COMMUNITY NOTIFICATION IN WASHINGTON STATE: 1996 Survey of Law Enforcement

Scott Matson
with
Roxanne Lieb

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Washington State Institute for Public Policy
The Evergreen State College
Mail Stop: TA-00, Seminar 3162
Olympia, Washington 98505
Phone: (360) 866-6000, ext. 6380
Fax: (360) 866-6825
URL: http://www.wa.gov/wsipp

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COMMUNITY NOTIFICATION IN WASHINGTON STATE: 1996 Survey of Law Enforcement

EXECUTIVE SUMMARY

Washington State's 1990 Community Protection Act included a community notification law authorizing public officials to notify the public when dangerous sex offenders are released into the community. This law was the first of its kind in the country.

The Washington State Institute for Public Policy conducted a survey of sheriffs in 39 counties and police chiefs in the state's 16 largest cities during the months of August and September 1996. Forty-five of the 55 jurisdictions polled responded to this survey (82 percent). This report updates the Institute's December 1993 Survey of Law Enforcement. The major findings of the survey are listed below. The number of notifications and incidents of harassment may be underreported since law enforcement must recall reports from incomplete data sources.

Notifications

- As of September 1996, ***942 offenders*** have been subject to community notification. From the pool of statewide registered sex offenders, this number represents a rate of about ***11 percent***.

- A typical community notification includes a physical description of the offender, offender's photograph, description of past crimes, some form of address, and method used when approaching a victim.

- Law enforcement officials have implemented the law in a manner that emphasizes public education and guards against vigilantism.

Community Meetings

- Almost half of the responding jurisdictions conduct community meetings to augment the release of sex offender information. Some law enforcement jurisdictions have developed techniques for these meetings to increase their usefulness. Audience reaction to these meetings overall, has been rated as positive by law enforcement.

- The meetings are usually structured to include information about the offender, sex offenders in general, and techniques to protect children and the general community from sex offenders.

Harassment of Offenders

- Law enforcement report ***33 acts*** of harassment directed at released sex offenders (and in some cases, their families) since the implementation of the law in 1990. Harassment incidents were reported in less than ***4 percent*** of all notifications.

WASHINGTON'S COMMUNITY NOTICATION LAW

BACKGROUND

In 1990, the Washington State Legislature enacted the Community Protection Act. The Act included a *registration law* requiring convicted sex offenders who are released from custody, or are under supervision, to register with local law enforcement. In addition, lawmakers authorized public officials to notify the public when dangerous sex offenders are released into the community. This law, called *community notification*, was the first of its kind in the nation.

Many states have followed Washington's lead by enacting community notification laws. With the passage of a federal "Megan's Law" in May 1996, states are encouraged to include community notification of offenders convicted of crimes against children or sexually violent offenses in their statutes. Currently, 40 states have some form of legislation either authorizing community notification for released sex offenders, or allowing access to sex offender registration information.[1] Many other states have similar legislation pending. All states now require released sex offenders to register with law enforcement or state agencies.[2]

Washington's registration and notification laws were viewed by the state's legislature as crime prevention measures as well as additional tools for law enforcement. The stated goals of these measures were to "restrict the access of known sex offenders to vulnerable populations, and also to improve law enforcement's ability to identify convicted offenders."[3]

The state's registration and notification laws have been in effect since February 1990. In December 1993, a Washington State Institute for Public Policy (WSIPP) report described findings from a survey of law enforcement.[4] Representatives from most of the state's counties and major cities were included. The survey sought information about community notification procedures in these jurisdictions during the law's first three years. A 1995 WSIPP report described decision making processes and costs involved with community notification in Washington State.[5]

This report updates previous publications by summarizing law enforcement's experiences during the six-year period of the law, focusing on community meetings and harassment incidents. Information was collected from a survey of law enforcement conducted in August and September 1996, by WSIPP.

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[1] Washington State Institute for Public Policy, *Sex Offender Community Notification: A Review of Laws in 32 States*, April 1996, and *Sex Offender Community Notification Update: May 1996 - September 1996*, October 1996.
[2] Washington State Institute for Public Policy, *Sex Offender Registration: A Review of State Laws*, July 1996.
[3] Task Force on Community Protection, *Final Report*, November 1989, II, p.27.
[4] Washington State Institute for Public Policy, *Community Notification: A Survey of Law Enforcement*, December 1993.
[5] Washington State Institute for Public Policy, *Community Notification in Washington State: Decision-Making and Costs*, July 1995.

SEX OFFENDER REGISTRATION

Registration Requirements

All adult and juvenile sex offenders released from custody, or placed under the supervision of the Washington State Departments of Corrections or Social and Health Services, are required to register with the sheriff in their county of residence within 24 hours of release. When registering, the offender must provide the following:

- name
- address
- any aliases
- social security number
- place of employment
- crime for which convicted
- date and place of conviction
- date of birth

The county sheriff forwards this information, and the offender's fingerprints and color photograph, to the Washington State Patrol within five working days, where it is matched against a central registry of released sex offenders. The State Patrol is thus able to learn which released sex offenders have complied with registration requirements. Each month, the State Patrol forwards a list of registered sex offenders to the sheriff of each county, along with a list of released offenders who did not register, and who are possibly living in that county.

Sex offenders who change residence within the same county must notify the county sheriff within ten days. Offenders who move outside the county must register with the new county sheriff within ten days *and* send written notice to the original sheriff.

Sex offenders who move to Washington State from other states are required to register within 30 days of establishing residence.

