

**STATIC 99R**  
**and**  
**Community Notification**

# **RCW and Risk Assessments for Community Notification**

- **RCW 72.09.345: Established the End of Sentence Review Committee (ESRC), where sex offenders releasing from a Department of Corrections (DOC) or Department of Social and Health Services (DSHS) facility are assigned a recommended risk level classification based on a risk assessment.**
- **RCW 4.24.550: Directs law enforcement agencies to assign a risk level for all offender required to register under RCW 9A.44.130. These risk levels are completed after considering:**
  - **Risk Level classifications provided by DOC, DSHS and/or the Indeterminate Sentence Review Board (ISRB)**
  - **The law enforcement agency's own application of the sex offender risk assessment tool**
  - **Other information and aggravating or mitigating factors known to the agency and deemed rationally related to the risk posed by the offender to the community at large.**

# Current Practice

**The ESRC and law enforcement use the Static 99R as the sex offender specific risk assessment tool to develop the baseline level of risk for all adult sex offenders to include:**

- **Adult aged sex offenders who committed their index sex offense as a juvenile**
- **Female sex offenders**
- **Offenders who have only committed Category B Offense as defined by the Static 99R scoring manual.**

**Although the Static 99R was not normed on the above populations, the tool is still utilized by ESRC and law enforcement when developing a baseline notification level.**

# **Risk Level Classifications**

- **Level I: Low risk to sexually reoffend within the community at large**
- **Level II: Moderate risk to sexually reoffend within the community at large**
- **Level III: High risk to sexually reoffend within the community at large**

**These classifications are based on the risk assessment and other information or factors deemed relevant**

# Static 99R Scores

## Baseline Notification Level

Static 99R Score	Notification Risk Level
<b>-3 to 3</b>	<b>Level I</b>
<b>4 to 5</b>	<b>Level II</b>
<b>6 or Higher</b>	<b>Level III</b>

Once the baseline level is established, review the file for other factors that may mitigate or aggravate the offender's risk to sexually reoffend within the community at large.

# Mitigating Factors

- **Familial or known sex offense victim(s)**
- **Current offense is not sexual in nature**
- **Previously released or classified as Risk Level I**
- **24-hour supervised placement**
- **Disability or terminal illness that decreases ability to sexually re-offend**
- **Non-contact sex offense (e.g. possession of pornographic depictions)**
- **Sexual offending appears opportunistic in nature**
- **Documented information that may decrease risk for sexual re-offense**

# Aggravating Factors

- **Statements of intent/threat to sexually re-offend**
- **Past interventions and/or treatment have not deterred sexually deviant behavior**
- **Pattern of behavior that increase risk for sexual re-offense**
  - **Inability to control impulses**
  - **Repeated pattern of placing self in high risk situations and/or locations in order to gain access to individuals of similar age/circumstance as prior sex offense victims**
  - **Deviant sexual preoccupation/acting out during incarceration**
- **Documented information that increases risk for sexual re-offense**
- **Relationship with sex offense victim(s) was established or promoted for the primary purpose of victimization**
- **Offender used a position of community trust (e.g. coach, teacher, group leader, clergy, or police officer ) to gain access to sex offense victim(s)**

# Who's Static 99R Score is Higher?

- **Offender A:** Offender just released from prison on his index sex offense at age 21. His index sex offense was a single contact event with a 14 year old male. Their families are friends and they have known each other their entire lives. The offender has never lived with an intimate partner. The offender has four prior sentencing dates for DWLS, a DUI, and an Assault 4<sup>th</sup> Degree.
- **Offender B:** Offender just released from prison on his index sex offense at age 41. He was convicted of numerous sexual assaults. He was not arrested until he committed his eighth and final rape. All the victims were strangers, whom he stalked over a period of time. He was only convicted of the sex offense charges. Prior to his index offense, the offender was married and lived with his wife for three years. He has never been arrested before. While in prison, he continued to state that he planned to seek out new sexual assault victims upon release.

# Answer

- **Offender A would score a 6 with a Risk Level III baseline notification**
- **Offender B would score a 1 with a Risk Level I baseline notification**

**Would these be appropriate notifications level or are there factors that would may cause you to mitigate or aggravate their level?**

**Remember we are looking to provide community notification for offenders based on their risk to sexually reoffend within the community at large, which is not specifically addressed by the Static 99R.**

# Moving Forward

- Per RCW 4.24.550, Law enforcement assigns notification levels for all sex offenders that are required to register. The notification level is capturing risk to sexually reoffend within the community at large.
- For adult sex offenders, the baseline risk level is determined by the Static 99R.
- The Static 99R was not normed on certain sex offender populations who are required to register per RCW. The Static 99R is still completed on these offenders, which provides a baseline risk level for notification purposes.
- Once the baseline level is determined by the Static 99R, the offender is reviewed for any additional factors that are deemed rationally related to the risk posed by the offender to the community at large.