

WASHINGTON STATE SEX OFFENDER POLICY BOARD

— Report —

JEREMIAH C. THOMPSON CASE REVIEW

October 5, 2012

**EXECUTIVE SUMMARY**

On May 1, 2012, Senators Hargrove and Stevens, through Governor Gregoire’s Office of Financial Management, requested the Sex Offender Policy Board (SOPB) convene to conduct a case review, as authorized under the provisions of RCW 9.94A.8673. Specifically, the SOPB was asked to:

1. Review the case of Jeremiah Thompson, registered sex offender in Clark County;
2. Consider the effectiveness of Washington's policies related to juvenile sex offenders and school notification; and
3. Make recommendations for consideration during the 2013 legislative session.

The SOPB received additional direction to “confer with the Office of Superintendent of Public Instruction (OSPI) with respect to educational matters, and in addition, the Board shall review the current status of federal privacy provisions and ensure that its recommendations comply.” The SOPB assembled a case review team, through letters of invitation on May 10, 2012. The following members were invited to be part of the case review committee:

- Bev Emery**, *Office of Crime Victims Advocacy / Chair, Case Review Committee*
- Dawn Larsen**, *WA Association of Sheriffs and Police Chiefs*
- Brad Meryhew**, *WA Association of Defense Attorneys*
- Judge Laura Middaugh**, *Superior Court Judges Association*
- Andrea Piper-Wentland**, *WA Coalition of Sexual Assault Programs*
- Kecia Rongen**, *Juvenile Rehabilitation Administration, DSHS*
- Maureen Saylor**, *WA Association for the Treatment of Sexual Abusers*
- Kathleen Sande**, *Office of Superintendent of Public Instruction*
- Amy Pearson**, *Office of Crime Victims Advocacy / Staff to the Case Review Cmte*

The Case Review Committee (hereafter referred to as the Committee), held the first meeting on June 18, 2012. This initial information gathering meeting included professionals involved in the Jeremiah Thompson case in the Clark County, WA community where these events occurred. Also included were representatives of organizations with an applicable role in the sex offender management system. The related organizational representatives included:

- Superintendent, Battle Ground School District
- Principal, Prairie High School
- Office of Superintendent of Public Instruction

	<p>Clark County Juvenile Probation  Clark County Juvenile Court  Washington State Parent Teacher Association  Legislative Committee Staff</p> <p>The purpose of the first meeting was to review all the relevant documents obtained and familiarize Committee members with the incidents that lead to the case review request. Once the information was presented, Committee members were able to ask questions and speak directly with those with first-hand knowledge of the case. Additional requests for information from committee members were noted for follow up.</p> <p>Due to the attention garnered on behalf of parents related to the community notification of registered sex offenders, the Washington State Parent Teacher Association was invited and a representative attended and participated. At issue, and the impetus for the case review, was local parental outcry over the limited scope of community notification of Thompson’s attendance at Prairie High School. (RCW 9A.44.138).</p> <p>The Committee met in July, August, and September to review materials, discuss and understand events, review pertinent aspects of the sex offender management system, and formulate any findings and/or recommendations for future legislative review.</p>
<p><b>INTRODUCTION  TIMELINE</b></p>	<p>Jeremiah was charged , during the period of 2006 – 2009, with:</p> <ul style="list-style-type: none"> <li>▪ Theft 1 (2006 – age 13)</li> <li>▪ Child Molestation 1 amended to Communication with a Minor for Immoral Purposes (2009 – age 16)</li> <li>▪ Assault IV (2009 – age 16)</li> <li>▪ Marijuana Possession (2009 – age 16)</li> <li>▪ Malicious Mischief (2009 – age 16)</li> <li>▪ Rape 2 amended to Assault IV (2009 – age 16)</li> </ul> <p>Jeremiah was adjudicated on:</p> <ul style="list-style-type: none"> <li>▪ September 25, 2006, for Theft 1</li> <li>▪ May 21, 2009, for Malicious Mischief, Marijuana Possession and Assault IV</li> <li>▪ February 17, 2010, for Communication with Minor for Immoral Purposes and Assault IV</li> </ul> <p>Jeremiah was detained to:</p> <ul style="list-style-type: none"> <li>▪ Juvenile Rehabilitation Administration’s Maple Lane for a period of 52 weeks for the crimes of Assault IV and Communication with A Minor for Immoral Purposes. Jeremiah was at Maple Lane from</li> </ul>

