



EXEMPTION DETERMINATION 92-1

for

Washington State Department of Corrections

Washington State Patrol

Local Criminal Justice Agencies

January 27, 1992

WHEREAS, Chapter 40.24 of the Revised Code of Washington (RCW), and regulations adopted under chapter 434-840 of the Washington Administrative Code (WAC), provide for substitute address acceptance exemption determinations by the Secretary of State;

WHEREAS, a certified participant in the Washington State Address Confidentiality Program (ACP) is authorized to use a designated substitute address when creating a new public record with a state or local government agency;

WHEREAS, the Sentencing Reform Act, Chapter 9.94A RCW, and provisions of the Community Protection Act, RCW 9A.44.130, establish bona fide statutory requirements for address registration compliance, for reporting accurate location information, by offenders;

WHEREAS, the Washington State Department of Corrections has provided all necessary information and met all criteria established by regulation in their exemption request for:

Supervised Offenders' Records

WHEREAS, the Secretary of State finds that this exemption request is consistent with and affirms the legislative intent stated in RCW 40.24.010; and

WHEREAS, the Secretary of State finds that this exemption request is consistent with and promotes effective implementation of the Address Confidentiality Program;

NOW THEREFORE, the Secretary of State determines that:

(1) The Washington State Department of Corrections, the Washington State Patrol and local criminal justice agencies have a bona fide requirement for the actual address information of offenders in the community;

(2) The Washington State Department of Corrections is exempt from the requirement established by Chapter 40.24 RCW, to accept a designated substitute address for an ACP participant for the purpose of creating Supervised Offenders' Records;

(3) Local criminal justice agencies are exempt from the requirement established by Chapter 40.24 RCW, to accept a designated substitute address from an ACP participant for the purpose of creating records on a supervised offender serving out a sentence while on community release;

PROVIDED THAT:

(1) An ACP participant's actual address information, provided for the purpose of creating a Supervised Offenders' Record, is used only for the purpose of creating and maintaining this record, and may be accessed and shared only by the Washington State Department of Corrections, Washington State Patrol and local criminal justice agencies;

(2) An ACP participant's actual address information, provided for the purpose of creating a Supervised Offenders' Record is only available for functional use in managing the ACP participant's supervision in the community and is accessible only to criminal justice agency personnel providing the ACP participant's supervision;

(3) The criminal justice agency creating a Supervised Offenders' Record of an ACP participant provides written notification to the ACP Manager within one week of this record creation;

(4) The criminal justice agency creating a Supervised Offenders' Record of an ACP participant shall maintain and have readily available for inspection by the ACP Manager, a record including the names, titles, agency affiliation and work telephone numbers of those individuals having access to the ACP participant's actual address information, the term of need for this information and the information destruction/purge date;

(5) An ACP participant's actual address information is maintained only on paper format, and is neither microfilmed, electronically recorded, nor input to the computerized Offender Based

Tracking System or any other electronic data base, whether maintained on main frame or personal computer;

(6) An ACP participant's actual address information is purged from the records of all criminal justice agencies maintaining such records upon the ACP participant's satisfactory completion of conditions of sentence and all terms of release; and

(7) The criminal justice agency purging a Supervised Offenders' Record of an ACP participant's actual address information provides written notification to the ACP Manager within one week of this record purge.

FURTHER, the Secretary of State determines that:

No convicted sexual offenders, required upon release to register their residential address with criminal justice agencies as provided in RCW 9A.44.130, shall be allowed to use the ACP designated substitute address for this community registration purpose;

Since the Washington State Department of Corrections, the Washington State Patrol and local criminal justice agencies have bona fide requirements for the actual address information of convicted sex offenders present in the community, for the purpose of registering their residential location under the Community Protection Act, records created for this registration purpose shall be exempt from the substitute address acceptance provisions of Chapter 40.24 RCW.

DATED this 27th day of January, 1992

A handwritten signature in black ink, appearing to read 'Ralph Munro', is centered on the page. The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

RALPH MUNRO, Secretary of State