



STATE OF WASHINGTON  
**SEX OFFENDER POLICY BOARD**  
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# **JOSE REYES CASE REVIEW**

## **Senate Human Services & Corrections Request**

**SEX OFFENDER POLICY BOARD**  
December 2010



**EXECUTIVE SUMMARY  
AND  
INTRODUCTION**

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On June 30, 2010, Senator Jim Hargrove, chair of the Senate Human Services and Corrections Committee, and Senator Rosemary McAuliffe, chair of the Senate Early Learning & K-12 Education Committee, asked the Sex Offender Policy Board to study existing laws regarding juvenile sex offenders and school notification.

The written request is in response to a May 2010 incident at Seattle's Roosevelt High School in which, according to law enforcement, a girl was sexually assaulted by a classmate who is a registered juvenile sex offender. Sen. Hargrove, D-Hoquiam, and Sen. McAuliffe, D-Bothell, are requesting:

- a review of the case to understand the performance of Washington's sex offender prevention and response system;
- a review of Washington's policies related to juvenile sex offenders and school notification; and
- recommendations for consideration during the 2011 legislative session.

In response to this request, the Board established a Reyes Case review committee, inviting a number of representatives from involved agencies, such as King County probation, the Office of Superintendent and Public Instruction (OSPI), Seattle School District and the King County Prosecutor's Office. This larger group met three times, sharing numerous documents and identifying a number of issues. Due to the level of public and media interest in this case, the Board decided to air two of these meetings on TVW.

Following the meetings of the larger group, the SOPB Reyes Case review committee met two additional times to consider all the information presented, analyze system processes and relevant statutes, and consider all the issues raised and observations made to develop specific recommendations. The Full Board then met twice to review and finalize the Committee's recommendations. The following report reflects this process and provides the background and basis for the recommendations. While this report focuses on the specific law enforcement and school notification requirements as it relates to students adjudicated or convicted of a sex offense, it is important recognize that Washington State's constitution places a premium on providing all students access to public education, including students from special populations.<sup>1</sup>

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<sup>1</sup> Pursuant to RCW 28A.150.200, also referred to as the Basic Education Act, Washington State must provide children access to public schools without distinction or preference based on their status. The requirements of the Basic Education Act are deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, which states that "It is the paramount duty of the state to make ample provision for the

## **2006 Legislative Action Re: Juveniles Convicted of Sex Offenses Who Attend School in the Community**

In 2006, the State Legislature addressed the importance of balancing the successful reintegration of juvenile sex/kidnapping offenders back to public schools with the safety of all students and staff in the schools. In furtherance of this, it enacted ESSB 6580 requiring the OSPI to convene a workgroup to draft a model policy for school principals to follow when they receive notification from law enforcement that a registered sex/kidnapping offender is attending or is expecting to attend the school<sup>2</sup>.

OSPI's 6580 Workgroup was comprised of a multidisciplinary group of experts and stakeholders from education practitioners, law enforcement, corrections, juvenile justice, sex offender specialists, and both child and victim advocacy groups. (See 2006 OSPI Report to the Legislature on ESSB 6580.)

The Workgroup outlined their findings regarding juveniles who commit sex offenses and the related safety concerns. In particular, they found a critical need for training and guidance for administrators, teachers, and school staff to help them manage the unique requirements of these youth while ensuring the safety of other students. (See Executive Summary of 2006 OSPI Report) In addition to the development of the model policy, the Workgroup identified key recommendations for the legislature. (See 2006 Executive Summary of OSPI Report.)

While the model policy was created in response to a legislative requirement, it was not mandated that school districts or individual schools adopt the model policy or develop their own policies and procedures regarding youths who sexually offend, nor were they required to create and implement safety plans for these students. Further complicating matters, Washington State's school system operates on a local level; with school districts and to some degree, individual schools, operating autonomously. Consequently, while some schools and school districts have developed policies and safety plans, there is no uniform system ensuring that all schools have some type of operating policy and procedures regarding students who have sexually offended.

