

***ADULT SEX OFFENDER REGISTRATION
IN WASHINGTON STATE:
INITIAL COMPLIANCE, 1990***

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SUMMARY

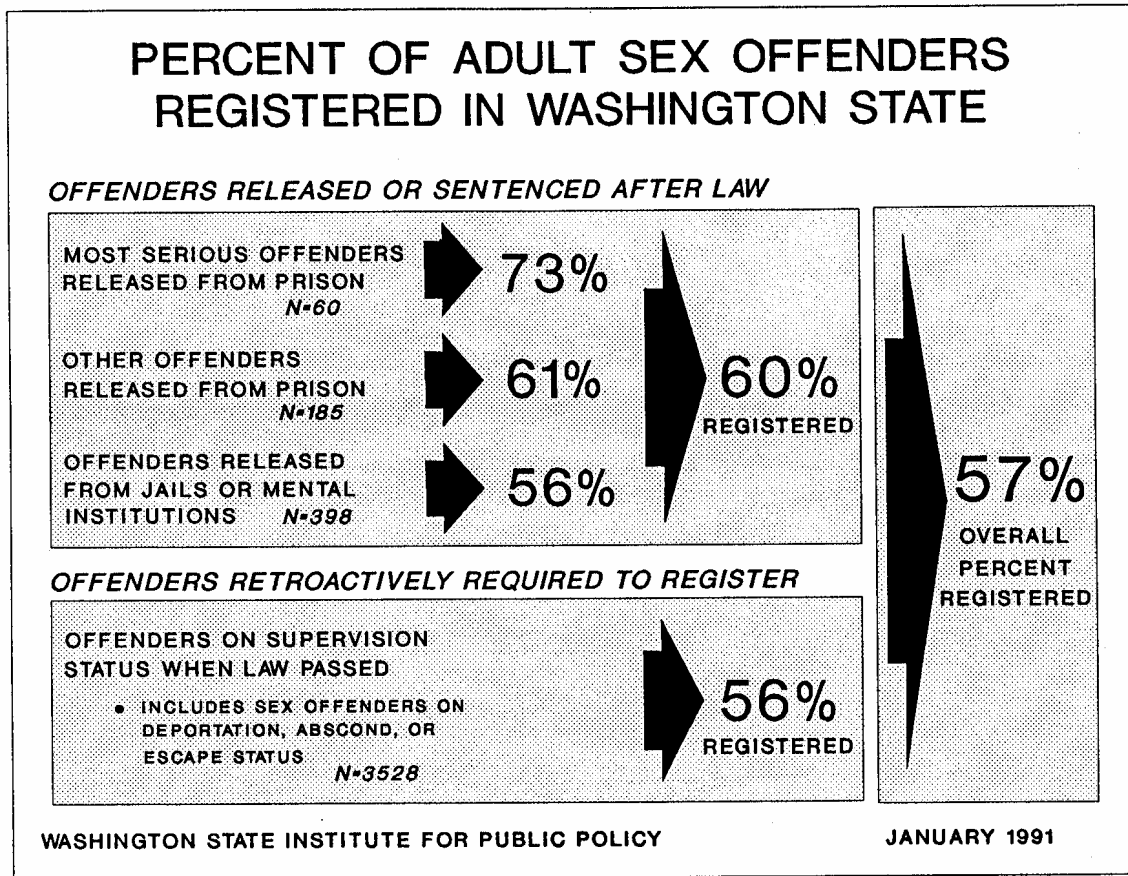
This report examines early compliance of adult sex offenders with a new registration requirement enacted as part of the Community Protection Act of 1990 (Chapter 3, Laws of 1990). The analysis compared Washington State Patrol records of registered adult sex offenders as of November 9, 1990, with records of sex offenders released from correctional or mental health institutions, or sentenced to supervision, on or after the effective date of the law. Juvenile offender registration is not included in this analysis.