	<p>February 25, 2010, to August 17, 2010, based on time already served. While in detention, Jeremiah entered sex offense specific treatment as well as Aggression Replacement Training. Jeremiah was leveled as:</p> <ul style="list-style-type: none"> <li>▪ The End of Sentence Review Committee assessed Jeremiah as a Level III juvenile sex offender but mitigated the level based on “familial or known sex offense victims.” The final level determination was as a Level II sex offender.</li> </ul> <p>Jeremiah registered and was monitored:</p> <ul style="list-style-type: none"> <li>▪ Jeremiah registered as a sex offender with the Clark County Sheriff’s Office on September 8, 2010, as required by RCW 9A.44.130.</li> <li>▪ Law Enforcement conducted at least five (5) address verifications between November 11, 2010, and April 13, 2012, also in compliance with RCW 9A.44.135.</li> <li>▪ Clark County Sheriff’s Office notified the school, based on RCW 9A.44.138, Jeremiah alleged to have committed a new offense:</li> <li>▪ A sexual assault was reported on April 12, 2012 (age 19), against Jeremiah in which it was alleged he had sexual intercourse with a young girl 14 years of age. As a result of this sexual assault report, Jeremiah was charged with Rape of a Child III. The case is currently pending in Clark County Superior Court.</li> </ul> <p>Prairie High School Parental Involvement:</p> <ul style="list-style-type: none"> <li>▪ The parents of students attending Prairie High School, where Jeremiah was a student, were vocal in demanding to know information regarding all sex offenders in the school and asserting the school itself should have provided more notice and information regarding known sex offenders in the school. This, along with initial media attention, brought this case to the forefront and again raised many of the same issues and concerns brought to light in the 2010 Jose Reyes Case Review.</li> </ul>
<p><b>LESSONS LEARNED / REYES CASE REVIEW RECOMMENDATIONS</b></p>	<p>Once the SOPB was asked to review the Jeremiah Thompson case, the Committee began with a review of the Jose Reyes Case Review recommendations and subsequent legislative and agency actions. Given that both cases involved juveniles who sexually offend, schools, community notification, and the responses of the entire sex offender management system, the Committee felt it was important to review the prior recommendations and ascertain the responsiveness of the sex offender management system to these recommendations and the lessons learned.</p>

**REYES  
RECOMMENDATIONS**

Since the release of the Jose Reyes Case Review Report in December 2010, several of the recommendations have been enacted, either through legislation or agency action. The enacted recommendations are:

- When funded, WASPC should create a standard form to be used by law enforcement for notification purposes. (Standard form is being developed by WASPC)
- School districts and principals shall be notified by law enforcement of a juvenile offender student. (RCW 9A.44.138)
- Law enforcement shall provide notice to the school when a student moves or transfers to a new school within the district; when a student changes schools but residence is the same; and when law enforcement changes the risk level. (RCW 9A.44.138)
- Parents, public and school staff should contact law enforcement agency for any information regarding a particular juvenile adjudicated of a registerable sex offense. (WASPC Model Policy) The 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 a SSODA, or receive a local sanction. (RCW 72.09.345)

As noted above, the Jose Reyes Case Review Committee recommended that people should contact local law enforcement for information on a specific sex offender. This has since been incorporated into the WASPC Model Policy and is being implemented.

The Thompson Case Review Committee affirms the original recommendation which has become the practice. The Committee reiterates that schools are notified by law enforcement and schools do not broadly notify parents or the community, out of safety concerns. Parents who wish additional information can use the public website or seek additional information about a specific sex offender from the local law enforcement agency.

**THOMPSON FINDINGS**

The following is a synopsis of findings and recommendations as a result of the Jeremiah Thompson Case Review.

After a careful review of hundreds of documents, discussions with parties involved, input from a number of individuals and agency representatives, there were a number of policies and processes that worked well within Washington’s sex offender management system. The Committee asserts these are important to recognize, as well as to make recommendations in an effort to strive for continuous improvement.