Registration Compliance

As of September 1, 1996, 9,912 sex offenders have registered in Washington State. Based on the Department of Correction's records, 1,890 sex offenders did not meet their statutory obligation to register. Thus, of the 11,802 sex offenders, 84 percent have registered.[6]

Failure to register is a crime; the level of the crime depends upon the original offense. For offenders convicted of a Class A felony sex offense,[7] Failure to Register is a Class C felony; otherwise, the failure is a gross misdemeanor. In fiscal year 1996, 35 sex offenders were convicted of the felony-level crime of Failure to Register. Since the implementation of the law in 1990, 106 sex offenders have been convicted of the felony-level crime of Failure to Register.[8]

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[6] Telephone communication with Susie Coon, Washington State Patrol, October 8, 1996.
[7] Class A felony sex offenses include: First or Second Degree Rape, First or Second Degree Rape of a Child, and First Degree Child Molestation.
[8] Communication with Clela Steelhammer, Sentencing Guidelines Commission, October 8, 1996.

COMMUNITY NOTIFICATION

Washington's law regarding community notification was the first of its kind in the nation, and expressly authorizes law enforcement agencies to release information regarding sex offenders to the public "when release of the information is necessary for public protection."[9] Law enforcement agencies are immune from civil liability for damages for any decision to release—or not release—"relevant and necessary" sex offender information to the public.

The statute does not specify which branch of law enforcement is responsible for implementing community notification. In rural areas, the county sheriff is the likely candidate, but in urban areas, the responsibility can fall on both the municipal police department and the county sheriff.

Preliminary Risk Assessment by the End of Sentence Review Committee

A statewide End of Sentence Review Committee serves as the initial step in community notification decisions. The Committee assesses the risk of sex offenders being released from institutions around the state. The process was initiated to assist prosecutors in determining whether or not an offender meets the statutory guidelines for civil commitment under the Community Protection Act. The Committee is chaired and staffed by the Department of Corrections and also includes representatives from the juvenile corrections and mental health divisions of the Department of Social and Health Services and the Indeterminate Sentence Review Board. The Committee meets once each month to review sex offenders (and other violent offenders) due to be released from prison, juvenile facilities, and the state mental hospital (those found guilty by reason of insanity). Offenders are tagged for review upon admission to the state institution. Eight months prior to release, the committee assesses the offender's likelihood of reoffending and potential threat to the community.

An End of Sentence Review Packet is prepared for prisoners who have been convicted of a sex offense, a sexually-motivated offense, and/or are considered a high risk to commit a violent offense based upon present threats or known potential victims. The packet includes: criminal history summary, psychological evaluation, pre-sentence investigation(s), and other relevant information.[10] The committee submits this packet to the prosecutor in the county in which the offender plans to reside upon release. Prosecutors are not bound by the committee's recommendations, and have the authority to make the final decision to initiate civil commitment proceedings.

[9] RCW 4.24.550
[10] Source: Department of Corrections' Policy Number 350.500.

Special Bulletins

The End of Sentence Review Committee also issues Special Bulletins to law enforcement agencies regarding sex offenders who are judged to pose a serious risk to public safety. The Special Bulletin alerts law enforcement about these offenders and it describes an offender's criminal history and propensity to commit acts of violence. A second category of bulletin, the Law Enforcement Notification Bulletin, is used to alert law enforcement of the release of *high-risk offenders* who may or may not be convicted sex offenders, including: offenders who were originally arrested for a predatory[11] sex offense which was plea-bargained to a non-sex offense, dangerous mentally-ill offenders, and/or offenders who present a threat to law enforcement or to the community based on past or current criminal behavior. In most jurisdictions, law enforcement representatives begin discussing the possibility of community notification when they receive either of these bulletins.

From March 1990 through September 1996, 3,500 sex offenders were released from prison[12] and 1,444 juvenile sex offenders were released by the Division of Juvenile Rehabilitation.[13] During this time period, the End of Sentence Review Committee issued 612 Special Bulletins on released sex offenders.[14]

The Washington Association of Sheriffs and Police Chiefs (WASPC) developed a recommended policy on notification, to be used *after* the risk assessment has been conducted. WASPC guidelines advise law enforcement agencies to use the following levels of dissemination:

Level I:
Low risk of reoffense. Maintain the information within the police department and disseminate the information to other appropriate law enforcement agencies (photograph of the offender may be included).

Level II:
Moderate risk of reoffense. Includes the actions within Level I. Also, schools and neighborhood groups may be notified. These groups will be responsible for their individual dissemination (photograph of the offender may be included).

Level III:
High risk of reoffense. Includes the actions within Levels I and II. Also, notify the public through specific press release. Level III is the highest level of notification.

The guidelines suggest that release of information should be on a "need to know" basis. Groups for law enforcement to consider when releasing information are other law enforcement agencies, schools, and/or other people in the community who could be affected by the release.

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[11] Defined in the state's sexually violent predator statute, RCW 71.09.020, as: sexual "acts directed toward strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization."
[12] Telephone conversation with Peggy Smith of the Department of Corrections on October 10, 1996. These were criminals whose most serious offense was a sex offense.
[13] Telephone conversation with Dave Guthman of the Division of Juvenile Rehabilitation on October 22, 1996.
[14] A total of 224 Law Enforcement Notification Bulletins were issued during this time period.

Release of Information

Information on registered sex offenders living in the community is maintained by law enforcement. Individuals or organizations in the community have sometimes requested access to this information. Organizations covered by the state's confidentiality laws, such as the Department of Corrections, schools, and child protective services, are more likely to be granted access to full information regarding registered sex offenders, including name, address, and criminal history details.[15]

Additional organizations are allowed access to this registry of offender information, including: other law enforcement agencies, social service and mental health agencies, day care centers, the Division of Juvenile Rehabilitation, the state Attorney General's office, family and juvenile courts, and local housing authorities.[16]

Those who represent private interests, or who are not bound by confidentiality laws, such as the media, community groups, and individual citizens, are granted information less frequently and are typically granted only limited information such as name and/or address.[17]

In some parts of the state, citizens are granted access to the complete list of registered sex offenders. Other jurisdictions release information only on specific offenders, or offenders in a particular geographic area. Still others allow citizens to review the information on registered sex offenders, but require citizens to reveal their name and address, so that harassment activities can potentially be connected to people who have reviewed the list.[18]

Civil Immunity

During the legislative hearings for the Community Protection Act, law enforcement representatives described their previous reluctance to release information concerning dangerous sex offenders who were living in the community, citing fears of civil lawsuits. The Act addressed this concern:

> "*An elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for damages for any discretionary decisions to release relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith.*"[19]

Law enforcement is also relieved of liability when the community is not notified, or the notification is not extensive, and someone is subsequently victimized by the offender.

