

## 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 the 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 registration as authorized by [RCW 4.24.5501](#). The Model Policy is intended to assist local agencies in the development of their own operating policies and procedures. The Model Policy has been reviewed by an assortment of practitioners in the field from a variety of disciplines. The Model Policy has not been reviewed by any legal authority. **Law enforcement agencies are strongly encouraged to discuss any questions with their agency 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 ([Chapter 71.09 RCW](#)). Sex offender or registered sex offender (RSO) are 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. Selected court cases affecting sex offender registration and notification are also included.

**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 ([ESSB 5759](#)). Registration for Kidnapping and Unlawful Imprisonment added ([SSB 5621](#)).

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

**2006**—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 ([SSB 6325](#)). Please note, the section of the bill establishing “community protection zones” expired on July 1, 2008 (see [RCW 9.94A.8445](#)). 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 ([SSB 6144, further refined by SSB 5154 in 2015](#)). Registration for Possession of Depictions of Minors Engaged in Sexually Explicit Conduct ([SSSB 6172](#)) and increased penalties for Failure to Register ([SSSB 6319](#)) were added. Criminal Trespass Against Children was created ([SSB 6775](#)).

**SORNA**—SORNA is presented for informational purposes only. Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA) establishes minimum national standards for sex offender registration and notification. Under the provisions of SORNA offenders are placed in tiers based on the conviction offense. Washington State is not in compliance with SORNA. For additional information, please see <https://www.smart.gov/pdfs/sorna/washington-hny.pdf>.

**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**—[SSB 6414](#) 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 [Werneth](#) 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.

[Taylor Decision](#) determined that Statutory Rape is not covered under the definition of a “sex offense” therefore is not registerable. Counties relieved individuals that met criteria under the Taylor Decision.

**2012**—Promoting prostitution in the first and second degree for a second and subsequent offense are added to crimes requiring registration ([ESHB 1983](#)).

**2015**—[SSB 5154](#) 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; added requirements for law enforcement to provide information to any individual who requests information regarding a specific level I offender; and clarifies the authority by which an out of state offender may be relieved of the duty to register.

**2017**—Trafficking, Luring and Depictions of Minors offenses raised from class C to class B ([SSB 5813](#)). Voyeurism 2<sup>nd</sup> degree added as a non-registerable/non sex offense gross misdemeanor ([HB 1200](#)).

**2018**—[Arnold](#) decision determined that *State v. Taylor* was wrong. Statutory Rape offenses are registerable.

**2019**—[Batson](#) decision determined the first part of [9A.44.128\(10\)\(h\)](#) “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” unconstitutional.

**2020**—[ESB 6180](#) Assault in the fourth degree with sexual motivation added to SSODA eligibility.

**2021**—Court of appeals reversed the [Batson](#) decision.

**2023**—[ESHB 1394](#) Changed juvenile registration requirements. The retroactive portion of this bill is effective as of November 1, 2023.

## 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 (CHAPTER 9A.44 RCW)

**Since the inception of registration requirements in Washington State, many revisions have been made to strengthen these laws. Future revisions can be expected. IT IS RECOMMENDED THAT YOU VERIFY ALL INFORMATION IN THIS SECTION AT [HTTP://APPS.LEG.WA.GOV/RCW](http://apps.leg.wa.gov/rcw).**

### WHO MUST REGISTER

[RCW 9A.44.130\(1\)\(a\)](#) Any adult 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 shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. For definition of covered sex offenses see [RCW 9A.44.128](#) and [RCW 9.94A.030](#).

[RCW 9A.44.130\(1\)\(b\)](#) Any person who is not an adult (as defined in [RCW 9A.44.128\(13\)](#)) residing whether or not the person has a fixed address, or who is a student, is employed, or carries on a vocation in this state shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section if the person:

- (i) Committed a class A or class B sex offense when the person was age 16 or 17 and did not receive a special sex offender disposition alternative under [RCW 13.40.162](#);
- (ii) Committed rape in the first degree when the person was age 14 or 15;
- (iii) Committed rape in the second degree when the person was age 14 or 15 and the person did not receive a special sex offender disposition alternative under [RCW 13.40.162](#);

- (iv) Committed a sex offense and, on the offense date, the juvenile had a prior conviction for a sex offense as defined in RCW 9A.44.128 or had a deferred disposition for a sex offense pursuant to RCW 13.40.127;
- (v) Has a special sex offender disposition alternative under RCW 13.40.162 revoked for:
  - (A) A class A or class B offense that was committed when the person was age 16 or 17;
  - (B) A rape in the second degree offense that was committed when the person was 14 or 15;
- (vi) Has an out-of-state, tribal, or federal conviction for a sex offense;
- (vii) Committed a kidnapping offense; or
- (viii) Is found by the court based on clear, cogent, and convincing evidence to:
  - (A) Be age 14 through 17 on the offense date;
  - (B) Not have received a special sex offender disposition alternative under RCW 13.40.162 for the offense triggering possible registration or have had a special sex offender disposition alternative under RCW 13.40.162 revoked for that offense;
  - (C) Have been adjudicated of multiple sex offenses involving two or more distinct victims in separate counts or separate causes;
  - (D) Present a serious threat to public safety after the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition; and
  - (E) Require registration in order to lessen the serious threat to public safety.

*Note: 9A.44.130(1)(b)(vi) does not speak to any out-of-state, tribal or federal kidnapping or unlawful imprisonment offenses. Consult legal counsel for interpretation.*

"Adult" means a person who is 18 years of age or older on the offense date or who is convicted of and sentenced for an offense in adult court pursuant to RCW [13.04.030 \(1\)\(e\)\(v\)](#) or [13.40.110](#). (This does not include those charged and convicted in adult court simply because juvenile jurisdiction has lapsed.)

