

MODEL POLICY FOR WASHINGTON STATE LAW ENFORCEMENT

ADULT AND JUVENILE SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION



WASHINGTON ASSOCIATION OF
SHERIFFS AND POLICE CHIEFS

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The purpose of this Model Policy for Washington State Law Enforcement Adult and Juvenile Sex Offender Registration and Community Notification is to provide guidance to law enforcement agencies regarding sex offender community notification and education. Recommendations in this document are made by the Washington Association of Sheriffs and Police Chiefs and are intended to assist local agencies in the development of their own operating policies and procedures.

These guidelines have been reviewed by a task force comprised of practitioners in the field from a variety of disciplines. They have not been reviewed by any legal authority. Any legal questions an agency may have should be reviewed by a legal advisor.

INTRODUCTION

In 1990, the Washington State Legislature passed the Community Protection Act, primarily in response to two cases, one involving the kidnapping and murder of a woman by a sex offender on work release and the other involving the sexual assault and mutilation of a young boy. This comprehensive act included the requirement for sex offenders to register a home address with law enforcement, and authorized the release of information to the public through community notification. The Act also allowed for civil commitment of sexually violent predators. The term “sexually violent predator” only applies to a small percentage of sex offenders who meet specific criteria as determined by a court following a period of incarceration. (RCW 71.09). Sex offender is the current nomenclature to include all individuals convicted of a sex offense and is the terminology used in this document.

Since its creation the Community Protection Act has been legislatively modified numerous times. The following reflect some of the major modifications:

1994—The recommended length of time to notify the public time and geographic area of notification were specified. Registration and notification were upheld by the State Supreme Court.

1995—Registration for offenders under federal jurisdiction and for offenders found not guilty by reason of insanity added.

1997—A risk level assessment tool was adopted. Registration for Kidnapping and Unlawful Imprisonment added.

2002—The Washington Association of Sheriffs and Police Chiefs was tasked with providing a publicly available registered sex offender website.

2005—The legislature required notification to school principals of juvenile sex offenders attending their schools, created limited “community protection zones” within 880 feet of a school for certain sex offenders, and established a taskforce to review the efficacy of state policies regarding sex offenders.

2006—Registration requirements were expanded to include in-person registration every 90 days for level II and level III offenders (repealed in 2009). Requirements were also expanded to include registration of sex offenders for any prior sex offense conviction coming from outside the state who establish or reestablish Washington residency. Registration for Possession of Depictions of Minors Engaged in Sexually Explicit Conduct and increased penalties for Failure to Register were added. Criminal Trespass Against Children was created.

2007—Various crimes related to patronizing a juvenile prostitute were renamed commercial sexual abuse of a minor and some additional sentencing enhancements enacted.

2008—Sex offenders required to register on or after July 2008 must have a biological sample collected for inclusion in the DNA identification system. The crime of failure to register was increased from a class C felony to a class B felony.

2010—Changes in various provisions of registration statutes including changes to timeframes for a sex or kidnapping offender to report/register; criteria for determining relief of registration; failure to register penalties; definition of “disqualifying offense”; addressing *Werenth* and out of state convictions; and outlining sheriff duties and ending registration by operation of law.

2011—Changes in various provisions of registration statutes including amending definitions and adding definition of “fixed residence,” deletes obsolete website and departure notice provisions, clarifies registration information collected, education provisions, failure to register penalties, out of state convictions registration requirements, relief of registration, and multiple provisions related to juvenile sex offenders including performance of original risk assessment and relief of registration and records sealing.

2012—Promoting prostitution in the first and second degree for a second and subsequent offense are added to crimes requiring registration.

2015—Requires offenders convicted in tribal courts to register in the county of residence; establishes that agencies may develop a process for offenders to petition for review of assigned risk level classification; adds registration requirements for offenders traveling outside of the United States; establishes the crime of failure to provide a DNA sample; requires law enforcement agencies to use a sex offender risk assessment tool in determining a risk classification level; requires sex offenders in partial confinement to register; clarifies responsibilities when a sex offender transfers from one jurisdiction to another; and clarifies the authority by which an out of state offender may be relieved of the duty to register.

LEGISLATIVE INTENT

This section provides historical background for the Community Protection Act and subsequent revisions.

"The legislature finds that sex offenders often pose a high risk of re-offense, and that law enforcement's efforts to protect their communities, conduct investigations, and quickly apprehend offenders who commit sex offenses, are impaired by the lack of information available to the law enforcement agency's jurisdiction. Therefore, this state's policy is to assist local law enforcement agencies' efforts to protect their communities by regulating sex offenders by requiring sex offenders to register with local law enforcement agencies as provided in RCW 9A.44.130." [1990 Wash. Laws c 3 § 401.]

"The legislature finds that sex offenders pose a high risk of engaging in sex offenses even after being released from incarceration or commitment and that protection of the public from sex offenders is a paramount governmental interest. The legislature further finds that the penal and mental health components of our justice system are largely hidden from public view and that lack of information from either may result in failure of both systems to meet this paramount concern of public safety. Overly restrictive confidentiality and liability laws governing the release of information about sexual predators have reduced willingness to release information that could be appropriately released under the public disclosure laws, and have increased risks to public safety. Persons found to have committed a sex offense have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Release of information about sexual predators to public agencies and under limited circumstances, the general public, will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems so long as the information released is rationally related to the furtherance of those goals. Therefore, this state's policy as expressed in RCW 4.24.550 is to require the exchange of relevant information about sexual predators among public agencies and officials and to authorize the release of necessary and relevant information about sexual predators to members of the general public." [1990 Wash. Laws 3 § 116.]

"The legislature finds that members of the public may be alarmed when law enforcement officers notify them that a sex offender who is about to be released from custody will live in or near their neighborhood. The legislature also finds that if the public is provided adequate notice and information, the community can develop constructive plans to prepare themselves and their children for the offender's release. A sufficient time period allows communities to meet with law enforcement to discuss and prepare for the release, to establish block watches, to obtain information about the rights and responsibilities of the community and the offender, and to provide education and counseling to their children. Therefore, the legislature intends that when law enforcement officials decide to notify the public about a sex offender's pending release that notice be given at least fourteen days before the offender's release whenever possible." [1994 Wash. Laws c 129 §1]

"The legislature finds that offenders who commit kidnapping offenses against minor children pose a substantial threat to the well-being of our communities. Child victims are especially vulnerable and unable to protect themselves. The legislature further finds that requiring sex

offenders to register has assisted law enforcement agencies in protecting their communities. Similar registration requirements for offenders who have kidnapped or unlawfully imprisoned a child would also assist law enforcement agencies in protecting the children in their communities from further victimization." [1997 Wash. Laws c 113 § 1]

"It is the intent of this act to revise the law on registration of sex and kidnapping offenders in response to the case of State v. Pickett, Docket number 41562-0-1. The legislature intends that all sex and kidnapping offenders whose history requires them to register shall do so regardless of whether the person has a fixed residence. The lack of a residential address is not to be construed to preclude registration as a sex or kidnapping offender. The legislature intends that persons who lack a residential address shall have an affirmative duty to report to the appropriate county sheriff, based on the level of risk of offending." [1999 Wash. Laws sp.s.c. 6 § 1]

SEX OFFENDER REGISTRATION REQUIREMENTS (RCW 9A.44.130)

Since the inception of registration requirements in Washington State, many revisions have been made to strengthen the law. Future revisions can be expected. VERIFY ALL INFORMATION IN THIS SECTION BY GOING DIRECTLY TO THE RCW AT <http://apps.leg.wa.gov/rcw> or www.access.wa.gov.

WHO MUST REGISTER

Who must register: Any adult or juvenile residing, attending school, working or carrying on a vocation as articulated in RCW 9A.44.130 in the State of Washington, whether or not they have a fixed address, and who has been found to have committed or been convicted of, or found not guilty by reason of insanity under chapter 10.77 RCW of, any sex offense or kidnapping offense. Any individual who is or who has been determined to be a sexually violent predator pursuant to chapter 71.09 must also register. For definition of covered sex offenses see RCW 9A.44.128 and 9.94A.030. Additionally, effective 6/09/12, promoting prostitution in the 1st and 2nd degree is a registerable offense if the offender has a prior conviction for same.