<b>FINDING 1</b>	The Clark County Sheriff's Office properly notified appropriate school district and school personnel of Thompson's risk level classification, in keeping with RCW 9A.44.138. For Level II sex offenders, further notification is at the discretion of law enforcement. Information was also posted on the public Offender Watch website which is linked to the Sheriff's Office website or <a href="http://www.sheriffalerts.com">www.sheriffalerts.com</a> .
<b>FINDING 2</b>	Thompson received services through Clark County Juvenile Court "Connections," after his 2010 release from Maple Lane. "Connections" is a program for the delivery of juvenile justice and behavioral health services to youth on community supervision. The "Connections" program is a strength-based, family centered community program designed to deter program participants from continued criminal activity and stabilize the youth in the community using wraparound. Multiple systems provide services as a part of the wraparound, including mental health, drug and alcohol, and educational/vocational.
<b>FINDING 3</b>	Upon release from Maple Lane, Thompson registered with the Clark County Sheriff's Office as a sex offender within the prescribed timeframe, as required by RCW 9A.44.130.
<b>FINDING 4</b>	On August 8, 2010, DSHS notified the Clark County Sheriff's Office of level II sex offender Jeremiah Thompson's impending release from the Maple Lane facility, as required by RCW 9A.44.130.
<b>FINDING 5</b>	Law enforcement address verification occurred as required during 2010 - 2012. Upon Thompson's registration as a sex offender in Clark County, law enforcement verified the registration address on file and confirmed Thompson was living where he registered as living, based on RCW 9A.44.135.
<b>FINDING 6</b>	Thompson presented with several high risk factors that were taken into consideration when leveled by the End of Sentence Review Committee. Present research and best practice allows professionals to identify high risk offenders, which was further validated throughout the Thompson case. Furthermore, the sex offender management system can identify those offenders as high risk to public safety, but once identified, this knowledge needs to be paired with community services and be responsive to evidence of high risk behaviors.

<p><b>FINDING 7</b></p>	<p>The WASPC Model Policy recommends best practice procedures for law enforcement working within the sex offender management system. The Model Policy specifically identifies actions law enforcement can and should take when working with schools and building relationships with the community through registration and community notification of sex offenders. The Committee found the Model Policy to be an integral part of the sex offender management system, and fully supports the continued use of this tool, assuring it is updated and improved appropriately, and the guidelines contained within it are sound and helpful to all communities.</p>
<p><b>FINDING 8</b></p>	<p>Despite the initial incendiary media attention in the Thompson case, to the issue of community notification and the assertion of parents that the school has an obligation to notify them of all juvenile sex offenders in school, the school and the community media responded well to the subsequent parental/community outcry regarding notification. The subsequent newspaper articles provided accurate information and educational material, demonstrating that media can play an important role in public safety and sex offender management.</p>
<p><b>FINDING 9</b></p>	<p>Jeremiah Thompson’s attempted rape of a family member on July 28, 2009, was initially charged as Rape 2. The charge was subsequently pled to Assault IV, which eliminated the possibility for 2-3 years of probation/parole for Thompson. The Committee finds that determining parole based on convicted offense, rather than risk, is highly problematic (RCW 13.40.210).</p>
<p><b>RECOMMENDATION 1</b></p>	<p><b>RISK TO COMMUNITY AND THE NEED FOR SERVICES, NOT JUST THE CRIME OF CONVICTION, SHOULD BE TAKEN INTO CONSIDERATION FOR DETERMINING WHEN PAROLE SHOULD BE IMPOSED.</b></p>
<p><b>FINDING 10</b></p>	<p>Thompson’s current charge of Rape of a Child III (April 12, 2012), took place outside of the school. They met at a mall and went to his home. Neither the school nor the school district could have prevented what occurred.</p>
<p><b>FINDING 11</b></p>	<p>The school received the required notice from law enforcement about this specific (Jeremiah Thompson) registered sex offender. The Principal transferred responsibility of “monitoring” this sex offender in the school to the special education teacher, which resulted in all the school’s actions being framed in terms of special education and the Individual Education Plan.</p>