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education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex," and are adopted pursuant to Article IX, section 2 of the state Constitution, which states that "The legislature shall provide for a general and uniform system of public schools." RCW 28A.150.200. It is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than twenty-one years residing in that school district. See RCW 28A.225.160. Juveniles convicted of a sex offense cannot be denied enrollment to a public school within their district based on conviction status alone. However, a convicted juvenile sex offender is prohibited from attending a public or private school of a victim or sibling of a victim of the sex offender. See RCW 13.40.215(5)

<sup>2</sup> See RCW 9A.44.130 for additional information on the duty of law enforcement to notify school principals when a student is attending or expected to attend a particular school.

### **SSODA and School Notification: Jose Reyes Case**

The intent behind SSODAs, like other alternative dispositions available to juvenile offenders, is that the juvenile system responds to the needs of youthful offenders and their victims. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that communities, families, and the juvenile court carry out their functions consistent with this intent. See RCW 13.40.010(2).

In July 2007, Mr. Reyes was originally charged with one count of attempted child molestation in the first degree and three separate counts of luring. Mr. Reyes complied with all pre-disposition release conditions. His pre-release status lasted 10 months. He had no prior criminal history and a very strong family support system.

During these 10 months, the parties involved in this juvenile's case carefully deliberated about an appropriate outcome that would hold the juvenile accountable, protect the victim and assist in the rehabilitation of the juvenile offender with the support of his family, community, court and probation. It was clear to the Reyes Review Committee that the King County Prosecuting Attorney's Office took this case with the utmost seriousness. This is a highly-skilled office with a juvenile special sexual assault division that specializes in these cases.

Once Mr. Reyes was granted a SSODA, law enforcement was statutorily required to notify the school's principal or institution's department of public safety. See RCW 9A.44.130(1)(c). The school principal received notification of Mr. Reyes and his charge. After this notification was completed, Mr. Reyes continued attending Roosevelt High school, complying with his probationary requirements, including participating in sex offender deviancy treatment and his other court-mandated SSODA conditions.

In November 2009, Jose moved from Seattle to Kent. As required, Mr. Reyes notified Kent Police Department of his change of address. At this point, there appeared to be some confusion as to whether Mr. Reyes had ever been initially leveled 18 months earlier, whether Kent PD had the appropriate tools and documentation to review Mr. Reyes risk level, and who was notified of Kent PD aggravating Mr. Reyes level to a two.

In May 2010, the alleged assault of another student at Roosevelt High school was reported. Shortly after Jose Reyes was charged with the alleged sexual assault of another student on school property, the senators asked that the SOPB to review Washington's past and current laws and policies related to youth who have sexually offended, including school notification, in the context of this case. As part of fulfilling this request, the Board reviewed documentation from parties involved in this case and stakeholders from the sex offender management system; analyzed

system processes and relevant statutes, and considered all the issues raised and observations made by the parties and stakeholders.

The Board also considered the evidence based research it gathered and reported in its 2009 Report to the Legislature about youths who sexually offend. The key finding in that report as it relates to juveniles is that:

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.<sup>3</sup>

The Board found that while Washington's juvenile registration and community notification system mirrors the adult system, parts of the school notification and educational system as it relates to youths who sexually offend is rooted in the rehabilitation of these youth and reflects the key differences between them and their adult counterparts. The tension between the right to education and the right to public safety make it so there are not always clear cut answers in this area.

The remainder of this report describes the issues the Board identified in this case, the sex offender response system in general as it relates to youths who sexually offend, and recommendations as to how to improve this system with a goal towards maximizing public safety, especially as it relates to students in the school system. While the Board identified improvements that can be made to this system, it cautions against viewing the Reyes case as representative of youths in the school system who have sexually offended.

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<sup>3</sup> Shoshana Kehoe-Ehlers and Shannon Hinchliffe, Washington State Sex Offender Policy Board Report to the Legislature (December 2009), p.23.

**Issue #1:**

Whether the Court should make a special finding when it orders 24/7 supervision as a condition of a respondent's SSODA conditions.

**Recommendation:**

When a juvenile court orders 24/7 as a condition of a SSODA, the Court shall enter findings regarding this condition.

**Fiscal Impact:**

There is no fiscal request associated with this recommendation. However it will require a statutory amendment.

