

Policy

Effective Date: June 2004

Approved By: Public Safety-University Police, BFA 6/94

Authority: RCW 9A.44.130 & 4.24.550

Cancels:

See Also:

**SEX OFFENDER NOTIFICATION
Policy and Procedures**

Western Washington University
Department of Public Safety
University Police

POLICY:

It shall be the policy of the Western Washington University Police Department to operate an on-going program to track and make appropriate community notifications concerning registered sex offenders whose presence may be reasonably expected on or near the University campus. Tracking and notification concerning registered sex offenders at University owned properties remote from the main campus will be the responsibility of the local law enforcement agency with jurisdiction. The University Police Department will request notification from local jurisdictions when a registered sex offender is believed to be living, attending or working at any WWU satellite location.

The Department will coordinate with, and assist other law enforcement agencies, and will maintain documentation on offenders as appropriate.

AUTHORITY:

This program will be governed by Washington State Law, RCW 9A.44.130, RCW 4.24.550, and as informed by Washington Association of Sheriffs and Police Chiefs.

RESPONSIBILITY:

Responsibility for the program shall be with the Chief of University Police or designee.

BACKGROUND:

RCW 9A.44.130 requires the registration of sex offenders and establishes procedures, definitions, and penalties. It is the responsibility of the County Sheriff to administer the registration program. The University Police Department has no obligation or authority to register offenders.

RCW 4.24.550 authorizes public agencies to release to the general public certain information concerning sex offenders. The intent of the legislation is "to require the exchange of relevant information about sexual predators among public agencies and officials and to authorize the release of relevant and necessary information about sexual predators to members of the general public."

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The Washington Association of Sheriffs and Police Chiefs has published a recommended policy concerning the release of information about sexual predators. This policy defines three levels of offenders.

The University Police Department does not have the responsibility for determining the appropriate level as used in the WASPC policy. The WWUPD policy deals with notifications and procedures based on offender-level determinations made by the Whatcom County Sheriff.

DEFINITION:

For the purpose of this policy, a person is a registered sex offender if they are required to register according to RCW 9A.44.130. Such persons include:

- A. A person convicted of, or juvenile found to have committed, a sex offense as defined by RCW 9.94A.030;
- B. A person found not guilty of a sex offense by reason of insanity under Chapter 10.77 RCW;
- C. A person found incompetent to stand trial for a sex offense and subsequently committed under Chapter 71.05 or 71.34 RCW;
- D. A person committed as a sexual psychopath under Chapter 71.06 RCW; or
- E. A person committed as a sexually violent predator under Chapter 71.09 RCW.

PROCEDURES:

The Whatcom County Sheriff's Office (WCSO) policy indicates that the Sheriff's Office will register and classify sex offenders. WCSO will provide all county law enforcement agencies with offender registration information, photograph and risk level assessment rating.

In the case of a Level III offender residing in the county, informational flyers will be sent to all local law enforcement agencies. In the case of registered sex offender residing in the City of Bellingham, WCSO will make notification to the Bellingham Police Department (BPD) and provide appropriate information. The Bellingham Police Department will be responsible for notification. In the event that a registered sex offender notifies the Sheriff's Office that (s)he has enrolled at Western Washington University, the Sheriff's Office is required by law to notify the University Police Department.

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When WWUPD is notified by WCSO or BPD of a registered sex offender who either resides on or near campus, works on campus, or otherwise is reasonably expected to be on campus, community notifications will be made based on the risk assessment level as determined by the Whatcom County Sheriff's Office.

RECORDS:

WWUPD will maintain records files on all registered sex offenders covered under this policy.

The files will include:

1. Copies of all files, photos and other correspondence provided by other agencies.
2. A record of all notifications made.
3. Copies of all community advisory flyers or other public notices, including press clippings.
4. Copies of any WWUPD case files or follow-up investigation reports concerning the offender.

