

Effective Date: June 1994

PROCEDURE

Authority: RCW 9A.44.130 & 4.24.550
Approved: Public Safety Division,
Business & Financial Affairs 6/94

PRO U5620.02A -- SEX OFFENDER NOTIFICATION

Action By

Action

WCSO	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.
WCSO	In the case of a Level II or Level III offender residing in the county, informational flyers will be sent to all local law enforcement agencies.
BPD	In the case of a Level II or Level III offender residing in the City of Bellingham (BPD), WCSO will make notification to the Bellingham Police Department and provide appropriate information. The Bellingham Police Department will be responsible for notification.
WWUPD	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.

INVESTIGATION and VERIFICATION

WWUPD	Upon notification from WCSO, BPD or other law enforcement agency that a sex offender has registered locally, the Department will check to see if the offender has applied for admission or employment with WWU. If so, or if WCSO, BPD or other law enforcement agency informs WWUPD that the offender can reasonably be expected to be on campus, the Department will:
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WWUPD

1. Contact the reporting agency to request and review all pertinent information.
2. Contact the original investigating agency to discuss the assessment of this offender.
3. Conduct a records check to obtain a complete and accurate record for all of the offender's convictions.
4. Advise offender of action to be taken.

Following this verification process, the Department will implement record keeping and notification procedures.

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.
 - 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 and Conduct Officer

LEVEL II - Intermediate Risk

1. All LEVEL I notifications.
2. President
3. Provost/Vice President for Academic Affairs
4. Vice-President for Student Affairs
5. Director of University Residences if offender is a resident student or employee of Food Service, Viking Union or University Residences.
6. Director of Human Resources if offender is an employee.
7. Public Safety Department student security employees.
8. Community Advisory flyer prepared and distributed to affected University units (such as employer, instructors, library, food services).
9. Notice provided to Western Front and FAST.
10. Child Care Center
11. Director of remote site if affected.

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.

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.

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."