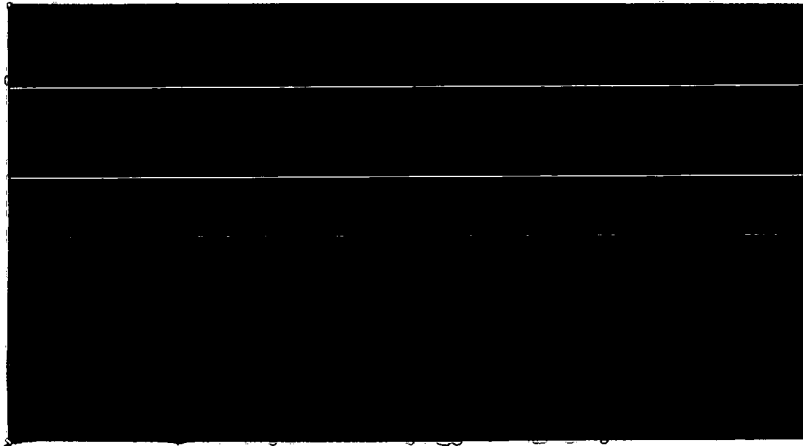


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**JUVENILE SEX OFFENDER REGISTRATION
IN WASHINGTON STATE: IMPLEMENTATION
AND INITIAL COMPLIANCE, 1991**

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with

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May 1991

OFFICE OF THE ATTORNEY GENERAL
JANUARY 1992 (MORSE)
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JUVENILE SEX OFFENDER REGISTRATION IN WASHINGTON STATE: IMPLEMENTATION AND INITIAL COMPLIANCE 1991

BACKGROUND

Both juvenile and adult sex offenders have been required to register in Washington State since the Community Protection Act was enacted in February of 1990 (RCW 9A.44.130). Adult sex offender registration was examined in a report published by the Institute earlier this year entitled "Adult Sex Offender Registration in Washington State: Initial Compliance 1990" (Felver with Lieb, 1991). Effectiveness of the law was discussed, and comparisons with registration rates in California were made.

SUMMARY

This study examines juvenile application of the law, implementation efforts to date, and identifies compliance rates, types of sentences, and selected demographic characteristics of juveniles required to register. Compliance is identified for juvenile sex offenders who:

1) have been adjudicated since the law (and released, if confined); and 2) were in custody at the time of the law and have since been released. Findings are current as of March 1991.

Findings indicate that during the first year of implementation:

- **Juvenile sex offenders who were released and/or newly adjudicated have registered at a higher rate (70 percent) than adult sex offenders who were released or sentenced after the law (60 percent). *Total juveniles (state and county)=214, Registered=150.***
- **Compliance for juveniles under state authority (Department of Social and Health Services, Division of Juvenile Rehabilitation) was higher than for juveniles under county authority (83 percent versus 50 percent compliance). *Number (state)=130, Registered=108. Number (county)=84, Registered=42.***
- **Of the juveniles under state authority, one-fourth (33 individuals) were adjudicated for Class A sex felonies and will be required to register for life. Three-fourths (96 individuals) were adjudicated for Class B felonies and will be required to register for 15 years following release (or adjudication, if granted a treatment alternative or placed on parole). Only one juvenile was adjudicated for a Class C felony offense, which carries a 10-year registration requirement.**

- **The average age upon release of juvenile sex offenders under state authority was 17, and ranged from 12 to 21 years;¹ 86 percent were 15 to 19 years old; 39 percent were 18 or older. Nearly all were male.**
- **Washington is one of the few states in the nation, if not the only state, that has imposed a statutory registration requirement on juvenile sex offenders.** In contrast to many states, Washington does not seal court records for all juveniles. Since 1986, court records of juveniles adjudicated for Class A felonies have not been sealed. The law was expanded with the Community Protection Act of 1990 to include court records of juveniles adjudicated for any type of sex offense (RCW 13.50.050(15)). Consequently, the state has the necessary information to identify these offenders and monitor their registration status when offenders leave the juvenile system.
- **Identifying juvenile sex offenders adjudicated and kept under county jurisdiction has been more difficult than for juveniles adjudicated and placed in state facilities because counties (unlike the state) were not required by law to transfer the names of individuals who have been adjudicated or released directly to the Washington State Patrol.** Thus, a central receiving point for the information has not been established.