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[15] Washington State Institute for Public Policy, *Community Notification: A Survey of Law Enforcement*, December, 1993.
[16] Ibid., p. 6.
[17] Ibid., p. 5.
[18] Ibid., p. 6.
[19] RCW 4.24.550

1996 SURVEY OF LAW ENFORCEMENT

FINDINGS

Introduction

In August and September 1996, the Washington State Institute for Public Policy conducted a survey of all 39 counties and 16 of the most populated cities[20] of the state. The survey solicited information on the implementation of the community notification law, and its role in community protection from sex offenders.

Law enforcement officials who responded to the survey included county sheriffs, chiefs of police, and police detectives. Some of these officials have been employed in their jurisdiction since the implementation of the law, and provided information cumulated from 1990 to the present. Others have been in their positions for a shorter time, and could only provide information based on their experiences during that time period.

Washington State does not have a statewide repository of notification bulletins or information regarding the consequences of notification. Thus, the survey relied on individual law enforcement representatives, some of whom had complete records to consult and others who relied on their memories. For this reason, the survey results may underestimate the actual number of notifications and rates of harassment.

Forty-five of the 55 jurisdictions responded—30 counties and 15 cities; a response rate of 82 percent. These survey findings report on the practices of law enforcement agencies as of September 1996.

Rate of Notifications

Law enforcement reported issuing a total of 942 notifications—615 Level II and 327 Level III. This group included 154 juveniles and 18 individuals who moved to Washington from another state.

All sex offenders must register with their county sheriff, but offenders living within city limits sometimes register with both the county sheriff and the resident city police department. Thus, our calculations regarding notifications focus on the county responses exclusively, so as to avoid duplicated counts.

The 30 counties responding to this survey represent 84 percent of the state's population.[21] The survey responses also report 85 percent of the state's registered sex offenders (8,452 of 9,912).

[20] Aberdeen, Auburn, Bellevue, Bellingham, Everett, Kennewick, Mill Creek, Mountlake Terrace, Olympia, Renton, Richland, Seattle, Spokane, Tacoma, Vancouver, and Yakima.
[21] Office of Financial Management, State of Washington, July 6, 1995, Correction Release.

A total of 942 notifications were reported. Assuming these notifications also account for 85 percent of the total number of notifications, the estimated number of statewide notifications is 1,105.[22] Therefore, of the total 9,912 registered sex offenders in Washington, we estimate that 11 percent have been subject to community notification.

Figure One is a flow chart depicting the number of released sex offenders and the proportions selected for Special Bulletins and community notifications (See page 8).

Guidelines for Determining Risk and Dissemination of Information

WASPC recommends that sheriffs and chiefs of police use their guidelines in the development of a community notification policy. Of the 45 responding jurisdictions, 42 (93 percent) use the recommended guidelines set by WASPC. Many of these jurisdictions have modified the WASPC guidelines slightly. These modifications include:

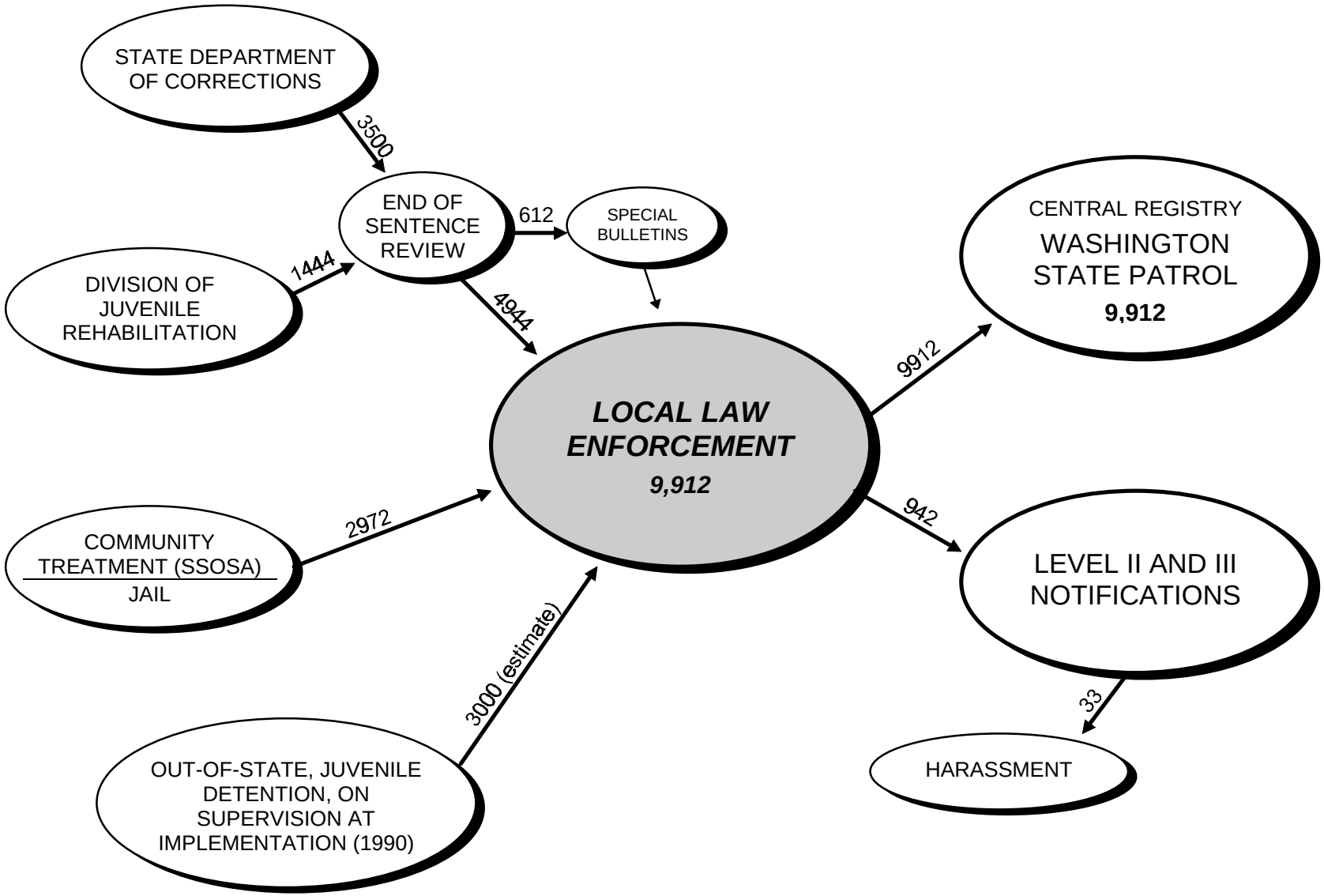
- Abolition of the Level II classification, so that an offender is simply classified as "dangerous" (Level III) or "not dangerous" (Level I).
- Home visitation, in which the offender's recorded residence is visited by law enforcement to ensure the offender's address is correct.
- Notification of all residents in the offender's nine-digit zip code area.
- Notification of a broader category of organizations, to include local law enforcement, social service agencies, mental health services, day care centers, the Department of Juvenile Rehabilitation, the state Attorney General's office, family court, juvenile court, and local housing authorities.

