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THE DAILY NEWS

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ROSE LUNDY PHOTOS, THE DAILY NEWS

Carolyn Long makes a point while Congresswoman Jaime Herrera Beutler awaits her turn during a Woodland campaign forum.

Level 1 sex offenders' names to be released

Four more offenders ask to be removed from final list

ALEX BRUELL
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Curtis Hart is scheduled to receive the names of most of Cowlitz County's 570 level 1 sex offenders Wednesday, but a few names likely will be withheld. One offender was granted a temporary injunction Sept. 11, and requests for injunctions to block the release of four other names were filed Monday on behalf of individual offenders. They are each represented by Vancouver attorney Elijah Marchbanks, and all are referred to as "John Does" in court documents.

Release of the records "would not be in the public interest ... would substantially and irreparably damage (the plaintiff) ... (and) would substantially and irreparably damage vital government functions," one of the requests states.

Hart, a sex-offender vigilante from Kelso, said he filed a gag order along with the injunction requests.

"I think it's an infringement on my 1st Amendment rights to free speech and freedom of the press," Hart sent over Facebook Messenger. "... their basic argument is 'Curtis is mean!'"

Please see **OFFENDERS**, Page A3

Herrera Beutler, Long hold boisterous debate

Woodland crowd jeers, shouts at both candidates

ROSE LUNDY
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WOODLAND - During their first public faceoff, Republican Congresswoman Jaime Herrera Beutler and Democratic challenger Carolyn Long traded barbs at a forum Tuesday while organizers fought to control a boisterous, overflowing crowd in Woodland's Oak Tree restaurant.

Herrera Beutler, who is seeking a fifth two-year term, emphasized that the economy has rebounded during her time in office and credited the 2017 tax cut with returning money to taxpayers.

"Real wage growth has happened - almost 3 percent in the last year - for middle income workers. That's tremendous success," she said.

She described the difference between long lines at a jobs fair



Rep. Jaime Herrera Beutler speaks to constituents after the forum Tuesday.

in 2011 compared to this year when a man told her he already had a job but was looking to see what else was out there. "That was music to my ears," she said.

In a fiery response, Long said the economic recovery started during the Obama administration. Unemployment is low right now, but people are working multiple jobs to stay afloat, Long said.

"I absolutely disagree with the tax bill (because) 83 percent of the benefits go to corporations and the wealthiest in America," she said. "It is the most fiscally irresponsible bill that I've ever seen. We are borrowing from my daughter's life. She's 13 years old. We're borrowing from her in order to fund tax cuts for the uber wealthy in America. That is not right."

Organizers struggled to control the boisterous audience, which cheered and jeered and shouted out comments between candidate answers. On several occasions, moderators had to lecture the crowd, some of which spilled into the bar because the banquet room was already jammed with spectators.

Attendees came from all over the district to hear the candidates in the race for Washington's 3rd Congressional District, which has garnered national attention after a close top-two primary in August. Herrera Beutler captured 42 percent of the vote, but Long trailed by only about 7 percentage points. The Democratic and Republican vote total among all candidates was essentially equal.

The hour-long forum, which ended at about 1 p.m., could be one of the decisive encounters in the race, even though the November election still is about seven weeks away.

Please see **DEBATE**, Page A6

Hurricane rating system falls short

Rating scale doesn't capture flood danger

SETH BORENSTEIN
AND ALLEN G. BREEB
Associated Press

TRENTON, N.C. - When meteorologists downgraded Hurricane Florence from a powerful Category 4 storm to a Category 2 and then a Category 1, Wayne Mills figured he could stick it out.

He regrets it. The Neuse River, normally 150 feet away, lapped near his door in New Bern, North Carolina, on Sunday even as the storm had "weakened" further.

People like Mills can be lulled into thinking a hurricane is less dangerous when the rating of a storm is reduced. But those ratings are based on wind strength, not rainfall or storm surge - and water is responsible for 90 percent of storm deaths.

Several meteorologists and disaster experts said something needs to change with the 47-year-old Saffir-Simpson Hurricane Wind Scale to reflect the real risks in hurricanes. They point to Florence, last year's Hurricane Harvey, 2012's Sandy and 2008's Ike as storms where the official Saffir-Simpson category didn't quite convey the danger because of its emphasis on wind.

Please see **HURRICANES**, Page A3

Chicago cops' code of silence weakens

Video of Laquan McDonald's death cracks 'blue wall'

DON BABWIN
Associated Press

CHICAGO - The Chicago police officers clearly do not want to be in court testifying against a colleague accused of murder, with one of them so uncomfortable he couldn't bring himself to point to the man on trial, something witnesses are routinely asked to do.

