

Sequim Police Department

SEX OFFENDERS FREQUENTLY ASKED QUESTIONS

Level III Sex Offender Notifications

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](#), 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 an 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 judgement 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 judgement 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.

Who decides where a sex offender may live?

The Sequim 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 he or she chooses.

What is a Risk Level?

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

Level I: Considered a Low Risk to reoffend. Level

II: Considered a Moderate Risk to reoffend.

Level III: Considered a High Risk to reoffend.

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.)

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

Level I: Information about Level 1 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 offenders MAY NOT be the subject of general public notification.

Level II: Relevant, necessary, and accurate information concerning Level II 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 offender resides, expects to reside, or is regularly found. Level II offenders MAY NOT be the subject of general public notification.

Level III: Relevant, accurate, and necessary information concerning Level III offenders MAY BE disclosed to the public at large.

What steps should I take to protect my family?

Sex offenders, including those who live in the community and haven't satisfied their obligations to register, have always been with us. Personal safety questions can be answered by the Sequim Police Department.

Where can I go to get information about registered sex offenders living outside the city limits of Sequim?

The Clallam County Sheriff's Office has a website that provides sex offender information for Level II and III offenders in Clallam County. It references the Washington Association of Sheriffs and Chiefs website: <http://ml.waspc.org/>.

The Washington State Patrol also has this information.

The Washington State Patrol is responsible for maintaining the statewide repository for fingerprint-based criminal history record information (CHRI). The public may request and receive CHRI for non-criminal justice purposes, but it is limited to conviction information only.

Conviction CHRI is defined in the Revised Code of Washington [\(RCW\) 10.97.030](#) <http://www.leg.wa.gov/RCW/index.cfm?fuseaction=section§ion=10.97.030>, and it relates to an incident that has led to a conviction or other disposition adverse to the subject. In addition to the conviction CHRI, non-criminal justice requestors (the public) may receive a record showing pending arrest offenses under one year old without disposition, and if the subject is a registered sex offender or kidnapper.

Two Types of Criminal History Requests

Depending on the purpose, the Identification and Criminal History Section of the Washington State Patrol responds to non-criminal justice inquiries under two different statutes:

- *Criminal Records Privacy Act* ([Chapter 10.97 RCW](http://www.leg.wa.gov/RCW/index.cfm?fuseaction=chapterdigest&chapter=10.97))
<<http://www.leg.wa.gov/RCW/index.cfm?fuseaction=chapterdigest&chapter=10.97>>
- *Child and Adult Abuse Information Act* ([RCW 43.43.830-.845](http://www.leg.wa.gov/RCW/index.cfm?fuseaction=section§ion=43.43.830))
<<http://www.leg.wa.gov/RCW/index.cfm?fuseaction=section§ion=43.43.830>>.

For further information visit the WSP Criminal History Records web page at:

<http://www.wsp.wa.gov/crime/crimhist.htm>