Findings indicate that:

- **In the first eight months of sex offender registration under the Community Protection Act, the most serious adult offenders released from prison registered at a higher percentage (73 percent) than adult sex offenders released from jail or mental institutions (56 percent). The overall rate of registration for all adult sex offenders was 57 percent; a total of 2,383 adult sex offenders were registered at the time of this study.** Percentages are shown in Figure 1 (see page 2).
- **Sex offenders notified both verbally and in writing had a higher rate of compliance.** The manner in which sex offenders are notified of the requirement to register, whether in person or by mail, may explain the difference in registration rates.
- **The effectiveness of the registration law has been enhanced by cooperation between the Washington State Patrol and the Department of Corrections.** The names of sex offenders released by the Department of Corrections are supplied to the State Patrol and placed on the law enforcement computer database, thus allowing local law enforcement officers to identify both offenders who have and have not complied with the registration law. Local law enforcement can use this information when identifying potential suspects for a sex offense, as well to pursue actions against offenders not in compliance.
- **The state of California has required sex offender registration since 1947. Compliance for Washington in 1990 was lower than California's compliance rate for 1981 convictions, but higher than California's rate for 1973 convictions.**
- **The constitutionality of sex offender registration is under review.** Recent court cases regarding this topic are identified in this report.

Findings contained in this report should be considered preliminary. Publicity regarding penalties imposed on offenders who fail to register could change registration rates, as could reports of negative citizen reaction when identified sex offenders move into neighborhoods. Also, because of the relatively small size of groups available for analysis, especially the most serious offenders, the percentages reported are susceptible to change.

Figure 1



DEFINITION OF GROUPS

Registration percentages of four groups of adult sex offenders were analyzed. Definitions of these groups follow.

- **Most Serious Sex Offenders Released From Prison:** Adult sex offenders released from prison after the Community Protection Act was passed (February 28, 1990), whose criminal history or institutional behavior indicates they present a significant risk to the community. For these offenders, Notifications of Release (“special bulletins”) were issued by the Department of Corrections, under the direction of the End of Sentence Review Committee. *Total Number=60, Registered=44*
- **Other Sex Offenders Released from Prison:** Adult sex offenders released from Department of Corrections facilities after February 28, 1990, without special bulletins. *Total Number=185, Registered=112*
- **Sex Offenders Released from Jail or Mental Institutions:** Adult sex offenders on community supervision status with the Department of Corrections following release from jail, or who received a court order for supervision, or were released from state mental institutions, on or after February 28, 1990. *Total Number=398, Registered=221*

- **Sex Offenders Retroactively Required to Register.** Adult sex offenders who, as of February 28, 1990, were on active supervision by the Department of Corrections, as well as those on deportation, abscond, or escape status from Washington State prisons or jails. [See discussion below for clarification of supervision definition.] *Total Number=3528, Registered=2006*

THE REQUIREMENT TO REGISTER

The Law: Applies to Convicted Sex Offenders Residing in Washington State

With passage of the Community Protection Act of 1990, sex offenders residing in Washington were required to register with the sheriff in their county of residence. The law applies to adults and juveniles who “have been found to have committed or have been convicted of any sex offense” (Chapter 3, Laws of 1990). Sex offenders have 30 days to register following their release from confinement, and 45 days to register after moving to Washington State. When relocating, offenders are required to update their registration within 10 days of a move.

The requirement to register was applied prospectively to all sex offenders released from custody or prison on or after the law was passed (February 28, 1990). In addition, it was applied retroactively to all persons who committed sex offenses prior to February 28 who were “under the custody or active supervision” of either the Department of Corrections or the Department of Social and Health Services on or after the law’s effective date.

The term “active supervision” was not defined in the Community Protection act and has been subject to interpretation. Originally, the Department of Corrections interpreted the term to include offenders placed on Conditional Discharge From Supervision (CDFS), primarily offenders discharged from parole. The department has since redefined the term to exclude these offenders. The department also interpreted the term as including offenders on supervision strictly to monitor compliance with financial obligations. This interpretation has recently been found invalid by a Kitsap County court ruling. Because the legal definition of active supervision is not clear, this analysis did not distinguish among offenders based on their supervision status. Whether such distinctions would alter the findings is not clear.