In RCW 9A.44.130(1)(a), a "Sex offense" includes 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.

In RCW 9A.44.130(1)(a), a "Kidnapping offense" includes 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 [RCW 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 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 ([RCW 9A.44.128](#)).

## 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 OR offenders convicted of a kidnapping offense and are in custody on or after July 27, 1997 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 ([RCW 9A.44.148](#)). 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.

Although not statutorily defined, it is agreed that when an offender is taken into custody for 15 or more days, the offender must re-register upon release even if they are returning to the same address. If they are in custody less than 15 days, they must register if they are going to a new address.

#### **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 for a sex offense on or after July 28, 1991 OR a kidnapping offense on or after July 27, 1997 must register. 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.

#### **OFFENDERS UNDER FEDERAL JURISDICTION**

Offenders who were in federal custody or under federal jurisdiction on or after July 23, 1995, on a sex offense OR July 27, 1997 for a kidnapping offense, regardless of when the offense was committed, 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 ([RCW 9A.44.145\(1\)\(f\)](#)).

#### **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED**

Offenders who were convicted of a sex offense, but who were not sentenced to serve a term of confinement immediately following sentencing, and were under the jurisdiction of the department of corrections, department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense as of July 28, 1991 OR July 27, 1997 for kidnapping offenses 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. 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 (commonly referred to as the "[Werneth fix](#)").

#### **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 28, 1991, 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.44.130\(5\)\(B\)](#)

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

Under [RCW 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.

[RCW 9A.44.138\(1\)](#) 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 and shall provide that school or department with the person's: (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.

[RCW 9A.44.138\(3\)](#) 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.

Common practice is for the county where the offender works or attends school will need to notify the Washington State Patrol. The appropriate notation in Live Scan/Hard Cards is "Non-resident, Employed or School."

## **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\(2\)\(a\)](#), 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 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 county Sheriff of the county of their residence and to the Washington State Patrol within three (3) days of the entry of the order.

## **OFFENDERS WHO ARE RESIDENTS OF WASHINGTON AND WILL TEMPORARILY BE RESIDING IN A WASHINGTON COUNTY OTHER THAN THEIR COUNTY OF REGISTRATION**

In the absence of specific statutory guidance, the recommended practice is for counties to encourage offenders to provide notifications for intrastate travel following the practice for [interstate travel](#).

Offenders should be encouraged to notify their county of registration of their temporary departure.

Per [RCW 9A.44.130\(4\)\(a\)\(vi\)](#), any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county Sheriff not more than three business days after entering the county and provide the information required in subsection (2)(a) of this section.

If the transient RSO stays in the new county less than 3 days, they should be reminded to document the stay on their weekly transient log.

## **OFFENDERS WHO LIVE IN ONE COUNTY AND ARE EMPLOYED/ATTEND SCHOOL IN ANOTHER COUNTY.**

In the absence of specific statutory guidance, common practice is for the county of residence to submit registration information to the Washington State Patrol. The county of residence should remain as the

managing agency.

## **PENALTIES FOR FAILURE TO REGISTER**

An adult offender required to register for a felony sex offense who knowingly fails to comply with any of the requirements of [RCW 9A.44.130\(1\)\(a\)](#) 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](#)).

It is a gross misdemeanor for an adult 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\(1\)\(a\)](#).

It is a gross misdemeanor for a non-adult offender required to register under RCW 9A.44.130(1)(b) who knowingly fails to comply with any of the requirements of RCW 9A.44.130(1)(b).

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\(4\)](#)). Per [RCW 43.43.754](#), A person commits the crime of refusal to provide DNA if the person has a duty to register under RCW [9A.44.130](#) and the person willfully refuses to comply with a legal request for a DNA sample as required under this section. The refusal to provide DNA is a gross misdemeanor.

## **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. IT IS RECOMMENDED THAT YOU VERIFY THIS INFORMATION AT [HTTP://APPS.LEG.WA.GOV/RCW](http://apps.leg.wa.gov/rcw).

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 in [9A.44.142\(2\)\(a\)](#), 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 June 8, 2000, the duty to register shall continue for the person's lifetime.

Additionally, an adult 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:
  - (1) If an adult was convicted of a **Class A felony**, or if the adult 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.
  - (2) If an adult was convicted of a **Class B felony**, 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 ([SSB 6414](#)). (5) provisions only apply to convictions for crimes committed on or after July 22, 2001.

- (3) If an adult was convicted of a **Class C felony**, a violation of [RCW 9.68A.090](#) Communication with minor for immoral purposes or [RCW 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 not 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.
- (4) (a) For a person required to register under RCW 9A.44.130(1)(b) for a class A offense committed at age 15, 16, or 17, the duty to register will end three years after the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition. There are no disqualifiers.  
  
(b) For a person required to register under RCW 9A.44.130(1)(b) who does not meet the description above ((4)(a)), the duty to register will end two years after the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition. This includes any non-adult with a federal, military, tribal or out of state offense. There are no disqualifiers.
- (5) **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 under [RCW 9A.44.142](#) 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 provided in [RCW 9A.44.142](#).

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](#).

Please remember to update Offender Watch and document the reason for relief. Please include an investigative note and upload any documentation.

## DISQUALIFYING OFFENSES

As defined in [RCW 9A.44.128](#), a "Disqualifying offense" means 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\(7\)](#)

and [RCW 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 applicable). If the Sheriff determines the person's 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.

Upon granting administrative relief, the Sheriff's office should notify the registrant in writing that their duty to register has expired.

