

**WASHINGTON'S COMMUNITY NOTIFICATION LAW:  
A SURVEY OF LAW ENFORCEMENT**

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# WASHINGTON'S COMMUNITY NOTIFICATION LAW: A SURVEY OF LAW ENFORCEMENT Executive Summary

Washington State's 1990 Community Protection Act requires released sex offenders to register with the sheriff in their county of residence within 24 hours of release. In addition, the Act expressly authorizes law enforcement agencies to notify the public when a sex offender with a high risk of reoffense settles in the community. This law, called "community notification," was the first of its kind in the country.

In March 1993,<sup>\*</sup> the Washington State Institute for Public Policy surveyed sheriffs in all 39 counties and the chiefs of police in the ten largest cities regarding their use of the community notification law; 88 percent responded. Major findings of the survey are as follows:

## Law Enforcement Procedures

- In the three years following the passage of the law, 176 sex offenders have been the subject of community notification.
- The Washington Association of Sheriffs and Police Chiefs created community notification guidelines for use by law enforcement. **93 percent** of the responding jurisdictions use these guidelines. The remaining **7 percent** have developed guidelines that are more detailed.
- The public's access to information on registered sex offenders varies in the state.

## Harassment of Offenders

- Law enforcement reported that during the first three years of the law, **14 acts** of harassment were directed at released sex offenders (and in some cases, their families) following notification.

## School District Policy

- The Institute's survey of Washington's school districts found that only **15 percent** have adopted written policies regarding how and when information on sex offenders will be distributed to students and parents.

<sup>\*</sup> This survey occurred prior to the Snohomish County notification on Joseph Gallardo. This July 1993 notification, which resulted in the offender's planned residence being burned down, received extensive media coverage. A collection of news articles regarding these incidents is available from the Institute.

# WASHINGTON'S COMMUNITY NOTIFICATION LAW: A SUMMARY

## ***I. LEGISLATIVE HISTORY AND INTENT***

In 1990 the Washington State Legislature enacted the Community Protection Act. This omnibus bill incorporated a wide range of provisions, including: crime prevention, services to victims of sexual assault, sex offender treatment, and offender sentencing policy.

The Act included a sex offender registration law requiring convicted sex offenders who are released from custody or under supervision to register with local law enforcement. In addition, lawmakers authorized public officials to notify the public when dangerous sex offenders are released into the community. This law, called community notification, was the first of its kind in the nation.<sup>1</sup>

The registration and notification laws were viewed by the legislature as crime prevention measures as well as additional tools for law enforcement. The stated goals of these measures were to "restrict the access of known sex offenders to vulnerable populations, and also to improve law enforcement's ability to identify convicted offenders."<sup>2</sup>

Washington's registration and notification laws have been in effect since February 1990. This report describes how these laws work in practice, and summarizes findings from a survey of law enforcement representatives that was conducted by the Washington State Institute for Public Policy.

## ***II. SEX OFFENDER REGISTRATION***

### **Registration Requirements**

All adult and juvenile sex offenders who are released from custody, or placed under the supervision of the Departments of Corrections or Social and Health Services, are required to register with the sheriff in their county of residence within 24 hours of release. When registering, the offender must provide the following:

- name
- address
- aliases used
- social security number
- place of employment
- crime for which convicted
- date and place of conviction

The county sheriff forwards this information, and the offender's fingerprints and color photograph, to the Washington State Patrol within five working days, where it is matched against a central registry of released sex offenders. The State Patrol is thus able to learn which released sex offenders have complied with registration requirements. Each month, the State Patrol forwards a list of registered sex offenders to the sheriff of each county, along with a list of released offenders who did not register, and who are possibly living in that county.

## **Sex Offenders Who Relocate**

Sex offenders who change residence within the same county must notify the county sheriff within ten days. Offenders who move outside the county must register with the new county sheriff within ten days *and* send written notice to the original sheriff.

