Law Enforcement levels: (1) youths who have sexually offended released into the community after sentencing if they do not have to serve a sentence at JRA; (2) those that move into their county from another county; (3) and those that move into their county from out-of-state. There is no official appeal process in place when a juvenile disputes the level assigned by ESRC or Law Enforcement.

A multi-disciplinary body of experts should level all youths who have sexually offended. This would allow experts specifically trained in juvenile issues and development to consider psychological development of a juvenile and the multitude of influencing factors, such as familial, school, and psychosocial issues that impact a juvenile’s risk level.<sup>76</sup>

There is currently no specialized training on youths who have sexually offended for law enforcement who determine risk levels for juveniles. For example, currently there is no difference in community notification between adults and juveniles. There is also no formal re-assessment of a juvenile's risk level. Clinicians recommend reassessing youth for their risk to sexually reoffend every 1 – 2 years to consider the developmental growth that has taken place for the juvenile.

Stakeholder forums solicited much input regarding risk assignment generally and from law enforcement specifically. It is clear that some law enforcement have different methods of raising or lowering offenders' risk levels. These methods often use multidisciplinary teams but are not consistent across the state.

**Proposal:**

- The ESRC will level all youths who have sexually offended. The ESRC will perform risk level classification for all youths who have sexually offended, including those about to be released from JRA; Special Sex Offender Sentencing Alternative (SSODA), subject to local sanctions; and those arriving from out-of-state.
- ESRC shall notify law enforcement when a juvenile offender is up for review for risk level classification.
  - Law enforcement may submit additional information to the committee for consideration for leveling purposes.
  - ESRC shall retain final authority for the level decision.
- Level 2's and 3's can request re-assessment every 2 years upon request of offender to ESRC to review developmental considerations.
- ESRC can re-assess any offender upon receipt of new information, if warranted.

*The Board expressed strong support for this proposal, but not unanimous.*

**7. Who in the community should be notified of a juvenile registered sex offender?**

*a. Community Notification Laws and Recidivism*

Adjudicated juveniles are treated the same as adult sex offenders when it comes to community notification. Local law enforcement has to consider statutory guidelines as to the extent of information released to the public about sex offenders. WASPC maintains a statewide registered kidnapping and sex offender website available to the public; some local law enforcement agencies also provide information via the internet to the general

public. The following lists the type of community notification required based on the risk level assigned to youths who have sexually offended:

- Level I Offenders: notify other law enforcement agencies, and, if the offender is a student, the school they attend or plan to attend, victim, witnesses or community members who live near the offender. Offenders are posted on the WASPC website only when youths who have sexually offended is out of compliance.
- Level II Offenders: same as level I along with daycares, schools, libraries, businesses, and organizations that primarily serve women, children or vulnerable adults, neighbors and community groups and are posted on the WASPC website.
- Level III Offenders: same as level I and II along with any relevant, necessary, and accurate information to the public at large. County sheriff publishes notice in one legal newspaper with general circulation in the offender's area of registered address or location. (See RCW 4.24.550.)

At this point in time, no reports can show a causal link between notification and reduced recidivism. In 1995, the Washington State Institute for Public Policy (WSIPP) conducted a study of notification and recidivism.<sup>77</sup> It looked at Level III offenders three years after the notification law had been implemented and compared it to a group of like offenders from before the notification law. In its Executive Summary it stated “Unfortunately, the findings suggest that community notification had little effect on recidivism as measured by new arrests for sex offenses and other types of criminal behavior.”

In December 2005, WSIPP conducted a study on the state's community notification law and its impact on reduced recidivism.<sup>78</sup> In this study, recidivism was defined as a conviction in Washington State for an offense committed during the five-year period after the offender leaves prison.<sup>79</sup> The study did not identify adults and juveniles separately, instead, it looked at 8,359 offenders before and after notification laws were passed. The study found that felony recidivism rates remained the same before and after the enactment of the statutes.<sup>80</sup> It did find however, that felony sex offense recidivism rates for post notification offenders were five percentage points below the pre notification rate.<sup>81</sup> The study stated that the drop in recidivism was clear. The influence of notification could not be established as a causal link but could not be ruled out.

Reviewing WSIPP's extensive body of work on sex offense recidivism, we can get some idea of juvenile sex offense recidivism rates. In 2004, WSIPP conducted a study on general recidivism rates.<sup>82</sup> The study defined recidivism as any offense resulting in a Washington legal court action committed after release to the community. These actions include convictions, dispositions, deferrals and diversions. The study surveyed 4,091 sex offenders for a period of five years after release to the community. It found that compared with the full population of felony offenders, sex offenders have the lowest recidivism rates for felony offenses (13 percent) and violent felony offenses (6.7 percent) but the highest recidivism rates for felony sex offenses (2.7 percent).

This study included juveniles and adults but did not address them separately. It did include findings about adult sex offenders who completed a Special Sex Offender Sentencing Alternative (SSOSA). It stated that sex offenders that completed SSOSA's had the lowest recidivism rates of all categories.<sup>83</sup> SSOSA's or SSODA's (Special Sex Offender Disposition Alternative) are often available to first-time offenders and require particular conditions and treatment. In 2006, 115 SSODA's were imposed on juveniles.<sup>84</sup>

In a May 2008 WSIPP study intended to identify a valid juvenile risk assessment tool. The study surveyed 319 youths who have sexually offended which contained Level I, II, and III offenders for a five year follow-up period from the day they were released.<sup>85</sup> The sexual offense recidivism rate for the population was 9%.<sup>86</sup> This included felony and misdemeanor sex offense charges.

Although these studies provide a glimpse into juvenile sex offense recidivism rates, it is helpful to look to other reports and studies to gauge the juvenile recidivism rate. One author noted:

The fact is that low future sex crime rates among juvenile sex offenders in the United States are a well replicated, robust, and long-standing scientific finding.<sup>87</sup> For teenage sex offenders, the low risk news is not new—decades of U.S. studies typically report long-term future sex offense rates in the range of 5%-15% (the lower end of this range more often characterizing those who complete some sort of treatment program, and the higher end more often characterizing those who do not).<sup>88</sup>

*b. Washington State's Special Approach to Juvenile Offenders and Why Juvenile Sex Offenders Require a Similar Approach*

Historically, juvenile courts have recognized the importance of confidentiality in a system that focuses on rehabilitation of children. It is believed that if the stigma of a juvenile adjudication can be avoided, a juvenile may have more impetus to become a productive citizen. Therefore diversionary programs and disposition alternatives are specifically listed in the juvenile courts and offender statutes.<sup>89</sup> Further, publicly identifying juvenile offenders is thought to hinder their rehabilitation by impairing their relations with those in the community, such as school administrators and teachers, friends, classmates, and prospective employers.

The perils of not approaching youths who have sexually offended with a confidential, rehabilitative approach can be seen in the collateral consequences of community notification. They include: inability to find suitable housing, inability to return to an established residence post-release, forced relocation of residence and family, difficulty finding employment/loss of employment, loss of positive social supports, excessive negative community sentiment, harassment, vigilantism, and increased fear and concern among citizens.<sup>90</sup>



Studies have found that broad community notification can hinder juvenile rehabilitation. Typically, youths who have sexually offended have difficulty maintaining close interpersonal relations and are isolated from their peers.<sup>91</sup> This alienation may encourage sexually aggressive behavior.<sup>92</sup> Disclosure of a juvenile sex offender's past to the community may only serve to increase alienation, possibly encouraging sexually aggressive behavior and re-offending.<sup>93</sup>

A number of important issues and challenges make the successful transition and community reintegration of youths who have sexually offended particularly difficult. They include, but are not limited to, the following:<sup>94</sup>

- Negative public sentiment about sex offenders;
- Myths and misperceptions about juvenile sex offenders and the victims of these offenses;
- Highly publicized cases involving sex crimes;
- Limited housing and placement options; and
- Tighter residency restrictions specific to sex offenders.

In figuring out a way to address these challenges, the Board reviewed other states juvenile notification laws and methods. After surveying the 50 states' juvenile notification laws, many community notification methods were identified which treat adjudicated juveniles differently. In many states, not all juveniles who are required to register are subject to community notification. In some states, courts or another body decide whether to order community notification or exempt juveniles from notification; it is not an automatic consequence of registration.

Out of the states that subject juveniles to community notification, many states restrict the type of notification that is given. There are seven types of restrictive methods for juvenile notification: (1) juveniles not subject to notification unless ordered to; (2) courts restrict dissemination of information if its not necessary for public safety; (3) limited to schools; (4) not unless they are out of compliance; (5) only for limited offenses; (6) limited to law enforcement; and (7) available only upon request, and can only be requested by certain entities.

In all states except Washington, there is some type of exception or exemption process for juvenile community notification. This below proposal does not significantly alter community notification via the internet but takes risk level into consideration when allowing public access to juvenile information via the internet.

Registration and community notification for sex offenders was at least partly justified by the belief that sex offending is an innate, pathological quality resulting in exceptionally high recidivism rates.<sup>95</sup> The ability to treat offenders as juveniles has proved effective in preventing their continuation of abuse as adults.<sup>96</sup> Researchers concede that some offenders with serious personality and mental problems will not respond to treatment.<sup>97</sup> However, these youths who have sexually offended are the minority.

After the Board's thorough review of research and the commission of a meta-analysis by WSIPP, the Board found no current research or studies that causally link community notification of adjudicated juveniles to lowered recidivism. The Board did find literature and anecdotal evidence that suggests community notification can significantly hinder a juvenile's reintegration into the community. Development of social networks and stable relationships are important factors for juveniles in their rehabilitation.

**Proposals:**

- Level 1 and II Offenders: Information is given to law enforcement, schools, and upon request to victims and witnesses. Offenders are posted on the statewide sex offender website only when the juvenile sexual offender is out of compliance. No distribution of fliers in the neighborhood where they reside.
- Level III Offenders: The Board recommended no change to the current law regarding Level III Juvenile Offenders. The current law is notification shall go to daycares, schools, libraries, businesses and organizations that primarily serve women, children or vulnerable adults, neighbors and community groups and are posted on the WASPC website.

*The Board expressed strong support for these proposals, but not unanimous.*

## Adult Sex Offender Registration and Notification System Findings and System Issues

---

### 1. Risk assessment and the assignment of risk levels to adult sex offenders.

Currently, those being released from the Department of Corrections or Eastern or Western State Hospitals are assigned a risk level by the End of Sentence Review Committee (ESRC). The ESRC uses tools including the Static-99 risk assessment and a list of mitigating and aggravating factors to determine an offenders' risk level.

Local law enforcement agencies then review available risk level classifications, assign risk level classifications to all offenders about whom information will be disseminated, and make a good faith effort to notify the public within specific time frames.<sup>98</sup> If local law enforcement agencies classify an offender differently than the ESRC, they are required to submit notice to the ESRC and other agencies which includes the reasons for the change.<sup>99</sup>

For those offenders not reviewed by the ESRC (e.g. out-of-state offenders, federal offenders, and offenders sentenced only to jail) local law enforcement is responsible for assessing and assigning the risk level. The Washington Association of Sheriffs and Police Chiefs (WASPC) created an advisory model policy for implementing these responsibilities.

Proposals for juvenile risk assessment are located within another section of this report, therefore only adults are addressed in this proposal. Based on the research reviewed, the Registration and Community Notification committee has learned that:

- Risk assessment should be based on the best available information,
- The risk assessment bodies should use standardized static and dynamic factors including empirically validated actuarial tools,
- Multi-disciplinary teams are the preferred way of conducting risk level assignment,
- Passage of time can affect the offender's risk therefore; risk re-assessment is valuable.
- Risk level classifications primarily drive the level and type of community notification that is required for an individual sex offender, although there are some other consequences attached to the risk level assigned.

Based on stakeholder input from forums and meetings various concerns were raised about the current risk assessment and leveling system. Some of those concerns include:

- Whether there are more efficient ways to gather and share data regarding information used for the risk assessment process,
- That law enforcement has an obligation to and liability for the community notification of offenders,
- The ability to have input (offenders and/or victim's) in the process and ability to appeal a risk level classification,
- Whether the current risk level assignment structure results in predictable and standardized results for the community and the offender; and
- Need more collaboration between local law enforcement and ESRC regarding use of risk assessment tools.

### *Varying Methods for Assessing Risk*

Research of other states' practices show that approximately 28 states assign consequences to individual offenders (such as community notification, duration of registration and other requirements) as a result of their type of offense, 19 states (like Washington), assign consequences based on a risk assessment process, and four states use a combination of a qualifying offense and level of risk to determine certain registration and notification consequences. States vary widely in their risk assessment process, some use actuarial tools, standardized dynamic factors, psychological evaluations, or a combination of the above.

States also vary widely as to which decision making body conducts the risk level assignment. Some examples include the sentencing judge, a multi-disciplinary committee or board, the Department of Corrections and Department for Public Safety. Some states use a referral process, for example, a prosecutor would engage in the risk assessment process and make a risk level recommendation to a judge who would make the final decision regarding level assignment.

States also commonly establish independent multi-disciplinary boards or committees which are responsible for establishing registration and/or notification guidelines, risk assessment or sex offender treatment provider protocols, and/or hear offender appeals. These boards and committees are often not involved with risk level assignment for individuals but rather the policies that guide the risk level assignment.