#### **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: Due to the passage of ESHB 1394 (2023) it is likely that those with WA state adjudications for offenses committed as a juvenile will no longer need to petition for relief as they will all be administratively relieved. Agencies should work with their legal advisors on those with federal, tribal or out-of-state offenses committed as a juvenile.

#### **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.

#### **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.

## **ELECTRONIC STATEWIDE UNIFIED SEX OFFENDER NOTIFICATION AND REGISTRATION PROGRAM (OFFENDER WATCH)**

In [2002](#), the Washington Association of Sheriffs and Police Chiefs was directed to (when funded) “create and maintain a statewide registered kidnapping and sex offender web site, which shall be available to the public. The web site shall post all level III and level II registered sex offenders, level I registered sex offenders only during the time they are out of compliance with registration requirements under [RCW 9A.44.130](#) or if lacking a fixed residence as provided in [RCW 9A.44.130](#), and all registered kidnapping offenders in the state of Washington” ([RCW 4.24.550](#)).

In 2008, the Washington State Legislature funded, via budget proviso, a new unified sex offender registry program. With this program, all local registration web sites are linked with the statewide notification web site and are updated immediately when new information is entered. Since 2008, WASPC has administered the unified sex offender registry program, Offender Watch (OW).

“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 web site” ([RCW 4.24.550\(5\)\(b\)](#)). It is strongly recommended that law enforcement agencies use Offender Watch to track address verifications; changes in offender information; and other rationally related information.

Standardized practices for Washington state law enforcement agencies entering information in Offender Watch has been developed and can be found in [Appendix 1](#).

## **RISK LEVEL CLASSIFICATIONS, RISK ASSESSMENT, END OF SENTENCE REVIEW COMMITTEE, DEPARTURE NOTICES, SUBSEQUENT CHANGES IN RISK AND PETITION FOR REVIEW OF ASSIGNED RISK LEVEL CLASSIFICATION**

### **RISK LEVEL CLASSIFICATIONS ([RCW 4.24.550](#))**

**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.

### **RISK ASSESSMENT**

Per [RCW 4.24.550\(6\)\(a\)](#), 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:

- (i) Any available risk level classifications provided by the department of corrections, the department of social and health services, and the indeterminate sentence review board;
- (ii) the agency's own application of a sex offender risk assessment tool; and
- (iii) 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 at large.

The End of Sentence Review Committee (to be further discussed) has developed standardized aggravating and mitigating factors. These factors are not formalized in statute; however, are widely utilized by the End of Sentence Review Committee and local law enforcement agencies.

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
- Sex offense victim(s) were of casual acquaintance with whom no substantial personal relationship exists
- 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 (e.g. FTR cases)
- 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 (e.g. offense was not planned)
- Documented information that may decrease risk for sexual re-offense

Washington State law does not specify the risk assessment tools to be utilized when determining risk. For adult offenders, the Static 99R is the primary risk assessment tool used by the End of Sentence Review Committee and law enforcement. The Static 99R has not been empirically validated for use on female and juvenile offenders. In the absence of a validated tool, the Static 99R is used with special considerations when assessing risk in female offenders. For juvenile offenders, the Washington State Sex Offender Risk Level Classification (WSSORLC) tool is the primary risk assessment tool used by the End of Sentence Review Committee and law enforcement. Scoring forms, coding manuals and additional training resources relative to risk assessment can be found at [www.waspc.org/rso-rsource-center](http://www.waspc.org/rso-rsource-center).

It is a best practice to have more than one person review the scoring tool and risk level recommendations before the final risk level is determined, the offender is published to the State Sex Offender Registration

and any notifications processed. The offender should also be notified of their assigned risk level once it has been determined.

## **END OF SENTENCE REVIEW COMMITTEE**

Per [RCW 72.09.345](#), the Department of Corrections is directed to establish and maintaining an [End of Sentence Review Committee](#) (ESRC) for the purposes of assigning risk levels, reviewing available release plans and making appropriate referrals for sex offenders.

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](#); and [RCW 72.09.345](#).

## **DEPARTURE NOTICES**

If the local law enforcement agency assigns a different risk level classification than the one from the End of Sentence Review Committee, the agency must complete either the [online departure notice](#) or the Notice of Departure form and send to the End of Sentence Review Committee ([doceosr@doc1.wa.gov](mailto:doceosr@doc1.wa.gov)) and the Washington State Patrol ([sorsubmissions@wsp.wa.gov](mailto:sorsubmissions@wsp.wa.gov)) ([RCW 4.24.550\(10\)](#)). Given lack of clarity in law, the law enforcement community unanimously agreed to submit departure forms when the risk level assigned differs from the ESRC recommendation within 90 days of the offender's release from custody. The forms may be found in Offender Watch and at <http://www.waspc.org/rso-resource-center>.

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

- (1) Risk assessment updated/corrected
- (2) Mitigating factors
- (3) Aggravating factors
- (4) Law enforcement discretion
- (5) Used raw score with corresponding risk level (rejected ESRC aggravation/mitigation)

## **SUBSEQUENT CHANGES IN CLASSIFICATION**

For any subsequent changes in classification after the initial assessment by the End of Sentence Review Committee, changes in risk level should be documented in Offender Watch, which will be automatically submitted to the Washington State Patrol via the OWSOR interface.

## PETITION FOR REVIEW OF ASSIGNED RISK LEVEL CLASSIFICATION

Per [RCW 4.24.550](#), 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.

It is recommended that agencies develop a process to allow an offender to petition for review of the offender's assigned risk level classification. Best practice recommendations in this area are as follows:

- Adult offenders should be in the community for 5+ years before a petition for review of assigned risk level classification may be submitted. Juvenile offenders should be in the community for 1+ years before a petition for review of assigned risk level classification may be submitted.