Sex offenders who move to Washington State from other states are required to register within 30 days of establishing a new residence in Washington. The Washington Legislature directed the Department of Licensing to inform persons new to the state of the registration law at the time that they apply for a driver's license or identification card. (RCW 46.20.187)

## **Compliance with the Law**

As of August 1, 1993, 6,982 adult sex offenders have registered in Washington State. Based on Department of Corrections' records, 1,719 adult sex offenders who were released from prison did not meet their statutory obligation to register.<sup>3</sup> Thus, of a total of 8,701 adult sex offenders, **80 percent have registered.**

Failure to register is a crime; the level of the crime depends upon the original offense. For offenders convicted of a Class A felony sex offense,<sup>4</sup> Failure to Register is a Class C felony; otherwise, the failure is a gross misdemeanor. As of March 1993, 16 sex offenders have been convicted of the felony-level crime of Failure to Register. Nearly all of these convictions occurred in populous areas, such as King, Pierce, Snohomish, and Benton counties.<sup>5</sup>

## **III. COMMUNITY NOTIFICATION**

Washington's law regarding community notification was the first of its kind in the nation, and expressly authorizes law enforcement agencies to release information regarding sex offenders to the public "when the release of the information is necessary for public protection."

(RCW 4.24.550) Law enforcement agencies are immune from civil liability for damages for any decision to release—or not release—"relevant and necessary" sex offender information to the public.

### **Assignment of Responsibility**

The law does not specify which branch of law enforcement is responsible for implementing the community notification law. In rural areas, the county sheriff is the likely candidate, but in urban areas, the responsibility can fall on both the municipal police department and the county sheriff.

## How Decisions are Made

An End-of-Sentence Review Committee surveys the records of all sex offenders about to be released from state institutions (prison, mental, and juvenile facilities) and determines which offenders pose the greatest risk to the public. The Committee includes representatives from the Department of Corrections, and from the juvenile corrections and mental health divisions of the Department of Social and Health Services.

For those offenders judged by the committee to pose a serious public safety risk, a “Special Bulletin” is issued. The Bulletin describes the offender’s criminal history and propensity to commit acts of violence. In most jurisdictions, law enforcement representatives begin discussing the possibility of a community notification when they receive a Special Bulletin from this committee.

From March 1990 to March 1993, 2,216 sex offenders were released from prison: 415 were the subject of Special Bulletins (20 percent).

The Washington Association of Sheriffs and Police Chiefs (WASPC) developed a “recommended policy on notification,” to be used *after* the risk assessment has been conducted. WASPC guidelines recommend that law enforcement agencies use the following levels of dissemination:

- **Low risk of reoffense (Level I):** Information is maintained within the local law enforcement agency and disseminated to other appropriate law enforcement agencies. A photograph may be included.
- **Moderate risk of reoffense (Level II):** Includes the notification actions within Level I. In addition, schools and neighborhood groups may be notified.
- **High risk of reoffense (Level III):** Includes the notification actions within Levels I and II. In addition, the public may be notified through press releases.

## Civil Immunity

During legislative hearings for the Community Protection Act, law enforcement representatives testified regarding their previous reluctance to release information concerning dangerous sex offenders who were living in the community, citing fears of civil lawsuits. The Act addressed this concern:

*“An elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for damages for any discretionary decision to release relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith.” (RCW 4.24.550)*

Law enforcement is also relieved of liability when the community is not notified, or the notification is not extensive, and someone is subsequently victimized by the offender.

# SURVEY OF LAW ENFORCEMENT

## I. INTRODUCTION

In March 1993, the Washington State Institute for Public Policy conducted a survey of sheriffs in all 39 counties and chiefs of police in the ten largest cities.<sup>6</sup> The survey solicited information on the implementation of the community notification law, and its role in community protection from sex offenders. Forty-two of the 49 jurisdictions responded—a response rate of 88 percent. The survey findings report on the practices of law enforcement agencies as of March 1993.

The Institute conducted a separate survey of all Washington State school districts and educational service districts. The purpose of the survey was to determine how many districts have written policies regarding the dissemination of sex offender information received from law enforcement as part of community notification. Responses were received from 167 of the 305 districts surveyed, a response rate of 55 percent. Twenty-five of the responding districts (15 percent)<sup>7</sup> had adopted written policies regarding dissemination of information on sex offenders; most of these districts had adopted the sample policy developed by the Washington State School Directors' Association. *(This policy and survey findings are summarized in Appendix B.)*