"Sex offense" does include any out-of-state conviction for an offense for which the person would be required to register as a sex offender while residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a sex offense under RCW 9A.44.128; any federal conviction classified as a sex offense under 42 U.S.C. Sec. 16911 (SORNA); any military conviction for a sex offense including sex offenses under the uniform code of military justice, as specified by the United States secretary of defense; and any conviction in a foreign country for a sex offense if it was obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established pursuant to 42 U.S.C. Sec. 16912. Any tribal conviction for an offense for which the person would be required to register as a sex offender while residing in the reservation of conviction; or, if not required to register in the reservation of conviction, of offense that under the laws of this state would be classified as a sex offense under this subsection.

"Kidnapping offense" does include any federal, tribal or out-of-state conviction for an offense for which the person would be required to register as a kidnapping offender if residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a kidnapping offense under RCW 9A.44.128. Any tribal conviction for an offense for which the person would be required to register as a kidnapping offender while residing in the reservation of conviction; or, if not required to register in the reservation of conviction, an offense that under the laws of this state would be classified as a kidnapping offense under this subsection.

WHAT MUST BE PROVIDED AND TO WHOM

Offenders required to register must appear in person at the sheriff's office in their county of residence, or if not a Washington resident, the county of the person's school, employment or vocation or as otherwise required in 9A.44.130. The offender must provide: name and any aliases used, the complete and accurate residential address or if lacking a fixed residence where he or she plans to stay, date and place of birth, place of employment, crime for which convicted, date and place of conviction, social security number, photograph and fingerprints. All identifying information is forwarded to the Washington State Patrol for inclusion in a central registry.

A person may be required to update any of the information required as a part of the address verification program or any statutorily required notice. A photograph or fingerprints may be required to be updated at any time. Offenders who lack a fixed residence must report weekly in person to the sheriff's office in the county in which they are registered. They must keep an accurate accounting of where they stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to the disclosure of information to the public at large as per RCW 4.24.550.

"Fixed residence" means a building that a person lawfully and habitually uses as living quarters a majority of the week. "Uses as living quarters" means to conduct activities consistent with the common understanding of residing, such as sleeping; eating; keeping personal belongings; receiving mail; and paying utilities, rent, or mortgage. A nonpermanent structure including, but not limited to, a motor home, travel trailer, camper, or boat may qualify as a residence provided it lawfully and habitually used as living quarters a majority of the week, primarily kept at one location with a physical address, and the location it is kept at is either owned or rented by the person or used by the person with the permission of the owner or renter. A shelter program may qualify as a residence provided it is a shelter program designed to provide temporary living accommodations for the homeless, provides an offender with a personally assigned living space, and the offender is permitted to store belongings in the living space. (RCW 9A.44.128)

"Lacks a fixed residence" means the person does not have a living situation that meets the definition of a fixed residence and includes, but is not limited to, a shelter program designed to provide temporary living accommodations for the homeless, an outdoor sleeping location, or locations where the person does not have permission to stay. (RCW 9A.44.128)

For each of the following “business day” is defined as any day other than Saturday, Sunday, or a legal local, state, or federal holiday.

SEX OFFENDERS IN CUSTODY

Offenders who committed a sex offense on, before or after February 28, 1990, and are in custody on or after July 28, 1991 for that offense must register at the time of their release with an official designated by the incarcerating agency and within three (3) business days from the time of release with the county sheriff in the county of their residence or if the person is not a resident of Washington, the county of that person’s school or place of employment.

SEX OFFENDERS WHO ARE APPROVED FOR PARTIAL CONFINEMENT

Offenders in the custody of the state department of corrections or a local corrections or probations agency and has been approved for partial confinement as defined in RCW 9.94A.030, must register at the time of transfer to partial confinement with the official designated by the agency that has jurisdiction over the offender. The agency shall, within three days, forward the registration information to the county sheriff for the county in which the offender is in partial confinement. The offender must also register within three business days from the time of the termination of partial confinement or release from confinement with the county sheriff for the county of the person's residence. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register.

SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION

Offenders who are under the jurisdiction of the indeterminate sentence review board or under active supervision by the Department of Corrections, the Department of Social and Health Services or a local division of youth services must register within ten days of July 28, 1991. A change in supervision status of a sex offender in this subsection shall not relieve the offender of the duty to register or to reregister following a change in residence.

If the offender is under the jurisdiction of an agency of this state when the offender moves to Washington, the agency shall provide notice to the offender of the duty to register.

SEX OFFENDERS UNDER FEDERAL JURISDICTION

Offenders who were in federal custody on or after July 23, 1995, on a sex offense committed before, on, or after February 28, 1990 must register within three (3) business days from the time of release with the county sheriff in the county of their residence, or if not a resident of Washington, the county of the person’s school or place of employment.

SEX OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED

Offenders who were convicted of a sex offense committed on or after February 28, 1990, but who were not sentenced to serve a term of confinement immediately following sentencing, must report to the county sheriff to register within three (3) business days of being sentenced.

OFFENDERS WHO ARE NEW RESIDENTS, TEMPORARY RESIDENTS, OR RETURNING WASHINGTON STATE RESIDENTS

Sex offenders or kidnapping offenders who move to Washington State from another state or a foreign country, or are former residents and are returning to Washington State, must register within three (3) business days of establishing residence or re-establishing residence. The duty to register under this requirement applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington State law for offenses committed before, on or after February 28, 1990. For the purposes of this section, tribal convictions are considered as a foreign country. These out-of-state offenders are defined as sex offenders and include any federal, tribal, or out-of-state conviction for an offense for which the person would be required to register as a sex offender while residing in the state of conviction; or if not required to register in the state of conviction, an offense that under the laws of Washington would be classified as a sex offense requiring registration. However, if a court or other administrative authority in the person's state of conviction has made an individualized determination that the person should not be required to register that person is not required to register in Washington. (*Werenth fix*).

SEX OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY

Offenders who were found not guilty of a sex offense by reason of insanity and were still in the custody of the Washington State Department of Social and Health Services on or after July 23, 1995, as a result of that finding, must register within three (3) days from the time of release or of receiving notice of registration requirements, with the county sheriff in the county of their residence.

OFFENDERS WHO LACK A FIXED RESIDENCE

Offenders, who meet the requirements for registration and lack a fixed residence, must register where they plan to stay with the sheriff in the county of their occupancy within three (3) business days of release or moving to a new county or within three (3) business days after ceasing to have a fixed residence. If offenders who lack a fixed address enter a different county and stay there for more than 24 hours, they must register in that county. They must also report in person to the sheriff of the county where they are registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. The person must keep an accurate accounting of where he or she stays during the week and provide it to the county sheriff upon request. The lack of a fixed address is a factor that may be considered

in determining the sex offender risk level. The lack of a fixed address also makes an offender subject to disclosure to the public at large.

OFFENDERS WHO ARE MOVING TO A NEW ADDRESS

Sex offenders who move to a new address within the same county must provide by certified mail with return receipt requested or provide in person a signed written notice of the change of address to the county sheriff within three (3) business days of moving. If they move to a new county, must register with that county sheriff within three (3) business days of moving. Registered offenders must also provide by certified mail with return receipt requested, or in person, written notice within three (3) days of the change of address in the new county to the county sheriff with whom they last registered. If they move out of Washington State, they must also send written notice within three (3) days of moving to the new state or foreign country to the county sheriff with whom they last registered.

THE COUNTY SHERIFF WITH WHOM THE OFFENDER LAST REGISTERED IS RESPONSIBLE FOR ADDRESS VERIFICATION UNTIL THE OFFENDER COMPLETES REGISTRATION OF HIS/HER NEW RESIDENCE ADDRESS. RCW 9A.44.135

OFFENDERS ATTENDING ANY SCHOOL OR HIGHER EDUCATION INSTITUTION OR WORKING AT HIGHER EDUCATION INSTITUTIONS

Under 9A.44.128 "School" means a public or private school regulated under Title 28A RCW or chapter 72.40 RCW and "Student" means a person who is enrolled, on a full-time or part-time basis, in any school or institution of higher education.

