

Washington State Request for Reallocation of Byrne/JAG Grant Funds

If it is determined that a jurisdiction did not substantially implement SORNA by July 27, 2011, a reduction of 10% of the jurisdiction's Byrne/JAG funding will be imposed when the FY 2012 awards are made.

For funds withheld, SORNA provides for a reallocation process:

REALLOCATION. Amounts not allocated under a program referred to in this section to a jurisdiction for failure to substantially implement this title shall be reallocated under that program to jurisdictions that have not failed to substantially implement this title or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title. See 42 U.S.C. § 16925 (c).

For any jurisdiction that has been penalized and wishes to reacquire its funds to dedicate solely towards SORNA implementation, that jurisdiction must make such a request in writing to the SMART Office. Requests must include a detailed plan and timeline for substantial implementation of SORNA.

The SMART Office will review each request and make a recommendation to the Assistant Attorney General (AAG) for OJP, based on considerations which will include the following: timeliness of request; completeness of request; and nexus between activities to be funded by reallocation and SORNA implementation. The final decision on such Reallocation requests will be made by the Assistant Attorney General for the Office of Justice Programs, U.S. Department of Justice.

To make such a request, please answer the following questions on the form provided below and attach any requested or necessary documents.

1. **Substantial Implementation Package Submission.** Has your jurisdiction submitted a substantial implementation package¹ to the SMART Office for an official determination of whether you have substantially implemented SORNA? (In order for the SMART Office to determine whether any SORNA jurisdiction has "substantially implemented" the minimum requirements of SORNA, the jurisdiction must submit an implementation package to the SMART Office for review).

Yes, Washington's Substantial Compliance Package was submitted on July 25, 2011.

2. **Substantial Implementation Report from the SMART Office.** If your jurisdiction has submitted a substantial implementation package, have you received a Substantial Implementation Report from the SMART Office detailing the areas in which your jurisdiction's registration and community notification systems have not met the minimum standards of SORNA?

Yes, Washington received the SMART Office Report on August 18, 2011.

3. **Plan to Substantially Implement SORNA.** If you have received a report from the SMART Office, have you discussed the report with the SMART Office and developed a plan for implementation that both the stakeholders in your jurisdiction and the SMART Office have agreed upon? With this plan for implementation developed, please describe in detail, below, how your jurisdiction intends to execute this plan in the coming year.

Examples: 1. *Immediate Transfer of Information.* *Our State intends to amend our policies and procedures over the coming 12 months so that we actively and regularly utilize the SORNA exchange portal to transfer information to and from other SORNA registration jurisdictions.*

2. *Registration of Certain Juvenile Sex Offenders.* *Our State intends to continue to inform stakeholders and draft and submit legislation that is compliant with the Supplemental Guidelines.*

¹A complete substantial implementation package will require the submission of many documents. We recommend that this information come in a binder with a table of contents referencing the materials included. Further, the [Substantial Implementation Checklist](#) should be included with references to where in the binder or specific section a component can be found. If possible, submitting statutes, codes, policy and procedures manuals and forms electronically (on disc, thumb drive or via email) is helpful for quickly relaying comments. More information on the requirements for a substantial implementation package can be found at http://www.smart.gov/smart/sorna_tools_materials.htm.

Yes, we have discussed the SMART Office Report with Scott Matson and we continue to discuss compliance issues with stakeholders and the SMART Office. Scott and the SMART Office have been very helpful in assisting Washington address issues surrounding SORNA compliance.

The Washington Association of Sheriffs and Police Chiefs (WASPC) continues to work with its members on SORNA compliance issues and has been the primary contact with Tribes regarding SORNA issues. The Washington Association of Prosecuting Attorneys (WAPA) also remains a key partner in implementing the SORNA requirements. While the Sex Offender Policy Board (SOPB) was reconfigured by the Legislature last session to meet on an as needed basis, they remain available to assist the Governor and Legislature in addressing issues related to sex offender policy, including issues concerning SORNA compliance. The SOPB, was placed under the purview of the Sentencing Guidelines Commission (SGC). A staff member was hired to provide coordination and research assistance for the SGC and the SOPB as needed. The SOPB is currently reviewing Washington's statute of limitations laws for filing sex offense cases, at the request of the Legislature.