In determining an offender's risk of reoffense, 51 percent (23 of 45) of the jurisdictions rely on the materials mailed by the End of Sentence Review Committee. In addition to these materials, 69 percent (31 of 45) of the jurisdictions conduct their own investigation and assessment of the offender's risk to reoffend. Thurston and Snohomish Counties have full-time detectives devoted to independently assessing each registered sex offender, in addition to overall implementation responsibilities.

Other jurisdictions use additional methods in determining an offender's risk. Benton County and the City of Richland, enlist the help of the Tri-City Sexual Offender Review Board which reviews and makes recommendations on the placement of sex offenders. The Tri-City Sexual Offender Review Board consists of: detectives from Benton and Franklin County Sheriff's Offices, Kennewick, Pasco, Richland, and West Richland Police Departments, psychologists trained in sex offender therapy; and representatives from adult and juvenile probation and parole departments. The Board meets once a month to assess the risk of newly registered sex offenders in their jurisdictions, and assigns the offenders to one of three tiers of notification (similar to WASPC's level system).

[22] 1,105 = Total reported notifications (942) divided by the ratio of reported registered sex offenders to the state's total number of registered sex offenders (8,452/9,912).

FIGURE 1: FLOW OF SEX OFFENDERS IN WASHINGTON STATE



WSIPP 1996. Numbers indicate released sex offenders. Sources: Department of Corrections, Division of Juvenile Rehabilitation, Sentencing Guidelines Commission, Washington State Patrol, and local law enforcement agencies throughout the state.

Some jurisdictions have developed their own evaluation systems for assessing dangerousness (See Appendix A).[23] These evaluations are based on such factors as the offender's criminal history, treatment history, psychological profile, and victim profile.

Information Released

The following are the most common types of information released in a Level II or Level III notification:

- Physical description of the offender.
- The offender's photograph.
- Description of the offender's past crimes.
- Information on the offender's current residence, either approximate address or exact address.

Less frequently released information include the offender's method of approaching the victim, vehicle description, and place of employment.

Methods of Dissemination

The following are the most common methods of dissemination and the percentage of responding jurisdictions using each:

- Media release; 91 percent.
- Door-to-door flyers; 62 percent.
- Mailed flyers; 24 percent.

The primary difference between a Level II and Level III community notification is media involvement. Almost all Level III notifications include a press release or the addition of media releases. Many of these jurisdictions also alert the public with door-to-door flyers or bulletins distributed to neighbors living in proximity to a sex offender (for an example of a Level III Bulletin, see Appendix B). This approach allows law enforcement to address concerns that the public may have about the sex offender.

Some agencies distribute flyers to neighborhoods surrounding the offender's residence. Generally, law enforcement determines, at its discretion, the definition of neighbors. In some areas of the state, such as the cities of Aberdeen and Kennewick, a neighbor is defined in written policy as anyone residing within three square blocks of an offender's residence.

[23] Mill Creek, Richland, Spokane, Asotin County, Ferry County, Snohomish County, and Thurston County have developed specific criteria for classifying an offender's risk to reoffend.

Another method law enforcement uses to distribute information is community meetings. The survey included several questions about how these meetings are conducted, and their perceived value. The next section summarizes what we learned from these questions.

COMMUNITY MEETINGS

Many jurisdictions augment notification with community meetings designed to provide information about the offender, sex offenders in general, community protection, and in some cases, to introduce the offender personally. Almost half of the jurisdictions polled in this survey (22 of the 45) hold community meetings. The meetings are either held regarding a specific offender, or the topic is addressed as part of a community crime prevention meeting. Over 150 such meetings have occurred in these jurisdictions. During the last 22 meetings held, more than 1,740 citizens attended—an average of 79 people per meeting.

Law enforcement representatives view community meetings as an excellent way to present sensitive information to the public. Sexual offenses evoke strong feelings in many people. At a community meeting, law enforcement is able to introduce the law, the individual, and educate the public about sex offenses.

At these meetings, law enforcement takes responsibility for running the meeting and presenting information. In about one-third of the meetings, the Department of Corrections presents additional information about the sex offender who is the subject of the meeting. Other people who may present information at these meetings include: legal advisors, juvenile justice officers, representatives from the prosecutor's office, representatives from crime prevention units, school officials, mental health providers, and community leaders.