### Guidelines for Notification

Nearly all (93 percent) of Washington law enforcement jurisdictions surveyed currently use the Washington Association of Sheriffs and Police Chiefs guidelines for community notification. Several jurisdictions have expanded upon these guidelines or have developed alternative policies—in four Washington jurisdictions (Asotin, Snohomish, and Thurston counties, and the Richland Police Department), their assessment and procedures are described in detailed policy statements. *(Please see Appendix C for these policies.)*

## II. RISK ASSESSMENT

### How Many Offenders Have Been Classified?

The survey found that jurisdictions classified the following numbers of offenders in the three notification levels from February 1990 to March 1993:

<b>Low risk</b> of reoffending (Level I):	<b>2,947 offenders</b>
<b>Moderate risk</b> of reoffending (Level II):	<b>98 offenders</b>
<b>High risk</b> of reoffending (Level III):	<b>78 offenders</b>

### III. RELEASE OF INFORMATION

Following a decision to release information about a sex offender, the question becomes: “What should the public know?” Our survey solicited information on the type of information released to the public. (See Figure A below.)

**Figure A:  
Type of Information Released to the Public  
with Community Notification**

<b>LEVEL I</b>	<i>Information is retained for use by law enforcement</i>
<b>LEVEL II</b>	<b>Approximate or Exact Address: 74%</b> <b>Approximate Address: 53%</b> <b>Exact Address: 21%</b> <b>Physical Description: 63%</b> <b>Photograph and Criminal History: 49%</b> <b>Method of Approaching Victims: 49%</b> <b>Vehicle Model: 14%</b> <b>Place of Employment: 12%</b>
<b>LEVEL III</b>	<b>Approximate or Exact Address: 88%</b> <b>Approximate Address: 35%</b> <b>Exact Address: 53%</b> <b>Photograph and Physical Description: 86%</b> <b>Criminal History: 74%</b> <b>Method of Approaching Victims: 67%</b> <b>Place of Employment: 47%</b> <b>Vehicle Model: 24%</b>

#### What Information Should be Released, and to Whom?

Information on registered sex offenders living in the community is maintained by law enforcement. Individuals or organizations in the community have sometimes requested access to this information. Our survey inquired as to the type and extent of information that parties outside law enforcement are allowed access. The survey distinguished two categories of information:

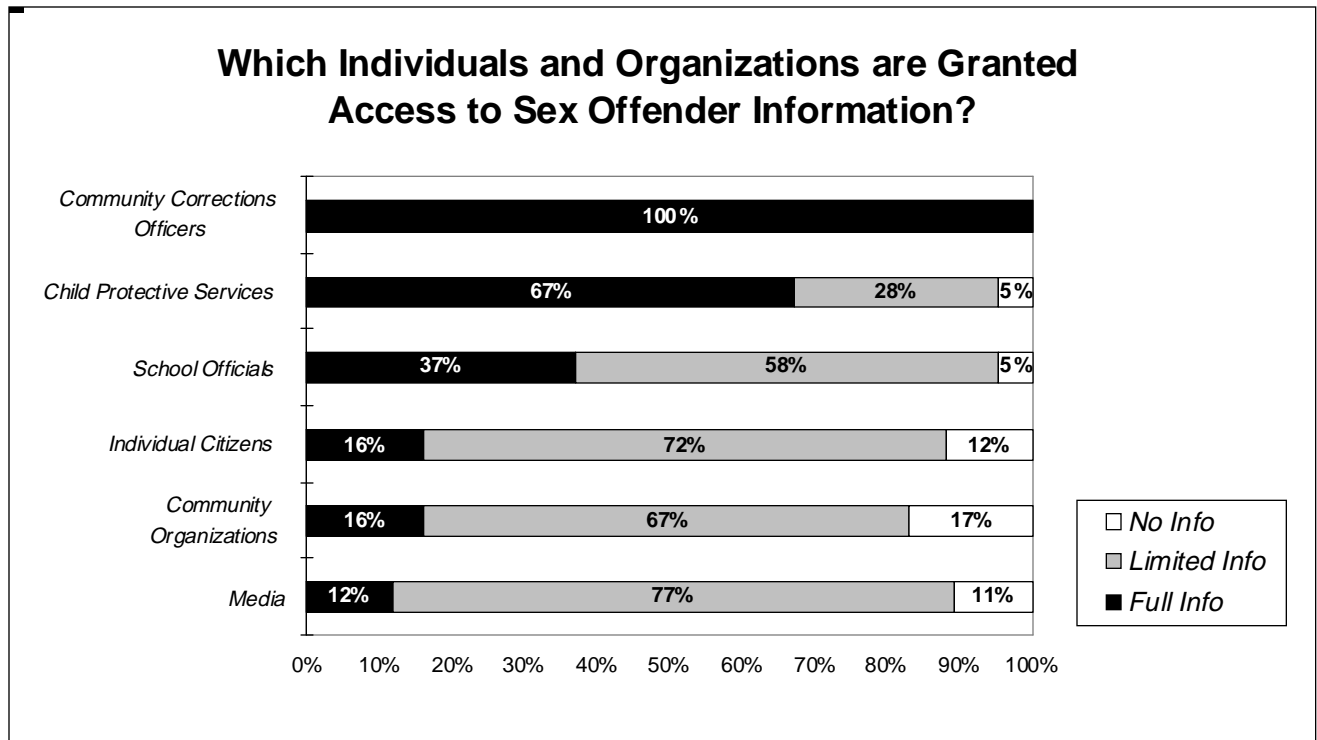
- *Limited information*: offender’s name and/or address.
- *Full information*: offender’s name, address, and criminal history details.