**Current Law:**

Pursuant to RCW 13.40.030(5), if a juvenile is subject to a commitment of 15 to 65 weeks of confinement, the court may impose a SSODA. When a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment. This applies to juveniles subject to a commitment of 15 to 65 weeks of confinement.

The psychosexual examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum: Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others.

**Considerations:**

It is standard practice for the juvenile court to order 24/7 supervision as a pre-disposition condition of release for respondents charged with a sex offense. When the initial charges in this case were filed, Jose's parents consented to the 24/7 supervision requirements. Mr. Reyes was on this level of supervision for 10 months before he pled guilty and received a SSODA sentence. The school, nor probation, reported any problems with Mr. Reyes during those 10 months.

As a condition of Mr. Reyes Special Sex Offender Dispositional Alternative (SSODA) sentence, the Court followed the examiner's recommendation and ordered 24/7 supervision.

Probation and school stakeholders reported that 24/7 supervision is not a standard condition of release post-disposition. Because 24/7 supervision requires the juvenile be within "line of sight" by an adult aware of the juvenile's criminal charge(s)/adjudication it is a significant challenge for schools to enforce it. Concern was also expressed that if a juvenile requires this level of supervision in the community while on a SSODA, this juvenile may be a higher risk to the community than most SSODA candidates. Therefore the Board wants to ensure that all parties involved in the juvenile's case clearly understand the basis for the SSODA prompting them to expressly communicate with each other about an appropriate safety plan.

**Issue # 2:**

Whether WASPC should create a standardized form to be used statewide by law enforcement agencies when notifying a school about the imminent enrollment, transfer, or presence of a current student adjudicated or convicted of a registrable sex or kidnapping offense. Also, whether law enforcement should include a juvenile's fingerprints in its list of required information to provide to the school.

**Recommendation:**

When funded, Washington Association of Sheriffs and Police Chiefs (WASPC) should develop a standardized form to be used statewide by law enforcement agencies when notifying a school about the imminent enrollment, transfer, or presence of a current student adjudicated or convicted of a registrable sex or kidnapping offense.

The form should define what risk level I, II and III mean, i.e. low/moderate/high risk to reoffend against the community at large, etc. This only applies to youths required to register as a sex or kidnapping offender.

When a youth adjudicated or convicted of a registrable sex or kidnapping offense, either (1) enrolls or transfers to a school within or outside their school district, that juvenile must register with local enforcement where in the county where the school is located. If the student moves to a new location, but remains in the same school, the student must still register their new residence with the local enforcement.

Law enforcement is no longer required to provide the school with the student's fingerprints.

**Fiscal Impact:**

While the SOPB acknowledges that current economic conditions in Washington State may make the implementation of some recommendations cost-prohibitive, it believes it is necessary to present such recommendations to the legislature because of the value added to the sex offender management system created by these policies. These recommendations have been developed to reflect current research and best practices.



**Considerations:**

During the Reyes case review, it became clear that notification practices vary and schools do not always understand information provided in the notification forms. In a survey of law enforcement, it was established that while notification is routinely done, the information and method varies.

This recommendation is to ensure accurate, complete, and timely notification by law enforcement to schools regarding those students adjudicated or convicted of a registrable sex or kidnapping offenses that have just enrolled, transferred, or are currently attending a school in Washington State.

Providing the school fingerprints of the student adjudicated of or convicted of a sex or kidnapping offense is unnecessary and only creates confusion for the schools.

**Issue # 3:**

Whether the legislature should add school district superintendents back into the statute as those school personnel, law enforcement shall notify of the imminent enrollment, transfer, or presence of a current student adjudicated or convicted of a registrable sex or kidnapping offense?

**Recommendation:**

School districts as well as principals shall be provided notice from law enforcement about the imminent enrollment, transfer, or presence of a current student adjudicated or convicted of a registrable sex or kidnapping offense.

**Fiscal Impact:**

While the SOPB acknowledges that current economic conditions in Washington State may make the implementation of some recommendations cost-prohibitive, it believes it is necessary to present such recommendations to the legislature because of the value added to the sex offender management system created by these policies. These recommendations have been developed to reflect current research and best practices.

**Considerations:**

Prior to 2006, when notifying schools, the statute required law enforcement only notify superintendents when a student adjudicated of a registrable sex or kidnapping offense enrolled, transferred from another school, or currently attended school.