Out of the 19 states that conduct risk level assignments which have corresponding consequences, approximately 12 of those states have some type of due process safeguards. Due process can include a limited ability to appeal classification level, a full hearing to determine risk level, or appeal to an administrative law judge. Washington State has no official appeals process once a risk level has been assigned.

Because Washington was a leader in 1990 with the Community Protection Act, there is a long legislative and policy history to risk assessment and corresponding registration and notification requirements. The Board believes it is important not only to investigate these changes but their corresponding effects on different groups such as law enforcement, victims, and offenders. Additionally, the current structure may be inefficient and a

burden for local Law Enforcement, however; any potential change to the structure should be thoroughly vetted to be consistent with concerns for community and public safety.

**Proposal:**

The future work of the Board will be to:

- 1) provide a history of the community protection act and any amendments or additions over time and;
- 2) clarify and align leveling, registration and notification of adult offenders.

*The Board unanimously supported this proposal.*

**2. Statutory criteria for relief from registration for registered sex and kidnapping offenders**

Members of the Board recognized that the statute which guides the process for relief from registration for adult offenders was simple but not very helpful. Currently, an eligible adult sex or kidnapping offender may petition the court for relief from registration requirements after the required time has passed and they have had no new criminal offenses. The current statute reads in part:

“...The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after adjudication and may consider other factors. Except as provided in subsection (4) of this section, the court may relieve the petitioner of the duty to register only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330. RCW 9A.44.140 (3)(a).

The absence of any meaningful criteria fails to provide all parties involved with factors that reflect a reduced risk to the community. Providing the Court with criteria which include factors that indicate the offender is a lower risk to the community would enable the court to make evidence-based decisions about actual risk. This change will also give offenders clear steps and potentially motivate them to comply with overall requirements.

Approximately 29 jurisdictions have some type of petition or relief process. Most of those states offer a variety of criteria for the court to consider. Members identified which criteria encompass similar static and dynamic risk factors which research has validated for determining an offender’s relative risk to the community.

**Proposal:**

The proposed criteria and language for the statute are:

The court shall consider the following factors in evaluating a petition to be relieved of sex offender registration. These criteria are illustrative only and are not intended to be specific requirements or exclusive factors to be considered in granting these requests:

- The nature of the registrable offense committed including the number of victims and the length of the offense history;
- any subsequent criminal history;
- the offender’s compliance with supervision requirements;
- the length of time since the charged incident(s) occurred;
- any input from corrections officers, law enforcement or treatment providers;
- participation in sex offender treatment;
- participation in other treatment and rehabilitative programs;
- the offender’s stability in employment and housing;
- the offender’s community and personal support systems;
- any risk assessments or evaluations prepared by a qualified professional;
- any updated polygraph examination;
- any input of the victim, {any physical disabilities or advanced age of the person; and
- any other relevant factors

Except as provided in subsection (4) of this section, the court may relieve the petitioner of the duty to register only if the petitioner shows, with clear and convincing evidence that the petitioner is sufficiently rehabilitated to warrant removal from the sex offender registry.

Although it adds length to the statute, the Board believes in effect, it will simplify and standardize the process and assist in making relief decisions based on those factors found by research to be helpful in assessing actual risk to re-offend.

***The Board unanimously supported this proposal*** (This has been amended from the previous draft published on December 2, 2009. The previous draft **incorrectly** stated that *the Board expressed strong support for this proposal, but not unanimous.*)

**3. Repeal 90 day in person reporting requirement and continue with the law enforcement address verification program for adults.**

Currently, level II and level III sex and kidnapping offenders are required to report in person to the county sheriff’s office where they are registered every 90 days.<sup>100</sup> The recent court case, *State v. Ramos*, determined that it was a violation of the separation of

powers for local law enforcement to create an element of a crime.<sup>101</sup> This happened as a result of local law enforcement assigning a risk level to Mr. Ramos who had not been previously assigned a risk level by the ESRC. The risk level required him to report in person every 90 days and when he did not, he was charged and convicted of Failure to register as a Sex Offender.

Input from law enforcement suggests that the address verification program has been more effective than the check-in requirement. Address verification is outlined in RCW 9A.44.135 and law enforcement recently received dedicated funding to carrying out the program.

Conducting in-person address verifications can have significant workload and resource implications for law enforcement agencies, but some agency officials believe that the accountability and monitoring benefits far outweigh the costs.<sup>102</sup> Examples of the benefits include identifying any changes in offenders' physical appearance or condition, updating other important information such as employment status, and sending a clear message to offenders about being held accountable.

The value becomes even greater when patrol officers use address verifications for more than just satisfying a policy requirement and instead take the opportunity to use them as purposeful contacts.<sup>103</sup> For example, capitalizing on the address verification contact allows officers to assess important risk-related changes in offenders' circumstances and establish and maintain rapport with offenders.

**Proposal:**

Repeal 90-day registration requirement for Level II and III adult sex offenders. The Board also supports law enforcement's address verification program.

*The Board expressed strong support for this proposal, but not unanimous.*

**4. Tier the class of felony for Failure to Register as a Sex Offender**

In Washington State, felonies are divided into three classes: A, B, and C. The class of felony determines the statutory maximum for the offense. The term of confinement plus any term of community custody may not exceed this statutory maximum. The maximums for the different classes of felonies are as follows:

- Class A felonies: Life in prison and \$50,000.
- Class B felonies: 10 years in prison and \$20,000.
- Class C felonies: Five years in prison and \$10,000.

The crime of Failure to Register as a Sex Offender is currently a Class C offense in Washington, unless the underlying registrable offense was a misdemeanor, in which case the crime is a Gross Misdemeanor. The crime is "unranked" on the first offense, which means the offender is subject to a term of confinement within a standard range of zero to 12 months in a county jail. For second and subsequent offenses, the offense is ranked at

seriousness level II, which means the offender, assuming he or she has no other prior offenses, would be subject to a term of confinement of 12+-14 months. An offender with significant criminal history can be sentenced to as much as 43 – 57 months in prison. All offenders convicted of Failure to Register as a Sex Offender are subject to a mandatory term of community custody of 36 months upon release into the community.

In 2008, 2SHB 2714 raised the felony class designation for Failure to Register as a Sex Offender (FTR) from a Class C offense to a Class B offense and becomes effective 90 days after 2010 sine die. Within the same bill, the newly created Sex Offender Policy Board was asked to conduct a review of the Failure to Register penalty and make recommendations.

A review of the intent of the Sentencing Reform Act gives some sentencing considerations:

The purpose of this chapter is to make the criminal justice system accountable to the public by developing a system for the sentencing of felony offenders which structures, but does not eliminate, discretionary decisions affecting sentences, and to:

- (1) Ensure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history;
- (2) Promote respect for the law by providing punishment which is just;
- (3) Be commensurate with the punishment imposed on others committing similar offenses;
- (4) Protect the public;
- (5) Offer the offender an opportunity to improve him or herself;
- (6) Make frugal use of the state's and local governments' resources; and
- (7) Reduce the risk of reoffending by offenders in the community.

*See RCW 9.94A.010.*

WSIPP research tells us that almost one-fifth of sex offenders required to register are convicted of Failure to Register and that it is not possible to accurately predict the characteristics of those likely to fail to register by examining demographic characteristics and criminal history.<sup>104</sup> The report also examined the relationship between failure to register and subsequent recidivism. It found that in general, sex offenders convicted of failure to register have higher recidivism rates. However, recidivism rates for felony sex convictions remain relatively low between the two groups. The group of sex offenders with a Failure to Register offense is 4.3 percent versus 2.8 percent for the group that do not have a Failure to Register offense.<sup>105</sup>

Under the current law, there is relatively little time left to supervise an offender with significant criminal history who gets the maximum sentence range of 43 – 57 months. Since an offenders custody and community supervision combined cannot exceed the statutory maximum for the offense (60 months for Class C), an offender serving 43 months would have only 17 months of supervision available upon release, and an offender serving 57 months would have only 3 months of supervision available.



Many states employ a tiered or progressive sentencing scheme for Failure to Register crimes, with some first offenses treated as misdemeanors or low class felonies, but subsequent convictions are raised in Class and/or penalty. Washington’s designation of a first Failure to Register offense as an “unranked” offense is based upon a similar principle of increased punishment for repeated behavior. However, the Washington State Legislature during the 2008 legislative session moved the first Failure to Register offense from a Class C to a Class B, set to go into effect June 9, 2010.

**Proposal:**

Adopt a tiered approach to the class of felony for Failure to Register as a Sex Offender. A first and second offense would remain Class C felonies with a maximum of 60 months incarceration. A conviction for a third or more offenses would be a Class B Felony, subject to a maximum sentence of 120 months. If FTR is elevated to a Class B offense for a third offense, an offender who serves 57 months could still be supervised for the statutorily mandated 36 months, as the maximum sentence is 10 years for combined time in prison and on supervision.

*The Board unanimously supported this proposal* (This has been amended from the previous draft published on December 2, 2009. The previous draft **incorrectly** stated that *The Board expressed strong support for this proposal, but not unanimous.*)

**5. Community custody range for first failure to register conviction**

Failure to Register as a Sex Offender now imposes community supervision for 36 months. This supervision period stems from Failure to Register as a Sex Offender classification as a “sex offense.” Increased FTR convictions have dramatically increased in number of convictions and sentences in recent years and have had an especially large impact on DOC supervision costs.

The rationale for this period of supervision is the correlation between FTR and criminal reoffense in general found by WSIPP in the 2006 study. According to the study by WSIPP, there is a correlation between those who fail to register and the commission of other crimes. The study also found that those who had only one Failure to Register had a significantly lower rate of recidivism than offenders with 2 or more convictions for Failure to Register. The demands placed on the system by supervising first offense Failure to Register cases are quite significant. Any other unranked offense or any other sex offense resulting in less than a year in custody would require 12 months of community supervision. A felony domestic violence offense does not receive this much time on community supervision. One year of supervision may be adequate to get the person back in compliance and to insure they understand their obligations completely. Where offenders have multiple offenses, ongoing supervision is more justified in that these individuals do pose a greater risk of reoffense.

**Proposal:**

Reduce community supervision for the first FTR as a sex offense conviction to 12 months. Second and subsequent offenses would continue to have 36 months of community supervision.

*The Board unanimously supported this proposal.*

**6. Provide incentives to offenders by allowing all to petition for relief from registration.**

Originally, Washington law had provided all offenders convicted of registrable offenses a right to petition the court to be relieved of the duty to register after spending 10 consecutive years in the community with no new offenses. In 2001, the law was changed to reflect new federal requirements of lifetime registration for certain aggravated sex offenses.

Washington's law currently requires lifetime registration for offenders convicted of a sexually violent offense, offenses against children under the age of 12, or offenses against children age 12 – 16 which involve forcible compulsion or the use of drugs to commit the crime if they were committed after June 8, 2000 for some offenses or after March 12, 2002 for certain other offenses. Offenses committed before those dates remain eligible to petition the court to be relieved of the registration duty under current Washington law once they have spent ten consecutive years in the community with no new offenses.

Several recidivism studies indicate that most recidivists are apprehended within the first few years at large, and that risk decreases as offenders spend more time in the community offense-free.<sup>106</sup>

Offenders who complete the SSOSA or other sexual deviancy treatment, and who do well in the community for many years, are at a low risk to reoffend. Familial offenses that are very likely not to be repeated can still result in lifetime registration, even for the model offender who does everything they are asked to do. This blanket requirement, without consideration of the individual risk factors and the success the offender has achieved in the community, means that many low risk offenders would remain on the sex offender registration rolls. It makes sense to give those offenders an incentive to succeed, and some hope for the future if they can reintegrate successfully into the community.

There are some studies that show offenders who view punishment as too severe or inescapable may be more likely to reoffend.<sup>107</sup> Many offenders subject to lifetime registration requirements feel the government has opened the door to a life of endless harassment and stigmatization. Yet the research demonstrates that where there is an opportunity to demonstrate their reduced risk to the community, offenders have a greater incentive to comply and succeed. In a recent sampling of individual sex offender perceptions, several offenders observed that the ability to have a risk evaluation completed while on the registry would provide an incentive and motivation to pursue treatment, to avoid problematic situations, and maintain a crime free lifestyle.<sup>108</sup> There

was a study that specifically evaluated the social and psychological effects of registration on sex offenders. It found that many experienced feelings of despair and hopelessness in the absence of individualized assessment. One respondent stated, “no one believes I can change so why even try?”<sup>109</sup>

The SOPB has heard from community members and law enforcement about their view of the benefits of giving offenders the opportunity to achieve relief if they meet the behavioral benchmarks. That hope provides them with a strong incentive to live an offense free life, to participate in treatment, and to otherwise demonstrate their reduced risk to the community.

**Proposal:**

Provide all offenders, including those that are on lifetime registration, the ability to petition the Court for relief from registration after 15 consecutive years in the community with no disqualifying offenses. This would likewise apply to out of state offenses from state courts, but Washington law cannot change or remove the lifetime registration requirement imposed for federal sex offenses. The supremacy clause makes those requirements beyond the authority of the Washington Legislature.

*The Board expressed strong support for this proposal, but not unanimous.*

The next section will focus on the current community notification system, what gaps exist in this system; lay out the purpose and value of community notification and how the system may be improved. The Board intends to continue refining these recommendations and gather broader stakeholder input during the next year on these preliminary recommendations.