Survey findings indicate that organizations which must follow confidentiality laws, such as the Department of Corrections, schools, and child protective services, were more likely to be granted access to *full* information regarding registered sex offenders. Those who represent private interests, or who were not bound by confidentiality laws, such as the media, community groups,



and individual citizens, were granted information with less frequency, and in most cases, were granted only *limited* information. (See Figure B, page 6.)

Figure B



Other organizations that are allowed access to offender information in certain jurisdictions include: other law enforcement agencies, social service and mental health agencies, day care centers, the Division of Juvenile Rehabilitation, the state Attorney General’s office, family and juvenile courts, and local housing authorities.

In some jurisdictions, citizens are granted access to the complete list of registered sex offenders. Other jurisdictions release information only on specific offenders, or offenders in a particular geographic area. Still others allow citizens to review the information on registered sex offenders, but require citizens to reveal their name and address, so that harassment activities can potentially be connected to people who have reviewed the list.

Three of the jurisdictions surveyed have taken community notification a step further, alerting the public when a released **violent non-sex offender** with a high risk of reoffense locates in the community. These offenders have committed violent Class A felonies, such as First Degree Murder or First Degree Robbery. Ferry, Pierce, and Skamania counties have each used the notification process once to warn their communities about offenders who were not sex offenders.

#### IV. HARASSMENT FOLLOWING NOTIFICATION

A review of newspaper articles on sex offender notifications and responses obtained in our survey reveals that offenders subject to notification frequently leave the community, and sometimes the state. The survey did not collect data on the frequency of such moves.

Some sex offenders have been harassed following community notification.<sup>8</sup> Twelve of the 42 responding jurisdictions reported such harassment, with a total of 14 cases identified in the survey. In half of the 14 cases, the harassment also extended to members of the offender's family, or to people living with the offender. The survey revealed one case in which the harassment resulted in minor physical injury. (See Figure C below.)

**Figure C:  
Notification-Related Incidents (March 1990-March 1993)**

<b>Clallam County</b>	Local residents considered guarding offender's home to prevent further sex offenses. No direct threats made to offender.
<b>Clark County</b>	Warning flyers posted. Offender experienced insults and name-calling.
<b>Grays Harbor County (2 cases)</b>	1. Local residents became angry at church officials for not publicizing their knowledge of minister/Sunday school teacher's past sex conviction. No direct threats made to offender. 2. Rocks thrown at offender's relatives; eggs thrown at offender's home. Offender threatened with arson.
<b>King County</b>	(Law enforcement did not recall the details of this case.)
<b>Skagit County</b>	Warning flyers posted; offender threatened with arson.
<b>Snohomish County</b>	Local residents picketed offender's residence and verbally harassed the offender. The offender was subsequently evicted.
<b>Stevens County</b>	Offender was verbally harassed.
<b>Thurston County</b>	Juvenile offender was harassed by schoolmates and neighbors. "Die, baby raper" was spray-painted on parents' vehicle. <sup>9</sup>
<b>Bellingham</b>	Local residents became very worried about offender's presence, and attended community meetings regarding offender. No direct threats made to offender.
<b>Everett</b>	Local residents made and posted warning flyers, and attempted to evict offender from neighborhood. No direct threats made to offender.
<b>Seattle (2 cases)</b>	1. Signs stating "Move or die" were placed on and under offender's apartment door. Offender subsequently moved. 2. Offender was punched in the nose when he answered his door.
<b>Yakima</b>	Media appeared at the home of the offender's relatives, hoping to videotape family members' reaction to the notification.