Meeting Organization and Approach

Law enforcement follows a predetermined agenda that sets the ground rules and expectations at these meetings. Often, the meeting begins with handouts of information about the offender and the law. The audience is first educated on the notification law, sex offenders in general, and safety related issues. The specific offender is then discussed, and questions are answered. Most jurisdictions ask that the audience hold all questions until the end of the presentation, as a means of maintaining control.

In his returned survey, Detective Robert A. Shilling, of the Seattle Police Department, explained his agenda at a community meeting:

> *"After introducing myself and outlining my qualifications, I tell the audience I will answer every question they have, regardless of how long it takes; but only after the presentation is complete. I explain that I have a lot of*

information to share with them and I will most likely answer their questions during the presentation. I explain that answering questions throughout the presentation usually leads to a disjointed presentation. Because of the amount of information given during the meeting, there are very few questions afterwards. If the press is in attendance, the same rules apply. I do not allow the press to ask questions during the presentation. If they want an interview, they have to hear the whole presentation."

The Seattle Police Department held a community meeting on September 17, 1996. The presentation included the following topics:

- The Community Protection Act of 1990.
- Understanding what it means to have a sex offender living in your neighborhood.
- The characteristics and behavioral indicators of a pedophile.
- Sex offender fact versus sex offender myth.
- What citizens can do to protect themselves and their children from becoming the victim of a sex offender.[24]

The Snohomish County Sheriff's Office also holds community meetings regarding Level II and III sex offenders. They first send out a notice of the meeting, accompanied by a flyer about the offender. These meetings follow a set agenda:

- Introduction of the community notification law, how it came about, and how it works.
- Description of the offender's crime and the conditions surrounding his/her release.
- Discussion of educating children about sex offenses.
- Discussion about potential consequences of abuse of the law, through harassment of the offender.
- Answer questions one-on-one after the meeting.

Meeting Handouts

Handouts are given to members of the audience at 91 percent of these meetings. The most common types of handouts are: information about the sex offender; a description of the community notification law; and information about general safety. The Seattle Police Department has several additional handouts.

[24] "*Sex Offenders Are the Topic of a Community Meeting on Sept. 17*," The Seattle Press, Seattle, WA, September 11, 1996.

These handouts and their desired results include:

- A copy of the *subject notification*. This handout also includes the number of sex offenders statewide, in King County, in Seattle and the number that have not registered. **Desired result:** shows the reader that theirs is not the only neighborhood with a resident sex offender; they are everywhere.
- The *police precinct map* for their location showing patrol car districts and the number of sex offenders residing within each district. **Desired result:** once again, shows the reader that theirs is not the only neighborhood with a resident sex offender.
- A copy of "*Community Notification: How Decisions are Made,*"[25] a handout showing the steps law enforcement takes in performing a community notification. The handout also includes charts showing recidivism rates for sex offenders. **Desired result:** helps people realize a large number of sex offenders will not reoffend and will hopefully become productive, law abiding members of society.
- A copy of the *WSIPP chart defining sex crimes and crimes against children*.[26] **Desired result:** helps the public understand exactly which crimes require an offender to register and gives the legal definition of these crimes.
- A copy of the *WSIPP chart on the number of states that have sex offender registration and* "*Criminal History of Adults Convicted of Felony Sex Crimes in FY 1995.*"[27] **Desired result:** most citizens believe sex offenders are repeat offenders or have an extensive criminal history. The handout reinforces the fact that you cannot identify a sex offender by looks, race, gender, occupation, or religion. A sex offender can be anyone, so precautions need to be taken at all times.
- A copy of the *WSIPP charts* "*Adult Sex Offender Sentencing Options: Who Pays*" and "*91% of Imprisoned Sex Offenders Do Not Receive Sex Offender Treatment.*"[28] **Desired result:** most people feel that when sex offenders go to prison, they are automatically sent to treatment. People are surprised to find that most sex offenders do not receive treatment. The additional cost of treatment helps people understand why treatment is not offered to every sex offender in prison.
- Seattle Police Department list of rules for *Personal Safety for Children*. **Desired result:** gives the citizens a sense of empowerment. They have something in writing they can refer to when talking about safety to their children.
- Seattle Police Department list of *Characteristics and Behavioral Indicators of a Pedophile*. **Desired result:** educates citizens on behaviors that should raise red flags. It helps people realize ANYONE can be a pedophile and to question certain behavior whether by a stranger or family member. It explains to citizens that their children are far more likely to be victimized by a family member or someone they know than by a stranger.

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[25] Washington State Institute for Public Policy, *Findings From the Community Protection Research Project: A Chartbook*, January 1996, p. 33.
[26] Ibid., pp. 3-4.
[27] Ibid., pp. 31, 13.
[28] Ibid., pp. 17, 16.

- *Child Protection Brochures* and *Parental Guidelines in Case Your Child Might Someday be the Victim of Sexual Abuse or Exploitation*.[29] **Desired result:** helping the citizen realize that knowledge is power and offer opportunities for further education.

The Snohomish County Sheriff's Office also distributes several handouts at their community meetings:

- A copy of the *notification of sex offender registration requirement form* that is distributed to, and signed by, every sex offender.
- A description of the *sex offender registration process;* an outline of the steps law enforcement takes to determine risk; assignment of the offender to a notification level; a list of those receiving notification; and, a description of the types of people who can be sex offenders.
- *Answers to common questions*: what do I do to protect my kids; what do I do to educate my children; what do I tell my kids about strangers; what can I do about an offender living in my neighborhood; and, is it fair to make a notification on offenders who have paid their debt to society?
- A list of *family rules* about personal safety to be used inside and outside the home, on family, friends, and strangers.

Audience Reaction at a Community Meeting

Law enforcement officers who have conducted community meetings rated the audience reaction as generally positive. Citizens expressed a high degree of support regarding the community notification law at the meetings. On a scale of one-to-ten (a score of one indicating the audience was extremely critical, a score of ten indicating the audience was fully supportive) law enforcement judged the overall degree of support at 8.5.