*At the discretion of local law enforcement, extenuating circumstances may be justification to consider an offender's petition for review of assigned risk level classification beyond the recommend time frames outlined above.*

- Adult and juvenile offenders petitioning for review of assigned risk level classification should only be mitigated one risk level per review. For example, an offender may reduce from a level III to a level II; however, not from a level III to a level I.

It should be noted that petitioning for review of assigned risk level classification does not guarantee mitigation and may lead to aggravation in some cases.

*At the discretion of local law enforcement, extenuating circumstances may be justification to mitigate (or aggravate) an offender's risk level more than one level.*

- Adult offenders may only petition for review of risk level classification once every five years. Juvenile offenders may only petition for review of risk level classification one time per year.

*At the discretion of local law enforcement, extenuating circumstances may be justification to consider an offender's petition for review of assigned risk level classification beyond the recommend time frames outlined above.*

- During an adult offender's 5+ years or a juvenile 1+ years in the community, she/he:
  - Should successfully participate in sex offender specific treatment (if applicable).
  - Should successfully participate in any additional court ordered treatment (if applicable).
  - Should comply with community supervision (if applicable).
  - Should comply with sex offender registration requirements.
- To request a petition for review of assigned risk level classification, the offender should submit the following:
  - Letter documenting why the risk level classification review should be considered. This letter should demonstrate:
    - Stable housing or efforts toward stable housing.
    - Stable employment/education or efforts toward stable employment/education.
    - Participation in sex offender specific and/or additional treatment programs (if applicable).

- Compliance with community supervision requirements (if applicable).
  - Positive/supportive relationships.
- When considering a request to review assigned risk level classification, law enforcement should also consider the following:
  - Nature of the offense(s) for which registration is required.
  - The age of the offender at the time of the incident.
  - The age of the offender at the time of the request for review.
  - Previous and subsequent criminal history.
  - A review of previously administered risk assessment tools, including the Static 99-R for adults and the WSSORLC for juveniles.
  - When available, agencies may also consider dynamic risk assessment tools as administered by properly trained individuals.
  - At the discretion of local law enforcement, a polygraph or similar assessment may be required as part of the review of assigned risk level classification.
  - At the discretion of local law enforcement and per RCW 4.24.550, other information and aggravating and mitigating factors deemed rationally related may be considered.
- Petitions for review of assigned risk level classification should be considered by a local law enforcement agency. The local law enforcement agency may request input by additional stakeholders; however, should be cautious of using arbitrary judgment and opinions in making risk level classifications.
- Upon consideration of a request to review assigned risk level classification, the agency should provide timely documentation of the decision to the individual seeking a review of assigned risk level classification; and document the decision in Offender Watch.
- ❖ Extenuating circumstances may include:
  - Disability or illness.
  - Admittance to a medical or treatment facility.
- ❖ Mitigating factors may include:
  - Familial or known sex offense victim(s).
  - Current offense is not sexual in nature. (*failure to register*)
  - 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. (*offense was not planned*)
  - Documented information that may decrease risk for sexual re-offense.
- ❖ Aggravating factors may include:
  - Statements of intent/threat to sexually re-offend.
  - Past interventions and/or treatment have not deterred sexually deviant behavior.
  - Pattern of behavior that increase risk for sexual re-offense.
  - 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.

- Sex offense victim(s) were of casual acquaintance with whom no substantial personal relationship exists.
- Offender used a position of community trust (coach, teacher, group leader, clergy, or police officer) to gain access to sex offense victim(s).
- Additional sex offenses.

## **SEX OFFENDER REGISTRATION AND VERIFICATION**

County Sheriffs refer to the Washington State Patrol's [Offender Watch & Sex Offender Registry Interface \(OWSOR\)](#) user manual. This manual will provide assistance with registration processes in order to ensure an accurate registry.

### **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.

### **REGISTERED SEX AND KIDNAPPING OFFENDERS WITH FIXED RESIDENCES**

See information provided in [registered sex offender and kidnapping offender address and residency verification grant program](#).

### **TRANSIENT OFFENDERS**

- All transient 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.

## **REGISTERED SEX OFFENDER AND KIDNAPPING OFFENDER ADDRESS AND RESIDENCY VERIFICATION GRANT PROGRAM**

[RCW 36.28A.230](#) directed WASPC to "administer a grant program to local governments for the purpose of verifying the address and residency of sex offenders and kidnapping offenders registered under [RCW 9A.44.130](#) who reside within the county Sheriff's jurisdiction."

Under the address verification grant program, WASPC provides funding to each county Sheriff to conduct address verifications using the following schedule (at a minimum):

- For Level I Offenders—Face-to-Face Address Verification will occur once every twelve months.

- For Level II Offenders—Face-to-Face Address Verification will occur once every six months.
- For Level III Offenders—Face-to-Face Address Verification will occur once every three months.
- For the purposes of this grant, unclassified offenders and kidnapping offenders are considered level I offenders, unless the local jurisdiction sets a higher classification in the interest of public safety.

When the address verification grant program is not funded or an agency does not participate in the program, address verifications default to the procedures outlined in [RCW 9A.44.135](#). 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.

Verifications should be unscheduled as the intent of address verification is to confirm that the offender is residing at their address of registration.

It is strongly advised that address verifications be conducted during normal business or early evening hours. Late night and unnecessarily excessive verifications do not instill a willingness to cooperate with law enforcement.

#### **PUBLIC DISCLOSURE**

WASPC: Per [RCW 4.24.550](#), 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.