## Community Notification and Education

---

### Introduction

Be fearful the media warns. Be afraid our emotions tell us. An unknown assailant is lurking, poised behind the trees waiting for the perfect moment to attack and sexually assault the unwitting woman walking to her car in the evening. This is what the media would have you believe; that most sexual assaults are perpetrated by strangers. But the truth is actually very different. Research and data paint an entirely different picture. Most victims know their perpetrator. They look like anyone else. They are our friends, family members, and community leaders. They are most often people we know and trust. To help protect the public from sexual offenders, whether known or strangers, and to assist law enforcement in the protection of their community's people, community notification laws were created.

In 1990, in an effort to restrict the access of known sex offenders to vulnerable populations, as well as to improve law enforcement's ability to identify convicted offenders, the Washington Legislature passed the Community Protection Act (the Act). Among many provisions, the Act requires convicted sex offenders who are released from custody or are under community supervision and reside in Washington to register with law enforcement (RCW 9A.44.130) and requires authorized officials to notify the public when sex offenders are released into the community (RCW 4.24.550). With the inception of the Act, Washington became the first state to authorize the release of information regarding sex offenders to the public.

*“Release of information about sexual predators to public agencies and under limited circumstances, the general public, will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems so long as the information released is rationally related to the furtherance of those goals. Therefore, this state's policy as expressed in RCW 4.24.550 is to require the exchange of relevant information about sexual predators among public agencies and officials to authorize the release of necessary and relevant information about sexual predators to members of the general public.” [1990 WA Laws 3 § 116.]*

The inclusion of the term “sexual predator”, back in 1990 set the foundation for treating all sex offenders the same and painting the picture for the public of the assailant as a stranger. What we know now, is that most sexual offenders are known to the victim and only a small percentage of these offenders are classified as sexual predators, therefore warranting special civil commitment.

## What We Know Today

Over the past 20 years, Washington has revised and adapted the Act as well as modified and enhanced our sex offender management system. Given the intent of the original 1990 Act, and what we know now about sex offenders and community notification, the Sex Offender Policy Board has been tasked with examining the effectiveness of Washington's community notification laws and to make future recommendations to further the intent of enhancing public safety and offender accountability, while taking in to consideration what we knew then and what we know now.

The Community Notification committee examined a breadth of research including community notification studies, other states' community notification laws, an exhaustive literature review, as well as community forums in which the following framework emerged as an essential concept when considering the role, efficacy and enhancements to community notification:

- A clear delineation between sex offender registration and community notification must be made; and
- The addition of a separate and distinct community education and prevention component, different from the community notification process.

While the intent of sex offender registration and community notification are similar - increased public safety and offender accountability - these two aspects of the sex offender management system serve very different functions and must therefore be looked at separately.

For the purposes of the Sex Offender Policy Board, sex offender registration includes the risk level assessment and assignment of a Level I, II, or III and the subsequent registration with law enforcement based on the designated level. Community Notification, on the other hand, includes information available to law enforcement, specific organizations or entities, and the public at large. Community Notification includes the online sex offender registry which details information about the offender, the crime convicted, and the known address where the offender resides. Community Notification also includes legal announcements in local newspapers as well as community meetings in which community members are invited by local law enforcement to learn more about a specific offender located in their neighborhood as well as educational materials to help in the prevention of future sexual violence.

There is also vast confusion among communities, offenders, and various criminal and social service organizations about registration and community notification. These two components are very confusing and inter-dependent, and therefore it is important to distinguish between registration and community notification when analyzing Washington's sex offender management system.

The Community Notification committee also recognizes the overwhelming need to create and implement another component of the sex offender management system; community education and prevention. Community members often times have little to no knowledge

on how to judge their risk of victimization. While at the same time the demand for community notification laws have become more insistent and detailed by the public over the years as a result of being told in notification meetings that citizens are integral to holding sex offenders' accountable and vulnerable people safe.

*“Community notification laws have been in effect for... years. Surprisingly, little research has been conducted on the impact of these laws. Perhaps this dearth of research is due to the tremendous variation among the states, and even within states, in how these statutes have been implemented. Regardless of what research does (or does not) tell us, notification has tremendous support from the public...”* (Center for Sex Offender Management, Community Notification and Education, April 2001).

It is also very important to draw the distinction between community notification and community education and prevention. Community notification, as required by statute and guided by the WASPC model policy, is a function and duty of law enforcement. The intent of community notification is to inform a community, a neighborhood, about the presence of a known sex offender living among them. Typically these community notification meetings include information about a specific offender and the role of law enforcement and correctional staff in the monitoring of the offender. Many jurisdictions attempt to create a community education atmosphere when conducting community notification meetings. These meetings may include a sexual offender treatment provider, a sexual assault victim advocate, and other relevant service providers. It's important to recognize this method of communication serves the purpose of informing the public about a specific offender, which is essential, but is not necessarily a means to conduct a public education and prevention campaign.

For people to absorb information, the message must be consistent, repetitive, and developmentally appropriate for the audience. Based on a survey conducted by the Washington State Institute for Public Policy entitled, *Community Notification as Viewed by Washington's Citizens: A 10-Year Follow-Up*, seventy-eight percent of respondents indicated they felt safer knowing about convicted sex offenders living in their communities because of community notification. The goal of the Community Notification committee is to enhance this knowledge of known sex offenders and expand their knowledge to prevent future sexual assaults from occurring. One such way to achieve an educated community is through the use of multi-disciplinary teams, collaborating within a community to educate the public about sexual assault prevention strategies for home, school, work and recreation that go beyond the notification meetings and flyers provided by law enforcement when a sex offender transitions into a local neighborhood.

Community education would include consistent, repetitive factual information that is integrated in to other public health forums. Those knowledgeable of sexual assault and prevention strategies would team with other community members and organizations to design community education forums where the public receives pragmatic and relevant information using a prevention frame, rather than fear-based, to help the public

understand the steps they can take to protect themselves, their children, and their community.

To address the need for community education, the Community Notification committee is developing a best practice model that synthesizes all we know about sexual assault, public health prevention strategies, adult and child learning styles, as well as community partnership models to engage the public in their safety and the prevention of sexual violence.

*“For the benefits of community notification to be realized to the greatest extent possible, notification should be used as an opportunity to educate the public. Notification should be accompanied with community discussions about the nature and extent of sexual offending, what is known about sex offenders, sex offenders’ right, and actions that citizens can take to protect themselves and their families. Communities also need to be educated about the role notification plays in sex offender management. An increased awareness of sexual assault and how to prevent it may well be the best possible outcome of community notification.” (Center for Sex Offender Management, Report on Community Notification and Education, April 2001.)*

*[There are many] “advantages of sex offender notification at a community meeting: [it] gives community members concrete information about the offender and provides an excellent opportunity for community education. In addition, trained presenters can counter misinformation, quell fears, discourage vigilantism and offer actions that citizens can take to enhance their safety. The meetings also provide opportunities for supervision officers, treatment providers, law enforcement officials, victim advocates, and others to work together to present information to the community. There are disadvantages as well; for if not properly conducted a “mob mentality” may emerge; presenters should be trained and a curriculum must be in place prior to conducting these meetings. ” (Center for Sex Offender Management, Report on Community Notification and Education, April 2001.)*

Since the creation of the Board in 2008, the Community Notification committee has been working to analyze the role of community notification within the sex offender management system, and to develop recommendations and best practices to increase the effectiveness of notifying and informing the community about sex offenders in their neighborhood. WASPC’s, *Guidelines for Washington State Law Enforcement, Adult and Juvenile Sex Offender Registration and Community Notification*, serves as a model policy for law enforcement in the application of community notification. Research and face-to-face discussions with law enforcement and the public reveal an inconsistent application of community notification meetings across jurisdictions in Washington. Our state has extensive policies for community notification when a sex offender transitions into a neighborhood, but there is still inconsistency in the structure of community notification meetings and the information disseminated at those meetings. Many areas throughout the state use a multi-disciplinary approach when conducting these meetings, while other

jurisdictions don't use the community notification meeting model, but rather rely on the internet or legal notices in local newspapers to inform the public.

Washington State has a model policy which was first created in 1998, refurbished in 2007, and updated in 2009. The policy has been used and updated to improve upon the successes and avoid the negatives that may arise at community notification meetings. The model policy is a baseline, and with further enhancements to existing protocol, greater standardization can be achieved in the application of community notification laws. Enhancements under consideration to the model policy include stronger language, which would require adherence to the model policy, the development of common terms and definitions, as well as the use of multi-disciplinary teams when conducting community notification meetings.

The committee is considering enhancements to the model policy that will result in a more standardized application of community notification laws as well as the inclusion of multi-disciplinary teams to support law enforcement when conducting community notification meetings. The following is a short description of the feedback heard by the committee which in turn will drive and inform the future work and recommendations of the Board:

- Citizens have little to no knowledge of how to judge their risk of victimization. This is not often part of the education component of a community notification meeting or flyer. A community education approach would have the time to highlight this important information.
- There is too much community anger and fear for this to work.
- No one will show up to these meetings.
- You will just be talking to the same people at these meetings.
- Since the forums are attempting to collaborate with existing meetings of already established groups, you will not reach the people who do not normally attend community notification meetings.
- Some counties and/or law enforcement jurisdictions already have a community notification meeting model.
- Many times the meetings are presented by staff that is inexperienced in presenting on such volatile topics. Therefore, a consistent model will serve as a strategy to maintain the legislative intent of the law.
- A multi-disciplinary team will be able to offer more resources for the community.
- Community notification meetings just get people excited and angry.
- Some jurisdictions do not want community notification meetings; they would rather use the internet.
- An unintended impact of community notification is offender accountability is that we are aware and watching them.
- An unintended impact of community notification is the effect on the offender's ability to integrate into the community. For example, it may impact their ability to gain employment or housing, as examples.



With the importance of community notification meetings realized, the Board and committee, over the coming months, will continue to seek out and refine best practice models as another engagement method to ensuring public safety while holding sex offenders accountable.

As a state we now have almost 20 years of practical information available to analyze and determine the effectiveness of the Community Protection Act and specifically, community notification. We know now that most sexual offenders are known to the victim, and not strangers, and that sexual offenders have some of the lowest recidivism rates among all offenders. The Community Notification committee is balancing this new information with current practice, and developing recommendations to further the intent of community notification laws and increase public awareness with community education and prevention strategies. As the Board recommendations emerge and solidify, the committee will incorporate these changes with identified best practices and research to further refine community notification laws and practice.

*The Board expressed strong support for these preliminary proposals. They look forward to continuing to develop and refine the proposals and seek broader stakeholder input.*

## General System Issues

---

### 1. Registration requirement deadlines in 9A.44.130

Members reviewed the laws regarding sex and kidnapping offenders to determine if there were ways to simplify or standardize the statutory language. The Board recognizes the importance of clear expectations and easy to understand laws for easier enforcement and compliance.<sup>110</sup>

In reviewing the relevant statutes, the Board discussed clarifying other requirements to encourage enforcement and offender compliance. These included clarifying the definitions of “residence,” providing for registration in two places (otherwise known as dual registration), and looking at ways to clarify the statute when it comes to homeless sex offenders. These issues continue to be under discussion; however, members agreed that standardizing the timelines for registration requirements would be immediately helpful.

Upon review of requirements in RCW 9.94A.130, the Board discovered there were several different time requirements for offenders to register. The deadlines varied between “immediately,” “24 hours,” “48 hours,” “three business days” and “10” or “14” days. In addition to the variable deadlines, it was discovered offenders were not always able to comply with the law. For example, it would be impossible for offenders to comply if ordered to register “immediately” or “within 24 hours” if the controlling jurisdiction’s office was only open during business hours and an offender was released late in the day on Friday.

During this review, law enforcement and attorneys expressed frustration over the difficulty of interpreting and enforcing these many deadlines. Currently, there are no published studies on this subject. However, the Board was specifically tasked with looking at ways to simplify the law in SHB 2714.

In efforts to determine a best practice, a cursory review of other states’ deadlines for registration requirements showed that states varied widely in the time required (there was no clear standard of time) but, that often they used only one or two different timelines throughout their statute.

The Board analyzed the effect of a change of three business days, as applied to most timelines, and determined that a standardized timeline would make the law easier to understand and enforce and an offender’s ability to comply. The Board does not anticipate an increased threat to public safety as a result.

**Proposal:**

Standardize essentially all registration requirement deadlines within RCW 9A.44.130 to “three business days” with few exceptions.

*The Board unanimously supported this proposal.*

**2. Registration of offenders with out-of-state or federal convictions for sex or kidnapping offenses**

In Washington, convicted sex and kidnapping offenders are required to register with local law enforcement. Therefore, if a sex or kidnapping offender living in Washington was convicted of a federal or out-of-state sex offense, an analysis of their conviction has to be conducted to determine whether it is equivalent to an offense in Washington.

When the Community Protection Act of 1990 was passed, many other states did not have sex offender registration or notification laws. Since that time, federal legislation has changed the course of sex offender registration laws and now all states have these laws.

