

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #5

Do Not Mark In This Box

FILED

2005 JUN 24 A 10:08

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia State Police TITLE NUMBER: 81

CITE AUTHORITY: 15-2-1 and 62-12-2

RULE TYPE: PROCEDURAL X INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES X NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 14

TITLE OF RULE BEING AMENDED: Regulations and Procedures Pertaining to the West
Virginia Sex Offender Registration Act

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS August 1, 2005

Robert L. Lemmon, Sr.
Authorized Signature
Supt. WVSP

*18.40

**West Virginia State Police
Title 81
Series 14**

Response to Comments Received

The West Virginia State Police received approximately 75 written comments during the comment period that commenced May 20, 2005 and ended June 22, 2005. Of those received comments, 58 were in favor of the proposed rule amendments, 12 were opposed to the proposed rule amendments and 5 were not applicable to the proposed rule amendments. As a result of the received written comments, there were no changes made to the proposed rule as amended. The rule is final filed as originally filed for public comment.



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MAY 31 2005

Dear Sir,

Planning & Research

I think we should know where the sex offenders live exactly. The address is very important to keep our children safe. Just having the city isn't enough. I have 3 grandchildren and I am all for putting the address.

When I went to the web site and saw how many were listed it scared me. We need to protect our children no matter what.

Mrs. Patey Paulley

In the best interest of our children, the exact addresses of sex offenders in West Virginia need to be published.

Signed, Ruth Elaine Stewart

5-26-05

Date

P.O. Box 402

Street Address

Perich WV 25156-0402


City, State, Zip

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MAY 31 2005

Planning & Research

Mr. Wilmer Holstein
153 Shawnee Est.
Winfield, WV 25213-9709

 Lorene Hyde
153 Shawnee Est.
Winfield, WV 25213-9709

attn: Rule Change:
WV Sex offenders - WV

To:
Lt. M.G. Corsaro
425 Jefferson Road
South Ches. WV. 25309

I prefer to have the
complete address
so the children can
avoid that address
for sure.

Monte you → also
Lorene Hyde
153 Shawnee Est
Winfield WV 25213

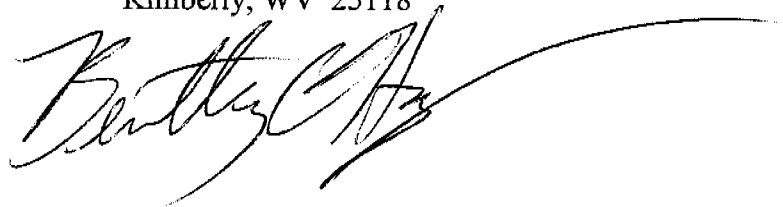
5/26/05

Dear Lt. M. G. Corsaro,

I read in today's Daily Mail about having the street address added to the sex offender register. I would fully support this measure as I have an 8 year old daughter and because of the recent events in Florida and elsewhere across the country. I even like the idea of having the "most serious and most likely to re-offend sex offenders" wear a tracking device that I have read about. I would also support restrictions of letting sexual predators live near our schools, playgrounds, churches, etc., where kids are most likely to be.

I would like to make one request. I called about a month and a half ago to report that a sexual offender on your website had moved into our neighborhood and even gave her the directions to where he is residing. The website states last updated 5/9/2005. The website states for Fayette County, that Larry Joe Bragg's Permanent Address is Deepwater. He now lives in Kimberly, on the right, in the second or third trailer past the Armstrong Creek Water Office. Please see that this information is updated on your website. If you need any further information, please feel free to contact me at (304) 442-2751(home) or (304) 558-4388(work). Thank you for your time and consideration.

Sincerely,
Bentley C. Hagen
PO Box 155
Kimberly, WV 25118



RECEIVED

MAY 31 2005

Planning & Research

Sonya Baker
122 Willowood Circle
Hurricane, WV 25526
304.757.2606

May 26, 2005

Lt. M.G. Corsaro
425 Jefferson Road
South Charleston, W.Va. 25309.