Local Law Enforcement: In 2016, The Supreme Court of Washington State issued its opinion in the *Zink* Case ([No. 90413-8](#)). The Court's findings determined that [RCW 4.24.550](#) is not an "other statute" under the Public Records Act. Agencies should discuss this opinion with their legal advisors to determine how to handle public records requests.

WASPC does not provide legal advice and cannot direct local agencies on the proper handling of public disclosure requests.

## REGISTRATION PROCEDURE CONSIDERATIONS

Best practices for registration procedures:

- Hours for registration and transient check-ins should be reasonable and considerate of the population being served.
- Registration procedures, hours for registration, registration desk contact information and frequently asked questions from registrants should be posted on the Sheriff's website to help ensure the offenders have the most up to date information regarding current procedures for registration.
- Consider making registration notification and address change forms available online.
- Agencies should try to use available technology to streamline processes whenever possible.
- Make sure that offenders sign updated registration notifications at least every 5 years or whenever laws have changed.
- Review forms and update (if needed) each year.
- Upon notification of a deceased offender, verify the death with official documents (i.e. death certificates, fingerprints, etc.).

## CONSIDERATIONS DURING A STATE OF EMERGENCY

During a state of emergency, the following practices may be considered:

Please be sure to document everything in Offender Watch.

- Social Distancing:
  - Limit times for offenders to check in or limit the number offenders in the office at one time.
  - Verify transients through a window; check them off using a weekly list.
  - Provide a drop box for transient logs and other forms.
- No fingerprinting:
  - Schedule offenders come to the office to complete change of address forms and new registrations. Update OW the new information.
  - Use disposable pens.
  - Require offenders to acknowledge that their registration is not complete and they must return at a scheduled time to submit fingerprints.
  - Maintain a list of offenders that need to come back for fingerprints and photos.
- Office closure:
  - Allow for email and phone communications.
  - Allow transient offenders to call or email once a week for their check in.
  - Encourage offenders to communicate a change in their living circumstances.
  - Document contacts in OW and keep a list of all offenders that require follow-up.

- Update your Sheriff Office RSO website with any closures and temporary hours of operation. Provide a specific date for the RSOs to check back for updates to help with accountability.

## 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 and kidnapping offenders and provides notification to communities. **It is important to remember, in Washington, risk levels (which determine the level of community notification) are specific to offenders' individualized assessment determining their level of risk to sexually reoffend within the community at large.**

### 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 community needs, and preference seem to be more effective. While only one method is required, 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, childcare 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 OPTIONAL 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. For examples, please see [Appendix II](#).

Offender notification flyers and postcards generally contain offender specific information including the offender’s current photo and address by 100 block (please do not use the offender’s complete 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.

## STEP 4—DISTRIBUTION OF COMMUNITY NOTIFICATION BULLETINS

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\*](#) (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](#).

Note: Agencies are encouraged to proceed with caution when considering the use of social media as it relates to registered sex offender notification. As mentioned above, the scope of disclosure must relate to the scope of danger. Agencies should encourage community members to sign up for email notifications through the public website. Notifications from the public website are the timeliest source of information.

**(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.
- Sex offender attending school ([RCW 9A.44.138](#)):
  - Upon receiving notice from a registered person pursuant to [RCW 9A.44.130](#) that the person 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 and shall provide that school or department with the person's: Name and any aliases used; Complete residential address; date and place of birth; place of employment; crime for which convicted; date and place of conviction; social security number; photograph; and risk level clarification.
  - 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 13.40.215](#)

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

Mail, e-mail, fax or hand deliver bulletins to childcare 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 childcare 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](http://www.childcarenet.org). The local R&R program can provide a list of licensed childcare 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. You may also use the Department of Early Learning's [website](#) for Child Care checks.

Adult facilities (i.e. Nursing homes, adult family homes and assisted living providers) can be searched on the DSHS Aging and Long-Term Support Administration's [website](#).

Childcare 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 two 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\(5\)](#).

<b>STEP 5—SEX OFFENDER COMMUNITY NOTIFICATION FORUMS</b>
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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 ensure 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 educational 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.

#### **SUGGESTED COMMUNITY NOTIFICATION FORUM OUTLINE**

- 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 can be found on 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.”

NOTIFICATION CHECKLIST			
<b>Daily as Needed:</b>			
<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 reviewed by ESRC.		
<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 Notification (Level I, II or III)		
<input type="checkbox"/>	Determine scope of dissemination and provide required dissemination:		
<b>Dissemination Required</b>	<b>Level I</b>	<b>Level II</b>	<b>Level III</b>
Other Law Enforcement Agencies	X	X	X
Principals and School Districts (as required by <a href="#">RCW 9A.44.138</a> )	X	X	X
Victims and witnesses (upon request per <a href="#">RCW 4.24.550</a> )	X	X	X
Individual Community members living near an offenders residence, where the offender expects to reside or is regularly found (upon request per <a href="#">RCW 4.24.550</a> )	X	X	X
Any individual who requests information regarding a specific offender (upon request per <a href="#">RCW 4.24.550</a> )	X	X	X
Schools (as authorized by <a href="#">RCW 4.24.550</a> )		X	X
Childcare Centers and Family Day Care Providers (as authorized by <a href="#">RCW 4.24.550</a> )		X	X
Public Libraries (as authorized by <a href="#">RCW 4.24.550</a> )		X	X
Businesses and organizations serving primarily children, women and/or vulnerable adults (as authorized by <a href="#">RCW 4.24.550</a> )		X	X
Neighbors and community groups near the residence where the offender resides expects to reside or is regularly found (as authorized by <a href="#">RCW 4.24.550</a> )		X	X
Public at Large			X
Community Notification per <a href="#">RCW 4.24.550(4)</a>			X
<b>Daily:</b>			
<input type="checkbox"/>	Update publicly accessible website using Offender Watch. Level II and III offenders are always published. Kidnapping offenders are always published. Level I offenders are only published when they are out of compliance and/or register as transient. ( <a href="#">RCW 4.24.550</a> )		
<b>Every 90-Days:</b>			
<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.		
<b>Every 6 Months:</b>			
<input type="checkbox"/>	Level II offenders: face-to-face address verification		
<b>Yearly:</b>			
<input type="checkbox"/>	Level I offenders: face-to-face address verification		

