

Washington State Sex Offender Policy Board

2008

Governor Gregoire signed [SSB 6596](#) creating the [Washington State Sex Offender Policy Board \(SOPB\)](#), assigning administrative responsibility to the Sentencing Guidelines Commission. The intent was to promote a coordinated and integrated response to sex offender management and create an entity to respond to issues that arise, such as integrating federal and state laws, in a way that enhances the state's interest in protecting the community with an emphasis on public safety.

The SOPB delivered its [2008 annual report](#) which discussed the Board's work plan and the work of its [Benchmarks, Sex Offenders in the Community, and Registration and Notification committees](#).

[2SHB 2714](#) directed the SOPB to review Washington State's sex offender registration and notification system.

2009

[ESHB 2035](#) directed the SOPB to review whether the registered sex and kidnapping offenders should be required to submit information regarding any email addresses and any web sites they create or operate.

SOPB hosted a Sex Offender Management System Forum to discuss issues related to sex offender management and learn about the S.T.A.R. (Successful Transition & Reentry) Program.

SOPB provided a forum for interagency discussion and collaboration in Everett, Washington.

SOPB delivered its [2009 Annual Report](#) which made findings in response to its assignments articulated in 2SHB 2714 and ESHB 2035. Key findings included:

- The key to ensuring public safety is to make well-informed decisions based on the best available research.
- The Board identified practical obstacles to the standard implementation of the current registration and notification laws through stakeholder input, recent court cases, and in-depth review of the Sex Offender Management System.
- Ongoing coordinated and collaborative efforts are required in order to stay apprised of best practices and to ensure efficient and evidence-based approaches to emerging issues within the Sex Offender Management System.

- Washington State was the first state to enact a sex offender community notification law in the 1990 Community Protection Act. Washington's current system supports public safety by setting community notification standards using a risk-based analysis instead of an offense-based method. This system is built on the premise that the community and sex offender response system partner to achieve public safety.
- Empirically validated risk tools are one of the most effective ways to determine an offender's risk to re-offend. The use of standardized dynamic factors can also be helpful in risk level assignment.
- Youths who have sexually offended are different from adults who commit sex offenses in part, because of ongoing brain and neurological development. Therefore, sex and kidnapping offender laws regarding juveniles and public policy should reflect their unique amenability to treatment and vulnerability to collateral consequences due to their ongoing development.
- In response to ESHB 2035 the SOPB created proposals which represented strong support but not unanimity within the Board: 1) no legislative action requiring the collection of online identifier information, 2) education and prevention efforts should be focused on vulnerable populations who are subject to grooming and exploitation by the internet, 3) continue to look at the requirement of online identifiers where there is a direct link between internet usage and the commission of a sexual offense.

2010

A bill representing the 2009 consensus recommendations of the Board - [ESSB 6414](#) – Improving the administration and efficiency of sex and kidnapping registration, was introduced.

Senator Jim Hargrove, chair of the Senate Human Services and Corrections Committee, and Senator Rosemary McAuliffe, chair of the Senate Early Learning & K-12 Education Committee requested the SOPB to study existing laws regarding juvenile sex offenders and school notification and make recommendations for consideration during the 2011 session. The results of this study, including relevant recommendations, are included in [the Reyes Case Review](#), they include:

- When a juvenile court orders 24/7 as a condition of a SSODA, the Court shall enter findings regarding this condition.
- When funded, WASPC should create a standard form to be used by law enforcement for notification purposes.
- School districts and principals shall be notified by law enforcement of a juvenile offender student.

- Law enforcement shall provide notice to the school when a student moves or transfers to a new school within the district; when a student changes schools but residence is the same; and when law enforcement changes the risk level.
- Parents, public and school staff should contact law enforcement agency for any information related to a particular juvenile adjudicated of a registrable sex offense.* The End of Sentence Review Committee (ESRC) to assign the initial risk classification for all juveniles required to register as a sex offender who go through JRA, receive a SSODA, or receive a local sanction.
- All schools shall be statutorily required to have policy and procedures in place requiring them to develop and implement policies and procedures regarding students who have been adjudicated or convicted of a registrable sex offense and the provision of a safe learning environment for all students.