Plan to Address Areas Where the SMART Office Report Found Washington Not-Substantially Compliant with SORNA

Tiering of Offenses: *Use of risk assessment vs. crime of conviction for the purposes of tiering sex offenses was identified as a non-substantial compliance issue in the SMART Office Report. The length of registration for certain sex crimes was also an issue of concern in the report. Washington has discussed these issues with the SMART Office on many occasions. We will continue to discuss this issue with Legislators and stakeholders and monitor research studies as they become available.*

Required Registration Information: *Washington requires a substantial amount of information about a registering sex offender; however, there is some SORNA required information Washington*

does not currently collect. WASPC members are responsible for registering sex offenders in Washington and the organization runs the sex offender website. The state relies heavily on the professional judgment of WASPC regarding what information will best assist law enforcement officers in monitoring registered sex offenders. WASPC informs policy makers about what information will best assist law enforcement officers in monitoring sex offenders by listening to its members and the officers in the field who monitor sex offenders. WASPC will continue to hold work sessions with its member organizations to determine best practices based on experience from the field and will relay this information to policy makers. WASPC will continue to work with local sheriffs agencies and other stakeholders to move toward compliance in every extent possible given current law and budgetary restrictions.

Verification/Appearance Requirements: *Washington was found out of compliance with these requirements because of the way the state tiers offenders. By moving to a crime of conviction registration scheme, Washington would be in compliance with this section. WASPC will continue to work with local sheriffs agencies and other stakeholders to move toward compliance in every extent possible given current law and budgetary restrictions.*

Public Registry Website Requirements: *Washington posts a substantial amount of information about a registering sex offender on its registry website; however, there is some SORNA required information Washington does not currently post. WASPC runs the sex offender website on behalf of the state. They will continue to have conversations with stakeholders about what information should be included to provide necessary community notice. WASPC will continue to work with local sheriffs agencies and other stakeholders to move toward compliance in every extent possible given current law and budgetary restrictions.*

Tribal Considerations: *Washington has 29 federally recognized tribes, each with unique situations and needs. WASPC has been providing technical assistance to tribes regarding SORNA*

requirements. WASPC will continue to assist tribes in addressing SORNA compliance issues.

- 4. Plan to Utilize Reallocated Funds.** Describe in detail how your jurisdiction intends to utilize any reallocated funds to substantially implement SORNA or to further those efforts. These can include additional staff (such as law enforcement, attorneys, IT, etc.) and equipment (such as palm print scanners, hardware, software). Please attach a timeline and an explanation of the approximate costs associated with the proposed SORNA implementation activities.

How Washington Will Use Redirected Funds

Below is a list of activities Washington will fund with redirected Byrne/JAG funds. All of the activities are scalable and in descending order of priority. A much more detailed spending plan will be outlined in coordination with the Washington Department of Commerce (the state administrative agency for the Byrne/JAG grant) when the funds are redirected.

Tribal Liaison: *Washington will fund a tribal liaison position to help tribes work with state jurisdictions to ensure SORNA compliance for tribal members. WASPC is currently providing assistance through their staff member who coordinates sex offender management efforts. However, she is not able to provide as much outreach to tribes as needed. Washington will fund a tribal liaison to take over these duties and dedicate more attention to tribal needs. We assume this position would cost approximately \$175,000 in salary, benefits, oversight, travel, and other related expenses.*

Training and Technical Assistance: *WASPC will provide on-going training and technical assistance to law enforcement regarding registration and notification as requirements and personnel change. WASPC provides training on sex offender notification and registration on an annual basis, which is well received. Funding will be used to pay for this training and add additional trainings on a quarterly basis. We assume this will cost approximately \$50,000 per conference.*

Equipment to Assist Sex Offender Monitoring: *Funding will be used to continue purchasing mobile equipment for officers*

verifying sex offender addresses in the field. The Mobile program allows for information to be entered into an ipad or smart phone as part of the address verification program. The Mobile program costs \$500/yr/county (39 counties). Funding would be used to expand this program.

Sex Offender Website: *Funds will be used to defer costs associated with operating Washington's sex offender registration website. Washington currently spends approximately \$300,000/yr to provide this service to Washington citizens.*