After 2006, the Legislature replaced notification to superintendents to notification of school principal(s). The purpose of this was to ensure that the head of the school closest to the youth would have the information regarding his or her adjudication of a sex or kidnapping offense. The principal was in a better position to determine what or other professionals in the school should be aware of this information.

In speaking with both the Seattle school district and OSPI, it is clear that it is important and necessary that law enforcement notify both the superintendent of the school district and the individual school's principal. A change in principle can lead to a breakdown in the communication about the presence of a student adjudicated of a sex offense. Further, the Board found that because school districts as well as the individual schools have policies on how to manage youths adjudicated of a sex or kidnapping offense, both parties need to know about the student's current status. While individual schools may operate separately from their district in certain

situations, some school districts prefer to implement consistent district wide public safety policies and procedures.

**Issue #4:**

- (a) When a student adjudicated of a registrable sex or kidnapping offense moves or transfers to a new school district or a new school within his or her current school district, should law enforcement notify the new school district's superintendent and the school's principal, and if the student just transfers to a new school within the same school district, should law enforcement notify that school's principal?
- (b) When law enforcement changes the risk level classification of a student adjudicated or convicted of a sex or kidnapping offense, shall law enforcement notify the superintendent of that student's school district as well as the principal of the student's individual school?

**Recommendation:**

4(a) When a student adjudicated or convicted of a registrable sex or kidnapping offense moves or transfers to a new school district or a new school within his or her current school district, the student must notify law enforcement of this change. Law enforcement shall then notify the new school district's superintendent and the school's principal, or if the student just transfers to a new school within the same school district, law enforcement shall notify that school's principal, that a student adjudicated or convicted of a registrable sex or kidnapping offense currently attends the new school.

4(b) When law enforcement changes the risk level classification of a student adjudicated or convicted of a sex or kidnapping offense, law enforcement shall notify the superintendent of that student's school district as well as the principal of the student's individual school of the risk level change.

**Fiscal Impact:**

There is no fiscal request associated with this recommendation. However, it will require a statutory amendment.

**Current Law:**

Current statute requires law enforcement notify the school principal when a student adjudicated of a registrable sex or kidnapping offense enrolls in a new school in a new district. However, the statute is silent as to whether law enforcement should notify a school when the student enrolls or transfers to a new school within the same school district.

Also, there is no requirement that law enforcement notify a student's school district or principal when a law enforcement agency changes the student's risk level.

**Considerations:**

Because students periodically change schools and school districts, these new schools and school districts must receive notice that if the new student has been adjudicated of a registrable sex or kidnapping offense. This is absolutely necessary so schools can develop a safety plan for that student as soon as possible or continue the previous school's safety plan.

Further, if a law enforcement agency aggravates or mitigates a juvenile's risk level, the current school and school district must be notified of this change. The change in level will likely require the school to update the student's safety plan. Also, when a student's level is increased from a level one to a level two, the public notification consequences are much more significant. Working with the school personnel, treatment provider, probation counselor and family to prepare the student for this shift is critical.

**Issue # 5:**

Whether the model policy shall be amended requiring law enforcement notify juvenile probation, parole, or community corrections when the law enforcement agency changes the risk level of a juvenile adjudicated or convicted of a registrable sex or kidnapping offense.

**Recommendation:**

Amend model policy to include such language as law enforcement should notify juvenile probation, parole, or community corrections when the law enforcement agency changes the risk level of a juvenile adjudicated or convicted of a registrable sex or kidnapping offense, when juvenile is under supervision.

**Fiscal Impact:**

There is no fiscal request associated with this recommendation. However, if law enforcement uses the standardized notification form recommended earlier by the Board, WASPC must be funded to do so.

**Considerations:**

When local law enforcement reviews the level of a juvenile adjudicated of a sex offense and may change it, it is unclear how or if notification is always done, as it is a change post the initial assessment.

Because it is critical for juvenile probation, parole, or community corrections to have this information, law enforcement should create a uniform policy when reviewing and possible changing a juvenile's risk level.

Further, this may encourage the law enforcement agency to seek input from the parties about the juvenile's background and current progress when determining whether the risk level should be changed.

