

Policy

Title: Sex and Kidnapping Offender Notification

Formerly: Sexual Offender Notification

Section: 432.0

Point of Contact: Vice President of Student Services, Director of Human Resources

Initial Date of Policy: 10/01/1996

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Applies to: Employees, Students, General Public

Related:

430.0 Privacy of Students

432.0.A Sex and Kidnapping Offender Notification (procedure)

513.0 Release of Sex Offender Information

WAC 495B-121

RCW 4.24.470

RCW 4.24.490

RCW 4.24.550

RCW 9A.44.130

RCW 43.43.830 through RCW 43.43.845

Policy

Bellingham Technical College (BTC) may make appropriate notifications to the college community concerning registered sex offenders or kidnapping offenders whose presence may be reasonably expected on or near the college campus. The college community consists of employees, students, and general public on or adjacent to the college campus.

The College will coordinate with and assist local law enforcement agencies and will maintain documentation on offenders as appropriate.

Employees and students are prohibited from using released information to threaten, intimidate, harass, or injure a convicted sex or kidnapping offender or cause damage to their property. Such actions may result in criminal charges, employee discipline up to and including termination, or student disciplinary action, as applicable, under the Student Code of Conduct (WAC 495B-121).

Any abuse of released information will not be tolerated as it could potentially impact BTC's ability to release this important information to the public.

Purpose

To increase the safety and welfare of students and employees of BTC by providing timely and appropriate notification upon learning of the enrollment, employment, or presence of

convicted sex or kidnapping offenders. This notification shall be in accordance with applicable Washington State law and shall be in such a manner as maintains safety without creating excessive anxiety among students, employees, and the general public.

Authority

This process will be governed by the following Washington State laws:

RCW 4.24.550 (1): Public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender.

RCW 4.24.550 (2): The extent of the public disclosure of relevant and necessary information shall be rationally related to:

- (a) The level of risk posed by the offender to the community;
- (b) The locations where the offender resides, expects to reside, or is regularly found;
and
- (c) The needs of the affected community members for information to enhance their individual and collective safety.

RCW 9A.44.130: Requires the registration of sex offenders and establishes procedures, definitions, and penalties. It is the responsibility of the Whatcom County Sheriff to administer the registration program.

Purpose of Notification

Notification is not intended to increase fear. An informed public is a safer public. Law enforcement agencies issue narrative notices regarding the pending release of sex and kidnapping offenders that describe the identity and criminal history behavior of the offender and include a risk level classification for the offender.

Upon receiving a narrative notice, local law enforcement agencies review all available information and assign risk-level classifications to all sex offenders about whom information will be disseminated for the purpose of community notification. Public officials, public employees, and public agencies are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith (RCW 4.24.550 (7)).

The extent and types of notifications used by the College are determined on a case-by-case basis, after direct consultation with local law enforcement, the offender, and depending upon offender risk factors.

The Whatcom County Sheriff's Office maintains an online registry of Level II and Level III offenders who are registered to live in Whatcom County. This resource can be accessed on the BTC website.

Level I

The vast majority of registered offenders are classified as Level I offenders. They are considered at low risk of re-offending. These individuals may be first time offenders and are usually known by their victims. They normally have not exhibited predatory type characteristics, and most have successfully participated or are participating in approved treatment programs.

Level I offenders are generally not the subject of general public notifications to the campus community. The extent and types of notifications for Level I offenders may be adjusted on a case-by-case basis, but the college community and Level I offenders can generally expect notifications to be made to the following groups:

- President’s Leadership Team
- Key administrators
- Campus Assessment, Response, and Evaluation Team
- Affected employees (including student employees)
- Any individual college community member upon request

Level II

Level II offenders have a moderate risk of re-offending. They generally have more than one victim and the abuse may be long term. These offenders usually groom their victims and may use threats to commit their crimes, and they have a higher likelihood of re-offending than the Level I offenders. They are considered a higher risk to re-offend because of the nature of their previous crime(s) and lifestyle (drug and alcohol abuse and other criminal activity). Some have refused to participate or failed to complete approved treatment programs. Typically, these individuals do not appreciate the damage they have done to their victims.

Washington State law may allow the public disclosure of Level II offenders under certain conditions. Level II notifications including relevant, necessary, and accurate information may be disclosed to public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found.

Level II offenders are generally not the subject of general public notifications to the campus community. The extent and types of notifications for Level II offenders may be adjusted on a case-by-case basis, but the college community and Level II offenders can generally expect notifications to be made to the following groups:

- President’s Leadership Team
- Key administrators
- Campus Assessment, Response, and Evaluation Team
- Tutoring Center, Library, and other impacted departments

- Faculty in the classes in which the offender is enrolled
- Students may be notified in the classes in which the offender is enrolled
- Any individual college community member upon request

Level III

Level III offenders are the greatest risk to the community. Most are predatory, have other violent crime convictions, refused treatment, and are known substance abusers.

Community notification is the most extensive for Level III offenders.

Washington State law permits notifications about Level III offenders that include relevant, accurate, and necessary information. This information is permitted to be disclosed to the public at large. The extent and types of notifications for Level III offenders may be adjusted on a case-by-case basis, but the college community and Level III offenders can generally expect notifications to be made to the following groups:

- President's Leadership Team
- Key administrators
- Campus Assessment, Response, and Evaluation Team
- Tutoring Center, Library, and other impacted departments
- Faculty and students in the classes in which the offender is enrolled
- All college departments and employees via campus email
- The college community via community advisory flyers posted to campus bulletin boards and in relevant classrooms
- General Public via community advisory notices at private residences and business adjacent to campus facilities
- Any individual college community member upon request

Immunities

RCW 4.24.550 (7-9) provides immunity to BTC, its officials, and its employees. It states:

(7) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity in this section applies to risk level classification decisions and the release of relevant and necessary information regarding any individual for whom disclosure is authorized. The decision of a law enforcement agency or official to classify an offender to a risk level other than the one assigned by the Department of Corrections, the Department of Social and Health Services, or the Indeterminate Sentence Review Board, or the release of any relevant and necessary information based on that different classification shall not, by itself, be considered gross negligence or bad faith. The

immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees, public agencies, and the general public.

- (8) Except as may otherwise be provided by law, nothing in this section shall impose liability upon a public official, public employee, or public agency for failing to release information authorized under this section.
- (9) Nothing in this section implies that information regarding persons designated in RCW 4.24.550 (1) is confidential except as may otherwise be provided by law.

Further immunities are proscribed in RCW 4.24.470 Liability of Officials and Members of Governing Body of Public Agency – Definitions and in RCW 4.24.490 Indemnification of State Employees.