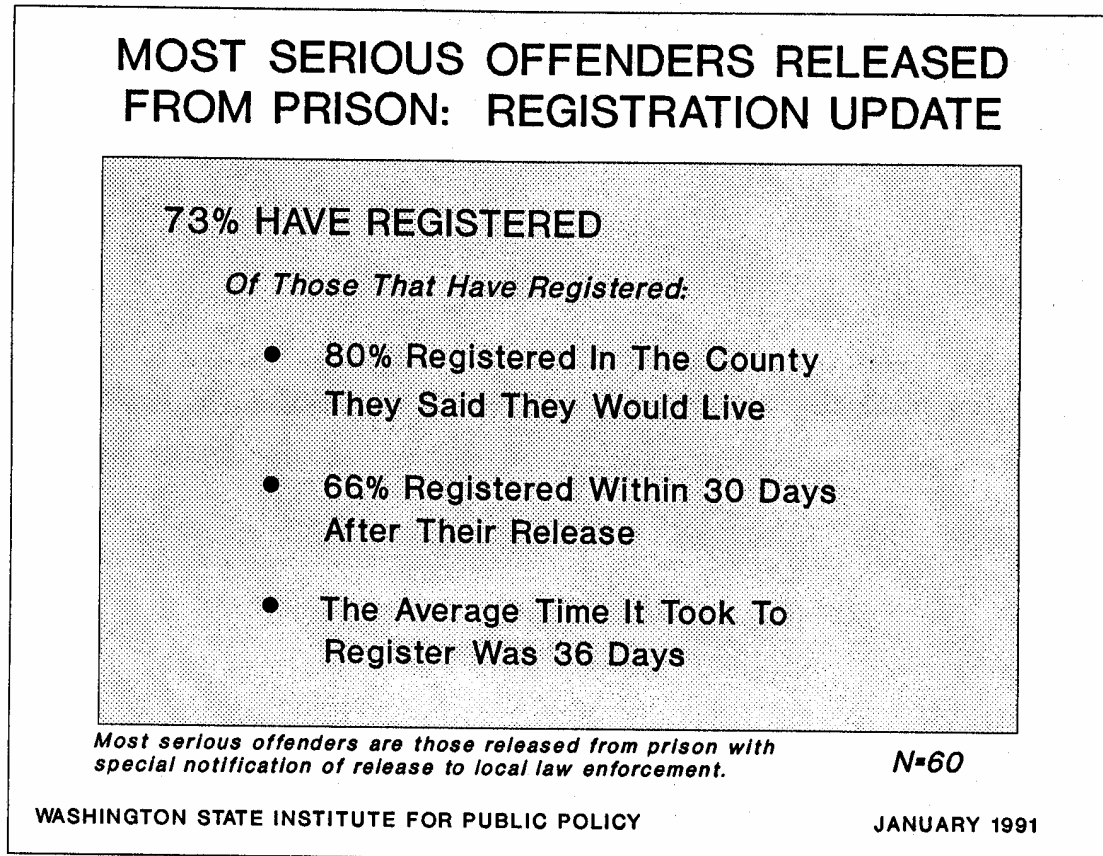
Failure to register is, by law, a Class C felony for persons convicted of a Class A felony sex offense; otherwise, the failure is a gross misdemeanor. Registration is for life if convicted of a Class A felony sex offense, 15 years if convicted of a Class B felony sex offense, and 10 years if convicted of a Class C felony sex offense, unless a court waiver can be obtained by the offender.

THE MOST SERIOUS SEX OFFENDERS

Notification of Release: Applies to the Most Serious Sex Offenders

For those sex offenders believed to pose a significant threat to the community, the Department of Corrections issues a document entitled Notification of Release (“special bulletin”) to inform authorities that potentially dangerous individuals may be moving to their communities. Adult sex offenders with special bulletins had the highest rate of registration of the groups in this analysis, with most of these offenders registering within 30 days of their release. [See Figure 2, page 4.] Since the number of offenders in this category is relatively small (60), these findings are considered subject to change.