**Issue # 6:**

Whether certain information regarding juveniles who have been adjudicated or convicted of a sex or kidnapping offense and safety issues shall be distributed to parents, the public and school staff.

**Recommendation:**

Parents, the public and school staff should contact the appropriate law enforcement personnel if they have any questions regarding a particular juvenile adjudicated or convicted of a registrable sex offense, including a general explanation of risk level classification (not the specific reasons underlying a particular student's risk level). Law enforcement is encouraged to include the above recommended statement in their written notification to schools.

**Fiscal Impact:**

The only fiscal impact is modifying the school notification forms provided by law enforcement.

**Considerations:**

Distribution of information regarding specific juveniles who have been adjudicated or convicted of a registrable sex offense must be managed carefully for the safety and well being of all concerned. Schools and the public do not uniformly understand levels, risk, or behaviors included in various sex offenses.

Further, schools should not be placed in a position to determine what information they can disclose to parents, and the public about a particular student adjudicated or convicted of a registrable sex offense. Law enforcement has the appropriate expertise to respond to questions from the public about registered sex offenders.

**Issue # 7:**

Whether schools should be required to adopt a safety policy, related to students adjudicated or convicted of a registrable sex offense that are entering or returning to school.

**Recommendation:**

All schools shall be statutorily required to have policy and procedures in place requiring them to develop and implement policies and procedures regarding students who have been adjudicated or convicted of a registrable sex offense and the provision of a safe learning environment for all students.

**Fiscal Impact:**

There is no fiscal request associated with this recommendation. However, it will require a statutory amendment.

**Current Law/Considerations:**

In 2007, at the direction of the State Legislature, OSPI drafted a model school policy on sex offender notifications and a clear process to follow when notifications from local law enforcement are received by principals.<sup>4</sup> OSPI assembled a workgroup to develop this model policy with the goal of clarifying to schools how best to address juvenile sex offender notifications so that the offender, fellow students and the surrounding community is safe. This workgroup, known as the 6580 Workgroup, completed one of the recommendations of House Bill 2101 Task Force in the 2005 Legislative Session, with the need to create a statewide model school policy on sex offender notifications and a clear process to follow when notifications from local law enforcement are received by principals. HB 2101 was an act relating to registration of juvenile sex/kidnapping offenders in schools, notification to schools, and the dissemination of information within the schools.

The 6580 task force was comprised of a multidisciplinary group of experts and stakeholders from education practitioners, law enforcement, corrections, juvenile justice, sex offender specialists, and both child and victim advocacy groups. (See 2006 OSPI Report to the Legislature on ESSB 6580.) They discovered a number of findings regarding juveniles who commit sex offenses and how to further the safety of fellow students, teachers, school staff, and the surrounding community. (See

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<sup>4</sup> See RCW 9A.44.130 for additional information on the duty of law enforcement to notify school principals when a student is attending or expected to attend a particular school.



Executive Summary of 2006 OSPI Report) They then identified key recommendations for the legislature. (See 2006 Executive Summary of OSPI Report.)

What they found was juvenile sex offenders and kidnapping offenders both on and off probation attend public schools throughout the state of Washington. This results in a critical need for information training as support for administrators, teachers, and school staff so they can provide a safe school environment for all. Arming staff with a well-defined training curriculum will help reduce concerns, dispel myths, clarify needs, and give staff additional tools to manage offenders and provide all students and staff with a safer school environment.

The above findings and research is still relevant today.

**Issue # 8:**

ESRC currently assesses and assigns risk levels to youth adjudicated of a registrable sex offense who go through JRA. The current issue is whether ESRC should also assign the initial risk level to those offenders who wither receive a SSODA or a local sanctions' sentence; or just those who receive a SSODA.

**Recommendation #1:**

The Department of Corrections End of Sentence Review Committee will assign the initial risk level classification for all juveniles required to register as a sex offender who go through JRA and those who receive a SSODA; or

**Recommendation #2:**

The Department of Corrections End of Sentence Review Committee will assign the initial risk level classification for all juveniles required to register as a sex offender who go through JRA, receive local sanctions or a SSODA.

