

From: CEnrigh@co.kitsap.wa.us
To: steven.adams7140@yahoo.com
Subject: RE: Pornography distribution to minors within Central Kitsap School District
Date: Thursday, October 21, 2021 3:27:15 PM

Mr. Adams,

I have had time to review the criminal code and applicable case law concerning this issue. I reviewed the book and I asked for three senior level attorneys in the office to review it as well to see if there was any violation of the criminal law. However, our analysis is that there is no criminal law violation in this situation. We reviewed multiple possibilities.

RCW Chapter 9.68 governs obscenity and pornography and prohibits the distribution of “erotic material” in some situations. However, per RCW 9.68.100, libraries are exempt under the criminal part of this statute. Additionally, even if this were not a library, there must be a judicial finding declaring that the material is “erotic material” before someone can be criminally charged for distribution. Here, there is no such prior determination by a court. So, there is no crime under RCW 9.68 because (1) this is a library under the supervision of a political subdivision (the Central Kitsap School District); and (2) there is no prior judicial finding that this is “erotic material.”

We also looked at whether this was a violation of **RCW Chapter 9.68A** that governs sexual exploitation of children and dealing of depictions of minors. This chapter is similarly inapplicable to this case. It requires that the images be photographs or reproductions of photographs. Here, these are drawings and not photographs. Additionally, the statute requires that the photographs/images must be used for the sole purpose of “sexual stimulation of the viewer.” While I would respect arguments to the contrary, the intent of the book does not appear to be solely for “sexual stimulation.”

Finally, multiple cases have shown that there are First Amendment protections from criminal prosecution in distributing these types of materials.

I appreciate your concern over this book and the placement of it in the library. However, we don’t believe this is a violation of the criminal code. Instead, this is an issue that is best dealt with through the school district.

Chad Enright
Kitsap County Prosecutor

From: Steve Adams <steven.adams7140@yahoo.com>
Sent: Wednesday, October 20, 2021 3:08 PM
To: Chad M. Enright <CEnrigh@co.kitsap.wa.us>
Subject: Re: Pornography distribution to minors within Central Kitsap School District

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Mr. Enright -

The district board and superintendent are aware of this through numerous parents contacting them. It is my understanding that one copy of the book was removed from Olympic High School in Bremerton. The fact that it was removed does not solve the matter. If anything, it makes the crime worse. Here is what concerns me. One or more adults made a conscientious decision to order that book, using tax payer money to do so, and give minors access to it. I believe the administration confiscated the book from a OHS student when the district was alerted to angry parental concerns. I have a screenshot of the book being listed online at the OHS library from two days ago. I can connect you with the parent - who is also a teacher at OHS - who's child had the book when it was confiscated at OHS. To my understanding, the school and district have wiped all references of this pornographic book from the district online library catalog. If so, that demonstrates covering up the crime, obstruction of justice and destruction of evidence. That is why I wanted law enforcement involvement but couldn't get it from the sheriff.

I invite you to tune into the CKSD school board meeting tonight at 6pm. This issue will be discussed by multiple parents:

<https://www.ckschools.org/cms/one.aspx?pageId=11191>

<https://ckschools.zoom.us/j/96891182889>

Regards,
Steven Adams
360 510 7140

On Wed, Oct 20, 2021 at 2:14 PM, Chad M. Enright
<CEnright@co.kitsap.wa.us> wrote:

Mr. Adams,

Thank you for sharing this information with me. I'll admit that this is a scenario that I have not seen before. Let me take some time this week to review the Revised Code of Washington and any case law on this subject and I'll get back to you with my thoughts. Are you aware of whether this has been shared with the Central Kitsap School Board or the Superintendent? I know that school board members are generally unaware of the individual books in the district library.

I'll take some time to look into this issue and get back in touch with you.

Thank you,

Chad Enright

Kitsap County Prosecutor

From: Steve Adams <steven.adams7140@yahoo.com>

Sent: Wednesday, October 20, 2021 1:34 PM

To: Receptionist Pros-Main <KCPA@co.kitsap.wa.us>; Chad M. Enright <CEnright@co.kitsap.wa.us>

Subject: Pornography distribution to minors within Central Kitsap School District

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Mr. Enright -

Graphic pornography to include pedophilia is being distributed to minors within the Central Kitsap School District via a book entitled Gender Queer - A Memoir. I have two children within the CKSD. This book contains pornographic wording and pictures. These images include sexual intercourse, masturbation and fellatio. The call number for this book within the CKSD library system is GN 921 KOB. I attempted to file a criminal complaint with the Kitsap Sheriff. Two deputies refused to accept my complaint citing this is a school board matter. A report has been filed with CPS Region 5. The CPS intake report # is 4670944. This book is not risque. It is not inappropriate. It is pure pornography that minors should not have access to especially through any school district or public library.

This book can be found online here:

<https://view-comic.com/gender-queer-a-memoir-tpb-part-1/> <https://view-comic.com/gender-queer-a-memoir-tpb-part-2/>

This book is also available through the Kitsap County Library:

https://catalog.krl.org/polaris/search/searchresults.aspx?ctx=1.1033.0.0.10&type=Keyword&term=gender%20queer&by=KW&sort=RELEVANCE&limit=TOM=*&query=&page=0&searchid=1

I want the adults responsible for providing this graphic pornography to minors held responsible for doing so. If law enforcement refuses to do their job, now what? If not you, then who?

Regards,

Steven Adams

360 510 7140