Figure 2



The decision to issue special bulletins is made by the End of Sentence Review Committee based upon offenders' criminal history, institutional behavior, and other relevant information. The committee consists of:

- One member appointed by the Director of the Division of Prisons, Department of Corrections.
- One member appointed by the Director of Community Corrections, Department of Corrections
- One member appointed by the Intermediate Sentence Review Board Chair.
- Three members appointed by the Assistant Secretary of the Department of Social and Health Services representing Mental Health, Developmental Disabilities, and Child Protective Services.

The Director of the Division of Offender Programs appoints the chairperson for the committee. The End of Sentence Review Committee chairperson is responsible for staffing the committee and initiating the committee recommendations, including issuing special bulletins to law enforcement and developing recommendations to the prosecutor in regard to the filing of civil commitment petitions (Policy 350.500, End of Sentence Reviews, Department of Corrections, May 15, 1990).

Special bulletins are forwarded to: 1) the chief of police and county sheriff in the jurisdiction that the sex offender intends to reside, 2) the prosecuting attorney of the county where the offender was convicted, 3) the Washington State Patrol, and 4) the Homicide Information Tracking System. The bulletins include a recent photograph and describe the offender's prison behavior and prior criminal conduct. Local chiefs of police and county sheriffs then have the discretion to circulate information about the offender to other agencies, groups, or persons in the community. The Washington Association of Police Chiefs and Sheriffs developed recommended policies for law enforcement agencies. Three levels of dissemination are recommended depending upon the offender's determined level of risk.

HOW OFFENDERS ARE NOTIFIED ABOUT THE REGISTRATION LAW

Notification of registration requirements varies depending on the offender's status. The manner in which an offender is informed may influence registration compliance; groups notified both verbally and in writing had the highest rate of compliance in this study.

Sex offenders released from prison, jail, or mental institutions are notified of registration requirements in person, both verbally and in writing, prior to their release. Offenders are served with a "Registration Notification" form and are informed by Community Corrections or mental health staff about requirements of the law.

Sex offenders under supervision in the community are notified both verbally and in writing when they report to their Community Corrections Officer, but only if they are required to report on a regularly scheduled basis. If they are not required to report on a regularly scheduled basis, sex offenders are mailed a certified letter (containing a return-addressed envelope) which contains information about registration requirements.

Sex offenders whose whereabouts may be unknown are also sent certified letters to their last known address. These are generally returned undeliverable. Offenders who cannot be located are considered "un-notified" and may not be aware of their requirement to register.

Sex offenders who move to Washington State are notified about the registration law only if they read signs posted at Department of Licensing driver's examination offices.

IDENTIFICATION OF SEX OFFENDERS NOT IN COMPLIANCE

Because of cooperative arrangements between the Washington State Patrol, Department of Corrections, and Department of Social and Health Services, local law enforcement can identify both sex offenders who have registered as well as those not in compliance.

Information on all sex offenders released from the Department of Corrections and the Department of Social and Health Services is included as part of ACCESS, the law enforcement information system. Through ACCESS, local police officers who want to check an individual's criminal history can obtain information from the offender locator file. All released sex offenders are flagged in the system; counties where offenders stated they would live upon their release are also indicated. Based upon this information, officers can pursue legal action in cooperation with the prosecutors' office if they identify a released sex offender who has not registered. The Appendix to this paper illustrates how information about sex offenders is transferred among state agencies.

LEGAL ISSUES

Both civil and criminal cases related to the registration law are in progress. In Kitsap County, a judge recently dismissed a case against a sex offender charged with failure to register because, in the court's view, the offender was not on "active supervision," and instead was being supervised only for financial obligations.

Three civil law suits have been filed related to registration. One in Kitsap County was recently dismissed by the plaintiffs. The two remaining cases were filed in King County and will probably receive hearings later this spring.

SEX OFFENDER REGISTRATION IN CALIFORNIA: A COMPARISON

The state of California has required sex offender registration since 1947 (the law was applied retroactively to persons convicted of registrable sex offenses since 1944; California Penal Code, Section 290). Registration is for life, unless the sex offender can obtain a Certificate of Rehabilitation and waiver from the requirement.