## APPENDIX I: OFFENDER WATCH STANDARDIZED PRACTICES

Offender Watch is not just an offender management and monitoring tool, it can also be used as an investigative tool by law enforcement agencies. As a Sex Offender Coordinator for your agency, remember, the more data you collect the more the tool will be for all users. State law requires you to enter specific information but it does not limit you from collecting additional data. Further, collection of additional data complies with the requirements of SORNA. Information should be entered consistently and timely. Documentation for level changes, compliance and relief should be entered in investigative notes and supporting documents uploaded.

### BASIC ITEMS WHICH SHOULD BE FOLLOWED BY ALL AGENCIES STATEWIDE:

- ALWAYS BE CONSISTENT, UPLOAD DOCUMENTS (i.e. Scoring tools, police reports, court documents, registration forms, etc.), IMPORT IN A TIMELY MANNER, DOCUMENT IMPORTANT CHANGES (i.e. ANY Level changes, Name/Gender Changes).
- ALWAYS do a search before creating a new offender; we want to avoid any duplicate entries.
- All entries in Offender Watch should be in CAPS.
- Offender name in Offender Watch must match the offender name submitted with the offender fingerprint card to WSP.
- Start and end dates must be entered for all addresses to ensure accuracy of the WSP interface.
- Do not use the Juvenile flag on the Main tab. If the offender was a juvenile at the time of offense (even if charged in adult court), document this on the Offenses Tab.
- When importing from another state, always check the SVP flag on the main page. In WA, the SVP flag should only be used when an offender is/was deemed an SVP under RCW 71.09.
- If an offender's name is longer than 30 characters, it will not be accepted in the interface with WSP; the 30-character name (same used for LiveScan and/or listed as the master name on the Triple I) should be entered in the Alias section to help avoid errors.
- Be sure to add/update the verification cycles. There should only be one active cycle per offender.
- Remember to update the compliance box when the offender is non-compliant
- Adding FTR offenses to the offense tab – Only add Class B or C offenses that are registerable. All other FTR convictions should be posted in the notes section.
- Dates on offense tab:
  - Committed=Date of offense;
  - Arrested=Arrest date; Convicted=Date the offender was found guilty or pled guilty (if sentence date is different you can note that in the general info section); and
  - Released=date released from custody for that offense.
- All Kidnapping offenders should be published on the public site. RCW 4.24.550(5)(a)
- Never delete imported records and reports.
- When documenting school/work/volunteer, if there is not one reported, document "none reported" but DO NOT check the primary current box, just enter the date.
- When an offender moves to your jurisdiction, continue to use the last assigned risk level until you have completed your review.
- Any change in level should be documented in the investigative notes

**STATUS:**

- Active—used for all active Offenders
- Active Transient—use for any transient offender
- Active Local Jail—use when and offender is in a local jail
- Active Absconded—Use when the offender has absconded; make a note in the address line indicating that you either have a warrant or are unable to locate the offender
- Inactive Incarcerated—Use when the offender goes to DOC or SCC or Federal Detention
- Inactive Reg. Expired—Use when the offender is Administratively Relieved or Relieved by the court; Note “relieved” or “ROD” in the address line with additional documentation in the Investigative Notes.
- Inactive Out of Area—Is only used for offenders that move out of state and have registered in the new state of residence; the state (and address) should be added to the address tab.
- Inactive Deceased—Enter “deceased” in the address field.

**SEALED RECORDS:**

- Send the court order to WASPC.
- WASPC will import the record to a hidden account and create a “ghost” record that is still searchable by Name/DOB. This record WILL NOT have any additional records attached to it.

**ENTERING ADDRESSES (OFFENDERS IN CUSTODY, RELIEVED OF DUTY, TRANSIENT, OR OUT-OF-STATE):**

- Leave street number field blank. Do not use 000 in Street # or it will not show “initial block of” on the website.
- Below is the agreed upon entry format for the various items. These updates should be made by the agency of registration.
- Always enter start and end dates.

Street Address	City	County	State
TRANSIENT	CITY	COUNTY	WA
FAIL TO VERIFY	CITY	COUNTY	WA
INMATE – DOC		COUNTY	WA
RESIDENT—SCC/JRA		COUNTY	WA
INMATE—JAIL	CITY	COUNTY	WA
OUT OF STATE (if you don’t have the address)	CITY	COUNTY	STATE
RELIEVED OF DUTY—REASON (ADMIN, BATSON, TAYLOR, DECEASED, COURT ORDERED, ESHB 1394, ETC.)	CITY	COUNTY	WA
DECEASED	CITY	COUNTY	WA

- If an offender is returned to custody, DOC, JRA or the SCC should notify local law enforcement. Local law enforcement is the appropriate agency to update the offender record. DOC, JRA and the SCC should only import offender files as individuals are preparing for release.
- Enter street types using US Postal designations, i.e. AVE, BLVD, CT, DR, LN, ST, WAY, RD
- Apartment, unit, suite numbers must be entered in the apartment field. Do not enter the apartment number in the address field. The address field includes the street name and address number only. IE 141---B Main St should be entered as “141 Main St” in the address field and “B” in

the apt field.