RE: Sex Offender Registry

Dear Lt. Corsaro:

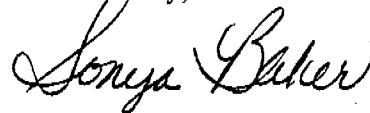
Today I read an article in the *Charleston Daily Mail* regarding the West Virginia State Police's efforts to make available to the public the addresses of convicted sex offenders. As the mother of three young daughters, I strongly encourage the West Virginia State Police to pass this measure. Having had one of my children sexually assaulted (albeit in a different state), I personally know how this knowledge can affect the outcome of a child's life. Had the offender's status as a sexual predator and address been known to me, the outcome for my daughter and our family would have been quite different.

My daughter is forever scarred by this experience, as is the rest of our family. As a mother, there is no way to express in words how I hurt for my child. This isn't a scratched knee that a mother's kiss can make better. The long-term repercussions of this assault are yet to be known with my daughter. Knowing that information like this could possibly save another child from experiencing what my daughter has experienced, is rewarding. Preserving the life and innocence of children should be our goal.

The rights of the majority should outweigh the rights of the few. Unfortunately, children have no voice of their own. The West Virginia State Police have an awesome opportunity before them to change the course of events for innocent children. Prevention is much more rewarding than punishment. I can assure you that no amount of punishment is great enough to neutralize the effects of a sexual assault.

I strongly encourage the West Virginia State Police to enact the policy of making public the addresses of sexual offender, and beg your support of the same.

Sincerely,



Sonya Baker

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MAY 31 2005

Planning & Research

WV-CAPP

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West Virginia
Child Abduction Prevention Program
WV-CAPP
P.O. Box 907
Clarksburg, WV 26302-0907

Phone
304-838-3989 / 304-624-5080

E-mail
riggs1@peoplepc.com
john.board@verizon.net

First Lt M.G. Corsaro,

On behalf of WV-CAPP let me thank you for your efforts to protect our children. Our group formed shortly after the lives of a family we care about very much was changed dramatically. On December 31, 2004, around 2:30 am my daughters best friend had a man enter her house through her bedroom window, beat her severely, and, as it appears, attempt to abduct her, with intent to defile. As none of us can fully understand, the lives of this family has been changed forever.

The above mentioned incident helped to awaken in us as a community the need to form a group dedicated to the protection of our children. We are ashamed that it took such a horrific event to open our eyes as parents and as a community, but now we are dedicated to the efforts of informing and acting to bring about positive change for the protection of the children. The above mentioned case is not the focus of the group, it was simply the catalyst that spurred a positive reaction in citizens of North Central West Virginia.

I am writing in regards to your effort to include the specific street address of the registered sex offender in West Virginia. As a group, as an individual, and especially as a father of two precious daughters, I completely support your effort to include the specific street addresses of the sexual offenders on the WV State Police website.

As a recently formed group (WV-CAPP) we have held two meetings. At the first meeting we had a sexual offender therapist from the ATSA provide information to our group. We also had Harrison County Prosecutor Joe Shaffer state his desire to see the addresses of convicted sexual offenders listed on the State Police website. At our second meeting held last evening, we showed a video by Dr. Clinton Van Zandt entitled *Protecting Children From Predators*. **Also we have gathered the signatures of close to 1000 residents of our area and hope to spread this effort state wide (I have enclosed a copy of our petition that compliments your effort). As you can see from our efforts, the residents we have petitioned desire the addresses to be included on your website.**

Please feel free to use this letter in any way that helps to accomplish your goal of changing the sexual offenders registry in the State of West Virginia. Through our shared efforts perhaps we can change the failing grade our state recently received regarding our handling of sexual offenders. If our group can be of any assistance we would be more than willing to accommodate. Also the mother of the young girl mentioned above would be willing to address any group if her families story would help bring about change in the laws of West Virginia.