Currently, there is no statutory guidance on the analysis or “comparability,” of crimes, the guidance comes solely from the courts. The courts have held that a federal or out-of-state conviction must be legally or factually comparable to a Washington sex offense in order to trigger registration requirements. The Division III Court of Appeals has recently held in *State v. Werneth*,<sup>111</sup> that in order to determine whether an out-of-state conviction triggers registration, the court must: 1) convert the out-of-state crime into a Washington crime equivalent counterpart; 2) determine whether the Washington counterpart was a felony sex offense on the date the current offense was committed; and 3) assign the same consequence (registration requirement), if any, to the out-of-state conviction.

As a practical consideration, law enforcement must gather information from other states and conduct the analysis, along with input from prosecutors, to determine whether the offender is subject to registration in Washington. This can be a time consuming and complicated process.

Based on stakeholder input, law enforcement discussed the obstacles to do this analysis based on limited resources and the inability to obtain out-of-state records efficiently. Also, the legal analysis of comparing crimes can be very complicated and recent court decisions have called into question comparability of out of state offenses that are clearly sex offenses but which lack an element of Washington law that makes them otherwise comparable.

Several other states have addressed this issue by incorporating a “full faith and credit” approach, which in plain terms means that offenders must register in Washington if their out-of-state or federal conviction requires sex offense registration.

**Proposal:**

Require offenders to register in Washington if they are required to register in their state of conviction or under federal law, and cease the comparability analysis all together. The concept is to make the time period for registration equivalent to what their court of conviction has imposed and to create a mechanism for offenders with out of state lifetime registration requirements to petition for relief from registration after 15 consecutive years in the community with no new disqualifying offenses, consistent with other proposals being made by the Committee.

*The Board unanimously supported this proposal* (This has been amended from the previous draft published on December 2, 2009. The previous draft **incorrectly** stated that *The Board expressed strong support for this proposal, but not unanimous.*)

**3. Define disqualifying offenses**

Pursuant to RCW 9A.44.140, an offender’s duty to register can expire once the person has spent a specified period of time in the community with “no new offenses,” as long as they have not been determined to be a sexually violent predator or to have committed certain offenses. The committee learned that practical interpretation of “no new offenses,” has come to mean no criminal offense whatsoever. Thus, offenders who commit relatively minor criminal offenses, such as misdemeanor traffic offenses, are required to restart the waiting period as a result of that conviction.

Although sex offenders are more likely to be rearrested for non-sexual crimes than sex offenses there is little evidence to suggest that the commission of minor offenses makes an offender more likely to sexually re-offend. The commonly used risk tool, Static-99, defines remaining “offense free” as no new sexual or violent convictions, or non-violent convictions that would have resulted in more than minimal jail time (1-2 months).”<sup>112</sup>

The primary goal of registration and community notification is to promote community safety by increasing the visibility of convicted sex offenders in the community. However, there is no research to indicate that restarting the original period of registration based on a minor offense promotes community safety, in fact it may reduce it based on the research which discusses the adverse effect community notification has on an offender and potential risk to re-offend. It is also important to remember that sex offender registration and notification laws were to assist law enforcement investigations and notify community members of offenders who have a moderate to high level risk of committing another *sexual* offense, not criminal offense.

**Proposal:**

Change the language to read, “A disqualifying offense is defined as a conviction for any offense that is a felony, a conviction for a sex offense as defined in RCW 9A.44.130 (10), a crime against children or persons as defined in RCW 43.43.830(5) and RCW 9.94A.411 (2)(a), a conviction for an offense with a domestic violence designation, a conviction for patronizing a prostitute, a conviction for permitting commercial sex abuse of a minor, or a conviction for Indecent Exposure or Public Indecency.”

*The Board expressed strong support for this proposal, but not unanimous.*

**4. Online identifiers**

Currently, no online identifiers such as email addresses, instant messenger names or other online addresses are required of registered sex and kidnapping offenders. ESHB 2035 directed the Board to review and make recommendations regarding the appropriate groups, if any, that should be required to submit internet communication names for purposes of monitoring potentially inappropriate online behavior, the appropriate sanctions, as well as any other issues associated with establishing and implementing such requirements.

In discussions the Board recognized there are sex and kidnapping offenses that are committed using the internet. However, the Board was unable to locate current evidence indicating that collection of online identifier information increases public safety and/or has a deterrent effect on offense or re-offense.

On the other hand, sexual abuse is a special challenge, different from other types of crime and violence problems. Internationally, enormous strides have been made to understand the problem, educate the public, and mobilize resources in the prevention and intervention of sexual violence. It is estimated that one in seven youth (between the ages of 10 and 17) will receive an unwanted sexual solicitation over the Internet. Four percent of youths have experienced an “aggressive” solicitation, where someone attempted to contact the child offline.<sup>113</sup>

Based on the research reviewed, sex offenders, once detected, have a lower recidivism rate in general and their crimes are committed against known victims in very high proportion. Also, the Department of Justice found that many more new sex crimes were committed by other types of criminals (87%) than by previously identified sex offenders (13%). Given the lack of adequate resources to actively collect and monitor usage of online identifiers, such a law could give a false sense of security and public safety.

The fiscal implications of implementing the requirement would be considerable and would impact entities such as the State Patrol, Washington Association of Sheriffs and Police Chiefs, Department of Corrections and local law enforcement agencies at a minimum. In addition, technological and potential legal challenges require detailed

analysis and discussion to ensure any such requirement would be in line with the provisions of the Washington State Constitution.

The Committee found that there is evidence to show that education of both parents and children on internet safety and sexual abuse prevention has an impact on public safety; therefore if funds are allocated for the purposes of monitoring potentially inappropriate online behavior, they should be concentrated on education and prevention efforts instead.

**Proposals:**

#1: No legislative action that would require the collection of online identifier information of all registered sex and kidnapping offenders.

#2: Education and prevention efforts should be focused on those vulnerable populations who are subject to grooming and exploitation by the internet or other means.

#3: There is value in continuing to look at the requirement of online identifiers where there is a direct link between internet usage and the commission of a sexual offense (which may include grooming of the victim and/or contact with potential victims).

*The Board expressed strong support for these proposals, but not unanimous.*

In addition, further review and consideration of current efforts in Washington State to address the education of both parents and children on internet safety and sexual abuse prevention would be warranted. For example, the Attorney General has information for internet safety geared towards different populations such as adults, teens, seniors and educators. It would be useful to look at these and other types of programs to see if they currently address these issues or could be expanded to address them.

## The Adam Walsh Act

---

- **Background of the AWA**

The federal government enacted the Adam Walsh Child Protection and Safety Act of 2006 P.L. 109-248 (AWA). The AWA's Title I Sex Offender Registration and Notification Act (SORNA) evinces the federal goal of establishing a comprehensive national system of sex offender registration and community notification. It also intended to create a unified system for registering and tracking sex offenders who move between states or between the federal and state criminal justice systems. It provides a detailed scheme regarding sex offender registration and notification that contain "minimum national standards" states are required to meet.

- **Obstacles and Concerns**

- Cost

States are not obligated to comply, but unless granted an extension, states have until July 2010, to be in "substantial compliance" with the requirements of SORNA or face a 10% reduction of federal justice assistance funding under 42 U.S.C. 3750 *et seq* (Byrne Grants).<sup>114</sup> Extensions to comply with SORNA are available. In Washington, the Byrne Grants are used primarily to fund local drug task forces. Washington received Byrne Grant funding in 2006 totaling \$3,538,836 and thus a cut to that funding would total approximately \$353,800 at the currently funded rate. By contrast, one estimate by the Justice Policy Institute avers that it would cost Washington State \$10,491,519 to comply with the provisions of the AWA.

- Risk based vs. Offense Based

While the stated goals of AWA are essentially the same as those provided in the original 1990 Washington Community Protection Act, Washington's laws differ substantially in implementation of the goals. Adopting many of the requirements of the AWA here in Washington would have a profound effect on the current system. Most especially, Washington's system for classifying sex offenders is risk-based while SORNA is strictly crime based. Currently, of the 20,000 registered sex offenders in Washington, 70% are level I, and 30% are Level II and III. Registration based on crime alone would nearly invert those statistics. It would be a major conceptual change from current, long-standing practice which is based in large measure on individualized risk assessments. It would also dramatically increase the number of level III offenders with low risk offenders and therefore those requiring 90 day visits/check-ins, notice to neighborhoods and communities at large, and would dramatically increase the number of offenders required to be subject to intense monitoring by enforcement.

For the better part of two decades the legislature and executive branch, together with community organizations and law enforcement, have worked to educate citizens about Washington's registration and notification system. This change to a crime-based system would also require extensive community reorientation and education.

➤ Nationwide legal challenges, including Ohio

Since the enactment of the AWA, several states have passed legislation to implement the provisions of the federal law in an attempt to be in "substantial compliance". Despite this, to date, the only state that has been determined by the SMART office (Office of Sex Offender Sentencing, Monitoring, Registering, and Tracking) to be in substantial compliance is Ohio. The SMART Office, an Office of Justice Program under the U.S. Department of Justice, was created to provide jurisdictions with guidance regarding the implementation of the Adam Walsh Act, and technical assistance to the states, territories, Indian tribes, local governments, and to public and private organizations. The SMART Office also tracks legislative and legal developments related to sex offenders and administers grant programs related to the registration, notification, tracking, and monitoring of sex offenders.

In the states that have passed legislation, constitutional challenges by offenders are plentiful. These challenges have been heard or will be heard by both State Supreme Court and Federal Courts. Despite, the SMART Office finding Ohio in "substantial compliance", on November 4, 2009, the Ohio Supreme Court heard four cases that challenge the constitutionality of Senate Bill 10, Ohio's SORNA implementation legislation.

• **Nationwide Support to Not Comply with SORNA**

Despite efforts by some states to substantially comply with AWA, the majority of states, including a number of organizations across the country representing a wide array of professional fields, including but not limited to, state and tribal governments, criminal justice and law enforcement, sex offender treatment and management, and the civil and human rights communities do not support SORNA as currently written.<sup>115</sup> Other states cite similar concerns as described above and have asked that the SMART Office reopen and revise the final guidelines pertaining to this Act where were promulgated in June, 2008 by the SMART Office.

➤ Byrne Grant Committee Ltr.

The Members were told by the Byrne Justice Assistance Grant (JAG) Advisory Committee, that the committee has major concerns about how a 10% reduction in the JAG grant, as a penalty for non compliance with the AWA, would impact JAG programs; already heavily impacted by budget reductions. However, this Committee recognizes the overall fiscal cost to Washington and other states that AWA compliance would require is far greater. Furthermore, they strongly agree that the changes to Washington's sex offender registration system that AWA compliance requires would create a system



considered to be inferior to the risk-based system already in place in Washington State. In view of these issues, the JAG Advisory Committee supports the recommendation that Washington State not comply with AWA.

➤ Extension Request Granted

Washington State along with the other 49 states was granted a one-year extension to July 2011. After the change in the national administration, the SMART Office reached out states to understand the concerns they had with AWA. Because of this shift, Washington petitioned for an extension in the hopes that the additional time will be used to work with SMART in demonstrating the strengths of Washington State's Sex Offender Registration and Notification system. The petition described the history of Washington State's sex offender laws, the areas similar to AWA requirements and the concerns Washington has about the system adopted under AWA. (*See Appendix R.*)

On June 9, 2009, the SMART Office sent the SOPB a letter acknowledging the work that Washington State has done and notifying us that U.S. Attorney General Eric Holder issued a blanket extension to all jurisdictions responsible for implementing SORNA, indicating that it looked forward to working with Washington.

➤ Meeting with SMART and SOPB Position

In August 2009, the SMART Office invited stakeholders responsible for policy development, implementation and enforcement of Washington State registration and notification law to meet with them regarding the implementation of SORNA. On September 30, 2009, representatives from the SMART office, including Scott Mattson, a former staff member of WSIPP, met with the various stakeholders and government entities including, the Governor's Office, Department of Corrections, Washington State Association of Sheriffs and Police Chiefs (WASPC), Juvenile Rehabilitation Administration, Office of Crime Victim's Association, Washington State Patrol, Sex Offender Policy Board, and the Byrne Justice Assistance Grant Committee. Led by a representative of WASPC each organization expressed deep concerns about a decision to implement SORNA, including the significant public safety risks the AWA's tier offense based system poses. The SMART representative acknowledged these concerns and assured the stakeholders that they would continue to work with Washington in addressing the obstacles of implementing SORNA. They also said that a further extension may be available.

## **SEX OFFENDER IN THE COMMUNITY:**

### **Housing and Education**

---

#### **INTRODUCTION**

The Sex Offender in the Community Committee was created by the Board in part to deepen the expertise of Board Members through interagency communication, coordination and collaboration. It was also a means to focus on the very troublesome, but critical issue of sex offender housing. The availability or lack thereof, of sex offender housing is seen as directly affecting recidivism and community safety.

In June 2008 Governor Gregoire sent a letter asking the Board to investigate sex offender housing issues.<sup>116</sup> She credited Washington State as being a national leader in addressing sex offender issues, especially in implementing laws and enforcing them to improve community safety. She noted, however, that these actions have also made it more difficult for sex offenders to find suitable housing. She pointed out that research finds that sex offenders are less likely to re-offend if they have stable housing, and asked the Board to review current research and best practices being employed in other states.