Law enforcement notification requirements regarding offenders attending a school or institution of higher education/employed by higher education: Upon receiving notice from a registered sex offender that he/she will be attending a school or institution of higher education or will be employed with an institution of higher education, the sheriff must promptly notify the school district and the school principal or institution's department of public safety.

The notification shall include the following: (a) Name and any aliases used; (b) complete residential address; (c) date and place of birth; (d) place of employment; (e) crime for which convicted; (f) date and place of conviction; (g) social security number; (h) photograph; and (i) risk level classification.

The sheriff shall notify the applicable school district and school principal or institution's department of public safety whenever a student's risk level classification is changed or when the sheriff receives notice there is a change in the student's address.

OFFENDERS WHO RESIDE OUTSIDE THE STATE OF WASHINGTON AND WORK OR ATTEND SCHOOL IN THE STATE OF WASHINGTON

Offenders, who meet the requirements for registration and either work or attend school in Washington State, must register with the county sheriff in the county in which they work or attend school regardless of the state of residence.

OFFENDERS WHO RESIDE, WORK OR ATTEND SCHOOL OUTSIDE THE STATE OF WASHINGTON

Offenders must comply with the registration requirements of the state or jurisdiction in which they reside, work or attend school. If their residence, employment and/or school are in different states or jurisdictions, they must register with all states or jurisdictions.

OFFENDERS WHO INTEND TO VISIT THE STATE OF WASHINGTON FOR TEN DAYS OR MORE

Offenders who are visiting Washington State and intend to reside or be present in the state for ten days or more shall register his or her temporary address or where he or she plans to stay with the county sheriff of each county where the offender will be staying within three business days of arrival. Registration for temporary residents shall include the information required by RCW 9A.44.130 subsection (2)(a), except the photograph and fingerprints.

OFFENDERS WHO INTEND TO TRAVEL OUTSIDE OF THE UNITED STATES

Offenders who intend to travel outside the United States must provide, by certified mail, with return receipt requested, or in person, signed written notice of the plan to travel outside the country to the county sheriff of the county with whom the person is registered at least twenty-one days prior to travel. The notice shall include the following information: (a) Name; (b) passport number and country; (c) destination; (d) itinerary details including departure and return dates; (e) means of travel; and (f) purpose of travel.

If the offender subsequently cancels or postpones travel outside the United States, the offender must notify the county sheriff not later than three days after cancellation or postponement of the intended travel outside the United States or on the departure date provided in the notification, whichever is earlier. The county sheriff shall notify the United States marshals service as soon as practicable after receipt of the notification. In cases of unexpected travel due to family or work emergencies, or for offenders who travel routinely across international borders for work-related purposes, the notice must be submitted in person at least twenty-four hours prior to travel to the sheriff of the county where such offenders are registered with a written explanation of the circumstances that make compliance with this requirement impracticable. RCW 9A.44.130

OFFENDERS WHO APPLY TO CHANGE THEIR NAME UNDER RCW 4.24.130

Offenders who must meet the requirements of registration and who apply to change their name under RCW 4.24.130 or any other law, must submit a copy of the application to the sheriff's office of the county of their residence and to the Washington State Patrol no fewer than five (5) days

before the entry of the order granting the name change. If they receive an order changing their name, they must submit a copy of the order to the country sheriff of the country of their residence and to the Washington State Patrol within three (3) days of the entry of the order.

PENALTIES FOR FAILURE TO REGISTER

An offender required to register for a felony sex offense who knowingly fails to comply with any of the requirements of RCW 9A.44.130 is guilty of failure to register. Failure to Register is a class C felony if: (i) It is the person's first conviction for a felony failure to register; or (ii) The person has previously been convicted of a felony failure to register as a sex offender in this state or pursuant to the laws of another state, or pursuant to federal law.

It is a Class B felony if a person has been convicted of a felony failure to register as a sex offender in this state or pursuant to the laws of another state on two or more prior occasions. (Note: Under the 2011 enacted legislation, It does not appear that a federal conviction for FTR qualifies under this provision, see RCW 9A.44.132).

An offender required to register for a sex offense other than a felony who knowingly fails to comply with any of the requirements of RCW 9A.44.130 is guilty of failure to register as a sex offender, a gross misdemeanor.

If the person has a duty to register for a felony kidnapping offense, the failure to register as a kidnapping offender is a class C felony. If the person has a duty to register for a kidnapping offense other than a felony, the offense of failure to register as a kidnapping offender is a gross misdemeanor.

Unless relieved of the duty to register pursuant to RCW 9A.44.141 and 9A.44.142, a violation of this section is an ongoing offense for purposes of the statute of limitations under RCW 9A.04.080. Additionally, a first conviction for FTR receives 12 months community custody while a second and subsequent get 36 months. Gross misdemeanor FTR and first felony convictions of FTR are NOT sex offenses requiring an independent registration requirement.

Failure to provide a DNA sample does not constitute failure to register. RCW 9A.44.132 (4)

LENGTH OF REGISTRATION

How long registered offenders must continue to register depends upon the offense for which they were convicted and is detailed in RCW 9A.44.140. Below is a summary of that RCW. VERIFY all information in the full document.

Note: In 2011, a definition was added for "In the community" under 9A.44.128 and means residing outside of confinement or incarceration for a disqualifying offense.

Generally speaking (see limitations below): A person who is required to register under RCW 9A.44.130 may petition the superior court to be relieved of the duty to register:

(a) If the person has a duty to register for a sex offense or kidnapping offense committed when the offender was a juvenile, regardless of whether the conviction was in this state, as provided in RCW 9A.44.143;

(b) If the person is required to register for a conviction in this state and is not otherwise prohibited from petitioning for relief from registration as outlined, when the person has spent ten consecutive years in the community without being convicted of a disqualifying offense during that time period (as defined below) OR

(c) If the person is required to register for a federal, tribal, or out-of-state conviction, when the person has spent fifteen consecutive years in the community without being convicted of a disqualifying offense during that time period. Note: see also RCW 9A.44.141 regarding sheriff evaluation of out of state/federal court order of relief of registration for this category of offenders, outlined below.

The following are the limitations on the above general statements regarding relief of registration: (SEE ALSO JUVENILE RELIEF OF REGISTRATION PROVISIONS BELOW)

1. If an offender has a Washington State conviction and has been determined to be a **sexually violent predator** as defined in RCW 71.09.020, or have been convicted of a Washington State sex offense or kidnapping offense that is a Class A felony, which was committed with forcible compulsion on or after 6/8/00, the duty to register shall continue for the person's lifetime.

Additionally, an offender with a Washington State conviction convicted of one aggravated offense or more than one sexually violent offense, as defined in RCW 9A.44.142 and the offense or offenses were committed on or after March 12, 2002. HOWEVER, after July 1, 2012, this subsection (2)(a)(iii) of RCW 9A.44.142 has no further force and effect, permitting offenders in this category to petition for relief of registration or be relieved of registration as otherwise provided.

2. RCW 9A.44.140 provides details regarding the length of registration for various offender categories:

If the offense was a **Class A felony**, (or an offense listed in RCW 9A.44.142, Subsection 5), or if the offender was convicted of any sex offense or kidnapping offense and have one or more prior convictions for a sex offense or kidnapping offense, or for a person required to register for a federal, tribal or out-of-state conviction, the duty to register shall continue indefinitely. However, offenders may be relieved of the duty to register as provided in RCW 9A.44.142 or RCW 9A.44.143 (if convicted as a juvenile). RCW provides that they may petition if they

have spent ten consecutive years in the community without being convicted of disqualifying offense and if the petitioner shows by clear and convincing evidence that the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders. To be relieved of the duty to register, offenders must petition the superior court of the county in which they were convicted (or, in the case of foreign, federal, military, tribal, or out-of-state convictions, to the court in the county where the person is registered at the time the petition is sought).

HOWEVER, after July 1, 2012, this subsection (2)(a)(iii) of RCW 9A.44.142 no longer applies, permitting offenders in this category to petition for relief of registration or be relieved of registration as otherwise provided.