Law enforcement reported that the most frequently asked questions at the meetings concern the offender's history and current situation. The second most frequent questions concern ways to protect children and identify abuse. Other questions are about the notification law in general, the nature of sexual offenders, who monitors the offender when he/she returns to the community, and why convicted sex offenders have the right to live in the neighborhood.

[29] Available through the National Center for Missing and Exploited Children, Publications Department, 2101 Wilson Blvd., Suite 550, Arlington, VA 22201

Often, audience members will have negative reactions or make threatening comments. Negative reactions were noted by law enforcement officers at 15 of the 22 (68 percent) most recent meetings. These reactions can be grouped into the following categories:

- *Negative reactions toward the offender.* These reactions generally came from angered audience members not wanting the sex offender living in their neighborhood.

- *The law is unfair to the offender.* These observed reactions came from some audience members voicing concerns that the offender was not being given a fair chance, or that law enforcement was picking on the offender. Other citizens expressed concern about the long-term damage of notification to juveniles.

- *Negative reactions toward police or the law itself.* Some audience members expressed outrage at the lack of supervision given to most sex offenders. Some citizens believe that law enforcement should also release information on Level I offenders (the lowest risk and majority of offenders).

After a Notification

Law enforcement receives numerous phone calls from citizens after issuing a community notification. The nature of these phone calls varies from questions specific to the individual offender, to how to protect children from sex offenders. The most common phone calls request information about sex offenders in general. Other phone calls came from citizens offering leads about the sex offender and reporting crimes in their neighborhood.

Some callers express concerns about the offender being in their community, questioning why the offender could live in their neighborhood and what the police are doing to protect the public.

HARASSMENT

The potential for citizens to harass offenders following notification has been a concern since Washington's law was passed. Offenders have occasionally been harassed by members of the community after a notification has been issued. Twenty-two jurisdictions indicated that they take particular actions to guard against the harassment of sex offenders. These actions include warnings on flyers and verbal warnings during door-to-door notification and at community meetings. These warnings advise citizens that legal action will be taken against those responsible for the harassment and that the law will be repealed if it results in citizen vigilantism.

The survey respondents recalled 33 incidents of harassment since the implementation of the law.[30] Given the total number of notifications (942), harassment incidents followed 3.5 percent of all notifications.

The most serious of these incidents resulted in a residence being burned down.[31] Two others resulted in minor property damage, and in two cases, offenders were physically assaulted. Almost half of these incidents extended to family members of the offender, usually in the form of verbal threats/warnings. None of these harassment incidents have lead to prosecution.

The following harassment incidents were reported by the jurisdictions surveyed:

- In July 1993, Snohomish County issued a notification on Joseph Gallardo, which resulted in the offender's planned residence being burned down.
- In the city of Everett, residents of an apartment complex where a sex offender lived picketed the offender's apartment until he moved out.
- In the cities of Aberdeen and Bellingham, threatening phone calls were made to sex offenders following their notifications.
- In the city of Spokane, protesters rallied in front of a sex offender's house and verbally harassed the offender.
- In the city of Vancouver, and similarly in Ferry County, flyers were posted by unknown individuals showing the sex offender's picture and detailing his crime.
- In Clallam County, rocks were thrown at an offender's residence.
- In Douglas County, a group of protesters held a vigil and started a small grass fire on the offender's lawn.
- In Okanogan County, two offenders were followed and large posters were placed around their living areas stating that they were sex offenders.
- In Snohomish County, eggs were thrown at an offender's home.
- In Stevens County, a juvenile offender was verbally harassed, and malicious mischief to the family's vehicle was reported. Upon conducting a community meeting, the harassment appeared to slow or stop, and no further incidents were reported.
- In Whatcom County, the community was notified of a juvenile sex offender. Other juveniles assaulted the offender at school.
- On Vashon Island in King County, an offender was threatened via electronic mail.

[30] Incidents reported from the 1993 survey conducted by the Washington State Institute for Public Policy were added to the 1996 survey results.

[31] In July 1993, Snohomish County issued a notification on Joseph Gallardo, which resulted in the offender's planned residence being burned down. The responsible parties were never caught and the crime was never solved.

LAW ENFORCEMENT ASSESSMENT OF COMMUNITY NOTIFICATION

The survey asked law enforcement representatives to assess the advantages and disadvantages of community notification. Their assessments can be grouped into the following categories:

Advantages

1. *Provides community surveillance:* Citizens help to keep track of the sex offender. If communities are informed of the offender's presence, law enforcement is more likely to be notified immediately of any potential problems or suspicious activities. Notification sends a message to the offender that the community is watching.

2. *Creates public awareness:* Communities that are informed are generally safer. Notification is used as an information process for the public, not to panic or cause misinformation, but to provide accurate, reliable, first-hand information. It Increases community involvement in Block Watch and similar programs. It is a way for the community to be aware of the most predatory of the registered sex offenders.

3. *Deters future crimes:* Citizens realize that they have a vested interest in protecting the community and helping the sex offender succeed in reintegrating into society. It lets the offender know that he/she is being watched and should refrain from illegal activity.

4. *Promotes child safety:* Notification enhances school safety and helps educate children about safety issues. "The public loves it, it makes them take an active part in their children's safety by fostering parent/child discussions on personal safety issues."

Disadvantages

1. *Extra workload for law enforcement:* The law is an unfunded mandate. It spreads resources thin, and is a very time-consuming task. Jurisdictions do not have the necessary manpower. "Having one officer per 930 offenders is ludicrous."

2. *Overreaction by the public:* Communities can be unpredictable in their reactions towards sex offenders. Notification can cause public panic—"it's like hollering fire in a full theater."

3. *Problems collecting information from other courts and agencies:* Collecting information from other law enforcement agencies is a slow process. The non-uniformity between jurisdictions is a problem; counties use different methods of classification so an individual offender can be subject to notification in one jurisdiction and not somewhere else. It's hard for law enforcement to keep track of offenders who move frequently and don't re-register. "They can fall through the cracks."