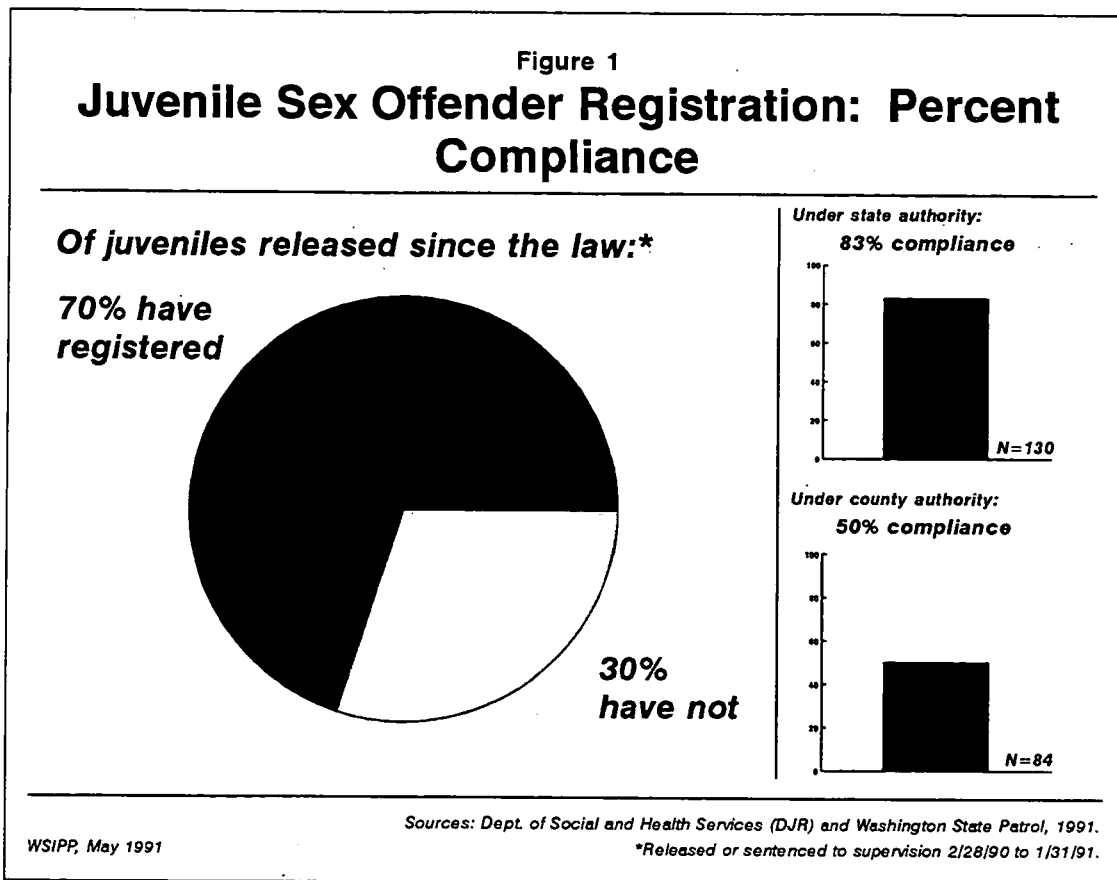
In addition, the very nature of the juvenile system makes monitoring of juvenile sex offenders more difficult than for adults. Juvenile courts in each of the 39 counties keep independent records. Even if a juvenile reaches the state system, gathering comprehensive case files on juvenile offenders can be difficult, especially if individuals have criminal histories in more than one county.

- **The registration requirement for juvenile sex offenders is basically the same as for adults, but decision-making regarding notification of release is different for juveniles.** Whereas the End of Sentence Review Committee reviews all adult sex offenders released under the authority of the Department of Corrections, this committee reviews juvenile sex offenders only if they meet the statutory criteria of a sexually violent predator as defined in the civil commitment law.² Local law enforcement is notified about the release of juvenile sex offenders deemed dangerous to the community by the Division of Juvenile Rehabilitation.

As in our previous study, findings in this report should be considered preliminary. We note again that penalties imposed on sex offenders who fail to register could change registration compliance, as could reports of negative citizen reaction when identified sex offenders move into neighborhoods. More experience with registration is needed to evaluate the long-term compliance of those affected by this law.