If the offense was a **Class B felony**, (and the current offense is not listed in RCW 9A.44.140, Subsection 5), and the offender does not have one or more prior convictions for a sex offense or kidnapping offense, the duty to register ends fifteen years after the last date of release from confinement pursuant to the conviction, (including full-time residential treatment) or fifteen years after entry of the judgment and sentence, if the person has spent fifteen consecutive years in the community without being convicted of a disqualifying offense during that time period.. This action may be initiated by offender request or by the sheriff's office. It should be noted that after July 1, 2012 RCW 9A.44.140, Subsection 5 prohibitions no longer applies and that category of offenders may apply for or be relieved of registration as provided in that section. . (5) provisions only apply to convictions for crimes committed on or after July 22, 2001.

If the offense was a **Class C felony**, (and the current offense is not listed in RCW 9A.44.142 Subsection 5), a violation of RCW 9.68A.090 Communication with minor for immoral purposes or 9A.44.096 Sexual misconduct with a minor in the second degree, or an attempt, solicitation, or conspiracy to commit a Class C felony, and the offender does have one or more prior convictions for a sex offense or kidnapping offense, they may be relieved of the duty to register by operation of law (without petition) ten years after their last release from confinement if they have spent ten consecutive years in the community without being convicted of a disqualifying offense. This action may be initiated by offender request or by the sheriff's office. It should be noted that after July 1, 2012 RCW 9A.44.140, Subsection 5 prohibitions no longer applies and that category of offenders may apply for relief of registration to the court as provided in that section. Provisions only apply to convictions for crimes committed on or after July 22, 2001.

For foreign country, federal, military, tribal, or out-of-state offenses—for a person required to register for a military, federal, tribal, out-of-country or out-of-state conviction, the duty to register shall continue indefinitely. An offender may petition the court in the county in which they reside to be relieved of the duty to

register if they have been in the community for 15 consecutive years without being convicted of a disqualifying offense; or, if a court or other administrative authority in the person's state of conviction has made an individualized determination that the person is not required to register.

RELIEF OF REGISTRATION

Suggested criteria for a judge to use in making this determination are included in the statute. 9A.44.142

Note: If a person is relieved of the duty to register, the relief of registration does not constitute a certificate of rehabilitation, or the equivalent of a certificate of rehabilitation, for the purposes of restoration of firearms possession under RCW 9.41.040.

DISQUALIFYING OFFENSES

A conviction for any offense that is a felony; a sex offense as defined in this section; a crime against children or persons as defined in RCW 43.43.830(5) and 9.94A.411(2)(a); an offense with a domestic violence designation as provided in RCW 10.99.020; permitting the commercial sexual abuse of a minor as defined in RCW 9.68A.103; or any violation of chapter 9A.88 RCW.

RELIEF OF REGISTRATION BY OPERATION OF LAW AS DETERMINED BY LAW ENFORCEMENT

Upon request of a registered sex offender or kidnapping offender, the county sheriff shall investigate whether the person duty to register has ended by operation of law pursuant to RCW 9A.44.140. The sheriff shall use available records to verify the offender has spent the requisite time in the community and has not been convicted of a disqualifying offense. IF the sheriff determines the person duty to register has ended they shall request the WSP to remove the name from the registry. A sheriff may also conduct such an investigation upon her or his own initiative. Immunity is provided for requesting removal or failure to remove or request removal.

RELIEF OF REGISTRATION BY OPERATION OF LAW FOR OUT OF STATE/FEDERAL/TRIBAL OFFENSES WITH PROOF OF COURT DETERMINATION (RCW 9A.44.141)

A person who is listed in the central registry as the result of a federal, tribal, or out-of-state conviction may request the county sheriff in which the person is registered to investigate whether the person should be removed from the registry if:

- A court or other administrative authority in the person's state of conviction has made an individualized determination that the person should not be required to register; and

- The person provides proof of relief from registration to the county sheriff.
- If the county sheriff determines the person has been relieved of the duty to register in his or her state of conviction, the county sheriff shall request the Washington state patrol remove the person's name from the central registry.

JUVENILE OFFENDERS WHO WISH TO BE RELIEVED OF THE DUTY TO REGISTER (RCW 9A.44.143)

For class A sex offenses or kidnapping offenses committed when the petitioner was fifteen years of age or older (and if the offender has not been determined to be a sexually violent predator under RCW 71.09), the court in the county where the petitioner was convicted (or, in the case of convictions in other states, a foreign country, or in federal or military court, to the court in the county in which the juvenile is registered at the time a petition is sought) may relieve the petitioner of the duty to register if:

- a) At least 60 months have passed since the petitioner's adjudication and completion of any term of confinement for the offense giving rise to the duty to register and the petitioner has not been adjudicated or convicted of any additional sex offenses or kidnapping offenses within the sixty months before the petition.
- b) The petitioner has not been adjudicated or convicted of a violation of RCW 9A.44.132 (failure to register) during the sixty months prior to filing the petition.
- c) The petitioner shows by a preponderance of the evidence that the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.

For all other sex offenses or kidnapping offenses committed by a juvenile not included in subsection (2) of this section, or Class A felonies when the offender was under fifteen years of age, the court where the petitioner was convicted (or, in the case of convictions in other states, a foreign country, or in federal or military court, to the court in the county in which the juvenile is registered at the time a petition is sought) may relieve the petitioner of the duty to register if:

- a) At least 24 months have passed since the adjudication and completion of any term of confinement for the offense giving rise to the duty to register and the petitioner has not been adjudicated or convicted of any additional sex offenses or kidnapping offenses, within the twenty-four months before the petition. .
- b) The petitioner has not been adjudicated or convicted of an FTR during the 24 months prior to filing the petition and shows by a preponderance of the evidence that the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.

NOTE: An adult prosecuted for an offense committed as a juvenile once the juvenile court has lost jurisdiction due to the passage of time between the date of the offense and the date of filing of charges may petition the superior court.

OBLIGATION TO COMPLY WITH REGISTRATION REQUIREMENTS

Clarification or amendment of RCW 9A.44.130 does not relieve sex offenders of the obligation to comply with the registration requirements as the statute existed before July 28, 1991. It is a criminal offense to fail to register or fail to notify the sheriff of a change of address unless relieved of the registration requirement.

A person commits the crime of refusal to provide DNA if the person has a duty to register and the person willfully refuses to comply with a legal request for a DNA sample as required under RCW 43.43.754(1)(b). The refusal to provide DNA is a gross misdemeanor.

NOTE: CHILDREN IN THE CARE OR CUSTODY OF A REGISTERED SEX OFFENDER

Under RCW 9A.42.110, it is a misdemeanor offense to knowingly leave a child who is under the age of 18 in the care or custody of a person who must register as a sex offender due to committing a sex offense against a child, unless there exists written documents from a court of law, allowing the offender to have unsupervised contact with children, and/or a family reunification plan approved by the court, the Department of Corrections, or the Department of Social and Health Services.

RISK ASSESSMENT DETERMINATION AND DEPARTURE NOTIFICATIONS

As of July 22, 2011, there are additional sex offender populations to be reviewed and assigned an initial risk level by the End of Sentence Review Committee, as provided below. RCW 72.09.345.

To aid law enforcement agencies in making community notification decisions, the statutes require that the End of Sentence Review Committee review the following sex offenders:

- a) Offenders preparing for release from confinement for a sex offense or sexually violent offense committed on or after July 1, 1984.
- b) Sex offenders accepted from another state under a reciprocal agreement under the interstate corrections compact authorized in chapter 72.74 RCW.
- c) Juveniles preparing for release from confinement for a sex offense and releasing from the department of social and health services juvenile rehabilitation administration.
- d) Juveniles, following disposition, under the jurisdiction of a county juvenile court for a registerable sex offense.

- e) Juveniles found to have committed a sex offense and accepted from another state under a reciprocal agreement under the interstate compact for juveniles authorized in chapter 13.24 RCW. RCW 9.95.140; RCW 13.40.217; RCW 72.09.345.