4. *Harassment:* Sex offenders can be harassed and embarrassed. This can also extend to the sex offender's family.

Suggestions

Respondents were asked to suggest ways to improve the community notification law. The following responses were received:

1. The establishment of a central repository to easily access the following documents:
   - A certified copy of the signed registration notification form.
   - A certified copy of judgment and sentence of the individual's sexual offense.
2. When an offender is released from prison, his/her entire case file should be sent to the sheriff of the receiving county.

CONCLUSION

The Washington State Institute for Public Policy's survey of law enforcement officers provides information about the implementation of the community notification law in the state and summarizes suggestions offered by the law enforcement officers who responded.

The law has been implemented by law enforcement in a manner that emphasizes public education about sex offenses. In particular, community meetings are used to inform neighbors about a specific sex offender and the nature of sex offenses in general. Parents are offered suggestions and materials that can be used to help educate their children rather than focusing exclusively on the threats posed by a single offender in the community. These meetings have provided additional benefits to communities by creating public awareness, deterring future crimes, and promoting child safety and education.

To enhance effectiveness of the law, some survey respondents recommended a statewide central repository be established that contains information about all offenders selected for notification. In addition, a systematic method to transfer offenders' files to the sheriff of the receiving county was recommended in situations where offenders relocate.

Asotin County Sheriff

P.O. Box 130 • Asotin, WA 99402 • (509) 243-4171

Sheriff
JOHN JEFFERS

Undersheriff
DEAN MUNDELL

Classifying/Notification Of Registered Sex Offenders

The Purpose of this policy is to familiarize employees with clear cut criteria on the classification of sexual offenders who are required by law to register themselves with our agency. Secondly, it fulfills the second requirement of state law and furthers A.C.S.O. policy, which covers registration.

A registered sexual offender is one who has been convicted of a felony sexual offense since February 28,1990; or is currently under the jurisdiction of the Department of Social and Health Services or of the Department of Corrections on active status; or is an offender whose supervision has transferred to our state under Department of Corrections jurisdiction.

The state legislature has determined that persons found to have committed a sex offense have 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 the 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 those goals.

Background

In complying with state law, an A.C.S.O. representative will examine the background of each registered sexual offender who is living in our jurisdiction; and prepare a report. This report will be used to determine the classification of the person. This report will consist of the following data:

- Criminal History: BI-PIN, NCIC III
- Offense Reports: Past reports of sexual offenses describing M.O., victims, gender, age, relationship, and elements of violence.
- Alcohol/Drug Abuse: Past and present.
- Current Employment: Work history while on probation and parole.
- Department of Corrections: Describing any violations of probation. Attitudes and opinion of D.O.C. representative handling offenders case.

Psychological Reports: **This information is non-disclosable to the public; but will be gathered for the classification process.**

Therapy: To establish whether the individual is seeking help. Also, to obtain professional opinion from the therapist on the potential threat of the offender to reoffend. **Some of this information may be non-disclosable to the public.**

The Asotin County Sheriff's Office is to release relevant and necessary information regarding sex offenders to the public when the release of the information is necessary for public protection.

Classifications

The classification of registered sexual offenders will be in a three tier fashion. Each tier will have different or overlapping criteria to establish the reason for the placing of registered sexual offender in his or her tier of classification.

The Asotin County Sheriff's Office shall use the following classifications and criteria for classifying each sexual offender.

Tier I:
A sexual offender in tier one is an individual who does not pose in immediate, recognizable threat to the community. Information on this individual will be revealed and disseminated to all law enforcement agencies in our immediate area.

In determining whether a particular individual should be placed in tier one, the person will exhibit several of the following criteria.

Criteria:
1. Seeking therapy and trying to deal with their problem.
2. Not abusing alcohol and or drugs.
3. Completing their probation/parole without committing violations of conditions.
4. Currently employed and fulfilling financial responsibilities.
5. Appearance of mental stability.

Tier II:
A sex offender who poses a potential threat to the community. The neighbors of the offender will be notified of his/her presence. Also, any schools, apartment complexes or other location where there is a concentration of minor children, will be notified of the offender's existence.

In determining whether a particular individual should be placed in tier two, the person will exhibit several of the following criteria:

Criteria:
1. Sex offender not seeking therapy.
2. Sex offender seeking therapy, but not fulfilling therapy requirements.
3. Exhibits mental instability.

4. Exhibits disdain for community correction system by repeatedly violating the conditions of their supervision.
5. Not currently employed and shows no desire to seek employment.
6. Abusing alcohol and or drugs.
7. Recent complaint filed against him/her and or the police are conducting a current investigation involving a new sexual offense.
8. Observed and identified as an offender who is loitering and or stalking locations where minor children congregate, i.e. swimming pools, school play grounds, parks, etc.
9. Sex offender who is still in total denial of his/her offense.

Tier III:
A tier three registered sex offender is one who is dangerous and poses an immediate threat to the community. His picture and basic information can be published in the newspaper or displayed on television.

In determining whether a particular individual should be placed in tier three, the person will exhibit several of the following criteria:

Criteria:
1. It can be established, over a period of years, the offender's (male or female) sexual preference is minor children. That he or she has groomed, courted, manipulated or prowled while looking for potential victims. He or she can easily be classified as a predator/pedophile.
2. Committed more than one brutal, violent sexual offense against a minor child or adult.
3. Expresses total denial of his/her offenses in the past.
4. Used a weapon or restraint to injure the victim; and displayed no remorse for his or her actions.
5. Currently mentally unstable.
6. Displayed a pattern of life that is threatening and exhibits no desire to change his or her way of life.
7. Has expressed thoughts or specific threats of future sexual abuse of minor children or adults.
8. Meets criteria of **tier I** and **II**.

An Asotin County Sheriff's Department representative shall recommend placement of an individual to a certain tier. A recommendation is subsequently made to the Sheriff who shall make the final decision regarding the placement of an individual to **tiers II** and **III**. The Asotin County Prosecutor's Office shall be notified prior to any release of **tier II** and **III** information.