RISK ASSESSMENT LEVELS:**LEVEL I - Low Risk**

- A. Low risk to the community.
 1. Includes all offenders required to register.
 2. Offense is non-violent.
 3. Offense is committed in a family setting.
 4. Offender has successfully completed a treatment program.
 5. Overall the offender is a low risk to the general public.

LEVEL II - Intermediate Risk

- A. Intermediate risk to the community.
 1. Crime occurs outside of a family setting.
 2. Victim not a blood relative.
 3. Offender may or may not have successfully completed a treatment program.
 4. Commission of multiple offenses.
 5. Offender poses a risk to the general community who reside in immediate proximity to the offender.

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6. Offender has predatory tendencies in the sense that they involve themselves into families or neighborhoods where there is opportunity to groom victims.

LEVEL III - High Risk

- A. High risk to the community.
 1. Offender exhibits predatory tendencies as defined by state law RCW 71.09.020.
 2. Criminal history of repeated sexual offenses (acts may or may not have included violence).
 3. Offender has not completed a treatment program.
 4. Acts directed toward strangers / general public.
 5. Offender expresses intentions and / or desires to continue committing offenses.
 6. Diagnosed as a sexual predator by mental health professional.
 7. Acts directed towards individuals with whom a relationship has been established or promoted for the primary purpose of victimization.

NOTIFICATIONS:**LEVEL I - Low Risk**

1. Vice-President for Business and Financial Affairs.
2. University Police Officers and all other WWUPD classified staff.
3. Vice-President for Student Affairs
4. Dean of Students

No general public notification

LEVEL II - Intermediate Risk

1. All LEVEL I notifications.
2. President
3. Provost/Vice President for Academic Affairs
4. Director of University Residences if offender is a resident student or employee of Food Service, Viking Union or University Residences.
5. Director of Human Resources if offender is an employee.
6. Public Safety Department student security employees.

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7. Community Advisory flyer prepared and distributed to affected University units (such as employer, instructors, library, food services). With notice of confidentiality – for staff only.
8. Child Care Center
9. Director of remote site if affected.

No general public notification

LEVEL III - High Risk

1. All LEVEL I and LEVEL II notifications.
2. Community Advisory flyer distributed to all departments via inter-office mail.
3. Community Advisory flyers distributed to University Residences for posting in Residence Halls.
4. Notices to Western Front, KUGS and FAST.
5. Notice posted on University Police Web site.
6. Posters may be posted in public areas of campus.

IMMUNITIES:

RCW 4.24.550 provides immunity to Western Washington University, its officials and employees:

1. 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.
2. Except as otherwise provided by statute, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information as provided in subsection (2) of this section.
3. Nothing in this section implies that information regarding persons designated in subsection two (2), is this section in confidential except as otherwise provided by statute.

Further immunities are proscribed in RCW 4.24.470, Liability of officials and members of governing body of public agency - Definitions and RCW 4.24.490, Indemnification of state employees.

Copies of relevant portions of these statutes are included in this document.

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STATEMENT of LEGISLATIVE INTENT:

The Washington State Legislature, in passing RCW 4.24.550, described its intent as follows:

"The legislature finds that sex offenders pose a high risk of engaging in sex offenses even after being released from incarceration or commitment and that protection of the public from sex offenders is a paramount governmental interest. The legislature further finds that the penal and mental health components of our justice system are largely hidden from public view and that lack of information from either may result in failure of both systems to meet the paramount concern of public safety. Overly restrictive confidentiality and liability laws governing the release of information about sexual predators have reduced willingness to release information that could be appropriately released under public disclosure laws, and have increased risks to public safety. Persons found to have committed a ex offense have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Release of information about sexual predators to public agencies and, under limited circumstances, the general public, will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems so long as the information released is rationally related to the furtherance of these goals.

Therefore, this state's policy as expressed in RCW 4.24.550 is to require the exchange of relevant information about sexual predators among public agencies and officials and to authorize the release of necessary and relevant information about sexual predators to members of the general public."

Business & Financial Affairs
Public Safety Division -- June 1994

Revised November 2002

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