

Washington State's Compliance with SORNA Requirements

Requirement	Compliance Level (determined by SMART Office) Last Update: August 2010	SORNA Requirements	Washington's Policies	Current Status	SOPB Recommendations
1. <u>Offenses to be Included in the Registry</u>	In Compliance (Slight Deviation)	Federal, military, and foreign offenses should be included in a jurisdiction's registration scheme. Additionally, a jurisdiction's registration scheme must capture offenses from its jurisdiction as well as other jurisdictions.	Washington State requires adult and juvenile registration for out of state convictions in which the person would be required to register in their state OR, if not required in the state of conviction, an offense that would qualify under RCW 9A.44.128; any federal conviction; any military conviction ; any conviction in a foreign country ; and any tribal conviction. Additionally, Washington requires all juveniles to register regardless of age.	SB 5154 closed several loopholes which were keeping Washington out of compliance. These include registration for any federal, tribal, foreign, and military conviction. As of present, it is likely that Washington would be found IN COMPLIANCE with this item.	
2. <u>Tiering of Offenses</u>	Not in Compliance	3-tier classification system, offenders are categorized by seriousness of offense. Offenders within the same tier are subject to the same minimum duration of registration, amount and type of information disclosed on the internet, and frequency of in-person communications.	Washington State uses an actuarial, evidence- based risk assessment to determine risk to sexually reoffend within the community at large. The frequency of face to face address verification varies depending on the level of risk.	Presently, Washington still levels offenders based on an actuarial, evidence-based risk assessment. Due to this, it is likely that Washington would remain NOT IN COMPLIANCE with this item.	
3. <u>Required Registration Information</u>	Not in Compliance	All jurisdictions are to collect specific pieces of information from each offender when registering and updating information. For example, driver's license information, internet identifiers (such as email address, instant message addresses, etc.), palm prints, passports and immigration documents, phone numbers, professional licensing information, and vehicle information.	Washington State requires the following upon registration: Name and aliases used; complete and accurate residential address or, if the person lacks a fixed residence, where he or she plans to stay; date and place of birth; place of employment; crime for which convicted; date and place of conviction; social security number; photograph; and fingerprints.	As Washington does not collect internet identifiers, passport or immigration information, or palm prints, professional licensing information, and vehicle information, it is likely that Washington would still be found NOT IN COMPLIANCE with this indicator.	
4. <u>Where Registration is Required</u>	In Compliance	Sex offenders must register in the jurisdiction where they were convicted/incarcerated, as well as in the jurisdiction where they work, reside, or attend school.	Offenders who are incarcerated must register with their incarcerating agency prior to release, and again with the county sheriff where they reside within 3 business days of release. In addition, Washington state requires that sex offenders register in the jurisdiction where they attend school, and/or work. Offenders approved for partial confinement are also required to register.	Washington adheres to this item in its entirety, and is therefore IN COMPLIANCE .	

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5. <u>Initial Registration: Generally</u>	STATUS UNKNOWN	All offenders, including military, federal, and foreign, must register within 3 business days of sentencing. When incarcerated, initial registration should be completed prior to release.	Washington requires incarcerated offenders to register with the incarcerating agency prior to release, and must register again with the sheriff in their county of residence within 3 business days of release. Those who were convicted but not confined, or offenders under federal jurisdiction, must register within 3 business days. Offenders approved for partial confinement are required to register at the time of transfer to partial confinement.	Washington adheres to this item in its entirety, and is therefore IN COMPLIANCE .	
6. <u>Initial Registration: Retroactive Classes of Offenders</u>	STATUS UNKNOWN	Upon implementation of SORNA there should be a process in place by which jurisdictions can recapture those who are, 1) incarcerated or under supervision either for the predicate sex offense or another crime, 2) already registered or subject to a pre-existing sex offender registration requirement under the jurisdiction's law, and 3) reentering the jurisdiction's justice system due to another conviction. Those who are recaptured are subject to the regular initial registration procedure.	Washington currently has no corresponding policy in place, as the state is not in substantial compliance with SORNA, and therefore does not require a way to recapture offenders due to reclassification.	As Washington does not currently have this type of policy, Washington is NOT IN COMPLIANCE with this requirement.	
7. <u>Keeping Registration Current</u>	In Compliance (Slight Deviation)	Offenders must immediately appear in person to update their name, residence, employment, school attendance, or lease termination information. Offenders must also update changes to email addresses, internet identifiers, telephone, vehicle, and temporary lodging information. Additionally, offenders must also provide 21 day advance notice of international travel.	Washington State uses a risk based assessment to determine risk to sexually reoffend within the community at large. The frequency of face to face address verification varies depending on the level of risk. Under the Address Verification Program, verifications are conducted as follows: Level 1 every 12 months; Level 2 every six months; and Level 3 every three months. Offenders who will be traveling outside of the country are required to provide a 21 day notice to law enforcement.	While Washington adheres to the majority of this item's requirements, the address verification program deviates from SORNA because verification occurs at the offender's residence. Washington should be considered IN COMPLIANCE with this item, but the SMART Office may determine that this small deviation represents a change in the spirit of the item and therefore does not serve its purpose.	
8. <u>Verification/Appearance Requirements</u>	Not in Compliance	SORNA requires that offenders register for a specific duration of time, as well as make in-person appearances at the registering agency (based on their conviction tier). SORNA allows for two types of offenders to petition for a reduced registration period (Tier I may petition after 10 years, and Tier III required to register because of a juvenile adjudication may petition after 25 years with a clean record).	Duration of registration is determined based on offense class. Washington also allows for offenders required to register because of a juvenile adjudication to apply for "relief of duty to register" (after 5 years if age 15 or older, after 2 years for all other juveniles).	As Washington does not meet SORNA requirements for duration of registration, and Washington determines frequency of in-person verification by risk assessment, Washington is NOT IN COMPLIANCE with this item.	

