**DECISIONS**

Sex offenders required to register will be placed in one of three classifications. The goal of classification and the notification statute is to provide the proper amount of information about a releasing sex offender to individuals within the community. **The risk level classification and resulting notification should be rationally related to the risk the offender poses to the community at large:**

* Level 1 – Low risk of sexual re-offense within the community at large. Law enforcement officials share information with other law enforcement agencies and may disclose information to the public upon request
* Level 2 – Moderate risk of sexual re-offense within the community at large. Law enforcement officials may share information with schools, child care centers, family day care providers, public libraries, businesses, neighbors and community groups near the offender’s expected residence or places where they are regularly found.
* Level 3 – High risk of sexual re-offense within the community at large. In addition to the type of disclosures made for Level 2 sex offenders, law enforcement can provide information to the public at large.

In order to establish a baseline level of the risk that an individual will commit another sex offense, the End of Sentence Review Committee scores the Static-99 R, which is an actuarial measure of risk for sexual offense recidivism. This instrument has shown to be a moderate predictor of sexual re-offense (defined as an arrest or conviction for a new sexual crime). This tool is used by researchers, parole and probation officers, psychologists, sex offender treatment providers, and police personnel involved in treatment and risk assessment activities. Actuarial instruments give different estimates for sexual re-offense, which can be explained by what each scale is measuring.

* The Static-99R is based on convictions. This risk assessment tool reveals the long-term probability that an adult male sexual offender will be “convicted” of a new sexual offense; however, it underestimates the probability that a new sexual offense will be committed. Many sexual offenses go unreported and detected. Therefore, the probability that an individual will commit a new sexual offense is somewhat higher than the probability that the person will be detected, arrested, prosecuted, and convicted for a new sexual crime.

The End of Sentence Review Committee uses the Static-99R to establish a recommended risk level classification for community notification purposes. However, the committee may elect to depart from the initial risk level score if special circumstances warrant. Objective risk instruments include a number of factors relevant to re-offending, but do not consider unique circumstances or unusual characteristics of offenders. Also, the instruments are not appropriate for all populations, such as juvenile and female sex offenders, and are not designed for the purpose of assigning community notification levels. Although the instrument helps to inform us about the probability of an individual being like, or unlike, other offenders who, when released, were detected for having committed new sex offenses, they cannot tell us about the method used to re-offend, the degree of violence that might occur in a re-offense, or whether the offender will be most likely to offend against a stranger, a family member, or someone with whom the offender has established a relationship primarily in order to commit a sexual offense. Therefore, departures give the committee the ability to incorporate a breadth of information about the individual under review and exercise its judgment and expertise in order to better inform the community about an individual offender's risk to the community at large. If a departure in either direction is recommended by the committee, the reasons for the departure will be justified in writing and have the support of the Committee majority and/or the Chair of the Committee.

The following are examples of aggravating and mitigating factors not otherwise captured by the actuarial risk instruments, which may increase or decrease the risk the offender poses to the community at large:

**Aggravating factors:**

* Statements of intent/threat to sexually re-offend
* Past interventions and/or treatment have not deterred sexually deviant behavior
* Pattern of behavior that increases risk for sexual re-offense
  + inability to control impulses
  + repeated pattern of placing self in high risk situations and/or locations in order to gain access to individuals of similar age/circumstance as prior sex offense victims
  + deviant sexual preoccupation/acting out during incarceration
* Documented information that increases risk for sexual re-offense
* Relationship with sex offense victim(s) was established or promoted for the primary purpose of victimization
* Offender used a position of community trust (e.g. coach, teacher, group leader, clergy, or police officer ) to gain access to sex offense victim(s)

**Mitigating factors:**

* Familial or known sex offense victim(s)
* Current offense is not sexual in nature
* Previously released or classified as Risk Level I
* 24-hour supervised placement
* Disability or terminal illness that decreases ability to sexually re-offend
* Non-contact sex offense (e.g. possession of pornographic depictions)
* Sexual offending appears opportunistic in nature
* Documented information that may decrease risk for sexual re-offense