The offender is classified as either a level 1 offender at low risk to reoffend within the community at large, a level 2 offender at moderate risk to reoffend within the community at large, or a level 3 offender at high risk to reoffend within the community at large. After reviewing the initial risk level classification, the law enforcement agency may assign its own risk level classification to the offender. RCW 4.24.550(6). The agency then discloses information appropriate to the circumstances of the particular offender. RCW 4.24.550(2)-(6). The lack of a fixed residence may be considered in determining an offender's risk level and shall make the offender subject to the disclosure of information to the public at large as per RCW 4.24.550.

If the agency assigns a different risk level classification than the one from the End of Sentence Review Committee, the agency must complete the Notice of Departure form and send to the End of Sentence Review Committee and the Washington State Patrol and submit its reasons supporting the change in classification. The forms may be found in Offender Watch. RCW 43.43.540 and 4.24.550(10).

Reasons for departure from the End of Sentence Review Committee's risk assessment level may include, but are not limited to:

- (1) A determination that the assessment tool was not scored correctly.
- (2) Law enforcement has information that is not part of the ESRC decision.
- (3) Circumstances are such that the risk assessment tool cutoff scores do not correspond with community safety issues.

Subsequent changes in classification—For any subsequent changes in classification after the initial assessment by the End of Sentence Review Committee, the change of status form should be completed and sent to the Washington State Patrol only for inclusion in the sex offender registry.

Risk Assessment (Risk Level Classification)—The STATIC 99R is the primary risk assessment tool used by law enforcement for adult offenders. The scoring page and a scoring tool are available on the WASPC webpage.

Additional information, coding rules, new coding rule applications, frequently asked questions and risk factors outside of the STATIC 99R are also available at <http://www.static99.org>. Similar to the Washington State Sex Offender Risk Level Classification revised in 1999, the STATIC 99R may be used for adult females, but has not been validated for that population. Law Enforcement is to use the Washington State Level Classification tool for juvenile offenders and may use it for adult female offenders until new tools are identified. It is also available on the WASPC webpage.

Law enforcement agencies responsible for the registration and dissemination of information regarding offenders required to register under RCW 9A.44.130 shall assign a risk level classification to all offenders after consideration of: any available risk level classifications by the department of corrections, the department of social and health services, and the indeterminate sentence review board; the agency's own application of a sex offender risk assessment tool; and other information and aggravating or mitigating factors known to the agency and deemed rationally related to the risk posed by the offender to the community.

When a registered sex offender is released into a community by the Department of Corrections, Department of Social and Health Services or when a sex offender moves into your catchments area, law enforcement will:

- (1) Review the risk level using whichever tool was used by the End of Sentence Review Committee (ESRC) unless the offender was convicted out of state. For out of state offenders use STATIC 99R.
- (2) If the STATIC 99R was not used by the ESRC, still use it as an additional assessment of the offender.
- (3) Review, as desired, offender's risk level for notification based on the risk assessment instrument and aggravating and mitigation factors. The STATIC 99R measures static risk factors and local jurisdictions may possess other information on dynamic factors that may appropriately impact a sex offender's risk level. Examples of aggravating and mitigating factors are listed on the STATIC 99R scoring page.
- (4) If there is a change in the recommended risk level, complete a "Departure Notice" and submit it to ESRC via DOC or DSHS 5. For out of state offenders, the STATIC 99R may be used to determine risk level for notification purposes. The STATIC 99R cut off scores are posted on the scoring sheet.

In addition, law enforcement agencies may use the WASPC guidelines for sexual offender classification to assist in determining aggravating or mitigating factors. The guidelines are:

Level I—Low risk to the community

An offender shall be classified as a risk level I if his/her risk assessment and other information or factors deemed relevant by the law enforcement agency indicate he or she is at a low risk to sexually reoffend within the community at large.

Level II—Moderate risk to the community

An offender shall be classified as a risk level II if his/her risk assessment and other information or factors deemed relevant by the law enforcement agency indicate he or she is at a moderate risk to sexually reoffend within the community at large.

Level III—High risk to the community

An offender shall be classified as a risk level III if his/her risk assessment and other information or factors deemed relevant by the law enforcement agency indicate he or she is at a high risk to sexually reoffend within the community at large.

Petition to Re-Assign Risk Classification

Agencies may develop a process to allow an offender to petition for review of the offender's assigned risk level classification. The timing, frequency, and process for review are at the sole discretion of the agency.

COMMUNITY NOTIFICATION PROCESS

As directed by Washington State law, RCW 4.24.550 and 9A.44.130, and in accordance with federal law, Washington State registers convicted sex offenders and provides notification to communities.

BEST PRACTICES

While there are differing avenues for community notification there is little empirical data as to which methods are most effective in increasing community safety and reducing recidivism. The four most common methods, also used in Washington State, are: (1) media releases; (2) community education/notification forums; (3) offender specific flyers using either door-to-door distribution or defined area mailings; and (4) public website/registration lists/internet access.

Each method has benefits and drawbacks and meets different community needs. Notification methods that connect directly with a community seem to be more effective. It is recommended that more than one method be used.

Whatever methods are used, care needs to be taken to ensure the accuracy of the factual information being presented in order to reduce the threat of harassment of offenders and to protect the confidentiality of victims.

Law Enforcement must “make a good-faith effort to notify the public and residents within “a reasonable period of time” after the offender registers with the agency. RCW 4.24.550(6)

NOTIFICATION PROCEDURES

STEP 1—ASSESSING RISK AND NOTIFICATION LEVEL

- (1) Review the risk level assessment documents on an individual sex offender received from DOC or the DSHS on behalf of the ESRC.
- (2) Assign the risk level provided by the ESRC or assign a different classification level and submit the required law enforcement Departure Notice.
- (3) For sex offenders not released from DOC or DSHS law enforcement must complete the risk assessment tool. This might include SSOSA, out of state offenders, and offenders sentenced to jail time.

STEP 2—DETERMINING THE SCOPE OF NOTIFICATION

- (1) Determine the “scope of the danger” this offender poses to your community. This determination is based on the offender level, age of victim, primary areas where the offender might be found, and other potential risk factors.
- (2) Determine the geographic “scope of dissemination”. This is a local determination of the primary area to receive notification. The review should identify schools, child care centers, vulnerable adult care centers, libraries, and other places that attract or cater to children that are in the neighborhood of the offender’s residence, the area around the employment site and other sites the offender might be found.

STEP 3—CREATING LEVEL II AND LEVEL III COMMUNITY NOTIFICATION BULLETINS

State bulletins and/or correspondence issued to law enforcement by the Department of Corrections, Juvenile Rehabilitation Authority, or the Department of Social and Health Services is for law enforcement use only and **are not to be posted in the community or distributed to the public**. Some of the information may be used in drafting your own sex offender information bulletin. It is recommended that agencies use Offender Watch to create these bulletins to ensure consistency and accuracy. (See example Appendix II).

Offender notification flyers and postcards generally contain offender specific information including the offender’s photo and approximate residence address. It should also contain community resource information and contact phone numbers. The flyer may be distributed as the only source of notification or may be distributed at community meetings. It is not appropriate to release this type of flyer to school districts for student distribution to parents.

Note: It is important to avoid further harm to victims that may result from the inadvertent identification of the victim in the community notification process. Since victims are often members of the offender’s family, it is advisable, when describing the offender’s criminal behavior in any level II or III community notification document, to refrain from stating the specific

relationship between the offender and the victim. Instead a more general descriptor, such as “relative,” together with relevant victim gender and age range information should be used.

Graphic details of the crime are to be avoided.

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| STEP 4—DISTRIBUTION OF COMMUNITY NOTIFICATION BULLETINS |
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The focus of community notification must rationally relate to the goals of enhanced public safety and the effective operation of government. Evaluating what is relevant and necessary information for community notification should include the level of risk of the offender; the location where the offender resides, expects to reside, or is regularly found; and the needs of affected community members to enhance their individual and collective safety. RCW 4.24.550(2).