Thank you again for your effort to protect our children. If a person truly does not want to re-offend, he/she would also desire that the people in the area have knowledge of the problem; only this way is the playing field leveled allowing all in the community to work together for the protection of our children. Again, I cannot say thank you enough for your effort.

For the children,

John F. Board

John F. Board

P.S. I also have enclosed a copy of a WV-CAPP brochure. *If I can help in any way call or email.*

RECEIVED

MAY 31 2005

Planning & Research

Neighbors Have the Right to Know!

Petition to Governor Joe Manchin and the Members of the West Virginia Legislature to Authorize the WV Police to Include the Home Address of Those Individuals Listed on the State's Sex Offender Registry Webs

We, the undersigned residents of the State of West Virginia, do petition Governor Joe Manchin and our elected members of the West Virginia Legislature to propose and pass legislation that would allow the West Virginia State Police to include the home address of all those individuals convicted of sexual crimes who are included on the Sex Offender Registry Website maintained by the West Virginia State Police.

Print Name	Home Address	Signature
1. Janice E. Smith	1503 W. Pike St. Clarksburg WV 26301	Janice E. Smith
2. Brenda K. Robinson	P.O. Box 337 West Midland WV 26451	Brenda K. Robinson
3. Cathy Ailerman	Rt 5 Box 686 on Clarksburg WV 26301	Cathy Ailerman
4. Scott DeWitt	181 Timberbrook Ln Bradenton WV 26830	Scott DeWitt
5. Bill Nestor	Rt. 4 Box 429 Clarksburg WV 26301	Bill Nestor
6. Bill Determan	P.O. Box 655, Weston WV 26452	Bill Determan
7. Robert Thomas	175 Buena Vista Ave. Clarksburg WV 26301	Robert Thomas
8. SUE ADKINS	Rt. 6 Box 557E CLARKSBURG WV 26301	Sue Adkins
9. Kerene E Freeland	411 Broadus Ave Clarksburg, WV 26301	Kerene E Freeland
10. DARRA EWERLEY	139 1/2 CAMDEN ST CLARKSBURG WV 26301	Darra Ewerley
11. Peggy Stealy	321 1/2 Stealy Clarksburg WV 26301	Peggy Stealy
12. Cindy Rogers	189 Maple Lake Rd BRIDGEPORT WV 26301	Cindy Rogers
13. Adam Brown	Rt 3 Box 1362 Barboursville WV 26330	Adam Brown
14. Paul E. Stealy	707 Oak Ave Clarksburg WV 26301	Paul E. Stealy
15. Joshua Snyder	RD 7 Box 37 Clarksburg, WV 26301	Joshua Snyder

Please Complete This Petition & Mail It to: WV Child Abduction Prevention Program (WV-CAPP)
 P.O. Box 907 • Clarksburg, West Virginia 26302-0907

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17 Terrace Rd.
Charleston, WV 25314
May 27, 2005

Lt. M. G. Corsaro
425 Jefferson Rd.
South Charleston, WV 25309

Re: Sex Offender Addresses

Dear Lt. Corsaro:

We strongly support publication of sex offender addresses. We have children and we would like to be able to keep them as safe as possible, including warning them to stay away from any registered sex offenders who may live nearby.

Sincerely,

Anthony & Cynthia Majestro
Anthony & Cynthia Majestro

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MAY 31 2005

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Dr. M. B. Corcoran,

First, I want to thank you all for the your service in you have provided for our communities. We know the dangerous situations and the time consuming task it takes to catch these offenders. The worst part of all - is all the work you do to get these people they are more often let go through our courts. I will never understand how a predator can get chances after chances, when a child is scared forever.