**Fiscal Impact:**

While the SOPB acknowledges that current economic conditions in Washington State may make the implementation of some recommendations cost-prohibitive, it believes it is necessary to present such recommendations to the legislature because of the value added to the sex offender management system created by these policies. These recommendations have been developed to reflect current research and best practices.

**Considerations:**

The End of Sentence Review Committee (ESRC) assesses and assigns risk levels for all juvenile adjudicated of a sex offense released from Juvenile Rehabilitation Administration (JRA). However, juveniles who receive a SSODA or a local sanctions' sentence are leveled by local law enforcement. Because of the complexity of assessing the risk of youths who sexually offend, the concluded that ESRC should assign the initial risk level these juveniles.

The difficulty in assessing these youth stems from the lack of a Washington State validated tool for juveniles; special expertise necessary to assess a juvenile; resources involved in training law enforcement across the state in how to apply adult and juvenile risk assessment tools; and the need to assess these youth quickly and early

on. The juvenile risk level factors rapidly change due to their on-going cognitive and social development.

Implementation of this recommendation would require a statutory amendment to RCW 72.09.345.

# **Appendix A**

## **Brief Summary and Timeline of Events in the Jose Reyes Case**

- **7/20/07** – King County Prosecutor’s Office Juvenile Division files charges against Jose Raphael Reyes. The following are the alleged offenses and their incident dates:
  - 1.25.07 Child Molestation in the First Degree (Count 1) and Luring (Count 2)
  - 4.20.07 Luring (Count 3)
  - 5.07.07 Luring (Count 4)
- **8/03/07** – Reyes is arraigned and enters pleas of not guilty on all four counts. As part of his conditions of release Reyes must be supervised 24 hours a day/7 days a week. 24/7 supervision requires that Reyes be in the line of sight of an adult who is aware of his charges and conditions of release at all times. This is a standard pre-disposition condition of release for juveniles charged with a sex offense.
- **8/09/07** – The pre-disposition assigned Juvenile Probation Counselor (JPC) discussed the conditions of release with Reyes sexual deviancy treatment provider, Mr. Robert Hirsch. Reyes parents hired Mr. Hirsch to treat Jose sometime between the alleged offense incident dates and his arraignment. Neither the court, nor probation required Reyes to undergo treatment prior to his disposition. Further Mr. Hirsch is not a provider approved by probation or the State.
- **8/23/07** – The JPC reviews Reyes conditions of release with Roosevelt High School Vice-Principal B. Vance.
- **12/04/07** – Reyes undergoes a psychosexual evaluation performed by Mr. Knoepfler, a state certified sexual deviancy treatment provider. The purpose of this is to see if he is a good candidate for a SSODA.
- **1/16/08** – Psychosexual examination completed.
- **4/07/08** – King County Prosecuting Attorney’s Office and Reyes defense attorney reach a plea agreement. In exchange for a plea to an amended charge of one count of Indecent Liberties with Forcible Compulsion and agreement to a suspended manifest injustice upwards sentence of 65 weeks at a Juvenile Rehabilitation facility, the State agreed to recommend that the Court order a Special Sex Offender Dispositional Alternative (SSODA) sentence. It is important to note that this plea agreement was developed based on a number of factors. They are as follows:
  1. Reyes had no prior criminal history.
  2. Reyes had strong family support.
  3. Reyes was amenable to treatment.
  4. There were possible evidentiary issues. Sex offense cases are very complicated, especially those involving minor alleged victims.

5. Indecent Liberties with Forcible Compulsion is the same felony class level as Attempted Child Molestation in the First Degree. Both are sex offenses.
6. Luring is not a sex offense; it only carries local sanction time (0-30 days) per count to be served in a local juvenile detention facility.
7. Indecent Liberties with Forcible Compulsion carries two to three years of JRA parole supervision; Attempted CM 1 and Luring do not carry JRA parole.
8. Like Att. CM 1, Indecent Liberties with Forcible Compulsion triples in score for any future sex offense conviction.
9. If Reyes pled guilty as originally charged, his range would have been 15-48 weeks to be served in a JRA facility. Pleading guilty to the amended charge of an agreed manifest injustice sentence upwards 65 weeks was 17 weeks longer than the high end of the original charge, and because it was agreed by both parties, it was more likely to be ordered by the Court.
10. 65 weeks provided a strong incentive for Reyes to comply with the SSODA.