## **V. COMMUNITY NOTIFICATION: IS IT EFFECTIVE? SHOULD IT BE DUPLICATED?**

Several survey respondents observed that some aspects of the law were unclear, creating difficulties in the classification and tracking of offenders. As a result of these comments, we contacted 29 of the original 42 responding jurisdictions and asked two follow-up questions, the first of which addresses reassignment of staff to registration and notification duties:

*Q: Have the registration and notification provisions of the Community Protection Act required your department to add or reassign staff members?*

Sixteen (55 percent) of the 29 jurisdictions contacted had added or reassigned staff to concentrate on registration and notification. Seven of these jurisdictions (25 percent) have full-time officers assigned to registration and notification. (Clark, Franklin, King, Pierce, and Thurston county sheriffs' offices, and Everett and Richland Police Departments.)

The second follow-up question addressed the effectiveness of the registration and community notification laws:

*Q: If you were aware of another state that was planning to pass a law identical to Washington State's Community Protection Act, would you recommend its passage, based on your experiences with registration and notification?*

All 29 jurisdictions contacted stated that they would recommend passage of a law identical to Washington State's Community Protection Act in another state. Five of these jurisdictions (17 percent) noted barriers to the effectiveness of registration and notification:

- *Guidelines regarding classification of offenders according to danger of reoffense are unclear.*
- *Too much responsibility rests with local law enforcement agencies to make decisions regarding offender's risk of reoffense and mental health.*
- *Released sex offenders who live in counties which border other states can avoid registration by telling law enforcement they are leaving the state.*
- *When a Level I or II sex offender fails to register and is taken to court, the presiding judge often fails to punish the offender; therefore, the location of offenders who fail to register remains unknown. If all failures to register were made into Class A Felonies, all offenders would be punished for failure to register.*
- *Necessary paperwork is too extensive.*

# APPENDIX A

## LOUISIANA'S COMMUNITY NOTIFICATION LAW

Louisiana's community notification law (House Bill 1152) was passed in 1992. This legislation requires that a sex offender who is convicted of a sex offense against a victim under the age of 18, and who has been placed on probation or parole, to give notice *by mail* of: his/her name, address, and the sex offense for which convicted, to:

- People who live within a one-mile radius of the offender's residence in a rural area; *or*
- People who live within a three-square block area of the offender's residence in an urban or suburban area; *and*
- The superintendent of the school district where the offender will reside.

This notice must be mailed by the offender to all residents within thirty days of establishing residence.

In addition, the offender must publish a notice in the official local journal which contains: his/her name, address, and the sex offense for which convicted. This notice must be published on two separate days within thirty days of establishing residence.

The court may also order any other form of notice including, but not limited to: signs, handbills, bumper stickers, or clothing labeled to that effect.

# APPENDIX B

## **SURVEY OF WASHINGTON STATE SCHOOL DISTRICTS AND EDUCATIONAL SERVICE DISTRICTS: FINDINGS** *Washington State Institute for Public Policy*

In March 1993, the Washington State Institute for Public Policy conducted a survey of all school districts and educational service districts in Washington State. The purpose of the survey was to determine how many districts had written policies regarding dissemination of information on released sex offenders to the public. We received responses from 167 of the 305 districts surveyed, a response rate of 55 percent.

Of those who responded, 142 (85 percent) had no written policy addressing the release of information concerning sex offenders; 25 (15 percent) had adopted written policies. Of those who reported having a written policy, 18 (72 percent) used the sample policy adopted by the Washington State School Directors' Association (WSSDA). The remaining 7 (28 percent) elaborated on the WSSDA policy or created alternative policies.