In creating its workplan, the Sex Offender in the Community Committee took Governor Gregoire's request very seriously. In its research, meetings with stakeholders, and discussion amongst each, the Committee realized that housing must be addressed in tandem with public education.

The Committee agreed that community education is a vital piece of creating successful housing options. Members really struggled with whether a community education campaign should first be launched prior to developing housing plans. There have been past instances where cities and town actually have the funding to support sex offender work release housing. However, the community's fear and concern about sex offenders living in their neighborhoods often leads to the failure of these housing projects. Initially, the Committee identified its purpose as working to "normalize" sex offender reentry as a public safety and education strategy. After much thoughtful and well reasoned discussion, the Committee revised its purpose statement to more accurately reflect the necessity to marry housing options with community education. The Committee now sees its purpose as "To improve public safety by fostering successful reintegration into the community through public education and appropriate housing."

In an effort to accomplish this mission, the Committee designed a workplan that included reviewing research and best practices in Washington State, as well as across the nation; and meeting with stakeholders across the state. The Committee met on average once a month, including teleconferences when pressing issues emerged.

## 1. WSU Literature Review

The Sex Offender Policy Board requested that the Washington State University's Social and Economic Sciences Research Center (SESRC), Puget Sound Division perform a literature review on sex offender housing options in Washington State and across the country. The SESRC completed this literature review in June 2009. They found that the primary issue in investigating housing for sex offenders returning to the community is that little research exists that demonstrates the specific effect of housing on sex offender transition. This is not to say that there is no evidence at all regarding sex offender housing, rather that it is too indiscrete and there is simply too little altogether to be a compelling body of evidence.

Having said that, WSU found that therefore policy makers rely on "evidence" regarding the importance of housing sex offender transition from:

- General correlations between housing and crime or housing and offender transitions. According to the Justice Policy Institute, of the ten states that spent the largest proportion of their total expenditures on housing, all ten had re-incarceration rates lower than the national average.<sup>117</sup>
- The testimony provided by sex offenders themselves, who regularly cite a lack of housing as one of the difficulties they face on release from prison.
- Theories such as social disintegration, which profiles environmental conditions that are conducive to crime and therefore to recidivism. When sex offenders are faced with housing limitations they may be more likely to find themselves in socially disrupted neighborhoods, heightening the risk of reoffending.

*The following are excerpts from WSU's Report:*

For sex offender to find housing, housing must not only be available and affordable, but landlords must accept them as tenants. Transitioning offenders face the issue of availability and affordability, particularly when they struggle to find employment and employers often require a permanent (non-transient) address.

The attitudes of landlords plays the most immediate and challenging obstacle for sex offender housing. Landlords fear that they will be held responsible for actions of a tenant and express concern for safety for other tenants, residents themselves and their family. The offender housing programs' that closely work with landlords appears to be a key to the success of these programs.

Where appropriate housing is a part of the reintegration experience, advocates assert that sex offender recidivism is lower that where it is lacking. This is true whether the sex offender is placed specifically into housing that is part of a transition program (such as New York's Freedom House or Seattle's Interaction Transition House) or is enrolled in a supportive transition program that includes housing support as one of its responsibilities (Circles of Support and Accountability, for example.)

To date, few programs have engaged in rigorous evaluation and, in some cases, evidently no evaluation exists at all. Even when evaluations have been done, programs have been too small or too infrequently replicate to be considered a proven best practice. Nonetheless, several warrant exploration as emerging or promising practices.

Most incarcerated offenders return to family, at least temporarily, upon release. Other options include community-based correctional facilities, “transition” housing (housing provided, with varying amounts of support services, but not corrections, nor federal housing); federally subsidized and administered housing; homeless shelters; housing provided financial assistance or supportive programs; and the private market.

The SERC actually identified and reviewed several housing options for offenders and sex offenders across the country. These housing programs are further discussed in the SERC literature review which can be found in the appendices section of this SOPB report. Of particular note are two models that garner the most attention nationwide, the Shared Living Arrangements (SLA), and the Circles of Support and Accountability (COSA).

The SLA is a housing program for sex offenders located in Colorado. This program found success in housing sex offenders together. SLA reduced recidivism rates and improved how promptly parole or treatment violations were apprehended. The program is an extension and integration of the therapeutic community treatment, in which offenders’ living environments are as an extension of both treatment and monitoring.

The Circles of Support and Accountability (COSA) program began as a faith-based community support initiative for high-risk offenders in Canada. They have since been adapted and utilized by a wide variety of agencies and organizations, with Minnesota as an early adopter in the U.S. COSA creates an “inner circle” of four-to-seven community volunteers who meet as a group with the offender individually as often as daily. The volunteers are in close communication with each other and partnership with professional service providers and the offender’s community supervisor. The intent is to reverse the traditional patterns of providers into a lesser role.

## **2. Stakeholders**

The full Board and Sex Offender in the Community Committee heard from a number of stakeholders this past year. There were a few programs and community forums specifically addressing sex offender housing and community response that stood out.

- *The S.T.A.R. Project*

During the June 2009 SOPB Sex Offender Management System Forum in Yakima, Washington, the program director at the time from S.T.A.R. (Successful Transition & Reentry) Project located in Walla Walla, Washington, presented on how their program assists offenders, including sex offenders, to obtain and retain housing.

The STAR Project is a 501 (c)(3) non-profit organization serving Walla Walla and Columbia counties of Washington State. They provide two levels of client services:

**Phase I** – Operating within Washington State Penitentiary, STAR volunteers meet with inmates to provide pre-release assistance.

**Phase II** – Re-entry services in the community include temporary emergency housing, support groups, employment counseling, one-on-one mentoring and other services. Incorporated in 2004, STAR Project works in collaboration with Department of Corrections (DOC), Department of Social and Health Services (DSHS), Walla Walla area churches and community organizations to provide coordinated services for individuals who have been released from prison or jail. They find that their evidence based services contribute to the public safety of their communities by reducing recidivism.

Incorporated in 2004, the S.T.A.R. Project works in collaboration with the Department of Corrections (DOC), Department of Social and Health Services (DSHS), Walla Walla area churches and community organizations to provide coordinated services for individuals who have been released from prison from or jail.

- *SOPB Stakeholder Meeting in Everett, Washington*

As part of the Board's duties to provide a forum for interagency discussion and collaboration; and to identify best practices in prevention and response, as well as gaps in the system that need improvement, the Sex Offender Policy Board travelled to several cities around Washington State to hear from community professionals involved in the sex offender management system, including victims' representatives. In August 2009, the Board travelled to Everett to hear from stakeholders in Snohomish, Skagit and Whatcom Counties. The meeting was well attended by professionals and community members with a wealth of expertise and knowledge about the sex offender response system.

The Board first heard a presentation by two representatives from the Everett Local Sex Offender Task Force. This task force was formed by the City of Everett in September 2008 after the public expressed great concern about sex offenders moving into the community in a few concentrated areas of the city. The situation that led to the concern resulted from a couple landlords buying a couple mansions, turning them into apartment units and renting these units sex offenders.

The members of the task force represented a cross section of the criminal justice system and citizens from the community. The task force met for six weeks. During this time period, the task force diligently worked to understand the sex offender management system, the actual risks that sex offenders pose, how stable housing for sex offenders promotes recidivism and what protective measures neighborhoods can implement to further public safety.

During the August 2009 presentation, the task force reported that the six week process turned out to be a very positive experience. They found that this method of community communication about a difficult and complex public safety issue was very effective. The task force was struck by the stark differences between what they thought were risk factors versus what actually are risk factors. For example, they were surprised and relieved at the same time to learn that the sex offender criminal class has the lowest recidivism rate. The task force found it very helpful to learn that a sex offender with stable housing is far less likely to recidivate than a homeless sex offender. The task force feels strongly that communities need a single source of evidence-based information that is accessible to the public. They also support the notion that education amongst each other was and continues to be a very effective method for addressing fear and safety concerns in the neighborhood. The Board explained that it would serve as an information center in the future.

The Everett Local Task Force was a good example of how community education, especially when facilitated by the community members themselves, helps debunk the myths about sex offender risks, allowing them to become more receptive to sex offenders living in the community. These efforts provide the community a sense of ownership of their public safety. This was echoed by the law enforcement members of who participated in this meeting. They expressed their concern that their role to educate the public about public safety and sex offenders in the community needs to be in conjunction with an organized effort to educate each other. The education needs to be ongoing and with a community friendly backdrop.

- *Senator Regala and Senator Carrell's Bipartisan Housing Focus Group*

Washington State Senators Debbie Regala and Mike Carrell co-chair a bipartisan workgroup to look at ways to protect the public by locating housing for high-risk individuals. This group has been working with everyone from the Rental Housing Association to Columbia Legal Services and the Homeless Alliance. The SOPB Sex Offender in the Community Committee invited the Senators to a meeting it held in Lakewood, Washington. The meeting in Lakewood was to provide some stakeholders an opportunity to share their experiences with the both best practice models as well as gaps in their sex offender response system. Senators Regala and Carrell were both from that area and attended the meeting to present information about their high risk offender housing focus group.

On September 1, 2009, Senators Regala and Carrell held a day long housing task force to address the obstacles high risk offenders have in securing housing and how that impacts public safety. While this task force did not specifically focus on sex offenders, the meeting did address that population. The meeting was well-attended by landlords, landlord/rental associations, housing program providers, and interested agencies. Landlords and housing providers identified a number of challenges they faced in renting to high risk offenders including: methods for addressing problematic tenant behavior; a tenant's inability to sometimes pay rent timely and consistently; landlord liability that

may ensue for having offender tenants; and ease in removing or evicting an offender tenant when necessary.

Local and state agency housing and treatment programs presented some successful approaches used by apartment managers when renting to offenders. These included random UA programs; communication with Community Corrections Officers; personal interaction with neighbors to alleviate fears; mentoring; involving offenders in their surrounding community, such as neighborhood clean-up projects; and case management (life-skills, employment, mentoring sober support groups.)

The forum concluded with a discussion on how to assist offenders to obtain short-term/long-term housing. Some of the ideas were: month-to-month leases to allow for quicker evictions; mitigation of risks and landlord liability; certification program identifying “responsible tenants”; amend Landlord/Tenant Act to specifically address offender housing; landlord education (how to manage risk, identifying available tools and resources for landlords when problems arise, working with treatment, law enforcement and community corrections agencies).

Many of the problems and proposals identified in this forum are the same as those discussed in the various SOPB meetings with stakeholders and described in the WSU literature review. Senators Regala and Carrell indicated in the August 2009 meeting with the SOPB and during their September 2009 housing forum that they are interested in pursuing some type of legislation possibly during the upcoming 2010 legislative session. The SOPB looks forward to staying in communication with the Senators and assisting them in any way possible in developing legislation or policy that will benefit public safety through sex offender housing options.

**General Proposals:**

- Public education regarding the necessity of community education forums and a variety of methods.
- Education needs to occur regarding the difference between juvenile sex offenders and adult sex offenders.
- Dual Registration: assisting in the problems of housing and homelessness.
- Exploring the collateral consequences of registration and notification
- Research and public education regarding Shared Housing.
- Veer away from exclusionary policies such as residency restrictions and crime-free housing.

## **Next Steps**

The committee will continue to focus on improving public safety by fostering successful reintegration of sex offenders into the community through public education and appropriate housing.

We expect a major effort in the coming year on education about sex offenders. It is not a coincidence that other committees, notably the community notification committee, also call this out as a needed strategy. The Sex Offender in the Community committee will work in tandem with them to identify necessary elements for successfully increasing the public understanding about sex offenders.

While our literature review and community forums regarding housing concluded there are no researched best practices, there are specific programs, anecdotal information and board experience to guide us in this area.

In response to the Governor's request we will make recommendations on housing later in 2010 and communication with the Senators and assisting them in any way possible in developing legislation or policy that will benefit public safety through sex offender housing options.



## **BENCHMARKS:**

### **Measuring Washington State’s Sex Offender Response and Management System**

---

#### **1. Purpose of Committee and Plan for 2009**

The primary purpose of the Board is to make recommendations to the legislature as to how to develop a more coordinated and integrated response to sex offender management to decrease sexual victimization and increase community safety. In furtherance of this, the Board created the Benchmarks Committee to develop and report on benchmarks that measure the performance across the state’s sex offender response system.

As the Benchmarks committee began to review the scope and focus of its work for this initial year, we became aware of the enormity and importance of the charge. As the whole SOPB similarly contemplated and planned for this year’s work, we were struck by how much value there is in future evaluation and how past evaluation could have informed and led our work. While we could only wish that benchmarks and an evaluative system had been created in 1990, we took our present task seriously and made a commitment that twenty years from now, the SOPB of 2029 will not take any time *wishing* for evaluation, but will in fact, benefit from our twenty years of evaluation efforts and results.

#### **2. Benchmarks Workgroup to Date**

One of the first tasks of this effort was to begin a process of mapping the sex offender management system in Washington. This effort is an attempt to demonstrate the myriad of events and activities that can occur from the moment an incident of sexual assault occurs through offender re-entry to the community and the victim’s road to recovery. Like with the overarching theme and perspective of the SOPB, a victim-centered approach is paramount.