¹Juvenile offenders are defined as youth between the ages of 8 and 17 who have been found guilty of an offense which, if committed by an adult, would be a crime. A juvenile offender may also be between the ages of 18 and 21 if jurisdiction was extended by the juvenile court before the offender turned 18.

²As defined in the law: Sexually violent predator means "any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence." (RCW 71.09.020(1)).



THE JUVENILE STUDY GROUP

Registration compliance of sex offenders adjudicated under the juvenile system was identified. Three groups were affected by the law:

- 1) **Juvenile sex offenders who were released from Department of Social and Health Services' facilities since the Community Protection Law was passed (February 28, 1990).** This group represents the most serious group of juvenile sex offenders required to register. Compliance for this group was 83 percent. See Figure 1, above. *Total Number=130, Registered=108.*

Most of these offenders were adjudicated for sex crimes committed against children. One-fourth of the juvenile sex offenders (33 individuals) were adjudicated for sex crimes that carry a lifetime registration requirement (Class A felonies). Three-fourths (96 individuals) were required to register for 15 years (Class B). Specific adjudications and length of the registration requirement are shown in Figure 2. See page 4.

The average age of offenders under state authority upon release was 17 and ranged from 12 to 21 years (86 percent were 15 to 19; 39 percent were 18 or older). See Figure 3.

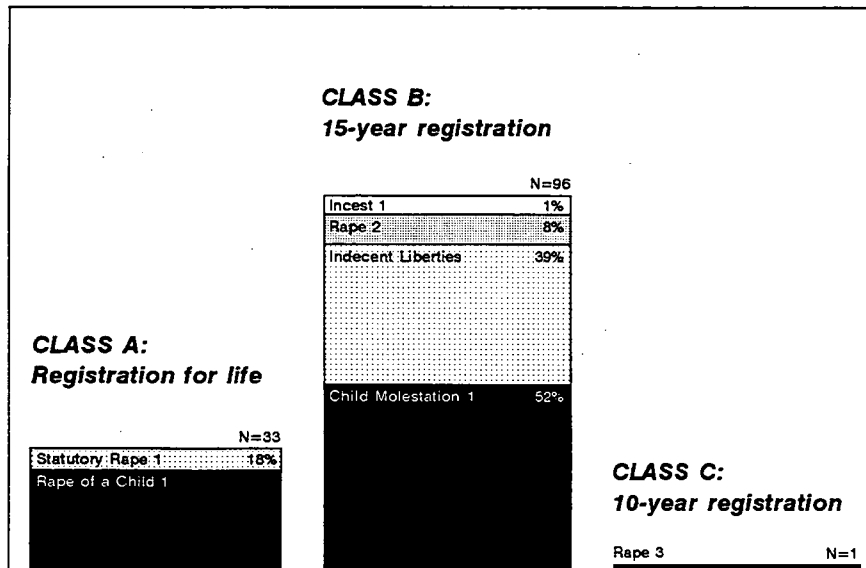
- 2) **Juvenile sex offenders who were released from or placed under county supervision since the law was passed.** Compliance for this group was 50 percent. See Figure 1. *Total Number=84, Registered=42.*

Type of offense and age profile were not available for juveniles under county authority.

- 3) **Juvenile sex offenders who were on parole when the law passed (retroactively required to register).** Names of juveniles who were on parole when the law went into effect were not recorded by the Division of Juvenile Rehabilitation (DJR) in a systematic way, and the size of this group is unclear. These juveniles were notified of the responsibility to register by their juvenile parole counselor and some were escorted to their sheriff's office to assure compliance. Because the individuals in this category are not known at this time, group compliance rates cannot be measured.