“Accordingly, the geographic scope of dissemination must rationally relate to the threat posed by the registered offender. Depending on the particular methods of an offender, an agency might decide to limit disclosure only to the surrounding neighborhood, or to schools and day care centers, or, in cases of immediate or imminent risk or harm, the public at large. **The scope of disclosure must relate to the scope of the danger.**” State v. Ward 123 Wn2d at 503-504 (Washington State Supreme Court – 1994)

(a) Persons to be notified within a geographical area

(1) Level I sex offenders: Agencies must notify school districts and school principals if the offender is, or will be, attending their school; they are required to share information with other appropriate law enforcement agencies; they may disclose information upon request to any victim or witness to the offense and any individual community member who lives near the offender’s residence or where the offender expects to reside or is regularly found, and any individual who requests information regarding a specific offender RCW 9A.44.130, RCW 4.24.550(3)

(2) Level II sex offenders: follow level I guidelines PLUS the agency is authorized to release relevant, necessary, and accurate information to public and private schools, child day care centers, family day care providers, libraries, businesses and organizations that serve primarily children, women or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside or is regularly found. RCW 4.24.550(3) Level II information is posted on the public registered sex offender website.

(3) Level III sex offenders: follow level II notification guidelines PLUS the agency is authorized to release relevant, necessary, and accurate information to the public at large. This may include publishing information in a legal newspaper with general circulation in the area of the sex offender’s registered address.

(4) Homeless and transient offenders: because more localized notification is not feasible and homeless and transient offenders may present unique risks to the community, the agency may also disclose relevant, necessary, and accurate information to the public at large for offenders registered as homeless or transient (including level I offenders). This is usually done by posting the information on the public registered sex offender website. RCW 4.24.550

(b) Public and Private Schools

- Sex offenders residing in school district boundaries: Law enforcement, school districts and school principals should develop written protocols to ensure school and community safety. These protocols should include:
 - Understanding that community notification is the responsibility of law enforcement.
 - Plan for distribution of community notification bulletins within their respective schools when a registered level II or level III sex offender moves into an area near a school. Community notification bulletins on adult and juvenile registered sex offenders should not be sent to parents through their elementary school age children.
 - Plan for community notification when the registered sex offender is a student at a school that ensures school and community safety while respecting the privacy and educational rights of juvenile offenders.
 - Procedures to provide information to organizations that may use school space after school hours.
 - Protocols that discourage secondary dissemination of notifications, i.e. teachers sharing the information in classrooms.
 - Information directing parents requesting copies of community notification bulletins to contact local law enforcement and/or check the Washington Sex Offender website.
- Juvenile sex offender attending school:
 - Law enforcement is required to promptly notify the school district and the principal or department of public safety when a student required to register as a level I, II or III sex offender is enrolling in or is attending their school. The information given must include: name, complete residence address, date and place of birth, place of employment, crime for which convicted, date and place of conviction, aliases used, social

security number, photograph and risk level. If the person does not have a fixed residence, the information must include where the offender plans to stay. RCW 9A.44.130.

- In addition, the sheriff shall notify the applicable school district and school principal or institution's department of public safety whenever a student's risk level classification is changed or the sheriff is notified of a change in the student's address.
- The principal will then disclose the information received from the sheriff under the guidelines established by the Superintendent of Public Instruction.
- Students who are registered sex offenders are required by law to notify law enforcement within three (3) business days prior to arriving at the school to attend classes. Students who meet the registration requirements who are already attending school must notify law enforcement immediately. Juvenile sex offenders may NOT attend a public or private school attended by the victim or the victim's siblings. RCW 13.40.160

(c) Childcare Centers, Family Child or Adult Day Care Providers

Mail, e-mail, fax or hand deliver bulletins to child care centers and family day care providers that fall within the geographical scope of dissemination. Using the Offender Watch special recipient list to send an e-mail will simplify this requirement. To obtain contact information for licensed child care facilities, contact your local member agency of the Washington State Child Care Resource and Referral Network at 1-800-446-1114 or www.childcarenet.org. The local R&R program can provide a list of licensed child care facilities based on a specified distance from a given address. The list will include the facility's business name, a contact name, the facility's physical address, a mailing address (if different) and a telephone number.

DSHS licensed adult facilities can be searched by zip code at the following links:

Adult Family Homes – www.aasa.dshs.wa.gov/lookup/AFHRequestv2.asp

Boarding Homes – www.aasa.dshs.wa.gov/lookup/BHRequestv2.asp

Nursing Homes – www.aasa.dshs.wa.gov/Professional/NFDir/directory.asp

Child care and adult care providers are charged with the safety of the children and clients in their care so need to be made aware of potential safety concerns. In addition, they can provide a community notification bulletin to parents or guardians when they arrive to pick up their family member.

(d) Public Libraries and businesses and organizations that serve primarily children, women, or vulnerable adults

When possible, use Offender Watch special recipient lists, e-mail lists and/or broadcast FAX for notifications to care centers, libraries, businesses and organizations for greater efficiency and speed.

(e) Neighbors and community groups near the residence where the offender resides, expects to reside or is regularly found

Community notification forums and/or distribution of notification flyers or postcards are the two primary means of notifying community residents. An active block watch or volunteer program through a department will assist in this task. Community notification bulletins and safety literature can be sent directly to block watch captains or police department volunteers to distribute to residents in the identified area. Don't overlook apartment or homeowner associations, especially if there are large apartment complexes or developments in the jurisdiction. In rural jurisdictions, the local Grange may assist in getting the bulletins distributed. Notification postcards can be mailed directly through Offender Watch.

(f) Other law enforcement agencies

Any time a notification is created, automatically send a copy of the bulletin to other law enforcement agencies in the jurisdiction and neighboring jurisdictions. This can be done through Offender Watch. When the offender moves, the sheriff's office of the county of residency enters the information into Offender Watch which then notifies the new county agency.

All registered sex offenders are to be entered into Offender Watch database maintained by the Washington Association of Sheriffs and Police Chiefs. The database will be used to populate the public registered sex offender website which shall post all level II, level III, out-of-compliance level I and, homeless/transient level I registered sex offenders and kidnapping offenders in the state of Washington. The website shall contain, but not be limited to, the registered sex offender's name, relevant criminal convictions, address by hundred block, physical description, and photograph. The website shall provide mapping capabilities that display the sex offender's address by hundred block on a map. The website shall allow citizens to search for registered sex offenders within the state of Washington by county, city, zip code, last name, and address by hundred block. RCW 4.24.550(5).

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| STEP 5—SEX OFFENDER COMMUNITY NOTIFICATION FORUMS |
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One of the most important benefits of community notification is that it provides a vehicle for educating the community regarding sex offenders in general. Protecting children and adults in the community is a much larger task than just knowing the location of registered sex offenders. Community notification meetings provide an opportunity for law enforcement and community stakeholders to partner with private citizens to address public safety.

Few would question the need for sex offenders to be held accountable for their actions. Yet we must insure that sex offender registration and community notification is not used as additional punishment. It is, and is meant to be, regulatory. Fair, responsible, and non-inflammatory community notification is a reasonable consequence to the acts of the offender. Furthermore, it allows citizens to take prudent and rational steps to protect themselves, their children, and their community from the sex offenders they know about as well as those they do not.

Best practice has been identified as a community notification meeting which meet state and federal community protection laws, focuses on community safety issues and universal precautions AND provides offender specific information. Recognizing it is not possible to conduct a meeting every time an offender is released or relocates, law enforcement is encouraged to host meetings on a regular basis. Copies of offender information flyers identifying those currently residing or frequenting that geographical area should be available at any meetings held.

Community Notification Team

Community notification of an offender's release or relocation should be based on primary principles: offender containment, community education, empowerment, and involvement. Best practice for community forums is community collaboration to include law enforcement, the Department of Corrections, Department of Social and Health Services, victim service providers, advocacy groups, and school district personnel.

Once a Community Notification Team is established the same individuals should participate each time allowing the members to develop experience and comfort in conducting meetings. Prior to any meeting, agreement needs to be made as to roles and responsibilities of all participants. The roles of the various participants might be:

- (a)** County Sheriff and or local law enforcement: Convene or arrange with a designee to convene the meeting. Provide information about the history and social responsibility of sex offender registration and supervision. Provide local contact information for prevention education, victim services, and questions and concerns. Provide information regarding how the offender, or offenders in general, will be managed.