Of those districts who reported having no written policy, several offered comments, including:

- “No sex offender information had been received, therefore the issue had not been addressed.”
- “Information on sex offenders is kept in notebooks for those who want to review it.”
- “Notification is handled by the police department.”

Several districts were developing written policies at the time of the survey.

### **WSSDA Recommendations**

The WSSDA adopted the following sample policy in June 1991:

#### Release of Information Concerning Sexual Offenders

Public agencies are authorized to release relevant and necessary information regarding sex offenders to the public when the release of the information is necessary for public protection. Law enforcement agencies receive relevant information about the release of sexual offenders into the communities, and decide when such information needs to be released to the public. The school district has a public safety role to play in the dissemination of such information to staff, parents, students and the community and will disseminate such information under the following conditions:

1. Receipt of a specific request from a law enforcement agency that information be disseminated to staff and/or students and parents. In every case where students are notified, parents will be notified as soon as possible.
2. Receipt of the actual documents to be distributed. The district may duplicate the

documents, but they will be distributed in form received from the law enforcement agency. (RCW 4.24.550)

### **Alternative Notification Policies**

Eighteen districts adopted the above WSSDA policy, and 7 either elaborated on the WSSDA policy or created alternative policies. Two of these districts, Renton and Issaquah, have formulated specific procedures for disseminating information received on Level I, Level II, and Level III offenders. Renton's notification procedure reads, in part, as follows:

#### *Renton School District No. 403*

##### Level I\* Offender:

- A. This level of law enforcement determination involves notification to the law enforcement personnel only.

##### Level II Offender:

- A. District security, upon notification by local law enforcement agencies, will notify the Superintendent, the Community Relations Officer and the Executive Director for Instruction.
- B. The Community Relations Officer and the Executive Director for Instruction will immediately telephone Principals and Executive Directors to inform them of the notification from the law enforcement agency. It will be the responsibility of Principals and Executive Directors to immediately notify their personnel of the offender's residence in the District. Within one school day, the Executive Director for Instruction and the Community Relations Officer will deliver to schools in the affected area, copies of a flyer provided to the school district by law enforcement agencies. The flyer will be reproduced in the District's print shop as received from the law enforcement agencies.
- C. The Executive Director of Maintenance and Operations will notify school bus drivers, grounds and maintenance personnel and warehouse delivery personnel. Copies of the flyers defined above will also be distributed to these employees.
- D. Principals whose schools are in the geographical area of the residence of the Level II offender will notify parents within one school day by sending home with students copies of the flyer defined above.

##### Level III Offender:

- A. These procedures remain as described in Level II procedures.
- B. Principals at all schools in the Renton School District will send home flyers as defined above.

\* In the policy prepared by Renton School District No. 403, the terms "Class I," "Class II," and "Class III" were

used to describe an offender's risk of reoffense. For clarity and consistency within this report, we have replaced the above terms with "Level I," "Level II," and "Level III."

### *Everett School District No. 2*

Everett School District recently revised its policy of sending sex offender alert memos home with students after receiving six alerts in one six-week period. The policy change was prompted by concerns at having children bring home such news on a continuous basis, and the time required to produce and distribute the alert memos. The district now maintains a notebook of flyers (available for viewing by community members) which contains copies of sex offender alert memos. The revised policy reads, in part, as follows:

When information has been reported to the Communications/Community Relations Department, that office shall:

- Ascertain the facts.
- Determine whether the situation warrants alerting any, some, or all schools.
- Notify the Superintendent, Assistant Superintendent for Instruction, and the Superintendent for Business of all incidents.
- Notify the Transportation Department, Durham Transportation, Special Services, and the Director of Personnel.
- Send a memo about the situation to the appropriate schools, along with the flyer concerning the offender, if one is provided by the local law enforcement agency.
- Require all schools to maintain a notebook of flyers about sexual offenders. The notebook shall be accessible to the community.
- Respond to all media inquiries.

# APPENDIX C

## ALTERNATIVE NOTIFICATION POLICIES

### Richland Police Services Department, Asotin County Sheriff's Office

The Richland Police Services Department and the Asotin County Sheriff's Office have adopted identical guidelines regarding notification. According to these policies, an offender's classification is dependent upon fulfillment of specific criteria with regard to criminal history, experiences with sexual deviancy therapy, mental health, and victim preference.