But one after another - whether they want to or not - officers who were at the scene the night of Oct. 20, 2014, when white officer Jason Van Dyke

emptied his gun into black teenager Laquan McDonald, are being called to testify, as prosecutors seek to chip away at the "blue wall of silence" long associated with the city's police force and other law enforcement agencies across the country.

None of the officers has criticized Van Dyke in testimony over the first two days of his trial, but each has bolstered the contention by prosecutors that what Van Dyke did was "completely unnecessary." Van Dyke's attorneys say he feared for his life and acted according to his training.

Those testifying in Van Dyke's murder trial have included his partner that night, Joseph Walsh,



ANTONIO PEREZ, CHICAGO TRIBUNE VIA AP

Chicago Police Officer Joseph McElligott raises his right hand as he prepares to take the stand and testify during the opening statements in the first-degree murder trial of Officer Jason Van Dyke for the shooting death of Laquan McDonald.

Please see **COPS**, Page A3

■ Sheriff candidates Nelson, Thurman face off in Longview

VIEWPOINT	A7	CLASSIFIEDS	B3	SPORTS	D3
AREA NEWS	B1	OBITUARIES	B4	COMICS	D1
RECORDS	B2	FOOD	C1	HOROSCOPES	D4

AREA NEWS, PAGE B1



Hurricanes

From A1

"The concept of saying 'downgraded' or 'weakened' should be forever banished," said University of Georgia meteorology professor Marshall Shepherd. "With Florence, I felt it was more dangerous after it was lowered to Category 2."

It was a lowered category that helped convince Famosus Roberts, a corrections officer from Trenton, to stay behind. "Like a lot of people, I didn't think it was actually going to be as bad," he said. "With the category drop ... that's another factor why we did stay."

Once a storm hits 74 mph it is considered a Category 1 hurricane. It ratchets up until it reaches the top-of-the-scale Category 5 at 157 mph. Florence hit as a Category 1 with 90 mph winds — not a particularly blustery hurricane — but so far it has dumped nearly three feet of rain in parts of North Carolina and nearly two feet in sections of South Carolina.

"There's more to the story



Zachary Conner wades into a flooded neighborhood to check on his giraffine in Lumberton, N.C., on Tuesday.

than the category." University of Miami hurricane researcher Brian McNoldy said. "While you may still have a roof on your house because it's only a Category 1, you may also be desperately hoping to get rescued from that same roof because of the flooding."

Susan Cutter, director of the Hazards and Vulnerability Research Institute at the University of South Carolina, said the hurricane center and National

Weather Service "have not done a good job at communicating the risks associated with tropical systems beyond winds."

One reason, she said, is that it's much harder to explain all the other factors. Wind is easy.

The National Oceanic and Atmospheric Administration says it takes all hazards, including rain and storm surge seriously — and communicates them. Forecasters were telling peo-

ple four or five days before Florence hit that it would be a "major flooding event," said Bill Lapenta, director of NOAA's National Centers for Environmental Prediction, which includes the hurricane center.

When Florence's winds weakened and it dropped in storm category, he said, "We made it very clear that in no way shape or form that this is going to reduce the impacts in terms of flooding and surge."

Cops

From A1

one of three officers indicted on charges that they conspired to cover up what happened to protect Van Dyke. While video released more than a year after the shooting shows McDonald veering away from officers, Van Dyke and others on the scene initially said the 17-year-old had lunged at them with a knife.

Walsh, who is no longer on the force, acknowledged Tuesday that he "could have" fired, before answering, "Yes," to the question of whether he chose not to. But he also defended his partner's actions, saying he was "confident officer Van Dyke took necessary action to save himself and myself." And he maintained that he saw McDonald raised his right arm to swing it "in our direction," even though video of the shooting that played as he spoke doesn't show that. He maintained that he had a different vantage point.

Another witness, officer Joseph McElligott, was so reluctant to testify that prosecutors finally gave up trying to get him to point to Van Dyke after he was asked the routine question of whether he knew the defendant.

According to some experts, Walsh's testimony — and that of other officers — represents a shift in the landscape for a police force that the U.S. Justice Department in January 2017 described as having a "permissive cover-up culture."

Chicago police officer in decades to be charged with murder for an on-duty shooting. He's pleaded not guilty to first-degree murder, aggravated battery and official misconduct.

To Phil Turner, a former federal prosecutor who is now a defense attorney in Chicago, the blue wall of silence isn't weakening so much as video evidence is revealing the truth. He sees police using video as "in our direction," even though video of the shooting that played as he spoke doesn't show that. He maintained that he had a different vantage point.

"If they refuse to talk, who cares? They've got the video," he said.

Topic agrees that video has been important in Van Dyke's case.

