

# **SNOHOMISH COUNTY PROSECUTOR'S OFFICE INVESTIGATIVE CHECKLIST**

## **FAILURE TO REGISTER**

**RCW 9A.44.130**

### **ELEMENTS**

1. The suspect was convicted of a sex offense or a kidnapping offense; AND
2. The suspect was required to register with the county sheriff; AND
3.
  - a. The suspect registered as residing at a fixed residence, and then ceased to reside there, and knowingly failed to provide timely written notice to the county sheriff; OR
  - b. The suspect registered as not having a fixed residence, and then knowingly failed to report in person; OR
  - c. The suspect failed to register with the county sheriffs for the counties in which the defendant resided, was a student, was employed, carried on a vocation, or was supervised by the Department of Corrections.

### **SPECIFIC CONSIDERATIONS**

1. Obtain a certified copy of the Judgment and Sentence (or juvenile Disposition) for the sex assault/kidnapping conviction. Place the actual certified copies in evidence (or keep them with your file) and send copies of the documents with your referral to the Prosecutor's Office.
2. Verify that suspect had a duty to register.
  - a. Past ROD date?
  - b. Has time period during which suspect must register expired?
  - c. Has suspect been convicted of a subsequent sex/kidnapping offense, lengthening the registration period?
3. Establish that the defendant actually knew he had to register.
  - a. Check with State Department of Corrections to see if they have a notification form on which defendant acknowledged his responsibility.
  - b. Check court file from conviction and see if defendant was advised at time of plea or sentencing that he had to register. Get certified copies of any documents indicating such.
  - c. County Sheriff's RSO Unit may have a notification form signed by suspect.
4. Get a statement from the County Sheriff's Office, Registered Sex Offender Unit, that says that the records have been thoroughly checked and that no record exists of the suspect's having registered as required by law.
5. Obtain evidence that suspect is no longer at the address for which he last registered, such as:
  - a. Written statement from landlord, property owner, hotel clerk, current resident/tenant, and/or neighbors.
  - b. Photos of property to show the residence is empty, there are "for sale" or "for rent" signs posted, or the property is uninhabitable.
  - c. Business records showing suspect has moved out, such as hotel registry record,

eviction order, etc.

- 6. Obtain evidence that suspect resided in the County at a location for which he was not registered, such as:
  - a. Letter of occupancy.
  - b. Utility company records showing account in suspect's name for that residence.
  - c. Written statement from landlord, property owner, hotel clerk, other resident/tenant, and/or neighbors.
  - d. Photograph of suspect at the property.
  
- 7. Obtain evidence showing that suspect has been residing in County the required number of days: 72 hours to register a new address within the same county; 48 hours to register after becoming homeless (24 hours if on DOC supervision); or 3 business days to register upon changing residence to Washington State.
  
- 8. Obtain suspect's statement, and in writing, if possible. What is the suspect's explanation?