Information obtained from registered offenders is forwarded to the Office of the Investigations Division Supervisor, where a report is compiled on the offender containing the following data:

- a. *Criminal History*: Including regional and national computer data sources.
- b. *Offense Reports*: Including past reports of sexual offenses describing *modus operandi*, victims, gender, age, relationship, and elements of violence.
- c. *Alcohol/Drug Abuse*: Including past and present abuse.
- d. *Probation/Parole*: Including any violations of probation/parole, and the attitudes and opinion of the Department of Corrections representative handling the offender's case.
- e. *Psychological Reports*: Including information that is non-disclosable to the public, but will be gathered for review committee classification purposes.
- f. *Therapy*: In order to establish whether an individual is seeking help. Also, to obtain a professional opinion from the therapist on the potential threat of the offender to re-offend. Some of this information may be non-disclosable to the public.

#### *Classification*

A *Level I\** offender is an individual who does not pose an immediate, known threat to the community. Information on Level I offenders is disseminated to local law enforcement agencies.

A Level I sex offender must meet several of the following criteria:

1. Seeking sexual deviancy therapy.
2. Not abusing alcohol and/or drugs.
3. Completing probation/parole without committing violations of conditions.
4. Currently employed and fulfilling financial responsibilities.
5. Have the appearance of mental stability.



\* In the policies prepared by the Asotin County Sheriff's Office and the Richland Police Department, the terms "Tier I," "Tier II," and "Tier III" were used to describe an offender's risk of reoffense. For clarity and consistency within this report, we have replaced the above terms with "Level I," "Level II," and "Level III."

*Level II* offenders are those who pose a potential threat to the community. When a Level II offender settles in the community, neighbors of the offender are notified of the offender's presence, and in addition, schools, apartment complexes, or other locations where there is a concentration of children are also notified. A level II sex offender must meet several of the following criteria:

1. Not seeking sexual deviancy therapy.
2. Seeking therapy, but not fulfilling therapy requirements.
3. Exhibits mental instability.
4. Exhibits disdain for parolee/probationer system by repeatedly violating conditions of parole/probation.
5. Not currently employed and shows no desire to seek employment.
6. Abusing alcohol and/or drugs.
7. Recent complaint filed against him/her and/or the police are conducting a current investigation involving a new offense.
8. Observed and identified as an offender who is loitering and/or stalking locations where minor children congregate.
9. In total denial of the offense.

A *Level III* offender is dangerous and poses an immediate threat to the community. A picture of the offender and basic information can be published in the newspaper and/or displayed on television. A Level III sex offender must meet several of the following criteria:

1. It can be established, over a period of years, that the offender's sexual preference is for minor children, that the offender has groomed, courted, manipulated, or prowled while looking for potential victims, and that he/she can be classified as a predator/pedophile.
2. Has committed more than one brutal, violent sexual offense.
3. Expresses total denial of the offense.
4. Used a weapon or restraint to injure the victim, and displayed no remorse for his/her actions.
5. Is currently mentally unstable.
6. Has displayed a pattern of life that is threatening and exhibits no desire to change his/her way of life.
7. Has expressed thoughts or specific threats of future sexual abuse.

Information obtained from City of Richland Police Services Department  
*Special Order 91-025*, and Asotin County Sheriff's Office

## Snohomish County Sheriff's Office

The policy created by the Snohomish County Sheriff's Office is similar to that of Richland and Asotin Counties in that an offender's classification is determined within a framework of specific traits or behaviors, including criminal history, experiences with sexual deviancy therapy, mental health, and victim preference. An offender's classification as Level I, II, or III is dependent upon meeting, or not meeting, a number of criteria called "aggravating factors."

### *Aggravating Factors*

1. Previous crimes) committed with deadly weapon or use of physical violence.
  2. Suspect is repeat sex offender.
  3. Unsuccessful completion of sexual deviancy therapy.
  4. Previous victim(s) disabled, very young (under 10 years of age), or particularly vulnerable.
  5. Suspect used position of trust to victimize.
  6. Suspect nurtured relationship with victim(s) prior to victimization.
  7. Previous offense(s) include assaultive behavior over an extended period of time.
  8. Suspect abused multiple victims stemming from one adjudication.
  9. Psychiatric or psychological evaluation predicts high likelihood of repeat sexual offense.
  10. Previous assaultive behavior was especially cruel or violent.
- An offender classified as **Level I** meets *none* of the above criteria.
  - An offender classified as **Level II** meets *at least three* of the above criteria.
  - An offender classified as **Level III** meets *at least five* of the above criteria.