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9. Registry Website Requirements	Not in Compliance	SORNA requires each jurisdiction to maintain a public sex offender registry website that provides the public with access to certain registration information. SORNA requires criminal history, current offense, employer address, name and aliases, photograph, physical description, resident address, school information and vehicle information be collected.	The level of community notification is determined based on the offender's risk to sexually reoffend within the community at large. Risk is determined by using an actuarial, evidence-based, risk-assessment. See RCW 4.24.550 for specific information to be made available for each risk level. All Level 2 and 3 offenders are published to the public sex offender website. Level 1 offenders who are transient or out of compliance are also published to the public website.	Washington is NOT IN COMPLIANCE with this requirement as the following items are not collected/provided on the online registry: full address, vehicle information, employment information, and school information. Additionally, community notification is determined by risk level and not seriousness of offense.	
10. Community Notification	In Compliance (Slight Deviation)	SORNA requires that each jurisdiction collect and disseminate specific and updated information to certain agencies within the jurisdiction. SORNA also requires that certain specific and updated information also be made available to the general public.	The level of community notification is determined based on the offenders risk to sexually reoffend within the community at large. Risk is determined by using a risk assessment tool. See RCW 4.24.550 for specific information to be made available for each risk level.	Washington may still be found to be IN COMPLIANCE WITH A SLIGHT DEVIATION as the SORNA Exchange Portal is not used and notification is not provided when an offender commences work or school in the area. Washington does notify the school district and school principal when a sex offender begins enrollment.	
11. Failure to Register: State Penalty	In Compliance (Slight Deviation)	SORNA requires that each jurisdiction, other than a federally recognized Indian tribe, provide a criminal penalty that includes a maximum term of imprisonment that is greater than one year for the failure to register.	Juvenile or adult conviction of failure to register has a mandatory sentence of 12 months community custody for the first conviction and 36 months for the second and subsequent convictions.	Washington may still be found IN COMPLIANCE WITH A SLIGHT DEVIATION as the failure to register mandatory sentence for the first conviction is 12 months of community service.	
12. When a Sex Offender Fails to Appear for Registration	STATUS UNKNOWN	Inform the jurisdiction that provided the notification that the offender was to commence living, working, or attending school, in a new jurisdiction that the offender failed to appear for registration.	When an offender moves from one county to another in Washington State, the county where the offender was last registered is responsible for address verification until the offender completes registration at his/her new address. Offenders are required to notify both the county they are moving to and the one they are leaving prior to making the change.	Based on Washington's current policies, the state should be found IN COMPLIANCE with this item.	
13. When a Jurisdiction Has Information that a Sex Offender May Have Absconded	STATUS UNKNOWN	An effort should first be made to verify that the offender has absconded. If the absconded offender cannot be located the registry information should be updated to reflect that the offender is an absconder, and a warrant for arrest should be sought. U.S. Marshals' Service must also be notified, and the jurisdiction must update the national registry to reflect the offender's status. Additional policies are required to ensure the appropriate follow-up procedures for when information is received that an offender violated the requirement to register in jurisdictions of employment or school attendance.	If an offender has absconded, the Washington State Public Sex Offender Website is updated to reflect that the individual is "out of compliance" with their registration requirements. The statewide database allows for direct communication to the U.S. Marshal's Office regarding the apprehension of absconded offenders.	Based on Washington's current policies, the state should be found IN COMPLIANCE with this item.	
14. Immediate Transfer of Information	In Compliance	When an offender registers for the first time, or updates their information, this material must immediately be shared with other jurisdictions where the offender is required to register, as well as to NCIC/NSOR and the jurisdiction's public sex offender registry site.	Through the use of a statewide database, registration information is accessible by County Sheriffs Offices across Washington State. The information uploaded into the database populates the Washington State Public Sex Offender Registry, in real-time. County Sheriffs Offices are required to promptly forward this information to the Washington State Patrol to be updated in NCIC/NSOR.	Washington adheres to this item in its entirety, and is therefore IN COMPLIANCE .	