Victim Service Providers: Provide safety, prevention, and community empowerment information.

- (b)** DOC/DSHS/JRA: Provide specific supervision information regarding the offender(s) who have been released and general information on the role of

DOC/DSHS/JRA in supervising offenders in the community, if applicable to the meeting.

- (c) School Personnel: School personnel may provide specific information regarding the school's response if the offender is or will be attending school.
- (d) Others: Based on the risks the offender presents you may also want to consider including representatives to provide general information about sex offender treatment, mental health issues, domestic violence, or faith community involvement.

Planning a Community Notification Forum

- (a) Determine the date and time of the event. Weekday evenings are usually best. Start and end on time.
- (b) Arrange for an accessible meeting location and any necessary equipment. School auditoriums, churches, and community halls work well, as do grange halls in the rural areas.
- (c) Meeting notifications can be done by a targeted mailing, mass geographical mailing, in person neighborhood canvassing, or sent home from school via a parent newsletter get the word out. Offender Watch generated postcards or agency created flyers may be used to inform the public of an upcoming sex offender information meeting. This announcement should not include offender specific information and should be suitable for distribution by students to take home to parents. The announcement should state that the meeting content is not suitable for children and parents are requested to make child care arrangements
- (d) On the day of the meeting arrive early at the facility to check seating and equipment and set up a resource table. Handouts enable citizens to reference the information you are presenting and are useful when covering key points of information with their children. Whenever possible include information in languages representing the community population.

Conducting a Sex Offender Community Notification Forum Outline, a guideline from the Center for Sex Offender Management

- Welcome the attendees, introduce the Community Notification Team members and their roles, and the review the purpose of meeting.
- Inform the audience about Washington State's sex offender registration and state and federal community notification and protection laws.

- Provide information about the sex offender or offenders who are the subject of this particular community forum. This will usually include the information published in the notification flyer.
- Present information about local supervision and treatment efforts to safely manage registered sex offenders in the area. Consider including statistics and percentages of level II and level III offenders. Provide a brief description of specific efforts to safely manage a particular offender emphasizing supervision and special conditions.
- Explain the restriction for juvenile offenders to attend a school where the victim or victim's siblings are attending, if applicable.
- Explain that stability is a key ingredient to prevent reoffending. Include the consequences of abuse of the law by intimidating, harassing or threatening an offender.
- Acknowledge the audience's interest in their own safety, the safety of their children, and the safety of their neighborhoods.
- Provide contact information including the local sexual assault program for personal safety and child safety education, local law enforcement, and the Offender Watch website.

Example community notification educational materials including a PowerPoint presentation are found in the WASPC Sex Offender Information and Notification Resource Center Website.

Protecting Victim Identification

It is important to avoid further injury to victims that may result from the inadvertent identification of the victim in the community notification process. Since victims are often members of the offender's family it is advisable, when describing the offender's criminal behavior in any level II or III community notification document or forum, to refrain from stating the specific relationship between the offender and the victim. A more general descriptor such as "relative," together with relevant victim gender and age range information, should be used. Graphic details of the crime should be avoided.

Additional notifications

Local law enforcement should take risk factors into consideration when determining if additional notifications beyond the legislated mandate should be made. These might include a registered sex offender becoming transient, a radical change in appearance, a change in the offender's name, or a change in conditions.

Real Estate Agent requirements

Buyer agents are "to advise the buyer to seek expert advice on matters relating to the transaction that are beyond the agent's expertise" RCW 18.86.050.

This has been further clarified in the seller disclosure statement as “Agents are not experts on the locations of sex offenders. Buyer’s Agents are to instruct their client that information regarding sex offenders may be obtained from local law enforcement agencies.”

SEX OFFENDER MONITORING

County sheriffs refer to the Washington State Patrol’s Sex/Kidnapping Offender Registration Guideline Manual. The guideline is available in hard copy from the Washington State Patrol, Identification and Criminal History Section, PO Box 42633, Olympia, WA 98504-2633, (360)-705-5100 or on line through WATCH.

Reporting Requirements

Law Enforcement shall make reasonable attempts to verify that an offender is living at the registered address including verifying an offender’s address following the address verification program grant requirements. If the sheriff or police chief or town marshal does not participate in the grant program, reasonable attempts require a yearly mailing by certified mail with return receipt requested, a non-forwardable verification form to the offender at the offender’s last registered address sent by the chief law enforcement officer of the jurisdiction where the offender is registered to live. For offenders who are designated as sexually violent predators, the mailing must be sent every 90 days. (RCW 9A.44.130) Sheriffs and chiefs may enter into agreements to delegate the authority and obligation to fulfill the minimum address verification requirements.

Registered sex and kidnapping offenders with fixed residences

Law Enforcement agencies participating in the Registered Sex Offender Address and Residency Verification Program are required to conduct face-to-face address verification once a year for level I registered sex and kidnapping offenders; semi-annually for level II offenders; and quarterly for level III offenders.

Homeless offenders

- All homeless sex offenders, regardless of level, must report in person to the sheriff of the county where he or she is registered. The person must keep an accurate accounting of where he or she stays during the week and provide it to the county sheriff upon request.
- Must report during business hours on a day set by the sheriff’s office
- Lack of a fixed residence may be a factor considered in determining an offender’s risk level and subject to community notification procedures

Photos

- Photos may be taken at any time to update an offender’s file, especially when there is a change in address or if there has been a substantial change in appearance.

PUBLIC DISCLOSURE

Law Enforcement agencies must provide information requested by the Washington Association of Sheriffs and Police Chiefs to administer the statewide registered kidnapping and sex offender website.

Within five business days of the Washington Association of Sheriffs and Police Chiefs receiving any public record request under chapter 42.56 RCW for sex offender and kidnapping offender information, records or web site data it holds or maintains pursuant to this section or a unified sex offender registry, the Washington Association of Sheriffs and Police Chiefs shall refer the requester in writing to the appropriate law enforcement agency or agencies for submission of such a request. The Washington Association of Sheriffs and Police Chiefs shall have no further obligation under chapter 42.56 RCW for responding to such a request. (Effective July 24, 2015) This section is remedial and applies retroactively.

| NOTIFICATION CHECKLIST | | | |
|---|--|----------------|-----------------|
| Daily as Needed: | | | |
| <input type="checkbox"/> | Receive state bulletin from DOC, DSHS, or JRA | | |
| <input type="checkbox"/> | Review offender risk level or complete risk level assessment for those not releasing from DOC or DSHS. | | |
| <input type="checkbox"/> | Assign offender risk level provided or reassign level and complete the required Departure Notice then forward as required | | |
| <input type="checkbox"/> | Determine Scope of Danger (Level I, II, or III) | | |
| <input type="checkbox"/> | Determine scope of dissemination and provide required dissemination: | | |
| Dissemination Required | | Level I | Level II |
| Other Law Enforcement Agencies | | X | X |
| Principals and School Districts (if there is a juvenile offender in their school) | | X | X |
| Sexual and Kidnapping Offender notebook located in agency and available for public review upon request | | X | X |
| Victims and witnesses upon request | | X | X |
| Individual Community members living near an offenders residence, where the offender expects to reside or is regularly found, upon request | | X | X |
| Any individual who requests information regarding a specific offender | | X | X |
| Schools | | | X |
| Child care centers and family day care providers | | | X |
| Libraries | | | X |
| Businesses and organizations serving primarily children, women and/or vulnerable adults | | | X |
| Neighbors and community groups near the residence where the offender resides expects to reside or is regularly found | | | X |
| Public at Large | | | X |
| Daily: | | | |
| <input type="checkbox"/> | Update publicly accessible website using Offender Watch. | | |
| Every 90-Days: | | | |
| <input type="checkbox"/> | Level III offenders: face-to-face address verification. | | |
| <input type="checkbox"/> | Consider these items in determining the need to distribute another notification bulletin: (a) offender becomes transient; (b) change in address; (c) radical change in offender's appearance; (d) change offender's name; and (e) change in conditions of registration. | | |
| Every 6 Months: | | | |
| <input type="checkbox"/> | Level II offenders: face-to-face address verification. | | |
| Yearly: | | | |
| <input type="checkbox"/> | Level I offenders: face-to-face address verification. | | |