"All of those officers had to know there was dashcam video, and still they felt safe enough to provide a narrative that wasn't true," he said.

Offenders

From A1

He said he doesn't want people to bother the offenders he names, but just wants to save others the trouble of making the records request themselves.

Hart caused a stir last month when he asked the sheriff's office to release the names of all level 1 sex offenders, those who are considered the least likely to reoffend. He told The Daily News he intends to publish some of those names — those he considers "actual predators" — on the internet. The sheriff's office routinely publishes the names of Level 2 and 3 offenders, but not level 1. However, sheriff's officials say they must comply with Hart's request under a state Supreme Court ruling.

Known for operating sex offender stings through his group called the "Punisher Squad," Hart's vigilante stings have resulted in at least two arrests. He said his request was driven in part after one of the subjects of his sex stings received only 240 hours of community service and no jail time.

Many of the Level 1 offenders, many of whom have not re-offended for years, have told the sheriff's office they fear releasing their names will subject them to harassment, danger and loss of jobs.

The injunction requests filed Tuesday reference posts made on "Because Liberty," a Facebook page operated by Hart. "One post reads, in part: 'If a person wakes up one day and realizes they are attracted to small children they should go hang themselves.'"

Hart said earlier in September that while he believes "sex predators deserve scorn," he does not advocate violence.

Cowlitz County Sheriff Mark Nelson said that while retaliation against the published offenders is a possibility, he doesn't have special concerns.

"I don't know what the community's response will be," Nelson said. "We have a great community here. I don't necessarily think that we'll have people who will be targeting other individuals. ... Is it a possibility? Yes, of course."

Nelson added that the sheriff's office generally doesn't set targeted harassment toward level 2 or 3 offenders, and he sees no need to release the names of Level 1 offenders.

"We ... who established these laws and rules have said, this person's at a low risk and they have pretty much paid their debt to society and can go on about their lives. ... We don't need to make sure that their names are out there."

One anonymous sex offender told The Daily News on Tuesday that he's suffered anxiety over Hart's request and has installed security cameras at his home. He said he's faced repeated vandalism at his home, like having nails thrown in his

Ranking sex offenders

The state legislature determines how sex offenders are scored using the "Static-99R" tally sheet. It applies only to non-juvenile offenders who have been charged with a sex offense other than consensual acts like prostitution. According to the sheet, the following risk factors can increase a sex offender's assigned risk level:

- Being younger rather than older at the time of offense
- Having never lived with a lover for at least two years
- Having a prior conviction for an "index" non-sexual violent crime
- Having a prior conviction for a non-sexual violent crime
- Having prior sex offenses
- Having four or more prior sentencing dates
- Having a prior conviction for non-contact sex offenses
- Having had victims who were not related
- Having had victims who were strangers
- Having had victims who were male.

— The Daily News

driveway and broken glass and burning rubber spread around his home.

Another sex offender said that after spending years in prison, he continues to visit a counselor and take polygraph tests to ensure he doesn't reoffend.

"For this Curtis Hart guy to turn around and state that all sex offenders need to be scored, in my case I already scored myself enough," the man said. "... It's not about me. When I did what I did, I put my whole family, all my friends and everyone else in that loop with me. Now they're the ones that are paying. ... I struggle with suicide every single day because of what I put my family through."

Level 1 offenders have a "very low risk" to reoffend. Level 2 and 3 offenders have "below average" and "average" risks to reoffend, respectively. (See sidebar about risk factors.)

The Washington Association of Sheriffs and Police

Chiefs (WASPC) operates the statewide database and mapping system. Locally, law enforcement typically ranks offenders, and community groups made up of law enforcement, medical professionals and others monitor those offenders and can revise their classification.

Steve Strachan, Executive Director at WASPC, said that it's a challenge to balance the concerns of sex offenders and the public at large.

"It's that balance between the public's safety and right to know and allowing offenders to live a life and make a living," Strachan said. "Those things sometimes can be in conflict."

Strachan said "there's no perfect system" to register and monitor sex offenders. But he said WASPC urges communities to work with law enforcement and the sex offender system already in place rather than try to circumvent it.

"I think that going above and beyond, and publishing documents, it's a very real concern that victims may be outed who don't wish to be," Strachan said. "It potentially creates a situation where individuals could be targeted."

If someone wants policy change, Strachan said, he recommends they call their legislators or local law enforcement.

"The Legislature is willing to listen to changes. I feel that would be a good approach to getting some of these policies changed," he said. "Placing greater burdens on local LEO agencies that have more than enough to do so already. I'm not sure is constructive."

Hart remains stalwart in his request.

"If the judge follows the law, I'll win the case," he said over Facebook Messenger. "If I do not win I will appeal it."

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