Sheriff John Jeffers

The following is a checklist, provided by the Asotin County Sheriff's Office, of criteria for determining potential threat an offender may pose to the community:

Criteria has been established by the committee in making its recommendation as to the potential threat that the offender is to the community he/she lives.

CRITERIA:

YES	NO	
____	____	Not seeking therapy or trying to deal with offense.
____	____	Failed to complete therapy requirements.
____	____	Exhibits mental instability.
____	____	Abuse of alcohol and or drugs.
____	____	Failed to complete their probation/parole.
____	____	Current investigation of new sexual offense.
____	____	Total denial of his/her offense committed.
____	____	Currently not employed or making attempts to fulfill financial responsibilities.
____	____	Committed more than one brutal, violent sex offense.
____	____	Has expressed thoughts or threats of future offenses.
____	____	Loitering/stalking locations of potential victims, this could also include living in the area.
____	____	Used a weapon or restraint to injure the victim.
____	____	Displayed a current pattern of life that is threatening and exhibits no desire to change.

COMMENTS_____

_____

_____

Based on the criteria above, it is the recommendation of the committee that the offender be classified as a Level ___ threat to the community.

_____ _____

Agency Representative Committee Coordinator

APPENDIX B: Example of a Level III Notification

SEX OFFENDER INFORMATION BULLETIN
LEVEL 3 NOTIFICATION OF RELEASE

SPECIAL ASSAULT UNIT
SEX OFFENDER REGISTRATION DETAIL

Bulletin #: 96-19

SPD CASE NUMBER:95-504543	PREPARED BY DET. ROBERT A. SHILLING	DATE: 4/11/96

The Seattle Police Department is releasing the following information pursuant to RCW 4.24.550 and the Washington State Supreme Court decision in State v. Ward, which authorizes law enforcement agencies 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.

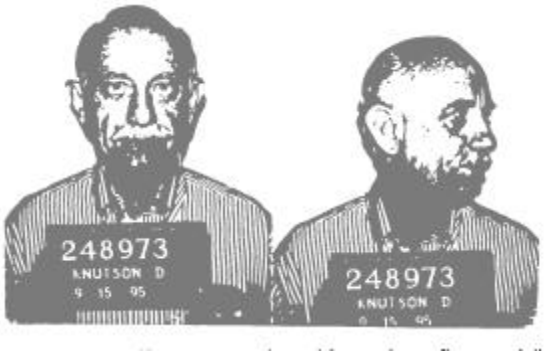
The individual who appears on this notification has been convicted of a sex offense. Further, his criminal history places him in a classification level which reflects the potential to reoffend.

This sex offender has served the sentence imposed on him by the courts. HE IS NOT WANTED BY THE POLICE AT THIS TIME. THIS NOTIFICATION IS NOT INTENDED TO INCREASE FEAR; RATHER, IT IS OUR BELIEF THAT AN INFORMED PUBLIC IS A SAFER PUBLIC.

The Seattle Police Department has no legal authority to direct where a sex offender may or may not live. Unless court ordered restrictions exist, this offender is constitutionally free to live wherever he chooses.

Sex offenders have always lived in our communities; but it wasn't until passage of the Community Protection Act of 1990 (which mandates sex offender registration) that law enforcement even knew where they were living. In many cases, law enforcement is now able to share that information with you. Citizen abuse of this information to threaten, intimidate or harass registered sex offenders will not be tolerated. Further, such abuse could potentially end law enforcement's ability to do community notifications. We believe the only person who wins if community notification ends is the sex offender, since sex offenders derive their power through secrecy.

The Seattle Police Department Crime Prevention Division is available to help you set up block watches and to provide you with useful information on personal safety. Crime Prevention may be reached at 684-7555. If you have information regarding current criminal activity of this or any other offender, please call 9-1-1.



Knutson, Donald E. W M 6/1/37

58 years old

5'7", 150 pounds, gray hair, hazel eyes.

No known scars, marks or tattoos.

Donald E. Knutson was released from prison after completing his sentence for four counts of Sexual Exploitation of a Minor and four counts of Dealing in Depictions of a Minor Engaged in Sexually Explicit Conduct. His victims were all males and ranged in age from nine to twenty. Knutson photographed his victims engaged in various sex acts. He established relationships with some of these victims while motorcycle riding and staying at a motorcycle camp.

In 1976, Knutson was convicted of Indecent Liberties. The victim in this case was a 14 year old male. Knutson met this victim through motorcycle riding at a local Everett gravel pit. Knutson began his grooming of the victim which resulted in the boy spending the night at Knutson's home. There the victim was sexually assaulted, bound and then photographed.

Knutson refused sexual deviancy treatment while at Twin Rivers Correctional Center. He is considered a very high risk to reoffend. Knutson's pattern of grooming his victims is by gaining their trust and providing enticements including, food, lodging, alcohol, motorcycles and money. He targets curious and/or disadvantaged teenage boys especially from single parent families. Knutson is under the supervision of the Department of Corrections. He is not required to register as a sex offender as Sexual Exploitation of a Minor and Dealing in Depictions of a Minor Engaged in Sexually Explicit Conduct are not crimes the legislature included in the sex offender registration law. Knutson's release conditions include: No possession of photographic equipment, and no contact with minors. Knutson is living in the 12600 block of Shorewood Dr. SW, in King County, just outside Seattle city limits. King County Police have been notified. Knutson is also spending a great deal of time at a home he owns in the 1500 block of N. 85th St. in Seattle.

Additional sex offender information:

As of the date of this bulletin, there are 9,610 sex offenders who have registered as required (since 2/28/90) and are living in Washington State. 2,049 of these are registered to King County addresses. 909 are registered to addresses within the city limits of Seattle. Statewide: there are an additional 2,331 sex offenders who are required to register and have not and are actively being pursued by law enforcement