A report to the California State Legislature on sex offender registration ("Effectiveness of Statutory Requirements for the Registration of Sex Offenders," California Department of Justice, 1988) compared registration rates of adult sex offenders released from prison in 1973 and 1981 with the overall percentage of registration by all sex offenders convicted in those years.

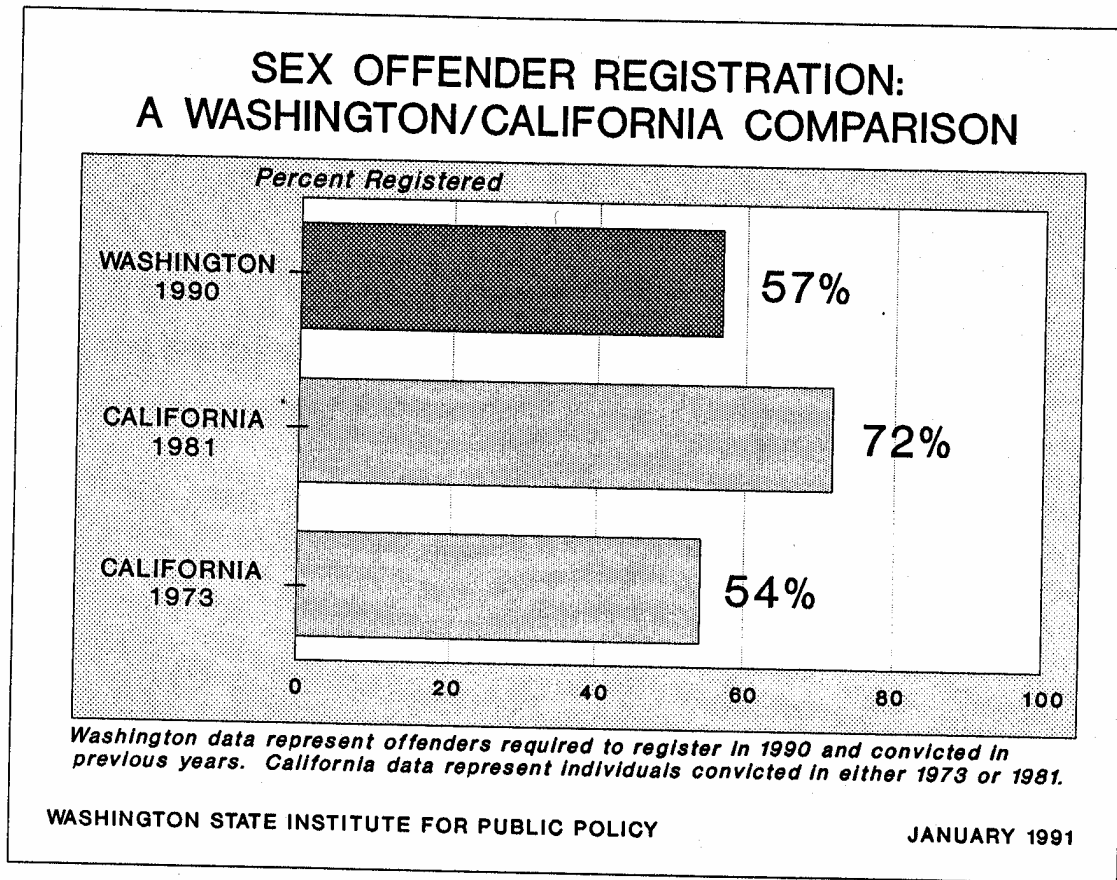
FINDING 1. In California the highest rate of registration was among sex offenders released from prison. This finding is true for Washington as well.

- **California.** Registration by adult sex offenders sentenced to prison in 1981 was 89 percent. Overall, the compliance rate for all sex offenders (both prison and non-prison releases) was 72 percent. (For 1973, prison rates were not calculated independently.)
- **Washington.** Like California, the highest registration rates were for adult sex offenders released from prison. In 1990, the most serious offenders in Washington registered at a rate of 73 percent. Other offenders released from prison registered at a rate of 61 percent. Offenders released from jails and mental institutions had the lowest compliance of 56 percent.