- **5/13/08** - JPC met with Asst. Principal at Roosevelt HS. JPC updated the Asst. Principal on status of Reyes case
- **6/18/08** – Plea & Disposition Hearing at King County Juvenile Court. Court ordered a SSODA with a 65 week MI upwards sentence suspended on condition Reyes comply with the SSODA conditions. Mr. Knoepfler indicated in his assessment of Reyes that there was a case for both sending Reyes to JRA, as well as providing him treatment and supervision in the community. In the event that the Court ordered a SSODA, Mr. Knoepfler recommended that the Court require continued 24/7 supervision. The JPC recommended the standard range of 15-36 weeks to be served at JRA.
- **6/18/08** – JPC transfers case to post-disposition supervision probation department, where a JPC is assigned.
- **6/19/08** – King County Sheriff's Office KCSO sends information on Reyes to Washington State Patrol. KCSO forms do not indicate what level of risk Reyes has been assigned. WSP registers him as "Unclassified". When a registered sex offender (RSO) is "Unclassified", the assigned level defaults to a level one.
- **6/19/08** – JPC sends notice to Roosevelt High School regarding Reyes RSO status.
- **6/19/08** – KCSO sends notice to Asst. Principal Vance explaining Reyes requirement to register as sex offender, including underlying criminal charge.
- **6/30/08** – New JPC and Reyes meet for the first time.
- **7/08 – 5/09** – JPC Contacts with Reyes, Family and Treatment Provider:

- two face-to-face contacts with Jose per month;
  - four telephone contacts with Jose per month;
  - one telephone or face – to - face contact with Jose’s treatment provider per month;
  - two telephone contact with parent(s) per month
- **7/23/08** – Reyes begins court-ordered treatment.
  - **9/10/08** – School begins 2008/09 school year. JPC meets with school counselor about Reyes.
  - **11/08 through 11/09** – JPC meets with school secretary in the school counseling office approximately once per month. School secretary reports no behavior issues or attendance issues during this period of time.
  - **3/03/09** – After completing polygraph (as part of treatment), Jose admits to viewing an “R” rated movie. This is a violation of his supervision. Consequently, JPC and treatment provider review conditions of release with Jose, and discuss and clarify the condition barring him from watching “R” rated films.
  - **11/09** – Reyes and family move from Seattle to City of Kent. Reyes remains at Roosevelt HS.
  - **11/09** – When Reyes moves, he notifies Kent Police Department in-person of address change.
  - **11/09** – Kent aggravates Reyes risk assessment level from a one to a two. Because of level increase from a level one to a level two, Kent PD sends out public notification bulletin; this includes a photo of Reyes. The level increase now requires KCSO to post him on the sex offender website. Kent PD increases his level based on the following:
    - When Reyes notifies Kent PD of his address change, Kent PD checks the KCSO daily RSO roster for Jose’s level. He is listed as a Level One.
    - Kent then checks with WSP who has him listed as “unclassified/level one”. Kent PD requests Reyes file from KCSO.
    - Kent PD fills out the MN-SOSTR (sex offender risk assessment tool) scoring form. It appears materials used to complete the scoring form included Reyes psychosexual evaluation from January 2008 and other materials pre-dating July 2008 disposition. Scoring form places Reyes in the Level 2 range.
  - **11/09** – Kent emails JPC about Reyes new level.
  - **12/07/09** – Court hearing of to review Reyes’ progress on his SSODA. Reyes deemed in compliance. Court and JPC begin step-down process. Court eliminates 24/7 supervision requirement. (18 months after disposition)
  - **2/09/10** – WSP receives 11/09 change of address form from ....
  - **4/27/10** – Jose accused of stealing a zip-drive from a girl at school and downloading adult pornography onto the zip-drive at school. On May 3, 2010,