APPENDIX I: WASHINGTON STATE/NATIONAL RESOURCES

Washington State Resources

Offender Information

- Washington Association of Sheriffs and Police Chiefs (WASPC)—Washington State Sex Offender Information Center: www.waspc.org or 360.486.2380
- Washington State Patrol (WSP), Identification and Criminal History Section Sex/Kidnapping Offender Registry: 360-705-5100
- Local Sheriff's Office:
- Links to Washington State Laws regarding registration/notification: www.access.wa.gov or <http://apps.leg.wa.gov/rcw/>
 - Public Notifications—RCW 4.24.550
 - Registration of sex offenders and kidnapping offenders—RCW 9A.44.130
 - End of Duty to Register—RCW 9A.44.140
 - Address Verification—RCW 9A.44.135
 - Notice to persons convicted of sex offenses and kidnapping offenses—RCW 72.09.330
 - Registration requirement changes—RCW 9A.44.145
 - Central Registry—Sex offenders and kidnapping offenders—RCW 43.43.540
 - Sex offenders, release of information to protect public, End of Sentence Review Committee, Assessment, Records access, Review, classification, referral of offenders, Issuance of narrative notices—RCW 72.09.345
 - Homeless registered offenders—RCW 9A.44.130
 - Juvenile offender school restrictions—RCW 13.40.160

State Departments

- Department of Corrections (DOC) www.doc.wa.gov
- Indeterminate Sentencing Review Board (ISRB): www.srb.wa.gov
- Department of Social and Health Services (DSHS): www.dshs.wa.gov
 - Juvenile Rehabilitation Administration (JRA)
 - Mental Health Division (MHD)—Western and Eastern State Hospitals
 - Special Commitment Center (SCC) for sexual predators
- Department of Labor and Industries—Crime Victim Compensation Program: www.crimevictims.LNI.wa.gov or (800) 762-3716
- Office of Superintendent of Public Instruction – Sex Offender Management in Schools: www.k12.wa.us/safetycenter

Victim Services

- Office of Crime Victims Advocacy: www.cted.wa.gov or (800) 822-1067
- Department of Corrections—Victims Services Program: www.doc.wa.gov/victims or (800) 322-2201
- Department of Social and Health Services, Victim/Witness Notification: (800) 422-1536

- Washington Coalition of Sexual Assault Programs: www.wcsap.org
- Statewide Automated Victim Information and Notification (SAVIN): www.vinelink.com or (877) 846-3492

National Resources

- National Sex Offender Public Registry: www.nsopr.gov
- National Institute of Justice, Office of Justice Programs: www.ojp.usdoj.gov/nij
- Center for Sex Offender Management: www.csom.org
- National Sexual Violence Resource Center: www.nsvrc.org
- National Center for Missing and Exploited Children: www.missingkids.com
- The Jacob Wetterling Foundation: www.jwf.org
- National Center for Victims of Crime: www.ncvc.org
- National Organization for Victim Assistance: www.trynova.org
- National Center for State Courts: www.ncsconline.org
- National Sheriffs' Association: www.sheriffs.org/home.shtml
- The Association for the Treatment of Sexual Abusers: www.atsa.com
- National Council of State Legislatures: www.ncsl.org
- National District Attorneys Association: www.ndaa.org
- Office for Victims of Crime: www.ojp.usdog.gov/ovc
- Office on Violence Against Women: www.usdoj.gov/ovw
- Mothers Against Drunk Driving (MADD): www.madd.org
- International Association of Chiefs of Police, Victim Services Committee: www.theiacp.org/div_sec_com/committees/Victim_Services.htm
- Megan's Law: www.megans-law.net

APPENDIX II: SAMPLE NOTIFICATION BULLETINS

| Sex Offender Notification | | | | | |
|---|------------------|--|------------------|----------------|------------------|
| Offender Information | | Registration # 1124415 | | DOB 06/16/1965 | |
| Name ACOSTA , HECTOR ANTONIO | | | | Age 44 | |
| Comments: | | | | Sex Male | |
| | | | | Race Hispanic | |
| | | | | Height 5.02 | |
| | | | | Weight 135 | |
| | | | | Hair Brown | |
| | | | | Eyes Brown | |
|  | | | | | |
| Residence | | | | | |
| Street | | City | | County | State Zip |
| 4600 block of 177 AVE SE | | BELLEVUE | | King | WA 98006 |
| Alias | | | | | |
| Scars/Tattoos | | | | | |
| Location | Type/Description | Location | Type/Description | Location | Type/Description |
| Offense | | | | | |
| Date Committed | Date Convicted | RS Code/Description | | Crime Details | |
| | 10/26/2009 | 9A.44.073- Rape of a child in the first degree . | | | |



**Sex Offender Information Bulletin
Notification of Release
Level III Offender**

King County WA Sheriff's Office

Date 10-14-2010

The King County WA Sheriff's Office is releasing the following information pursuant to RCW 4.24.550, which authorizes law enforcement agencies to inform the public of a sex offender release when, in the discretion of the agency, the release of information will enhance public safety and protection.

The individuals who appear on such notifications have been convicted of a sex offense that requires registration with the Sheriff's Office in the county of their residence. Further, their previous criminal history places them in a classification level which reflects the potential to reoffend.

This individual has served the sentence imposed on them by the courts. HE/SHE IS NOT WANTED BY THE LAW ENFORCEMENT AT THIS TIME. THIS NOTIFICATION IS NOT INTENDED TO INCREASE FEAR; RATHER IT IS OUR BELIEF THAT AN INFORMED PUBLIC IS A SAFER PUBLIC.

Law Enforcement has no legal authority to direct where a sex offender may or may not live. Unless court ordered restrictions exist, this offender is constitutionally free to live wherever he/she chooses.



BIZZELL, JIMMY D

Afr Amer Male, age 47 years

Black hair, Brown eyes

**residence: 19400 block of SE 264
ST . COVINGTON**

**Mr. Bizzell was a stranger to both of
these victims and he was identified
by DNA. Both attacks were
physically brutal and the victims
suffered injuries.**

Convicted of: Rape in the third degree.,
Convicted Date: Nov 16 2004

If you have any questions about our community awareness program, please call: 206-205-7948 or e-mail administrator at susan.rahr@metrokc.gov.



Sex Offender Information Bulletin
Notification of Release
Level II Offender

Spokane County WA Sheriff's Office

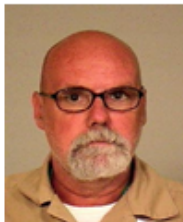
Date 07-06-2010

The Spokane County WA Sheriff's Office is releasing the following information pursuant to RCW 4.24.550, which authorizes law enforcement agencies to inform the public of a sex offender release when, in the discretion of the agency, the release of information will enhance public safety and protection.

The individuals who appear on such notifications have been convicted of a sex offense that requires registration with the Sheriff's Office in the county of their residence. Further, their previous criminal history places them in a classification level which reflects the potential to reoffend.

This individual has served the sentence imposed on them by the courts. HE/SHE IS NOT WANTED BY THE LAW ENFORCEMENT AT THIS TIME. THIS NOTIFICATION IS NOT INTENDED TO INCREASE FEAR; RATHER IT IS OUR BELIEF THAT AN INFORMED PUBLIC IS A SAFER PUBLIC.

Law Enforcement has no legal authority to direct where a sex offender may or may not live. Unless court ordered restrictions exist, this offender is constitutionally free to live wherever he/she chooses.



COOK, ROBERT WILLIAM

Caucasian Male, age 51 years

Brown hair, Brown eyes

**residence: 1400 block of W YORK
AVE , SPOKANE**

Cook was released from prison on 08/10/09 after serving 51 months for a conviction in Clallam County of Child Molestation 1st Degree that occurred in 2004. The victim was an eight-year-old female neighbor. He is being supervised by the Department of Corrections for the maximum sentence for his offense, which is life.

Convicted of: Child molestation in the first degree.,

If you have any questions about our community awareness program, please call: 509-477-6609 or e-mail administrator at RSOUnit@spokanesherriff.org.