FINDING 2. Compliance for Washington in 1990 was lower than in California for 1981, but higher than California for 1973. These percentages are shown in Figure 3 (see page 7). Note that data for California are for individuals convicted of registrable sex offenses during 1973 and 1981. Only these two years were examined in the published report. Washington data represents offenders required to register in 1990 and convicted in previous years:

- **California.** 72 percent of adult offenders convicted in 1981 were registered at the time of the study. 54 percent of adult sex offenders released in 1973 were registered.
- **Washington.** Overall, 57 percent of all adult sex offenders required to register had complied by November 1990.

Figure 3



FINDING 3. Based on a survey of 420 criminal justice agencies in California, the California study concluded:

- A large proportion of California criminal justice agencies surveyed believe that the current system is effective in locating sex offenders and apprehending suspected sex crime offenders.
- The vast majority of law enforcement agencies believe the registration requirement should be continued.
- But, about half of the agencies did not believe that the system was effective in deterring offenders from committing future sex offense crimes.

A survey of law enforcement agencies on this topic has not yet been done in Washington. After further experience with the registration law, a similar survey in this state may be beneficial.

RESEARCH METHODS

Data Sources

By law, the Washington State Patrol is required to maintain a central registry of all registered sex offenders. To identify sex offenders who have not complied with registration requirements, the State Patrol obtains names of all sex offenders released from the Department of Corrections.

Data for this analysis was obtained from the Washington State Patrol, Department of Corrections, and the Department of Social and Health Services. State Patrol data consisted of a printout dated November 9, 1990, which listed the names of juvenile and adult sex offenders who: a) had been released, but had not registered; and b) had registered. There were 4,309 names originally contained on this report which identified 1,899 individuals as not registered, and 2,481 as registered.

The Department of Corrections supplied listings of: a) the most serious offenders released from prison, b) other sex offenders released from prison, and c) sex offenders starting supervision. Statistics on 23 sex offenders released from mental institutions were provided by the Department of Social and Health Services. The registration status of each group was then verified by manually matching names against the State Patrol printout. Juveniles were dropped from this analysis (115 individuals) and will be the subject of a later report.

In the case of the most serious offenders, a more detailed analysis was performed by examining individual records on the Department of Corrections Offender Based Tracking System (OBTS) file to obtain the counties in which offenders said they intended to reside and dates of release. The information was compared with the county of registration found on the State Patrol central registry and the number of days it took offenders to register. Note that Notifications of Release are also issued by the Department of Corrections on persons deemed dangerous to the community, but who were not convicted of a sex offense. Because these persons are not required to register, they were not included in the group of most serious sex offenders.

Data Editing

Before the data was reviewed, names on the State Patrol printout were verified for obvious duplications. Seventy-one duplications were found and removed from the list. Most resulted from discrepancies in name spellings, or because middle initials were included when released, then subsequently excluded upon registration, or visa versa. It is possible that more duplications exist than were found on the printout through manual screening. Duplications result in the over-reporting of the number of released sex offenders who did not register, because offenders show up in each group when they should be included only in the registered group.

By law, sex offenders are granted 30 days to register with the sheriff in their county of residence. Offenders are consequently given this time period to comply before being considered non-registered. Therefore, 47 individuals whose release date was within 30 days of the State Patrol printout were dropped from this analysis, regardless of whether they had registered.

Because of the manner in which registration information is maintained on the Washington State Patrol central registry, distinctions between sex offenders required to register retroactively, and those who have been released or sentenced since February 28, 1990, cannot be made. In addition, identifying individual groups of offenders is arduous and time consuming because of the manual examination required. The Washington State Patrol and Department of Corrections are improving their computer systems to facilitate future analysis of registration rates.

We extend acknowledgements to the Washington State Patrol, Department of Corrections, and the Department of Social and Health Services for their assistance in compiling data for this report.

APPENDIX
SEX OFFENDER REGISTRATION:
Tracking the Offender