**This was incorporated into the updated [WASPC Model Policy](#).*

Legislators submitted requests to the Board to examine and research issues including registration fees; “sexting”; posting sex offender supervision conditions on the public website; and online identifiers. On these issues the SOPB recommended:

Sexting

- Develop an educational campaign for parents and teens regarding the dangers of distributing sexually explicit images through electronic means; no modification to the current sex offense statutes to specifically address “sexting.”
- There are existing means in which to address sexting behavior if it is determined to be related to sexual offending such as using the sexual motivation enhancement. Issues to consider when determining what qualifies as potentially offending behavior are: history of prior sexual offenses, whether charged or uncharged; use of force, threats, coercion, or illicit substances to obtain the photos; age and power differences between the parties involved.

Posting Sex Offender Conditions Online

- Rather than notifying the public of a (Registered Sex Offender’s) RSO’s conditions of supervision, the website should instead provide on the individual’s RSO page, whether or not the RSO is on supervision.

Registration Fees for Sex Offenders

- That the legislature not enact legislation imposing a fee on sex offenders required to register.

Online Identifiers

- To provide internet safety and sexual violence prevention information to parents and children in lieu of collecting online identifying information from registered sex offenders.

The SOPB developed [maps of the adult and juvenile sex offender management system pre and post-conviction.](#)

2011

The SOPB established the [Sex Offender Policy Board Case Review Procedure.](#)

[ESSB 5891](#) moved the Sentencing Guidelines Commission and the SOPB into the Office of Financial Management.

2012

The SOPB amended its [Bylaws and Policies.](#)

The SOPB is requested to conduct a [case review of Jeremiah Thompson](#), registered sex offender in Clark County. The case review included the following recommendations:

1. Risk to the community and the need for services, not just the crime of conviction, should be taken into consideration for determining when parole should be imposed.
2. Best practice and OSPI model policy on release of information concerning student sexual and kidnapping offenders has the principal maintaining responsibility for management of sex offenders and all students' safety in school. It's appropriate for the principal to share information with those who need to know.
3. In the state's continuous efforts to establish and maintain consistent practice, we recommend the development and availability of training for school personnel, regarding juvenile sex offenders, including the sex offender management system, risk, and offender levels.
4. Require school districts to adopt a sex offender management policy based on the OSPI model policy and post the policy on the OSPI website by a date certain.
5. The committee recommends further study on the effectiveness of notification and registration of juveniles who have committed sex offenses.

SOPB is requested to [review Washington's policy on sex offense statute of limitations in the context of best practice and effectiveness.](#)

Question: Explore what amendments, if any, could be made to current policy regarding sex offense statute of limitations to appreciably improve the likelihood of successful prosecution of sex crimes against children.

Finding: No studies were available at that time which addressed statute of limitations and the connection to successful prosecutions of sex crimes; to the contrary prosecutor experience tends to indicate the more time that exists between the time of the crime and the prosecution of the case; the more difficult the case is to prove.

Question: Review best practices, if any that facilitate successful prosecution of child sex abuse cases when allegations are made after the victim reaches the age of majority.

Finding: No studies were available at the time.

Question: Review available literature and practices in other states regarding the role of successful prosecution and/or speedy prosecution in the deterrence of future offenses.

Finding: No studies were available at the time; however, a review of the Center for Sex Offender Management (CSOM) best practices related to Investigation, Prosecution and Disposition showed that Washington was using many of the identified best practices.

Question: Examine the states' various statute of limitations in child sex offense cases as they relate to successful civil action by victims.

Finding: Much like criminal statutes of limitation for sexual assault, laws vary greatly among states regarding civil statutes of limitations as well. There is no overwhelming body of evidence available that indicates a particular age, or number of years after a crime occurs, that leads to an increase in successful remedies by the court.

Recommendations:

- All statutes of limitations for victims of sexual assault, but under 18 years of age (or age of majority), is ten (10) years plus the age of majority or up until the 28th birthday, whichever is longer.
- A revision to the civil statute of limitations for sexual assault crimes, based on policy alone, rather than in combination of clear and convincing research.

2013

In October 2012, the Senate Human Services & Corrections Committee asked the SOPB to review Special Sex Offender Sentencing Alternative (SSOSA). In December 2013, the SOPB released a [full report](#) and the following recommendations:

1. Reinstate Department of Corrections supervision to the length of the suspended sentence (pre 2001), thus eliminating lifetime supervision for non-revoked participants.
2. Reinstate and fund the Sex Offender Treatment Advisory Committee.
3. Clarify the SSOSA statute language and/or emphasize adherence to the existing statutory language regarding known offenders.