Members of the SOPB recognize that an effective response to sex offenses requires careful thought about the functioning and the integration of numerous system components, and policy decisions based on research and good data. To begin, the Benchmarks Committee reviewed a similar assessment, “The Comprehensive Protocol: A Systemwide Review of Adult and Juvenile Sex Offender Management Strategies,” prepared by the renowned Center for Sex Offender Management, a project of the U.S. Department of Justice in 2007.<sup>118</sup>

The Board is using the Sentencing Reform Act definition of “sex offense” as found in RCW 9.94A.030. After reviewing the legislative mandate, the Board decided that the “system” to be measured will be one that begins “from once a sex offense becomes

known.” A comprehensive approach to “sex offender response system” includes seven key areas of practice:

- Victim reporting and support,
- Investigation, prosecution and disposition,
- Assessment,
- Supervision,
- Treatment,
- Reentry, and
- Registration and Community Notification

This year the Committee assessed what is involved in the operation of the sex offender community reentry and supervision areas of the sex offender response system related to adult male sex offenders (the predominant offender population).

When drafting the performance measurements for these components, the Committee adhered to the following fundamental principles:

- Abide by evidence-based practices,
- Specialized knowledge and training,
- A victim-centered approach,
- Consistency with the purposes of the Sentencing Reform Act (RCW 9.94A)
- Collaboration,
- Public education, and
- Monitoring and evaluation.

Another initial step was to make some general inquiries with major systems players such as victim services, corrections, juvenile rehabilitation, and law enforcement to review what data and what evaluative work has been done to date on specific aspects of the sex offender management system in Washington.

The SOPB has reviewed as much data, research, professional experience, and community input as we could find. This review has included reading and presentation of research, both newly commissioned and existing, interviews, surveys, community meetings, and discussion among the variety of peer groups and associations represented on the SOPB.

The Sex Offender Policy Board requested that the Washington State University’s Social and Economic Sciences Research Center (SESRC), Puget Sound Division conduct a survey of the sex offender treatment providers (SOTP) licensed by the State of Washington to assist sex offenders transitioning into Washington Communities.<sup>119</sup> The intent of the survey was to sample opinions from the treatment provider constituency regarding the efficacy and efficiency of sex offender transition. This survey was limited to providers serving adult male offenders, including both transition from Washington prisons and jails. The SESRC provided the Board a copy of the survey results in June 2009 and then presented their findings to the Benchmarks Committee in July 2009.

Working with the Benchmarks Committee and SOPB staff, SESRC prepared a protocol of questions regarding the SOTP's observations of sex offender transition. The survey investigated issues of housing, employment, and community support for the offender as well as the operation of the transition "system". This included the SOTP's assessment of the coordination of services, management of supporting records, and other issues identified as salient by the "The Comprehensive Protocol: A Systemwide Review of Adult and Juvenile Sex Offender Management Strategies," prepared by the Center for Sex Offender Management."

The survey asked treatment providers their opinions regarding communication between providers and other parts of the transition system; about the support and services provided transitioning sex offenders, as they observe them, and about their interactions with other community service providers.

Generally, survey respondents varied widely in how critical they were of the partnership around sex offender transition planning, support and supervision. A small number of respondents regularly responded that they always received the documents they needed, participated in joint planning and help supported by their partners. Others responded consistently that they did not. The majority of respondents were critical of the degree to which they are included as a partner in planning and supervision, and they provided very similar suggestions about how to improve transition for the sex offenders they treat. Although their own tasks would be made easier and perhaps more effective with greater communication among all the stakeholders, it their shared opinion that their clients would benefit from improved support for basic skills (including life skills), employment and housing.

This information provided by WSU, along with the data and input from other stakeholder groups has not only gone into the formulation of SOPB recommendations, but has also informed and guided the work of the Benchmarks Committee.

### **3. Next Steps**

The next steps of the Benchmarks Committee is to continue the work to map Washington's system; gather and review data and research; and also establish measurements for the recommendations contained in this report. The committee will review current data and establish a baseline measurement and then develop measures by which to gauge the success, impact, and result of each recommendation. Thus, as recommendations are adopted, we can begin immediately to gather data and draw conclusions about the efficacy of each recommendation – constantly improving and shifting efforts to achieve the result desired.

---

<sup>1</sup> California Sex Offender Management Task Force, “Making California Communities Safer and Evidence Based Strategies for Effective Sex Offender Management”, p.1 (July 2007)

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> The organizations include: Washington Association of Sheriffs and Police Chiefs, Washington Association of Prosecuting Attorneys, Washington Association of Criminal Defense Attorneys, Indeterminate Sentence Review Board, Washington State Association for the Treatment of Sexual Abusers, Department of Corrections, Washington State Superior Court Judges’ Association, Juvenile Rehabilitation Administration, Office of Crime Victims Advocacy, Association of Washington Cities, Washington Association of Counties, Washington Coalition of Sexual Assault Programs, DSHS Special Commitment Center, Criminal Division of the State Attorney General’s Office, and Sentencing Guidelines Commission.

<sup>7</sup> Bumby, Kurt, Talbot, Tom, Carter, Madeline, and Gilligan, Leilah, “The Comprehensive Assessment Protocol: A Systemwide Review of Adult and Juvenile Sex Offender Management Strategies,” Center for Sex Offender Management, U.S. Department of Justice (July 2007).

<sup>8</sup> Carter, Madeline M., “Twenty Strategies for Advancing Sex Offender Management in Your Jurisdiction,” Center for Sex Offender Management, U.S. Department of Justice (January 2009).

<sup>9</sup> Ibid.

<sup>10</sup> Barnoski, Robert, “Sex Offender Sentencing in Washington State: Recidivism Rates,” Washington State Institute for Public Policy (August 2005).

<sup>11</sup> Ibid.

<sup>12</sup> Bumby, Kurt, “Legislative Trends in Sex Offender Management,” Center for Sex Offender Management, U.S. Department of Justice (November 2008).

<sup>13</sup> Drake, E.K. and Aos, S. “Does Sex Offender Registration and Notification Reduce Crime? A systematic review of the research literature,” Washington State Institute for Public Policy (2009).

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> See Appendix B..

<sup>18</sup> See note 7. “Legislative Trends in Sex Offender Management,” Center for Sex Offender Management, U.S. Department of Justice (November 2008).

<sup>19</sup> Memorandum dated April 1, 2009, from Washington Attorney General to Senator James Hargrove and Representative Chris Hurst addressing the scope of the decision in *State v. Ramos*.

<sup>20</sup> Carter, M., Bumby, K., and Talbot, T., “Promoting offender accountability and community safety through the Comprehensive Approach to Sex Offender Management.” *Seton Hall Law Review*, 34, 1273-1297 (2004).

<sup>21</sup> Lieb, Roxanne and Milloy, Cheryl, “Washington State’s Community Notification Law: 15 Years of Change”, Washington State Institute for Public Policy (February 2006).

<sup>22</sup> Ibid.

<sup>23</sup> HB 1952, Chapter 169, Laws of 2001.

<sup>24</sup> SSB 6488, Chapter 118, Laws of 2002.

<sup>25</sup> HB 1338, Chapter 228, Laws of 2005.

---

<sup>26</sup> HB 1161, Chapter 99, Laws of 2005.

<sup>27</sup> Sex Offender Registration and Notification Act (commonly referred to as SORNA), Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 248-109).

<sup>28</sup> Barnoski, Robert, “Sex Offender Sentencing in Washington State: Has Community Notification Reduced Recidivism?” Washington State Institute for Public Policy (December 2005).

<sup>29</sup> Lieb Roxanne and Nunlist, Corey, “Community Notification as Viewed by Washington’s Citizens a 10 Year Follow-Up,” Washington State Institute for Public Policy, (March 2008).

<sup>30</sup> Zevitz, Richard and Farkas, Mary Ann, “Sex Offender Community Notification: Assessing the Impact in Wisconsin,” *Research in Brief of the National Institute of Justice* (December 2000).

<sup>31</sup> Tewksbury, R. “Collateral Consequences of Sex Offender Registration.” *Journal of Contemporary Criminal Justice*, 21(1), 67-81. (2005).

<sup>32</sup> Tewksbury, R. & Lees, M. “Perceptions of Sex Offender Registration: Collateral Consequences and Community Experiences”. *Sociological Spectrum*, 26(3), 309-334 (2006).

<sup>33</sup> Presser, L. & Gunnison, E. Strange Bedfellows: Is Sex Offender Notification a Form of Community Justice? *Crime & Delinquency*, 45(3), 299-315

<sup>34</sup> Colorado Department of Public Safety, *Report on safety issues raised by living arrangements for and location of sex offenders in the community*. Denver, CO: Sex Offender Management Board 2004.

<sup>35</sup> Hanson, R.K., & Morton-Bougon, K. “The Accuracy of Recidivism Risk Assessments for Sexual Offenders: A Meta-Analysis of 118 Prediction Studies,” *Psychological Assessment*, Vol. 21, No. 1, 1-21 (2009).

<sup>36</sup> Levenson, Jill “Sex Offense Recidivism, Risk Assessment, and the Adam Walsh Act,” <[www.leg.state.vt.us/WorkGroups/sexoffenders/AWA\\_SORNsummary.pdf](http://www.leg.state.vt.us/WorkGroups/sexoffenders/AWA_SORNsummary.pdf)> citing Hanson & Morton-Bourgon, (2004).

<sup>37</sup> Kilma, Tali and Lieb, Roxanne, “Risk Assessment Instruments to Predict Recidivism of Sex Offenders: Practices in Washington State” Washington State Institute for Public Policy (June 2008).

<sup>33</sup> Ibid.

<sup>39</sup> Freeman-Longo, R.E. (2002). “Revisiting Megan's law and sex offender registration: Prevention or problem?” In Hodgson, J.F. and Kelley, D.S. (eds). *Sexual violence: policies, practices, and challenges in the United States and Canada*. Praeger Publishers, Westport, CT. (Formerly published on line by The American Probation and Parole Association (<http://www.appa-net.org>; 4/6/00)

<sup>40</sup> Hunter, John, “Understanding Juvenile Sexual Offending Behavior: Emerging Research, Treatment Approaches and Management Practices,” Center for Sex Offender Management, U.S. Department of Justice (1999); *See generally* “The Effective Legal Management of Juvenile Sexual Offenders,” Association for the Treatment of Sexual Abuse (March 2008).

<sup>41</sup> Zimring, Franklin E., “Executive Summary of An American Tragedy: Legal Responses to Adolescent Sexual Offending,” Research Network on Adolescent Development and Juvenile Justice.

<sup>42</sup> Dr. Lee currently provides psychiatric services for youth in King County Juvenile Detention, Washington State Juvenile Rehabilitation Administration and the Prime Time Project, a modified Multisystemic Treatment program serving African-American youth with co-occurring mental health and substance youth disorder involved with the juvenile court system. He chairs the Washington State Juvenile Rehabilitation Administration Psychiatry Quality Improvement Committee, and supervises trainees in the University of Washington Residency Program rotating at Echo Glen Children’s Center. He is also a consultant to the Harborview Foster Care Assessment Program and the Family Integrated Transitions Program, and is involved with the Partnership Access Line, a Washington State Legislature-funded clinical and evaluation project providing child psychiatry consultation to primary care providers.

<sup>43</sup> This includes: planning, judgment, initiating and stopping actions, anticipating outcomes and consequences, and inhibiting and suppressing inappropriate social behavior. The frontal lobes are also the last area of the brain to develop, finishing during a person's mid-twenties.

<sup>44</sup> See Appendix E.

<sup>45</sup> Ibid.

<sup>46</sup> A meta-analysis of 3730 treated juvenile offenders showed their sexual recidivism was 11.87% (Reitzell & Carbonella, 2006.) In addition, one study of 249 juvenile male sex offenders and 1,780 non-sex offending delinquents, released from a secure institution found that the sexual recidivism was 6.8% and 5.7% respectively, which was not a significant difference (Caldwell, 2007).

<sup>47</sup> Dr. John Hunter, well known nationally, and internationally, for his clinical and research expertise on juvenile sexual offending has published over 40 articles or book chapters on the subject of sexual offenders and sexual trauma, and has been the recipient of seven federal research grants in this area of study. Most recently, he received a "Career Development Award" from the National Institute of Mental Health to further study subtypes of sexually aggressive youth and their hypothesized differential developmental trajectories. Dr. Hunter has directed both community-based and residential treatment programs for juvenile and adult sexual offenders, and is a former member of the Board of Directors for the Association for the Treatment of Sexual Abusers (ATSA).

<sup>48</sup> In Washington State there are approximately 650 juveniles under supervision within Juvenile Rehabilitation Administration (JRA) or under county probation in the Special Sex Offender Disposition Alternative (SSODA) at any one time. JRA tracks our youth with serious and acute service needs to include medical fragility, sexual offending, cognitive impairment, chemical dependency or mental illness. Within the JRA system approximately 58% of our population requires care for at least two disorders and some as many as four. This translates into complex treatment services for difficult youth. It's important that the youth are receiving treatment for all of their treatment needs and not just their sexual offending.

<sup>49</sup> See Appendix D: Dr. Terry Lee, *Adolescent Brain Development PowerPoint Presentation*, (July 2009).

<sup>50</sup> Ibid.

<sup>51</sup> "The Effective Legal Management of Juvenile Sex Offenders," *Position paper adopted by The Association for the Treatment of Sexual Abusers* (2000).