Figure 2

DJR Juveniles Required to Register: Type of Felony and Length of Requirement

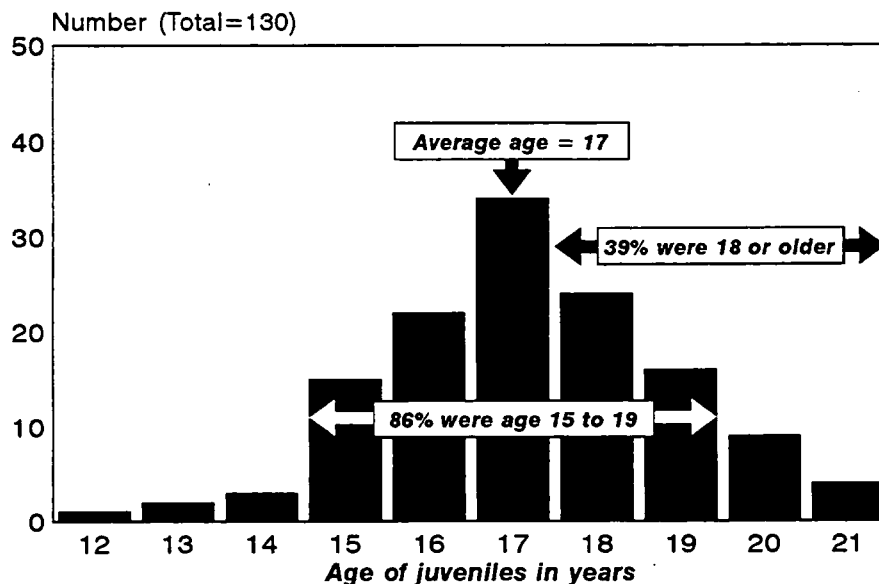


WSIPP, May 1991

Source: Department of Social and Health Services, Division of Juvenile Rehabilitation, 1991.

*Released from Division of Juvenile Rehabilitation 2/28/90 to 1/31/91.

Figure 3
Juveniles Under DJR Authority Required to Register: Age at Time of Release*



WSIPP, May 1991

Source: Dept. of Social and Health Services, Division of Juvenile Rehabilitation, 1991.
Released from Division of Juvenile Rehabilitation 2/28/90 to 1/31/91.

JUVENILE APPLICATION OF THE LAW

For Juveniles and Adults, the Same Criteria Apply

The requirement to register is essentially the same for juveniles and adults, and includes "Any adult or juvenile residing in this state who has been found to have committed or has been convicted of any sex offense..." (RCW 9A.44.130(1)). Registerable sex offenses are: rape (first, second, third degree); rape of a child (first, second, third degree); child molestation (first, second, third degree); sexual misconduct with a minor (first, second degree); indecent liberties; incest (first, second degree); communication with a minor for immoral purposes; and (under sentencing definitions prior to 1988) statutory rape (first, second, third degree).

Juvenile sex offenders, like adult sex offenders, have 30 days to register following release from confinement, and 45 days to register after moving to Washington State. When relocating, offenders are required to update their registration with the sheriff in their county of residence within 10 days of a move. And, as with adult offenders, the Washington State Patrol has the names of all juvenile sex offenders to assist local law enforcement officers in identifying offenders who have and have not complied with the registration law.

The 1991 Legislature passed a law (Substitute House Bill 1997) that, subject to funding of the state budget, will: 1) shorten deadlines for registration (in some cases immediately upon release), and 2) extend the requirement to all sex offenders who were under the jurisdiction of the Indeterminate Sentence Review Board at the time the law became effective. The same bill proposes to reduce the burden of proof for juveniles under the age of 15 who request waivers from the requirement. The current law allows waivers through the Superior Court if an offender can prove that future registration will not serve the purpose of the law (RCW 9A.44.140(2)).

PENALTIES FOR NON-COMPLIANCE AND THE DURATION OF REQUIREMENT

The Same for Juveniles and Adults

For both juveniles and adults, failure to register is classified as a Class C felony for persons convicted of a Class A felony sex offense; otherwise, the failure is a gross misdemeanor. And, as for adults, registration is for life if convicted of a Class A felony sex offense, 15 years if convicted of a Class B felony sex offense, and 10 years if convicted of a Class C felony sex offense, unless a court waiver can be obtained by the offender.

Rates of compliance for both adults and juveniles were found to be highest for the most serious groups of offenders--those released from state institutions--as opposed to those released from local jails or placed under community supervision. The variance may be due to the method of notification about the registration law, or to the higher penalty associated with failure to register for a Class A felony sex offense.

THE JUVENILE SYSTEM

Different from Its Adult Counterpart

In Washington State, the juvenile system has a relatively small number of sex offenders whose registration status must be monitored (approximately 250 individuals, state and county combined) compared to the adult corrections system (approximately 4,500 individuals). Because of this smaller population, and because there are fewer juvenile institutions, the supervising agency (DJR) is generally more aware of the individual profiles of juveniles within their system than is possible for the Department of Corrections. These advantages--plus the tendency for juvenile offenders, as dependents, to move less frequently than adult offenders--make juveniles easier to locate and supervise than adult offenders, and may contribute to the higher compliance rate among juveniles.