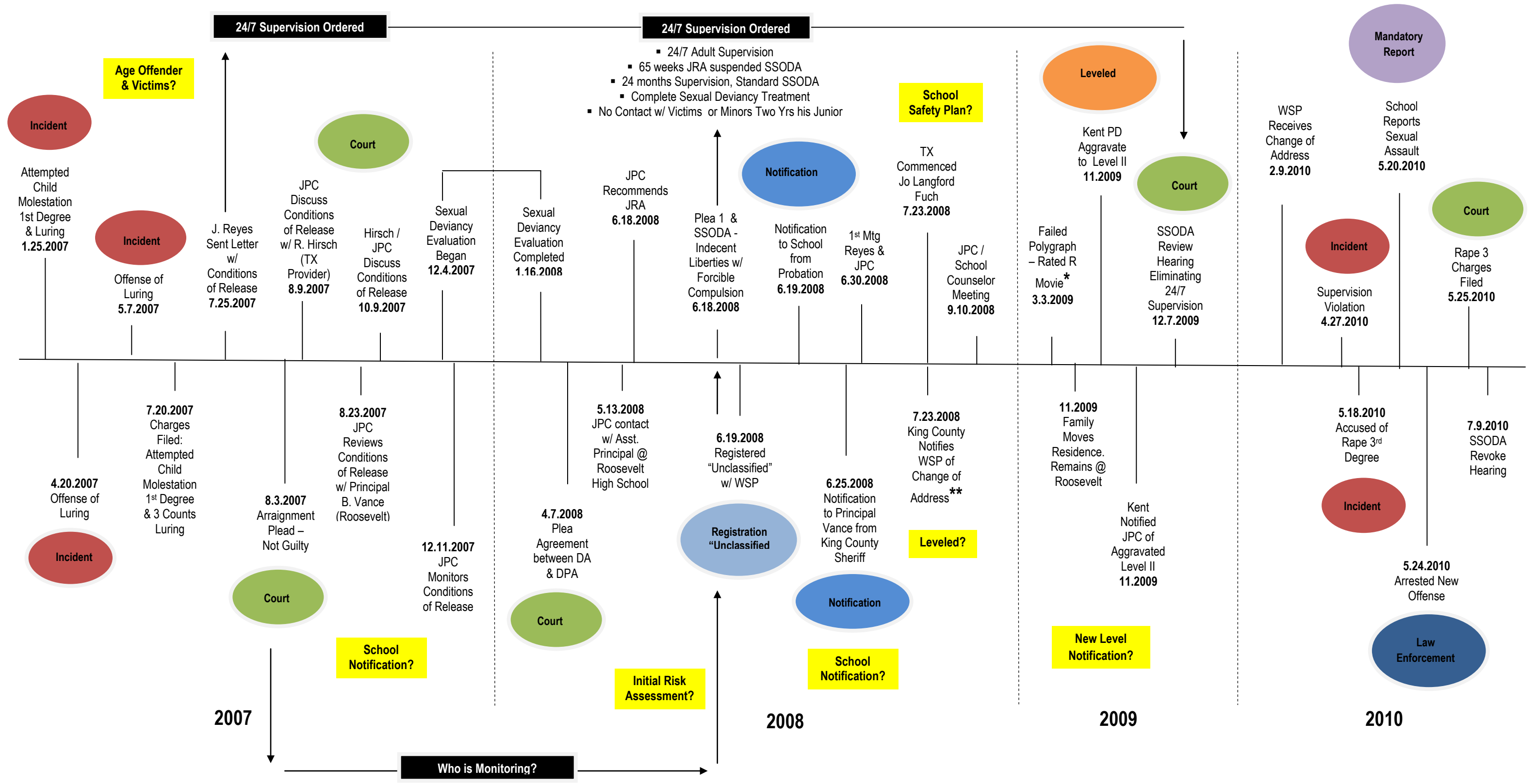
JPC sets a Modification Hearing at Juvenile Court for 5/24/10 to address new violation.

- **5/18/10** – Sexual assault incident against student at Roosevelt HS allegedly takes place.
- **5/20/10** – School reports alleged incident.
- **5/24/10** – KCPA Office files one count of Rape in the Third Degree against Reyes in adult court. (Reyes is over 18 y.o. old at this point.)
- **7/09/10** – Juvenile Court revokes Reyes SSODA.



## Appendix B

# J. Reyes Case Review Timeline



\*J. Reyes found to be deceptive, then revealed he watched R-rated movie.  
 \*\*Clerical Address Change