

## **Sex Offender Document Imaging and Records Retention**

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The Washington Association of Sheriffs and Police Chiefs was designated in 1999 by the Washington State Legislature to receive records of investigative reports pertaining to sex offenders or sexually violent offenses for permanent electronic retention and retrieval—RCW 40.14.070(2)(b). Prior to this time, many records were destroyed at the end of the retention period, which is currently six years. Critical data was lost, leaving criminal justice agencies with little or no information about sexual offenders that were being released into the public.

Now, following the expiration of the retention period, those records are shipped to WASPC where they are electronically imaged and permanently retained. No longer public records, these documents can only be released to criminal justice agencies for the purpose of determining if a sex offender meets the criteria of a sexually violent predator. Following electronic retention, WASPC destroys the paper documents without breaching confidentiality.

To request a sex offender document, a criminal justice representative must complete and submit a request form confirming that the agency is indeed criminal justice and that the information will be used only to determine if a sex offender meets the criteria of a sexually violent predator as defined in chapter 71.09 RCW. All requests are retained by WASPC.

The RCW—Sex Offenses to be scanned into the system:

<u>9A.44.040</u>	Rape in the first degree
<u>9A.44.050</u>	Rape in the second degree
<u>9A.44.060</u>	Rape in the third degree
<u>9A.44.073</u>	Rape of a child in the first degree
<u>9A.44.076</u>	Rape of a child in the second degree
<u>9A.44.079</u>	Rape of a child in the third degree
<u>9A.44.083</u>	Child molestation in the first degree
<u>9A.44.086</u>	Child molestation in the second degree
<u>9A.44.089</u>	Child molestation in the third degree
<u>9A.44.093</u>	Sexual misconduct with a minor in the first degree
<u>9A.44.096</u>	Sexual misconduct with a minor in the second degree
<u>9A.44.100</u>	Indecent liberties
<u>9A.44.105</u>	Sexually violating human remains
<u>9A.44.115</u>	Voyeurism
<u>9A.44.160</u>	Custodial sexual misconduct in the first degree
<u>9A.44.170</u>	Custodial sexual misconduct in the second degree

The following RCW—Offenses are to be submitted in which the act has been determined, beyond a reasonable doubt, to have been sexually motivated.

<u>9A.32.030</u>	Murder in the first degree
<u>9A.32.050</u>	Murder in the second degree
<u>9A.36.011</u>	Assault in the first degree
<u>9A.36.021</u>	Assault in the second degree
<u>9A.36.120</u>	Assault of a child in the first degree
<u>9A.36.130</u>	Assault of a child in the second degree
<u>9A.40.020</u>	Kidnapping in the first degree
<u>9A.40.030</u>	Kidnapping in the second degree
<u>9A.52.020</u>	Burglary in the first degree
<u>9A.52.025</u>	Residential burglary
<u>9A.40.040</u>	Unlawful imprisonment

Documents that do not follow the criteria for inclusion in the Sex Offender Document Imaging system are returned to the agency that sent them following their notification.