For all sex offenders under state authority who are adjudicated as juveniles, DJR is responsible for forwarding names to the Washington State Patrol so the status of offenders who both have and have not registered can be monitored. The State Patrol manually verifies the status of juveniles who have not registered; names of those who have registered are on the State Patrol's computerized database. County officials were not required by the legislation to forward to the State Patrol the names of juveniles adjudicated and kept under county jurisdiction. Thus, a direct

link does not exist to transfer the names of these offenders between the counties and the State Patrol.

The most serious adult offenders released from prison are screened by the End of Sentence Review Committee prior to their release.³ Special bulletins (Notification of Release) are issued on persons who are to be released and are deemed dangerous to the community upon their return. All adult sex offenders are screened by this process.

In contrast, juvenile sex offenders are screened internally by staff at the institution where the offender resides before release, and again at the state level by a DJR screening committee. If a juvenile offender is identified who could meet the statutory criteria for civil commitment, information about that juvenile is forwarded to the End of Sentence Review for potential referral to the prosecuting attorney. Rather than using the special bulletin process as for adults, names of juveniles about to be released who are deemed dangerous to the community are forwarded directly to local law enforcement from DJR.

To date, six juveniles have been considered for civil commitment through this process. One 19-year-old offender under probation for a sex offense committed as a juvenile is residing at the Special Commitment Center. He entered the program after a petition for commitment was filed by Snohomish County. This offender did not contest the petition.

THE WASHINGTON REGISTRATION LAW

The Only State Known to Register Juvenile Sex Offenders

All states known to register adult sex offenders were contacted and **none** had a statutory registration requirement for juveniles (Alabama, Arizona, Arkansas, California, Florida, Illinois, Nevada, North Carolina, Ohio, Oregon, Tennessee, Utah). Some agencies in other states, however, are apparently tracking juvenile sex offenders on a discretionary basis through child abuse registries, and other states may be registering sex offenders under 18 years through their adult system if the individual was tried as an adult for the crime.

The ability to register juveniles is possible in Washington because juvenile court records are not sealed for Class A felonies and sex offenses. In many states, the requirement to seal or destroy records prohibits juvenile registration as sex offenders because the process generally requires collecting certain pieces of confidential information, such as fingerprints.

³The End of Sentence Review Committee is a six-member interagency committee that reviews criminal history, institutional behavior, and other relevant information on offenders prior to their release from state institutions. Based on this review, recommendations are made to prosecuting attorneys for possible civil commitment, and/or to the Department of Corrections for the issuance of special bulletins. Agencies on the committee include the Department of Corrections, the Indeterminate Sentence Review Board, and the Department of Social and Health Services.

METHODS

Data for this analysis was obtained from DJR within the Department of Social and Health Services, the Washington State Patrol, and Office of the Administrator for the Courts.

The Office of the Administrator for the Courts supplied the names of all persons age 18 or under who, since the law, have been found guilty of sex offenses. Names of juveniles under state authority, received from DJR, were removed from this list to identify those under county authority (those remaining). The registration status of the remaining juveniles (under county authority) was verified by cross-matching these names against a Washington State Patrol master printout of registered sex offenders dated March 21, 1991.

The registration status of sex offenders under state authority was calculated by cross-matching names obtained from summary reports maintained within DJR with the March 21, 1991, Washington State Patrol master printout. It was necessary to secure these names separately because information about commitments served by juveniles under state versus county authority are not systematically linked; thus, these names would not have appeared on the listing supplied by the Office of the Administrator for the Courts. Ages and types of felonies for sex offenders under state authority were also obtained from the summary reports supplied by DJR. Corresponding information was not available for juvenile sex offenders under county authority.