#### **PUBLISHING INFORMATION:**

*The publish check box is located on an offenders main page, on the general tab and the text next to the box is in red.*

- Transient, Out-of-Compliance—Check the publish box for Level I offenders who are transient or non-compliant. Level I offenders are blocked from publication on the public website unless this box is checked. If you check a Level I offender who would not be published, the information is blocked from the website, but an e-mail with no information would go out to anyone registered. The e-mail component is triggered as needed to send the data to other law enforcement agencies.
- Tribal RSOs—Process sex offenders convicted in tribal court the same as out-of-state offenders. Remember to notify RSO of the obligation to register with the tribe if they live, work or go to school on tribal lands.
- Lives in one county but works or goes to school in another—Radial notifications should always go out for residency. LE in the county of employment or school may do a radial notification based on the address where the RSO may regularly be found, i.e. place of employment, school.
- Out-of-area posting—When an offender moves out of state, they are shown as “inactive, out-of-area” in Offender Watch, but are not published on the website.

#### **US MARSHAL NOTIFICATION:**

Under the Adam Walsh Act, the United States Marshals Service (USMS) has a responsibility to assist their state/local partners with the identification, investigation and prosecution of non--compliant sex offenders. Additionally, if that offender has absconded and travels in interstate commerce, the USMS can seek prosecution of that offender under 18 USC 2250.

The following should serve as a guide when sending a USMS alert through Offender Watch:

1. Upon discovery that an identified non-compliant sex offender may have absconded.
2. When sending an alert to the USMS, please provide as much information as possible in both the alert and offender record.

Any other information pertaining to the relocation of an offender should be sent to the appropriate sex offender registry office.

Marshal notification is completed by checking the box in the “Alert US Marshal’s” field on an offenders main page, general tab. Fill in the requested information on the pop---up window and click “alert”

#### **CHANGES IN REGISTRATION REQUIREMENTS:**

- When an RSO with a 10 or 15-year registration requirement has “timed out” then either upon request or at agency discretion, the LE agency should run a criminal history and check to see if the offender has had any new disqualifying offense convictions. If none and the person is eligible for relief, a WSP Relieved of Duty form (found under reports in Offender Watch) is completed and Offender Watch is updated. The update to Offender Watch may trigger an error email from the

WSP interface, they are just looking for confirmation that the relief is correct in the system; no further action is needed unless WSP requests additional information. In counties with oversight committees, the committee chairperson should sign off the form. Documentation should be added to the agency file and notification provided to the offender.

When an RSO with lifetime registration meets the criteria and requests to be relieved of the duty to register, a petition must be submitted to the court. Petition forms are available on [www.courts.wa.gov](http://www.courts.wa.gov) and may be used as a model of an informational sheet given to registered sex and kidnapping offenders on how to petition the court to be relieved of the requirement to register.

#### **LEGAL NAME/GENDER CHANGES:**

Current federal and state laws do not prevent offenders from legally changing their names. However, these changes do not relieve the offender from their duty to register. When an offender provides court documents supporting a legal name or gender change the following are the recommended best practices:

- To add a new name only as an alias, send in the court documents to the WSP. Court ordered name changes do not change the master name on the WSP record. The master name is the name given on the first retainable set of fingerprints the WSP entered to our database.
- To change the offender's name or gender on the WSP SOR registry (which does not affect the master name or gender) you will need to send a new completed fingerprint card and a color photo. The name/gender given on the most current registration will appear on the registry and all names given on a fingerprint registration card will appear in the alias section of the WSP criminal history record information (CHRI).
- Update Offender Watch. The offender's name and if applicable (transgender persons) gender should be updated to reflect the new information. A new picture and all court records should be uploaded. Investigative notes should be included which explain the change and any other relevant information. Include the offenders prior legal name in the alias section. Update physical description if this has changed, remember to include details like wears colored contact lenses in the other characteristics section.
- Things to consider when an order to change the gender marker is received:
  - consistent documentation
  - has the offender had a gender re-assignment surgery
  - any additional considerations from your agency legal advisor
- Explain the offenders continued duty to register as required by law and provide them with a new notification of registration form, obtain all signatures and initials, once complete scan and upload this information into Offender Watch.

#### **OFFENDER WATCH AND SEX OFFENDER REGISTRY INTERFACE**

The Offender Watch & Sex Offender Registry Interface is a collaborative initiative by the Washington State Patrol (WSP) and the Washington Association of Sheriffs and Police Chiefs to retrieve data from Offender Watch and automatically update the WASIS system. As a result, the OWSOR achieves a reduction in redundant work and minimization of manually processing data. Thus, improving the accuracy, consistency, and timeliness of the SOR data stored in WASIS.

Remember to always read and address any “Transmission error” email messages you receive, or the official record will not be accurate. For additional information, please see the [WSP OWSOR Interface User manual](#) and the [OW Interface Tips](#).

## APPENDIX II: SAMPLE NOTIFICATION BULLETINS



### Sex Offender Information Bulletin Notification of Release Level III offender

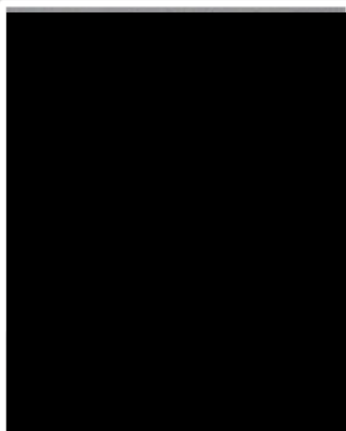
Pierce County WA Sheriff's Office

09/20/2022

The Pierce 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 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.



