

Frequently Asked Questions about Sex Offenders

- What is the Sex Offender Registration Law?
- What is a Sex Offender?
- When referring to Level I, Level II or Level III sex offender, what do the levels mean?
- How long must an offender continue to register?
- Why are Sex Offenders allowed to live near schools?
- Who monitors registered Sex Offenders in Chelan County?
- What are Sex Offender's registration requirements?
- What is a Risk Level?
- Under what authority is Sex Offender information released to the public?
- What guidelines are used to determine the extent of public disclosure?
- What steps should I take to protect my family?
- What do I tell my children about this offender?
- What can I do, as a concerned citizen?

What is the Sex Offender Registration Law?

The term Sex Offender Registration Law actually refers to the Community Protection Act of 1990 which basically outlines the requirement of any adult or juvenile who has been convicted of a sex offense. Pursuant to RCW 4.24.550 and the Washington State Supreme Court decision in State v. Ward, law enforcement agencies are authorized to inform the public of a sex offenders release when; in the discretion of the agency, the release of information will enhance public safety and protection. The crimes which require registration can be found under RCW. 9A.44, 9A.64.020, 9.68A, 9.94A.127 & 13.40.135.

The duration of an offender's duty to register is based upon the original offense: See RCW 9A.44.140

Class A Felony – Must petition the superior court to be relieved of duty to register.

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 fifteen consecutive years in the community without being convicted of any disqualifying 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 ten 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.

What is a Sex Offender?

The term "Sex Offender" refers to any person convicted of Rape, Rape of 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 .

When referring to Level I, Level II or Level III Sex Offender, what do the levels mean?

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:

Level I- Is considered a Low Risk to re-offend.

Level II- Is considered a Moderate Risk to re-offend.

Level III- is considered a High Risk to re-offend.

These Risk Levels are the guidelines used to determine the extent of public disclosure as follows:

Level I - Information about Level I 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 public and private schools, child day care centers, family day care 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.

The only deviations from these guidelines refer to transient or homeless offenders. The statute gives broader release guidelines if an offender has no permanent address.

Why are registered sex offenders allowed to live near schools?

The Law does not direct where sex offenders may or may not live. No Police or Sheriff's agency has the legal authority to do so. Unless court ordered restrictions exist, the offender is constitutionally free to live wherever he or she chooses. In some circumstances Washington State Department of Corrections will assist sex offenders with residential accommodations. These arrangements are handled solely by Washington State DOC and is not influenced by any Law Enforcement Agency.

Who monitors registered sex offenders in Chelan County?

All sex offenders in Chelan County register their address with the Chelan County Sheriff's Office. The day to day monitoring of the Sex Offenders is handled by the Chelan County Sheriff's Office.

What are sex offender's registration requirements?

Released from Custody

If an offender is released from custody they must register within 3 business days of the time of release to the county sheriff of residence.

New or Returning Residents to Washington State

Register, with the county sheriff, within 3 business days of establishing residence.

Ceasing to have a fixed residence (homeless)

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 24 hours is required to register with the county sheriff not more than 3 business days after entering the county. A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The person is required to 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 residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550

Moving Within the County

The offender must advise the Chelan County Sheriff's Office within 3 business days of moving. This may be done in person or by signed written notice by certified mail, with return receipt requested.

Moving to a New County

Register in the new county within 3 business days of moving. Within 3 business days, the person must also provide, by certified mail, with return receipt requested or in person, signed written notice of the change of address in the new county to the county sheriff with whom the person last registered.

School Attendance or Employment at a School

Any adult or juvenile who is required to register must notify the county sheriff's office within 3 business days:

- a) Prior to arriving at a school or institution of higher education to attend classes
- b) Prior to starting work at an institution of higher education
- c) After any termination of enrollment or employment at a school or institution of higher education

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

The Chelan County Sheriff's Office releases sex offender information pursuant to R.C.W. 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).

This notification is not intended to increase fear; rather it is our belief that an informed public is a safer public.

See RCW# 4.24.550

Why are not all Sex Offenders on your Web-Site?

Only level II, level III and non-compliant Level I Sex Offenders are published on the Chelan County Sheriff's web-site.
<http://www.co.chelan.wa.us/sheriff/>

What steps should I take to protect my family?

Persons who have served time in jail or prison including Sex Offenders, even those who haven't satisfied their obligations to register, have always been with us. The best way to cut risk is to take sensible precautions concerning where, when and what you are doing. Know what your family members are doing and where they are. Know your neighbors. Know your neighborhood. Additional personal safety questions can be answered by the Sheriff's Office at (509) 667-6875.

What do I tell my Children about this offender?

Avoid scary details. You may know more than your children need to know. Keep information general; explain the importance of avoiding dangerous situations rather than trying to teach them how to be safe from just the one person you know about. Someone known to the victim commits over 80% of all sex crimes; family members commit many of those incidents.

Some basics about this one offender:

DON'T accept a ride from the offender.

DON'T go into the home or yard of the offender.

TELL your parents if the person offers you toys, money or gifts.

TRY to use the buddy system when children play outdoors.

CALL 911 if your parents aren't home and this offender approaches you.

What can I do, as a concerned citizen?

- Contact your Legislators. They make the laws and are responsible to you and your concerns.
- Be aware of your surroundings. Talk to your families regarding not only sex offenders, but every aspect of life that could be a danger to them.
- Be nosy regarding your children and their friends. Know what they do, who they do it with and where they do it.
- Sex offenders have always been in our communities. Today, we are aware of where the convicted offenders are living.