<sup>52</sup> Michael Miner, Charles Bourduin, David Prescott, Helle Bovensmann, Renate Schepker, Reinmar DuBois, Joann Schladale, Reinhard Eher, Klaus Schmeck, Thore Langfedt, Arina Smit, and Friedeman Pfafflin, "Standards of Care for Juvenile Sexual Offenders of the International Association for the Treatment of Sexual Offenders," *Sexual Offender Treatment*, Vol. 1, Issue 3 (2006).

<sup>53</sup> See Appendix H.

<sup>54</sup> *October 5, 2009 SOPB Stakeholder Forum*; input by Washington State Juvenile Justice Coalition Chair Charles Shelan.

<sup>55</sup> See Appendix H.

<sup>56</sup> Ibid.

<sup>57</sup> RCW 9.94A.030(46).

<sup>58</sup> N.J. Rev. Stat. §2C:7-2.

<sup>59</sup> 18 U.S.C. 2241.

<sup>60</sup> Markman, Joanna S., "Community Notification and the Perils of Mandatory Juvenile Sex Offender Registration: The Dangers Faced by Children and Their Families," p.1, (2007). [http://works.bepress.com/joanna\\_markman/1](http://works.bepress.com/joanna_markman/1).; also see generally Franklin E. Zimring, "The Common Thread: Diversion in the Jurisprudence of a Century of Juvenile Justice," 88 *Calif. L. Rev.* 2479, 2490-91

---

(2000); *see also* Hiller, Stacey, “The Problem with Juvenile Sex Offender Registration: The Detrimental Effects of Public Disclosure,” 7 B.U. Pub. Int. L.J. 271, 290 (1998).

<sup>61</sup> *Id.* at p.12-13, also *see generally* Franklin E. Zimring, *The Common Thread: Diversion in the Jurisprudence of a Century of Juvenile Justice*, 88 Calif. L. Rev. 2479, 2490-91 (2000); *see also* Stacey Hiller, *The Problem with Juvenile Sex Offender Registration: The Detrimental Effects of Public Disclosure*, 7 B.U. Pub. Int. L.J. 271, 290 (1998).

<sup>62</sup> *See* RCW 13.40.010.

<sup>63</sup> *See* Smith, George Bundy, and Gloria M. Dabiri, “The Judicial Role in the Treatment of Juvenile Delinquents,” 3 *Journal of Law and Policy* 347, 351-52 (1995).

<sup>64</sup> *See* Appendix H.

<sup>65</sup> Klima, Tali and Lieb, Roxanne, (2008). *Risk assessment instruments to predict recidivism of sex offenders: Practices in Washington State*. Washington State Institute for Public Policy (2008).

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*

<sup>71</sup> Harris, Andrew, Phenix, Amy, Hanson, R.Karl, and Thornton, David, “Static-99 Coding Rules” p. 13. <static99org>.

<sup>72</sup> *See* Appendix H.

<sup>73</sup> *Ibid.*

<sup>74</sup> *Ibid.*

<sup>75</sup> Idaho Rev. Stat. 18-8410.

<sup>76</sup> *See* Appendix D.

<sup>77</sup> Schram, Donna D. and Milloy, Cheryl Darling, “Community Notification: A Study of Offender Characteristics and Recidivism,” Washington State Institute for Public Policy, p. 3. (October 1995).

<sup>78</sup> Barnoski, Robert, “Sex Offender Sentencing in Washington State: Has Community Notification Reduced Recidivism?” Washington State Institute for Public Policy (December 2005).

<sup>79</sup> *Ibid.*

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> Barnoski, Robert, “Sex Offender Sentencing in Washington State: Recidivism Rates,” Washington State Institute for Public Policy (August 2005).

<sup>83</sup> *Ibid.*

<sup>84</sup> Washington State Sentencing Guidelines, *Juvenile Disposition Summary Fiscal Year 2006*, p. 3. (December 2006).

<sup>85</sup> Barnoski, Robert, “Assessing the Risk of Juvenile Sex Offenders Using the Intensive Parole Sex Offender Domain,” p. 1, Washington State Institute for Public Policy (May 2008).

<sup>86</sup> *Ibid.* p. 2.

<sup>87</sup> Chaffin, Mark, “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,” *Child Maltreatment* Vol. 13, No. 2, 110, 113 (May 2008).

<sup>88</sup> *Ibid.* p. 112.

<sup>89</sup> RCW Ch. 13.140.

<sup>90</sup> Bumby, Kurt, Talbot, Tom, and Carter, Madeline, “Managing the Challenges of Sex Offender Reentry,” Center for Sex Offender Management, U.S. Department of Justice (February 2007).

<sup>91</sup> Hiller, Stacey, “The Problem with Juvenile Sex Offender Registration: The Detrimental Effects of Public Disclosure,” 7 *Buffalo University Public Interest Law Journal*. 271, 292 (1998) citing Scott W. Henggeler, Scott W., *Delinquency in Adolescence* 72 (Alan E. Kazdin ed., 1989).

<sup>92</sup> *Ibid.*

<sup>93</sup> Hiller at 292.

<sup>94</sup> Bumby, Kurt, Talbot, Tom, Carter, Madeline, and Gilligan, Leilah, “The Comprehensive Assessment Protocol: A Systemwide Review of Adult and Juvenile Sex Offender Management Strategies,” Center for Sex Offender Management, U.S. Department of Justice (July 2007).

<sup>95</sup> *See* note 6, p. 185.

<sup>96</sup> Earl-Hubbard, Michelle L., “The Child Sex Offender Registration Laws: The Punishment, Liberty Deprivation, and Unintended Results Associated with the Scarlet Letter Laws of the 1990’s,” 90 *Northwestern University Law Review* 788, 856 (1996).

<sup>97</sup> *Ibid.* at 855.

<sup>98</sup> RCW 4.24.550(6).

<sup>99</sup> RCW 4.24.550(10).

<sup>100</sup> RCW 9A.44.130(7).

<sup>101</sup> 149 Wn.App. 266 (Div. II, 2009),

<sup>102</sup> “Managing Sex Offenders: Citizens Supporting Law Enforcement,” International Association of Chiefs of Police (2007).

<sup>103</sup> *Ibid.*

<sup>104</sup> Barnoski, Robert, “Sex Offender Sentencing in Washington State: Failure to Register as a Sex Offender-Revised” Washington State Institute for Public Policy (January 2006).

<sup>105</sup> *Ibid.*

<sup>106</sup> Levenson, Jill “Sex Offense Recidivism, Risk Assessment, and the Adam Walsh Act,” <[http://www.leg.state.vt.us/WorkGroups/sexoffenders/AWA\\_SORNsummary.pdf](http://www.leg.state.vt.us/WorkGroups/sexoffenders/AWA_SORNsummary.pdf)> (2004).

<sup>107</sup> *Ibid.*

<sup>108</sup> Tewksbury, R. & Lees, M. “Perceptions of Sex Offender Registration: Collateral Consequences and Community Experiences”. *Sociological Spectrum*, 26(3), 309-334 (2006).

<sup>109</sup> Levenson, J. S., & Cotter, L., “The Impact of Megan's Law on Sex Offender Reintegration,” *Journal of Contemporary Criminal Justice*, 21(1), 49-66 (2005).

<sup>110</sup> Matson, Scott, “Community Notification and Education” Center for Sex Offender Management, U.S. Department of Justice (April 2001).

<sup>111</sup> *State v. Werneth*, 147 Wn. App. 208 (2008).

<sup>112</sup> “Frequently Asked Questions.” <[Static99.org](http://Static99.org),> n.d. Web. 24 Nov. 2009.

<sup>113</sup> “Frequently Asked Questions” <[csom.org](http://csom.org)>, n.d. Web, 24 Nov. 2009.

<sup>114</sup> Washington State, along with the other 49 states, was granted a one-year blanket extension to be in “substantial compliance.” The current deadline is July 2010. However, states may request another one year extension.

<sup>115</sup> *See* Appendix O.



<sup>116</sup> See Appendix P.

<sup>117</sup> See Appendix R: Kyra Kester, *Housing Sex Offenders in the Community: Results of a Literature Search Conducted for the Washington State Sex Offender Policy Board*, Washington State University Social & Economic Sciences Research Center, (June 30, 2009).

<sup>118</sup> “In November 1996, the Office of Justice Programs (OJP), U.S. Department of Justice, convened the National Summit: Promoting Public Safety through the Effective Management of Sex Offenders in the Community. The summit sought input from over 180 practitioners, academic researchers, and other experts regarding the most effective management strategies for this challenging offender population. Participants were also asked about the information, training, and other needs of their colleagues working in this field. In response to their recommendations, OJP, the National Institute of Corrections (NIC), and the State Justice Institute (SJI) created the Center for Sex Offender Management.

CSOM is a national project that supports state and local jurisdictions in the effective management of sex offenders under community supervision. NIC and SJI, in collaboration with the American Probation and Parole Association, joined OJP in managing the project, and are devoting additional resources to support corrections professionals and the judiciary as they address this critical issue within their specific disciplines. The project is administered through a cooperative agreement between OJP and the Center for Effective Public Policy. A National Resource Group has been established to guide the activities of the project. The members of the National Resource Group include some of the country's leading experts and practitioners in the fields of sex offender management, treatment, and supervision.

CSOM's primary goal is to enhance public safety by preventing further victimization through improving the management of sex offenders in the community. CSOM's goals are carried out through three primary activity areas: an information exchange, training and technical assistance, and support to select Resources Sites and OJP grantees.” See CSOM Website link: <http://www.csom.org/about/about.html>.

<sup>119</sup> See Appendix R.

## BIBLIOGRAPHY

### **Center for Sex Offender Management** ([www.csom.org](http://www.csom.org))

Bumby, Kurt, Talbot, Tom, Carter, Madeline, and Gilligan, Leilah, “The Comprehensive Assessment Protocol: A Systemwide Review of Adult and Juvenile Sex Offender Management Strategies,” Center for Sex Offender Management, U.S. Department of Justice (July 2007).

Carter, Madeline M., “Twenty Strategies for Advancing Sex Offender Management in Your Jurisdiction,” Center for Sex Offender Management, U.S. Department of Justice (January 2009).

Bumby, Kurt, “Legislative Trends in Sex Offender Management,” Center for Sex Offender Management, U.S. Department of Justice (November 2008).

Hunter, John, “Understanding Juvenile Sexual Offending Behavior: Emerging Research, Treatment Approaches and Management Practices,” Center for Sex Offender Management, U.S. Department of Justice (1999).

Bumby, Kurt, Talbot, Tom, and Carter, Madeline, “Managing the Challenges of Sex Offender Reentry,” Center for Sex Offender Management, U.S. Department of Justice (February 2007).

Matson, Scott, “Community Notification and Education” Center for Sex Offender Management, U.S. Department of Justice (April 2001).

### **Washington Institute for Public Policy** ([www.wsipp.wa.gov](http://www.wsipp.wa.gov))

Barnoski, Robert, “Sex Offender Sentencing in Washington State: Recidivism Rates,” Washington State Institute for Public Policy (August 2005).

Barnoski, Robert, “Assessing the Risk of Juvenile Sex Offenders Using the Intensive Parole Sex Offender Domain,” p. 1, Washington State Institute for Public Policy (May 2008).

Lieb, Roxanne and Milloy, Cheryl, “Washington State’s Community Notification Law: 15 Years of Change”, Washington State Institute for Public Policy (February 2006).

Barnoski, Robert, “Sex Offender Sentencing in Washington State: Has Community Notification Reduced Recidivism?” Washington State Institute for Public Policy (December 2005).

Lieb Roxanne and Nunlist, Corey, “Community Notification as Viewed by Washington’s Citizens a 10 Year Follow-Up,” Washington State Institute for Public Policy (March 2008).

Kilma, Tali and Lieb, Roxanne, “Risk Assessment Instruments to Predict Recidivism of Sex Offenders: Practices in Washington State” Washington State Institute for Public Policy (June 2008).

Schram, Donna D. and Milloy, Cheryl Darling, “Community Notification: A Study of Offender Characteristics and Recidivism,” Washington State Institute for Public Policy, p. 3. (October 1995).

Barnoski, Robert, “Sex Offender Sentencing in Washington State: Has Community Notification Reduced Recidivism?” Washington State Institute for Public Policy (December 2005).

Barnoski, Robert, “Sex Offender Sentencing in Washington State: Recidivism Rates,” Washington State Institute for Public Policy (August 2005).

Barnoski, Robert, “Sex Offender Sentencing in Washington State: Failure to Register as a Sex Offender-Revised” Washington State Institute for Public Policy (January 2006).

E.K. Drake and S. Aos, “Does Sex Offender Registration and Notification Reduce Crime? A Systematic Review of the Research Literature,” Washington State Institute for Public Policy (2009). The Meta-Analysis included:

G. Adkins, D. Huff, P. Stageberg, L. Prell, and S. Musel, “The Iowa sex offender registry and recidivism,” Department of Human Rights, Division of Criminal and Juvenile Justice Planning, Statistical Analysis Center (December 2002).

M.F. Caldwell, M.H. Ziemke, and M.J. Vitacco, “An examination of the sex offender registration and notification act as applied to juveniles: Evaluating the ability to predict sexual recidivism,” *Psychology, Public Policy, and Law*, 14(2), 89-114.