**DEPARTURES**

**AGENCY SEX OFFENDER RISK LEVEL DECISIONS / DEPARTURE NOTICE**

Complete this form using the appropriate tool when a sex offender is released into your community by the Department of Corrections or Department of Social and Health Services or when a sex offender moves into your catchment area. Pursuant to RCW 4.24.550, if your agency assigns a different risk level classification than the one from the End of Sentence Review Committee, you must complete the “Change in Leveling” section of this Risk Level/Departure Notice form and send to DOC or DSHS along with the supporting reasoning for the change in classification.

|  |  |  |
| --- | --- | --- |
| Offender Name: | | Date of Birth: |
| Agency: | | Date of Report: |
| DOC #:: | DSHS #: | |

**Email notice of departure to:**

* **Adult:** Theodore Lewis, DOC at [tjlewis@doc1.wa.gov](mailto:tjlewis@doc1.wa.gov)
* **Juvenile:** Jedd Pelander, JRA at [jedd.pelander@dcyf.wa.gov](mailto:jedd.pelander@dcyf.wa.gov)
* Notification of the change **must** also be sent to the Washington State Patrol. The WSP Change form may be found in OffenderWatch.

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| **Risk Level Classification** | **STATIC-99R Score** | **WSSORLC (Juvenile Tool) WA State Sex Offender Risk Level Classification** | |
| Level I | -3 to +3 | Assessment score 46 or less and no notification considerations. | |
| Level II | 4 - 5 | Assessment score 46 or less and/or 1 - 2 notification considerations. | |
| Level III | 6 and above | Assessment score 46 or less and/or 3 or 4 notification considerations, or assessment score 47 or higher. | |

**STATIC-99R Score:**      

**WSSORLC Score:**

|  |  |  |  |
| --- | --- | --- | --- |
| **New Registrant Leveling:** Level | | | |
| **Justification**: | | | |
| **Change in Leveling**:: | Previous Level: | | New Level: |
| **Reasons:** | | | |
| Risk Assessment Updated/Corrected | | Aggravating Factors | |
| Mitigating Factors | | Law Enforcement Discretion | |
| Used Raw Score with Corresponding Risk Leveln(Rejected ESRC Aggravation/Mitigation) | | | |
| **Explanation/Narrative Required:** | | | |

Authorized Signature Date

        
Printed Name

|  |  |  |
| --- | --- | --- |
|  |  | **STATIC-99 R CODING FORM** |

|  |  |  |
| --- | --- | --- |
| Name | DOC Number | Date |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Question Number** | **Risk Factor** | | **Codes** | | | **Score** |
| 1. | Age at Release | | Aged 18 to 34.9 = 1  Aged 35 to 39.9 = 0  Aged 40 to 59.9 = -1  Aged 60 or Older = -3 | | |  |
| DOB: |  |
| ERD: |  |
| Age at release on Index Sex Offense: | |
| 2. | Ever lived with lover/intimate partner for at least two years? If “unknown” score 0 | | Yes = 0  No = 1 | | |  |
| 3. | Index non-sexual violence - Any convictions? | | No = 0  Yes = 1 | | |  |
| 4. | Prior non-sexual violence - Any convictions? | | No = 0  Yes =1 | | |  |
| 5. | Prior Sex Offenses | | Charges | Convictions | |  |
| None | None | = 0 |
| 1-2 | 1 | = 1 |
| 3-5 | 2-3 | = 2 |
| 6+ | 4+ | = 3 |
| 6. | Prior sentencing dates (excluding index) | | 3 or less = 0  4 or more = 1 | | |  |
| 7. | Any convictions for non-contact sex offenses | | No = 0  Yes = 1 | | |  |
| 8. | Any Unrelated Victims | | No = 0  Yes = 1 | | |  |
| 9. | Any Stranger Victims | | No = 0  Yes = 1 | | |  |
| 10. | Any Male Victims | | No = 0  Yes = 1 | | |  |
|  |  | | **Total Score:** | | |  |

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| For the shaded items, self-report can be used if it seems credible and reasonable. |

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| --- | --- | --- | --- |
|  | **TRANSLATING STATIC 99 R SCORES INTO NOTIFICATION LEVELS:** | **Score** | **Level** |
|  |  | -3 to 3 | I |
|  |  | 4 to 5 | II |
|  |  | 6+ | III |