[REDACTED]			
Age	35	Race	Black
Sex	Male	Hair	Black
Eyes	Brown		
Residence	14,400th block of WASHINGTON AV SW, LAKEWOOD WA 98498		

#### Aliases

[REDACTED]

#### Convictions

Date	Crime
May 24 2004	Rape In The Third Degree
May 24 2004	Rape In The Third Degree

#### Public Comment

In 2004, [REDACTED] was convicted of two counts Rape in the 3rd degree in Pierce County Juvenile Court. According to official documents, over a two-month time period, [REDACTED] (age 16) sexually assaulted three adult females ranging in ages between 20 to 26 years of age. The 20-year-old non-familial female victim was sleeping and awoke to find Abram rubbing her thigh area with his hand. In another incident, [REDACTED] sexually assaulted a 21-year-old non-familial female, who was spending the night at [REDACTED] residence. The victim was sleeping and woke up to find [REDACTED] sexually assaulting her. In another incident, [REDACTED] sexually assaulted a 26-year-old non-familial female, who was spending the night at [REDACTED] residence. The victim was sleeping and woke up to find Abram sexually assaulting her. Abram was originally charged with three counts of Rape in the 2nd Degree and pled guilty to two counts of Rape in the 3rd Degree. [REDACTED] participated in Sex Offender Treatment Program while he was incarcerated but records indicate that his participation in the Treatment Program was sporadic. Due to [REDACTED]'s sexual criminal history, he has been classified as a Level 3 Sex Offender.

(Name and photos should be included in actual community notifications.)



Thurston County WA Sheriff's Office  
John Snaza  
2000 Lakeridge Drive SW  
Olympia, WA 98501  
360 754-2894

The Thurston County Sheriff's Office is releasing the following information pursuant to RCW 4.24.550. The individual who appears on this notification has been convicted of an offense that requires registration with the Sheriff's Office and places him/her in a classification level which reflects the potential to re-offend. This individual has served the sentence imposed on him/her by the courts and has advised this office that he/she will be living at the location listed. This notification is not intended to increase fear; rather, it is our belief that an informed public is a safer public.

## Sex Offender Notification

### Offender Information

Registration # 349179

Name [REDACTED]  
Comments:

Age 19  
Sex Male  
Race White  
Height 6.02  
Weight 225  
Hair Black  
Eyes Brown



### Residence

Street	City	County	State	Zip
2100 block of OVERHULSE RD NW	OLYMPIA	Thurston	WA	98502

### Alias

CHANCE HOOPER-LINN

### Scars/Tattoos

Location	Type/Description	Location	Type/Description	Location	Type/Description
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### Offense

Date Committed	Date Convicted	Counts	RS Code/Description	Crime Details
	01/04/2012	1	9A.64.020(1)(b)- Incest in the first degree	
	01/04/2012	1	9A.64.020(2)(b)- Incest in the second degree	
	08/22/2016	1	9A.40.090- Luring (Sexually Motivated)	

(Name and clear photos should be included in actual community notifications.)

## APPENDIX III: RESOURCES

### RESOURCES FOR LAW ENFORCEMENT AGENCIES

- Terrina Peterson, WASPC Program Coordinator  
360-486-2386 or [tpeterson@waspc.org](mailto:tpeterson@waspc.org)
- Offender Watch: 1-888-WATCH-12 or <http://watchsystems.com/>
- Jail Booking and Reporting System (JBRS): [www.jbrs.org](http://www.jbrs.org)
- Facebook
  - Report Abuse: <https://www.facebook.com/help/359033794168099/>
  - Law Enforcement: <https://www.facebook.com/help/473784375984502/>

### WASHINGTON STATE RESOURCES

#### OFFENDER INFORMATION

- Washington Association of Sheriffs and Police Chiefs (WASPC)—Washington State Sex Offender Information Center: [www.waspc.org](http://www.waspc.org) or 360.486.2380
- Washington State Patrol (WSP), Identification and Criminal History Section  
Sex/Kidnapping Offender Registry: 360-705-5100 or [SORsubmissions@wsp.wa.gov](mailto:SORsubmissions@wsp.wa.gov)
  - [WSP OW Sex Offender Registration Interface Manual](#)
  - [WSP OW Sex Offender Registration Interface Tips](#)
- Local Sheriff's Office:
- Links to Washington State Laws regarding registration/notification: [www.access.wa.gov](http://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 notifications and restrictions—[RCW 13.40.215](#)

#### STATE DEPARTMENTS

- Department of Corrections (DOC) [www.doc.wa.gov](http://www.doc.wa.gov)
- Indeterminate Sentencing Review Board (ISRB): [www.doc.wa.gov/corrections/isrb/default.htm](http://www.doc.wa.gov/corrections/isrb/default.htm)
- Department of Social and Health Services (DSHS): [www.dshs.wa.gov](http://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.lni.wa.gov/claimsins/crimevictims/](http://www.lni.wa.gov/claimsins/crimevictims/) or (800) 762-3716
- Office of Superintendent of Public Instruction – Sex Offender Management in Schools:  
[www.k12.wa.us/safetycenter](http://www.k12.wa.us/safetycenter)

## **VICTIM SERVICES**

- Office of Crime Victims Advocacy: <https://www.commerce.wa.gov/serving-communities/crime-victims-public-safety/office-of-crime-victims-advocacy/> or (800) 822-1067
- Department of Corrections—Victims Services Program: [www.doc.wa.gov/victims](http://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](http://www.wcsap.org)
- Statewide Automated Victim Information and Notification (WA VINE): [www.vinelink.com](http://www.vinelink.com) or (877) 846-3492

## **NATIONAL RESOURCES**

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