2014

SOPB was requested to convene a workgroup to review policies related to the release and housing of sex offenders in the community. The SOPB filed a [final report](#) which included the following recommendations:

1. No expansion of residency restrictions for sex offenders in Washington state. The SOPB's review of literature in this area found no research evidence to support the effectiveness of residence restrictions in terms of deterring future crimes.
2. Stakeholders continue to expand public awareness of and access to available information regarding registered sex offenders in the community. It is important that any education or awareness efforts are clear and factual regarding sexual victimization and sex offenders.
3. Continued development and standardization of notification to law enforcement and processes to ensure information is shared with city, county, and municipal officials. This recommendation emphasizes the need and expectation of clear, transparent and timely communication between DOC and law enforcement.
4. DOC is responsible to educate communities through sharing of information on processes, practices, laws related to the release and transition of sex offenders from prison to communities, including housing voucher program and release planning. Updated legislation specific to the release of offenders must be shared with multiple stakeholders.

2015

[Chapter 261, Laws of 2015 Section 16 directed the SOPB](#) to make findings and recommendations related to: disclosure of information to the public compiled and submitted to sex and kidnapping offender registries; the relationship between chapter 42.56 RCW and RCW 4.24.550; best practices adopted or under consideration by other jurisdictions regarding disclosure of sex offender registry information; ability for sex and kidnapping offenders to petition for review of their risk level classification and whether it should be conducted according to a statewide uniform standard; and whether and how public access to the guidelines can be improved. The SOPB made the following findings and recommendations:

Disclosure of Registry Information to the Public and the Relationship Between chapter 42.56 RCW and RCW 4.24.550.

- Washington's comprehensive statutory scheme controlling the release of information to the public regarding sex and kidnapping offenders contained in RCW 4.24.550 has worked well since its inception with the passage of the Community Protection Act in 1990.
- RCW 4.24.550 should be considered an "other statute" under RCW 42.56.070. Washington's Public Records Act requires agencies to produce public records upon request "unless the record falls within the specific exemptions of this chapter, or any

other statute which exempts or prohibits disclosure of specific information or records.” See RCW 42.56.070.

- Release of level 1 sex and kidnapping offender information would be the equivalent to broad-based community notification which is generally reserved for higher risk sex and kidnapping offenders in our state. This would functionally eliminate our tiered risk level approach to community notification which the Legislature and many other stakeholders have worked diligently over the last 20 years to develop, implement and improved.
- The widespread dissemination of level I offender information would have a deleterious effect on victims who are often known or related to offenders or otherwise connected with offenders. This would particularly impact the level I offenders who have not been subject to community notification or the widespread dissemination of their sex and kidnapping offender registration information.
- The social science research reviewed by the SOPB indicates that widespread dissemination of information collected for all sexual offenders often has the unintended consequence of creating obstacles to community reentry that may actually undermine, rather than enhance, public safety.
- The widespread dissemination of level I offender information would have even greater collateral consequences for low-risk juvenile offenders and their families. Juvenile sex offenders already have many challenges re-integrating into society and this would be another obstacle. The release of their information would likely negatively impact a variety of known risk factors, which may ultimately increase their risk for participating in future criminal behavior.
- Widespread dissemination of sex and kidnapping offender registration information would undermine the legal rationale for upholding the constitutionality of sex and kidnapping offender registration and notification adopted by the Washington Supreme Court.

Best Practices in Other Jurisdictions

- The SOPB recognizes that adults and juveniles are generally different. Many states acknowledge these differences in their statutes related to sex offender registration and community notification and treat juveniles differently. As such, the SOPB believes this issue warrants additional consideration by Washington policymakers.

Ability for Offenders to Petition for Review of Risk Level Classification and Whether the Process Should Follow a Statewide Uniform Standard

- Availability of a sex offender risk level review process assists in maintaining a consistent approach to sex offender management.

- Criteria for risk level determinations should be based in research and linked to risk in the community.
- The SOPB supports the concept of each county having an established process to review the risk level classification level when requested by an offender registered in their jurisdiction.
- The SOPB requests that they be authorized to develop best practices for a process and criteria regarding a sex or kidnapping offender's request for assigned risk level classification review.
- The requests that each law enforcement agency have an established process to accept and review a request for risk level classification and use criteria to change the level which is supported by current research; that WASPC amend its model policy to recommend that each law enforcement agency adopt a process; that WASPC assess which agencies have a process, what the process is, and share the results with SOPB by December 1, 2016.

Whether and How Public Access to Guidelines Can Be Improved

- The guidelines established under RCW 4.24.5501 are easily available to the public via online locations (<http://www.waspc.org/sex-offender-information>, <http://www.waspc.org/model-policies>, http://sheriffalerts.com/cap_safety_1.php?office=54528) and the SOPB requests the Legislature take no action.