*Note: If offender has expressed willingness or desire to reoffend once out of custody, this criteria may be waived, and offender placed immediately on Level III. Level III placement may also be made if the offender is identified as meeting aggravating conditions (3) and (9) above.*

Information obtained from Snohomish County Sheriff's Office  
*Sex Offender Registration Severity Level Criteria*

## Thurston County Sheriff's Office

The Thurston County Sheriff's Office has developed alternative sex offender classification and notification guidelines which detail criteria for classification and notification procedures.

### *Classification Criteria*

A *Level I* offender is believed to pose a *low risk* to the community. A copy of the offender's registration and a photograph is provided to all Thurston County law enforcement agencies. A Level I offender meets the following criteria:

1. Committed a non-violent offense, and
2. Committed the offense in a family setting.

A *Level II* offender is believed to pose an *intermediate risk* to the community. A flyer is prepared which contains a description and photograph of the offender, offender's vehicle(s), a general location of the offender's residence, and a description of the offense(s). The flyer is distributed in

the community surrounding the offender's residence, and is given to area schools. All Thurston County law enforcement agencies are provided a copy of the offender's registration and a photograph. A Level II offender meets the following criteria:

1. Committed the offense outside a family setting, and/or
2. Committed multiple offenses at different times, and/or
3. Committed a violent offense inside or outside a family setting.

A *Level III* offender is believed to pose a *high risk* to the community. A flyer is prepared which contains a description and photograph of the offender, offender(s) vehicle(s), the offender's exact address, and a description of the offender's offense(s). The news media are notified, provided with a copy of the flyer, and given a press release regarding the offender's sex crime history. All Thurston County law enforcement agencies are provided a copy of the offender's registration and a photograph. A Level III offender will meet the following criteria:

1. Has a history of predatory sex crimes, and/or
2. Has a history of multiple violent offenses, and/or
3. Has expressed the desire to re-offend, and/or
4. Has been diagnosed as a sexual predator.

Information obtained from Thurston County Sheriff's Office  
*Sex Offender Registration/Tracking Program Information Handout*

### **Policies of Other Jurisdictions**

Several Washington counties and cities use the WASPC guidelines, but have made modifications to suit the needs of their communities. These modifications include:

- Abolition of the Level II classification, so that an offender is simply classified as "dangerous" (Level III) or "not dangerous" (Level I).
- Home visitation, in which the offender's recorded residence is visited by law enforcement to ensure the offender is in fact a resident.
- Notification of all residents in the offender's nine-digit zip code area.
- Notification of local law enforcement, social service agencies, mental health services, day care centers, the Department of Juvenile Rehabilitation, the state Attorney General's office, family court, juvenile court, and local housing authorities.

## FOOTNOTES

<sup>1</sup> In 1992, Louisiana passed sex offender legislation which includes provisions requiring released sex offenders to notify their neighbors. Please see Appendix A for details.

<sup>2</sup> Task Force on Community Protection, *Final Report*, November 1989, II, p. 27.

<sup>3</sup> Telephone communication with Susie Coon, Washington State Patrol, September 7, 1993.

<sup>4</sup> Class A felony sex offenses include: First or Second Degree Rape, First or Second Degree Rape of a Child, and First Degree Child Molestation.

<sup>5</sup> Sentencing Guidelines Commission, April 30, 1993.

<sup>6</sup> Aberdeen, Bellingham, Bremerton, Everett, Richland, Seattle, Spokane, Tacoma, Vancouver, and Yakima.

<sup>7</sup> The districts which had adopted written policies were both rural and urban.

<sup>8</sup> This survey occurred prior to the Snohomish County notification on Joseph Gallardo. This July 1993 notification, which resulted in the offender's planned residence being burned down, received extensive media coverage. A collection of news articles regarding these incidents is available from the Institute.