<p><b>RECOMMENDATION 2</b></p>	<p><b>THE SCHOOL PRINCIPAL MAINTAIN AUTHORITY AND PROVIDE AN OVERSIGHT ROLE.</b></p> <p>BEST PRACTICE AND OSPI MODEL POLICY ON RELEASE OF INFORMATION CONCERNING STUDENT SEXUAL AND KIDNAPPING OFFENDERS HAS THE PRINCIPAL MAINTAINING RESPONSIBILITY FOR MANAGEMENT OF SEX OFFENDERS AND ALL STUDENTS' SAFETY IN SCHOOL. IT IS APPROPRIATE FOR THE PRINCIPAL TO SHARE INFORMATION WITH THOSE WHO NEED TO KNOW.</p>
<p><b>FINDING 12</b></p> <p><b>RECOMMENDATION 3</b></p> <p><b>RECOMMENDATION 4</b></p>	<p>It is clear school administrators need more information, more understanding, and more training regarding juvenile sex offenders. This training should also include the sex offender management system, including risks and levels. Risk managers should be involved in the development of OSPI plans and policies.</p> <p><b>IN THE STATE'S CONTINUOUS EFFORTS TO ESTABLISH AND MAINTAIN CONSISTENT PRACTICE, WE RECOMMEND THE DEVELOPMENT AND AVAILABILITY OF TRAINING FOR SCHOOL PERSONNEL, REGARDING JUVENILE SEX OFFENDERS, INCLUDING THE SEX OFFENDER MANAGEMENT SYSTEM, RISK, AND OFFENDER LEVELS.</b></p> <p><b>REQUIRE SCHOOL DISTRICTS TO ADOPT A SEX OFFENDER MANAGEMENT POLICY BASED ON THE OSPI MODEL POLICY AND POST THE POLICY ON THE OSPI WEBSITE BY A DATE CERTAIN.</b></p>
<p><b>FINDING 13</b></p> <p><b>RECOMMENDATION 5</b></p>	<p>In the Thompson case, community notification of a Level II juvenile sex offender was limited. The Committee believes any broader notification would not have prevented this event and would not have served any public safety goal. A growing body of evidence indicates sex offender community notification may not increase community safety. This research further suggests that the collateral consequences of juvenile sex offender community notification may outweigh the benefits of community notification.</p> <p><b>THE COMMITTEE RECOMMENDS FURTHER STUDY ON THE EFFECTIVENESS OF NOTIFICATION AND REGISTRATION OF JUVENILES WHO HAVE COMMITTED SEX OFFENSES.</b></p>
<p><b>FINDING 14</b></p>	<p>State law requires schools to provide special education to students up to age 20, resulting in schools comprised of students ranging from age 14-20. Many general population students reach age 18 during their senior year and are in schools in combination with 14 year old freshman students, some of whom enter into dating relationships with each other i.e., a senior dating a freshman. Many states are finding, including Washington, an increasing number of Rape of a Child 3 cases in which the facts of the case identify a senior and freshman in a dating relationship, subsequently leading to what some consider consensual sexual relations.</p>

	<p>While making no judgment about the wisdom or appropriateness of such relationships, the Committee does wish to raise the issue of the long-term, life altering consequences of these situations resulting in Rape of a Child 3 conviction.</p>
<p><b>SUMMARY</b></p>	<p>The Thompson case review process provided clear evidence that many aspects of Washington’s sex offender management system is working as intended and that the procedures in place provide some measure of public safety. However, specifically relating to juveniles who sexually offend and the inclusion of juvenile sex offenders in schools, there is room for improvement. The Committee and the full Sex Offender Policy Board encourages not only the careful development of legislation and adherence to those laws, but also that the research and experience gained over the past twenty years influence and form the basis of adjustments to the sex offender management system and the laws that form the foundation of the system.</p> <p>Specifically, this report calls for additional research and consideration of the value and effectiveness versus the consequences of community notification of juveniles who have committed sex offenses , making it a requirement that schools and principals be more aware of and actively engaged in managing juveniles who have committed sex offenses in school, developing and making available training for school personnel on juveniles who have committed sex offenses .</p>