

FREQUENTLY ASKED QUESTIONS ABOUT SEX OFFENDER REGISTRATION AND CLASSIFICATION

What is a sex offender?

The term "sex offender" refers to any person convicted of Rape, Rape of a Child, Child Molestation, Sexual Misconduct with a Minor, Sexual Violation of Human Remains, Incest, Communication with a Minor for Immoral Purposes, a Felony with a finding of sexual motivation, or a Federal out-of-state conviction that, under Washington State Law, would be classified as a felony sex offense. See RCW# 9A.44, 9A.64.020, 9.68A.090, 9.94A.127, and 13.40.135.

Who must register as a sex offender?

Any adult or juvenile who has been convicted of any sex offense (listed above) after February 28, 1990, or who is on active supervision for a sex offense, or who has been committed as a sexually violent predator.

How long must an offender continue to register?

The duration of a sex offender's duty to register is based up on the original offense:

- **Class A Felony:** May stop registering only upon the petition of the superior court.
- **Class B Felony:** Fifteen years from the last date of release from confinement or entry of the judgment and sentence; if the person has spent 15 consecutive years in the community without being convicted of any new offenses.
- **Class C Felony:** Ten years from the last date of release from confinement or entry of the judgment and sentence; if the person has spent 10 consecutive years in the community without being convicted of any new offenses.
- **Petition of Court:** Any person having the duty to register, or an offender having the duty to register for a sex offense when the offender was a juvenile, may petition the superior court to be relieved of that duty.

Do offenders have restrictions on where they can live?

It depends on whether the offender is under supervision by the Department of Corrections/Juvenile Rehabilitation Administration. If offenders are under supervision they have certain limitations or restrictions placed on them by the Department of Corrections or the sentencing court upon their release from incarceration. These may include: residency restrictions, not being around children, having a curfew, or not drinking alcohol or taking drugs. If they are found to be in violation of their restrictions, they may be sent back to jail or to prison. Offenders who have completed their time under supervision can live where they choose without restrictions.

Who decides where a sex offender may live?

The Police Department has no legal authority to direct where sex offenders may or may not live. Unless court-ordered restrictions exist, the offender is constitutionally free to live wherever they choose.

What do I do if I see the offender doing something suspicious?

Call local law enforcement or the sheriff's office and report it. You could also choose to share your concerns with a local school resource officer. It is best to let law enforcement handle the situation rather than taking it into your own hands. If you know an offender's specific restrictions and you witness a violation, call 911 or call the community corrections officer at the Department of Corrections.

What do the sex offender levels mean?

Sex offender levels are determined by taking into account several factors about the offender and the nature of his or her crime in order to determine possible risks to the general public.

Washington state sex offender laws apply to juvenile as well as adult sex offenders. Juvenile offenders are:

Subject to civil commitment if judged to be a sexually violent predator

Required to register with law enforcement when released to the community

Prohibited from enrolling in the same school as their victim or victim's siblings

Assigned risk level classification for purposes of community notification by law enforcement

What is a risk level?

One of three risk levels is assigned to a sex offender based on the potential risk to re-offend. Past criminal history, conviction data, and psychological behavioral evaluations are considered

RISK LEVEL 1

Level 1 sex offenders present the lowest risk for re-offense to the community at large.

Some sample characteristics:

- These individuals normally have not exhibited predatory type characteristics
- Most have successfully participated or are participating in approved sex offender treatment programs.
- Many are first time offenders.

You may call law enforcement to ask about a specific individual if you suspect they might be a sex offender, but the law does not mandate community notification.

RISK LEVEL 2

Level 2 sex offenders generally present a moderate risk to re-offend within community at large.

Some sample characteristics:

- These individuals may be considered a Level 2 sex offender because of the nature of previous crime(s).
- For some Level 2 sex offenders, lifestyle (drugs and alcohol use, other criminal activity) may influence their potential to re-offend.

These individuals often have; more than one victim and/or took advantage of a position of trust and authority, such as a teacher, coach, clergy, or babysitter..

**RISK
LEVEL 3**

Level 3 sex offenders pose a high risk to re-offend within the community at large.

Some sample characteristics:

- Most have prior sex crime convictions as well as other criminal convictions.
- Some have predatory characteristics and may seek out victims unknown to the offender.
- These individuals may have used violence in their crime.

These individuals may have refused or failed to complete approved sex offender treatment programs

Under what authority is sex offender information released to the public?

This Department releases sex offender information pursuant to RCW 4.24.550 which authorizes law enforcement to release information to the public regarding sex offenders when the agency determines that disclosure of information is relevant and necessary to protect the public and to counteract the danger created by the particular offender. The content of the information made available, as well as where and how the information is disseminated, is restricted to the standards set forth in Chapter 4.24 and by the Washington State Supreme Court ruling in *State v. Ward*, 123 WA 2d 488 (1994).

The individuals who appear on the [Registered Sex Offender Notification](#) have been convicted of a sex offense that requires registration with the Sheriff's Office in the county of their residence. Furthermore, previous criminal history places them in a classification level that reflects the potential to re-offend.

These sex offenders have served the sentence imposed on them by the courts and have advised their county of residence Sheriff's Office that they will be living in the location listed with their information.

The Police Department has no legal authority to direct where a sex offender may or may not live. Unless court ordered restrictions exist, these offenders are constitutionally free to live wherever they choose.

Sex offenders have always lived in our communities; prior to the passage of the Community Protection Act of 1990 (which mandates sex offender registration) law enforcement officials did not know where offenders were living. Citizens should refrain from threatening, intimidating, or harassing registered sex offenders. Such abuse could potentially end law enforcement's

What guidelines are used to determine the extent of public disclosure?

- **Level I:** Information about Level I sex offenders shall be shared with other law enforcement agencies and, upon request, the Department may disclose relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found. Level I sex offenders MAY NOT be the subject of general public notification.
- **Level II:** Relevant, necessary, and accurate information concerning Level II sex offenders may be disclosed to the public and private schools, child daycare centers, family daycare providers, businesses and organizations that serve primarily children, women or vulnerable adults, and neighbors and community groups near the residence where the sex offender resides, expects to reside, or is regularly found. Level II sex offenders MAY NOT be the subject of general public notification. Information must be on the Offender Watch website. Some law enforcement jurisdictions MAY choose to send out notification flyer, hold a community notification meeting or print in the newspaper.

Level III: Relevant, accurate, and necessary information concerning Level III sex offenders MAY BE disclosed to the public at large. Information must be on the Offender Watch website. Some law enforcement jurisdictions MAY choose to send out notification flyer, hold a community notification meeting or print in the newspaper