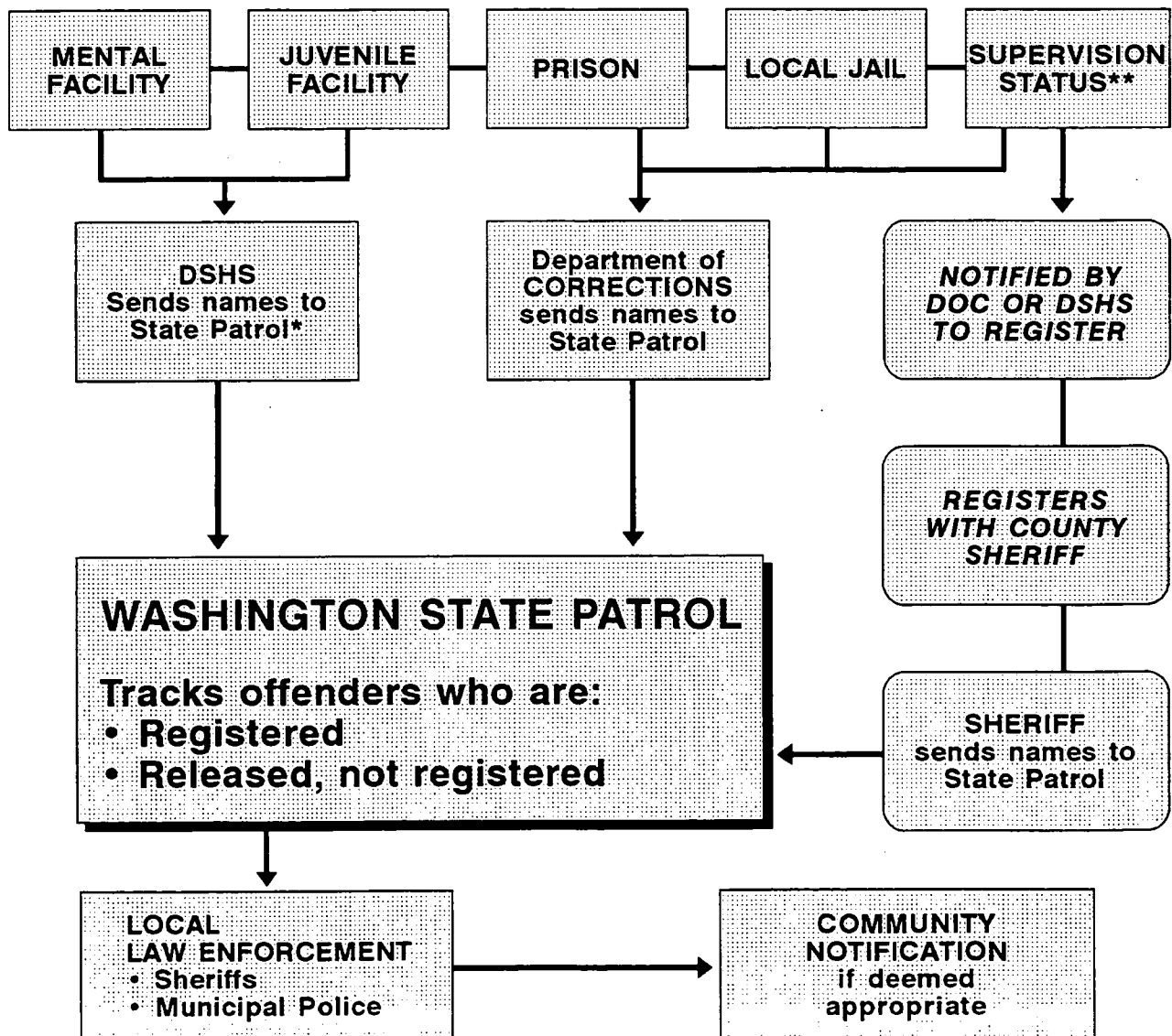
Calls to county clerks indicated that some juveniles have petitioned the court for waivers from the registration requirement, and in some cases the registration requirement has been removed. Since a statewide listing of juveniles who have obtained waivers is not available, compliance rates for juveniles under county authority may be overstated. It should be noted, however, that sex offenders who are required to register are not exempt from the requirement even though a waiver application has been made.

We wish to thank Karen Brunson at the Division of Juvenile Rehabilitation, and Susie Coon at the Washington State Patrol for their assistance in compiling and reviewing the information contained in this report.

Appendix
**SEX OFFENDER REGISTRATION:
TRACKING THE OFFENDER**

Offender is released from:

Or is on:



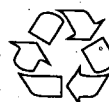
**Except juveniles on detention and adult jail releases without DOC supervision.*

***If SHB 1997 (1991) is enacted, will include offenders who were under the jurisdiction of the Indeterminate Sentence Review Board as of 2/28/90.*

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