E.J. Letourneau, D. Bandyopadhyay, D. Sinha, and K.S. Armstrong, “The influence of sex offender registration on juvenile sexual recidivism,” *Criminal Justice Policy Review* (2008).

E.J. Letourneau and K.S. Armstrong, “Recidivism rates for registered and nonregistered juvenile sexual offenders,” *A Journal of Research and Treatment*, 20(4), 393-408 (2008).

A.J. Petrosino and C. Petrosino, “The public safety potential of sex offender registration and notification laws in the United States: A time-series analysis,” *Crime and Delinquency*, 54(2), 175-192 (2008).

B.E. Vasquez, S. Maddan, and J.T. Walker, “The influence of sex offender registration and notification laws in the United States: A time-series analysis,” *Crime and Delinquency*, 54(2), 175-192 (2008).

A.K. Yessine and J. Bonta, “Tracking High-Risk, Violent Offenders: An Examination of the National Flagging,” *Canadian Journal of Criminology and Criminal Justice*, 48(4), 573-607 (2006).

R.G. Zevitz, “Sex-Offender Community Notification: Its Role in Recidivism and Offender Reintegration,” *Criminal Justice Studies*, 19(2), 193-208 (2006).

### **Other Resources**

“The Effective Legal Management of Juvenile Sexual Offenders,” Association for the Treatment of Sexual Abuse (March 2008).

Baron-Evans, Amy, “Still Time to Rethink the Misguided Approach of the Sex Offender Registration and Notification Act,” *Federal Sentencing Reporter*, Vol. 20, No. 5. pp. 357-362 (2008).

Bundy, George, and Dabiri, Gloria M., “The Judicial Role in the Treatment of Juvenile Delinquents,” 3 *Journal of Law and Policy* 347, 351-52 (1995).

Caldwell, Michael F., Ziemke, Mitchell H., and Vitacco, Michael J., “An Examination of the Sex Offender Registration and Notification Act as Applied to Juveniles,” *Psychology, Public Policy and Law*, Vol. 14, No. 2, pp.89-114 (2008).

Carter, M., Bumby, K., and Talbot, T., “Promoting Offender Accountability and Community Safety through the Comprehensive Approach to Sex Offender Management.” *Seton Hall Law Review*, 34, 1273-1297 (2004).

Chaffin, Mark, “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,” *Child Maltreatment* Vol. 13, No. 2, 110, 113 (May 2008).

Earl-Hubbard, Michelle L., “The Child Sex Offender Registration Laws: The Punishment, Liberty Deprivation, and Unintended Results Associated with the Scarlet Letter Laws of the 1990’s,” 90 *Northwestern University Law Review* 788, 856 (1996).

Farkas, M., and Stichman, A., “Sex Offender Laws: Can Treatment, Punishment, Incapacitation and Public Safety Be Reconciled? *Criminal Justice Review*, 27(2) pp. 256-283 (2002).

Freeman-Longo, R.E. (2002). “Revisiting Megan's Law and Sex Offender Registration: Prevention or Problem?” In Hodgson, J.F. and Kelley, D.S. (eds). *Sexual violence:*

---

*policies, practices, and challenges in the United States and Canada.* Praeger Publishers, Westport, CT. (Formerly published on line by The American Probation and Parole Association (<http://www.appa-net.org>; 4/6/00)

Fitch, Kate, “Megan’s Law: Does It Protect Children?” National Society for the Prevention of Cruelty to Children (November 2006).

Garfinkle, Elizabeth, “Coming of Age in America: The Misapplication of Sex-Offender Registration and Community Notification Laws to Juveniles,” 91 *Calif. L. Rev.* 163, (January 2003).

Hanson, R.K., & Morton-Bougon, K. (2009) “The Accuracy of Recidivism Risk Assessments for Sexual Offenders: A Meta-Analysis of 118 Prediction Studies,” *Psychological Assessment*, Vol. 21, No. 1, 1-21 (2009).

Harris, Andrew J., and Lobanav-Rostovsky, Christopher, “Implementing the Adam Walsh Act’s Sex Offender Registration and Notification Provisions, A Survey of the States,” *Criminal Justice Policy Review* (First published September 22, 2009).

Hiller, Stacey, “The Problem with Juvenile Sex Offender Registration: The Detrimental Effects of Public Disclosure,” 7 *Buffalo University Public Interest Law Journal* 271, 292 (1998).

Kester, Kyra, *Housing Sex Offenders in the Community: Results of a Literature Search Conducted for the Washington State Sex Offender Policy Board*, Washington State University Social & Economic Sciences Research Center (June 2009).

Levenson, Jill “Sex Offense Recidivism, Risk Assessment, and the Adam Walsh Act,” <[www.leg.state.vt.us/WorkGroups/sexoffenders/AWA\\_SORNsummary.pdf](http://www.leg.state.vt.us/WorkGroups/sexoffenders/AWA_SORNsummary.pdf)> n.d.

Levenson, J. S., and Cotter, L., ”The Impact of Megan's Law on Sex Offender Reintegration,” *Journal of Contemporary Criminal Justice*, 21(1), 49-66 (2005).

Levenson, J.S. and Hern, Andrea L., “Sex Offender Residence Restrictions: Unintended Consequences and Community Reentry,” *Justice Research and Policy*, Vol. 9, No. 1, (2007).

Markman, Joanna S., “Community Notification and the Perils of Mandatory Juvenile Sex Offender Registration: The Dangers Faced by Children and Their Families,” p.1, <[http://works.bepress.com/joanna\\_markman/1.>](http://works.bepress.com/joanna_markman/1.>) (2007).

Michael Miner, Charles Bourduin, David Prescott, Helle Bovensmann, Renate Schepker, Reinmar DuBois, Joann Schladale, Reinhard Eher, Klaus Schmeck, Thore Langfedt, Arina Smit, and Friedeman Pfafflin, “Standards of Care for Juvenile Sexual Offenders of the International Association for the Treatment of Sexual Offenders,” *Sexual Offender Treatment*, Vol. 1, Issue 3 (2006).

Petteruti, Amanda and Walsh, Nastassia, “Registering Harm, A Briefing Book on the Adam Walsh Act,” Justice Policy Institute, <www.justicepolicy.org> (2008).

Petteruti, Amanda and Walsh, Nastassia, “Registering Harm, How Sex Offense Registries Fail Youth Communities,” Justice Policy Institute, <justicepolicy.org> (2008).

Presser, L. and Gunnison, E. “Strange Bedfellows: Is Sex Offender Notification a Form of Community Justice?” *Crime & Delinquency*, 45(3), 299-315 (1999).

Tewksbury, R. “Collateral Consequences of Sex Offender Registration.” *Journal of Contemporary Criminal Justice*, 21(1), 67-81 (2005).

Tewksbury, R. and Lees, M. “Perceptions of Sex Offender Registration: Collateral Consequences and Community Experiences”. *Sociological Spectrum*, 26(3), 309-334 (2006).

Trivits, L., and Reppucci, N.D. “The Application of Megan’s Law to Juveniles,” *American Psychologist*, 57, 690-704 (2002).

Zevitz, Richard and Farkas, Mary Ann, “Sex Offender Community Notification: Assessing the Impact in Wisconsin,” *Research in Brief of the National Institute of Justice* (December 2000).

Zgoba, Kristen, Witt, Philip, Dalessandro, Melissa, and Veysey, Bonita, “Megan’s Law: Assessing the Practical and Monetary Efficacy,” The Research and Evaluation Unit Office of Policy and Planning New Jersey Department of Corrections (December 2008).

Zimring, Franklin E., “Executive Summary of An American Tragedy: Legal Responses to Adolescent Sexual Offending,” Research Network on Adolescent Development and Juvenile Justice. University of Chicago Press (2004).

Zimring, Franklin E., “The Common Thread: Diversion in the Jurisprudence of a Century of Juvenile Justice,” 88 *Calif. L. Rev.* 2479, 2490-91 (2000).

### **Sex Offender Policy Board Research**

Hinchcliffe, Shannon, “State Survey of Juvenile, Registration, Notification and Early Termination,” May 12, 2009. (Illustrated by the power point “Juvenile Sex Offender Registration and Notification in Washington State, A 50 State Survey and Comparative Analysis given on May 12, 2009.)

Hinchcliffe, Shannon, “State Survey of Adult Relief from Sex Offender Registration,” (Illustrated by the power point “A State Survey of Relief from Sex Offender Registration” presented on June 9, 2009.)

Hinchcliffe, Shannon, “State Survey of Registration Provisions for Homeless/Transients as of 5/26/09” (Illustrated by the power point “Registration Requirements for Homeless Sex Offenders,” presented on June 9, 2009.”

Hinchcliffe, Shannon, “State Survey of Failure to Register Penalties” (Illustrated by the power point “An Examination of the Penalty for Failure to Register in Washington State and the Other 49 States. Presented on May 12, 2009.)

Hinchcliffe, Shannon, “State Survey of Adult Leveling Processes for Sex Offender Registration and Notification, August 5, 2009 (updated September 17, 2009) (Illustrated by the power point “Sex Offender Risk Leveling, An Examination of State Models presented on August 5, 2009, updated and re-presented on September 17, 2009.

### **Sentencing Guidelines Committee Data**

Registerable Sex and Kidnapping Offenses for Juveniles By Age FY02-FY08.

### **Presentations**

Dr. Terry Lee, Public Behavioral Health and Justice Policy, University of Washington, “Adolescent Brain Development and Court,” (Power Point presented to the Sex Offender Policy Board on July 16, 2009).

## APPENDICES LIST

---

**Appendix A:** WSIPP Sex Offender Registration and Notification Laws Recidivism Meta-Analysis (June 2009).

**Appendix B:** Sex Offender Policy Board Literature Review Research Criteria (March 2009).

**Appendix C:** WASPC September 2008 Survey Results Regarding the Sex Offender Model Policy.

**Appendix D:** University of Washington Dr. Terry Lee's juvenile brain development presentation (2009).

**Appendix E:** Sentencing Guidelines Commission Registerable Sex and Kidnapping Offenses for Juveniles by Age in Adult and Juvenile Court Data, FY02-FY08 (2009).

**Appendix F:** Kecia Rongen, SOPB Board Member and Juvenile Rehabilitation Administration Program Administrator, Current Perspectives of Juvenile Who Sexually Offend Historical View

**Appendix G:** Kecia Rongen, SOPB Board Member and Juvenile Rehabilitation Administration (JRA) Program Administrator for the Juvenile Sex Offender Population, Current Perspectives on Juveniles Who Sexually Offend Presentation (2009).

**Appendix H:** Kecia Rongen, JRA Data on youth who have Sexually Offended, (October 2009)

**Appendix I:** Shannon Hinchcliffe, 50 State Survey on Juvenile Registration and Notification Memo

**Appendix J:** Shannon Hinchcliffe, SGC/SOPB Policy Counsel, 50 State Survey of Juvenile Sex Offender Registration and Notification Laws (2009).

**Appendix K:** SGC Juvenile Statistical Summary FY 2006

**Appendix L:** Shannon Hinchcliffe, PowerPoint Sex Offender Risk Leveling

**Appendix M:** Shannon Hinchcliffe, 50 State Survey of Adult Leveling Processes for Sex Offender Registration and Notification, (August 5, 2009).

**Appendix N:** Shannon Hinchcliffe, 50 State Survey of Adult Relief from Sex Offender Registration, (June 6, 2009).



**Appendix O:** Shannon Hinchcliffe, 50 State Survey of Adult Failure to Register Penalties, (August 2009)

**Appendix P:** Shannon Hinchcliffe, 50 State Survey of Registration Provisions for Homeless/Transient Sex Offenders, (May 2009).

**Appendix Q:** Shannon Hinchcliffe, 50 State Survey of Online Identifiers as a Registration Requirement for Sex Offenders (October 2009).

**Appendix R:** Sex Offender Policy Board Position January 2009 Letter on the Sex Offender Registration and Notification Provisions (SORNA) of the Adam Walsh Act (AWA) and Other AWA Materials.

**Appendix S:** Governor Christine Gregoire’s Letter to the Board Regarding Sex Offender Housing (June 5, 2008).

**Appendix T:** Kyra Kester, Housing Sex Offenders in the Community: Results of a Literature Search Conducted for the Sex Offender Policy Board, Washington State University Social & Economic Sciences Research Center (SESRC) (June 30, 2009).

**Appendix U:** Kyra Kester, Washington State Sex Offender Treatment Providers Survey 2009, Washington State University Social & Economic Sciences Research Center (SESRC) (June 2009).

**Appendix V:** Shoshana Kehoe-Ehlers, SOPB Program Director, Sex Offender Response System Map, (April 2009).

**Appendix W:** Shoshana Kehoe-Ehlers, Sex Offender Response System “Detailed Map of Reentry and Supervision Component Parts” Map, (April 2009).

**Appendix X:** SOPB Benchmarks Committee Memorandum, Detailing the Benchmarks/Measurements for each of the Steps/Objectives Part of Reentry Prerelease and Transition/Release Planning.

**Appendix Y:** SGC Adult Felony Sex Offenses FY1986-FY2008.

**To view the above appendices in full please go to the Sentencing Guidelines Commission website at [www.sgc.wa.gov](http://www.sgc.wa.gov) and then click on the Sex Offender Policy Board link.**