

## Past SOPB Recommendations

### 2008- SOPB Annual Report

- Discussed the SOPB's work plan and the work of its Benchmarks, Sex Offenders in the Community, and Registration and Notification subcommittees.

### 2009- SOPB Annual Report

#### Major Findings and Recommendations:

- 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.
- In response to ESHB 2035 the SOPB created proposals which represented strong support but not unanimity within the SOPB: 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.
- Youth 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.
  - Create separate juvenile and adult registry and community notifications statutes.
  - Fund creation of a validated juvenile risk assessment tool and training.
  - Repeal 90-day registration check-in for juveniles.
  - Change statute so juvenile sex offenders' first failure to register offense will not bar them from petitioning for relief from registration.
  - Relief from registration and automatic termination for adjudicated juveniles.
  - All juveniles should be assigned a risk level by a multi-disciplinary body of experts.
  - Community notification of juvenile offenders based on risk level.
- Adult sex offender registration and notification recommendations:
  - The use of an empirically validated tool for risk assessment and risk level assignment.

## Past SOPB Recommendations

- Statutory criteria for relief from registration for registered sex and kidnapping offenders.
- Repeal 90 day in person reporting requirement and continue with the law enforcement address verification program for adults.
- Tier the class of felony for Failure to Register as a Sex Offender.
- Community custody range for first failure to register conviction.
- Provide incentives to offenders by allowing all to petition for relief from registration.

## 2010- SOPB Annual Report

### Major Findings and Recommendations:

- Revise the statute to remove the difference of proof standards between juveniles over or under the age of 15 at the time of adjudication. (See RCW 9A.44.142/.145) The original purpose behind having two different standards is that the legislature had previously determined the need for two different standards because of the time lines being different based on the age of the petitioner. The change under 6414 in 2010 now extends the period of time for all juvenile petitioners, regardless of age. The requirements are: 2 years clean record, completed supervision requirements and treatment requirements.
- Provide assistance to juveniles adjudicated of a sex offense and/or families to petition Superior Court for relief from registration. In providing this assistance, the Board recommends that each juvenile court have a juvenile facilitator, much like the law facilitator, that counties are required to have to assist pro se family petitioners or respondents in family law proceedings. This facilitator does not need to be a newly created position. Just an individual who can provide this assistance to the juvenile. By facilitating the petition for relief from registration process for juveniles adjudicated of a sex offense, this will potentially reduce costs to the community and state agencies by focusing limited resources on those with the highest risk to re-offend.
- Revise statute to allow for the sealing of records for those who have been adjudicated of a sex offense. After a juvenile has been found eligible for deregistration that juvenile may then petition to have his or her criminal record sealed.
- The SOPB proposes developing a validated juvenile risk assessment tool specific to Washington State or implementation of an assessment tool designed for youth. In the meantime, the Board recommends statewide training on the assessment tool currently used on youths who sexually offend in Washington.

## Past SOPB Recommendations

- Define "fixed residence" for purposes of prosecuting FTRs, clarifying for law enforcement whether an offender must register as transient and check in with the local sheriff's office each week, and clarify expectations for the sex offender.
- Amend RCW 4.24.550(6)(c) to remove 14 day requirement and instead include language such as, "within a reasonable period of time after the person **registers.**"
- Correct technical statutory error, to replace the final "AN D" with "OR" to reflect original intent. The Legislative intent could not have been the requirement that someone have both an in state conviction with 10 yrs. crime free and an out of state conviction with 15 years crime free.
- Registered sex offenders convicted of their registerable offense out- of-state, may petition for relief from registration in his or her Washington State county of residence. Registered sex offenders convicted of their registerable offense in Washington State will continue to be required to petition for relief in their county of conviction.
- Remove statutory requirement that county sheriff must publish a "current list" of all Level 3 sex offenders twice a year.
- "In the community" is defined as residing outside of confinement or incarceration. Add definition of "in the community" to RCW 9A.44.128.
- RCW 4.24.550(5)(1) provides the public ability to search WASPC's Offender Watch website for a RSO by " type of conviction." Offender Watch does not have the capability to search by type of criminal conviction.
  - Recommendation: Technical clean-up of statute to remove a requirement that in practice has not been enacted. This changes the statute to reflect the practice and capacity of current technology and systems.
- RCW 9A.44.132 refers FTR to duty to register under RCW 9A.44.130 for a "felony sex offense as defined in that section" but the definition was moved to a new part of R CW 9A.44.128(6).
  - Recommendation: Amend the statute to reflect the above technical RCW change, by changing the cross reference in new RCW 9A.44.132 to 9A.44.128(6).
- Amend statute requiring out-of-state felony FTR convictions to score as a prior FTR offense for purposes of increasing the penalty of the current FTR charged in Washington.

## Past SOPB Recommendations

- RCW 43.43.540 requires WSP provide WASPC information on registered sex offenders including: photographs, and fingerprints, risk level classification and any notice of change of address within 5 working days. (See also R CW 9A.44.130). With the development and implementation of Offender Watch, this information is available directly from law enforcement agencies and accessible by law enforcement agencies upon entry by another agency, rendering the requirement for WSP to send the information to WASPC, redundant.
  - Recommendation: Remove statutory provision (RCW 43.43.540 ) requiring WSP provide WASPC information on registered sex offenders including: photographs, fingerprints, risk level classification and any notice of change of address within 5 working days.
- If funded, WASPC will create and implement the use of a uniform sex offender risk level Change Form to the Offender Watch system. All parties required by law to receive notification of a departure in risk level will receive an electronic copy of the form, upon entry in the Offender Watch program.
  - The purpose behind this recommendation is to enhance the use of data to inform the Board and system practitioners. This is accomplished by eliminating redundancies while using and enhancing existing technology to ensure sex offender registration data is accurate and real -time, and available to the public and systems' personnel as appropriate.
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## 2010- SOPB Reyes Case Review

### Major Findings and Recommendations:

- When a juvenile court orders 24/7 supervision as a condition of a Special Sex Offender Disposition Alternative (SSODA), the Court shall enter findings regarding this condition.
- When funded, the Washington Association of Sheriffs and Police Chiefs (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) were directed to assign the initial risk classification for all juveniles required to register as a sex offender who go

through Juvenile Rehabilitation, receive a SSODA, receive a local sanction or come to Washington under Interstate Compact-Juvenile for an offense that requires supervision under Washington law.

- 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.

Specific Issues and Recommendations:

### **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) 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.

## **2012- SOPB Thompson Case Review**

Major Findings and Recommendations:

- 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.

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- Best practice and Office of Superintendent of Public Instruction (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.
- 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.
- 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.
- The committee recommends further study on the effectiveness of notification and registration of juveniles who have committed sex offenses.

## 2013- SOPB Full Report

### Recommendations:

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

## 2014- SOPB Final Report

### 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- SOPB Full Report

### Recommendations Regarding the Disclosure of Registry Information

- 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.

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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.

### Recommendations Regarding the 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.

### Recommendations Regarding the Ability of Offenders to Petition for Review of Risk Level Classification:

- 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.

### Recommendations Regarding the Improvement of Public Access to Guidelines:

- The guidelines established under RCW 4.24.5501 are easily available to the public via online locations (<http://www.waspc.org/sex-offender-information>),

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<http://www.waspc.org/model-policies>,  
[http://sheriffalerts.com/cap\\_safety\\_1.php?office=54528](http://sheriffalerts.com/cap_safety_1.php?office=54528) ) and the SOPB requests  
the Legislature take no action.