My husband and I have raised two children and men in the 70's ^{and} we were so adamant with teaching our children all these dangers. We have 4 grandchildren now ages 1 1/2 to 8 yrs old and it is my duty as a grandpaunt to write you. I do believe the specific address should be available for the public. We live on East Pea Ridge, as 1 of our grandchildren also live on East Pea Ridge and near Apartment Complex (Mark Allen apartment) which I am sorry about all the time. Our Daughter and Son-In-Law will not let the 2 boys out to play unless they are out with them. My other 2 grandchildren live at Louisa, Ky.

I would also like to have your web site, if you could give me this information I would appreciate it very much.

Thank you all so much for pushing this.

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MAY 31 2005

Manning & Research

Janie and John Giorgio
6203 Brenda Ct
Huntington, W. Va 25705
304-736-5836

ANDREW C. WOOFTER, III
VALERIE P. WOOFTER
1228 Washington Avenue
Parkersburg, West Virginia 26101

May 27, 2005

Lt. M.G. Corsaro
425 Jefferson Road
South Charleston, West Virginia 25309

Dear Lieutenant Corsaro:

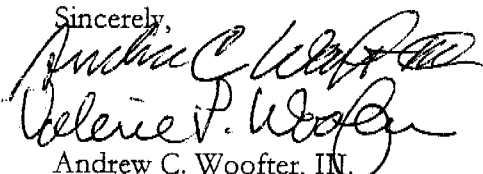
In re: West Virginia Sex Offender Registry.

I and my wife are writing to express our vehement support of the West Virginia State Police's proposed rule change to include the residence address of those required to register under the West Virginia Sex Offender Registration Act, ("Act".) We have found it to be particularly ironic that one of the stated purposes of the Act is to provide to the public "information concerning persons convicted of sexual offenses in order to allow members of the public to adequately protect themselves and their children from these persons," but that the State Police have determined not to provide these individuals' residence addresses. Such a situation begs the question how a member of the public is to protect him or herself and their children from such persons if we cannot discover where they live!

I am a practicing lawyer in the State of West Virginia and have reviewed the terms of the Act carefully, and find no prohibition against the State Police releasing the residence address of those who must register, especially those who must register for life. We live in a border community, and the State of Ohio is very aggressive in its public information campaigns regarding registered sex offenders, so much so that it creates an incentive for those who must register to seek West Virginia as a residence because of the current lack of aggressive informational campaigns here. West Virginia should not be known as a haven for convicted sex offenders.

My wife and I applaud the State Police for taking the initiative in making this most important step, and we know we are not alone in our belief. We have encouraged our friends and neighbors to contact you in support of the proposed action. Please do not let us down. If you should wish to contact me, feel free to respond to the above-listed address, or call me during the business day at (304) 422-1445.

Sincerely,


Andrew C. Woofter, III
Valerie P. Woofter

May 30, 2005

Lt. M. G. Corsaro
425 Jefferson Rd.
South Charleston, WV 25309

Dear Sir:

This letter is in support of making public the street addresses of people on the state's sex-offender registry. The public has the right to know and protect our children.

Thank you for taking the initiative in this matter and your support of our children against these predators.

Sincerely,



Orvella J. Rutherford
947 Point Lookout Road
Friendly, WV 26146

RECEIVED

JUN 01 2005

Planning & Research

May 30, 2005

Lt. M. G. Corsaro
425 Jefferson Rd.
South Charleston, WV 25309

Dear Sir:

This letter is in support of making public the street addresses of people on the state's sex-offender registry. The public has the right to know and protect our children.

Thank you for taking the initiative in this matter and your support of our children against these predators.

Sincerely,



Victor L. Rutherford
947 Point Lookout Road
Friendly, WV 26146

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JUN 31 2005

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Lt. M. A. Corsari,

May 27, 2005

Please pass a law so we the public will know the name, address, picture and etc.. about these sex offenders.

I feel the public need to know all these facts, so we can protect all the children, as best as we can.

When I bring this up on the internet all I see is the name and country of the ~~people~~ persons (offenders).

Behind our house we have a camp ground full of permanent occupants and some just passing thru. We have a lot of small children in the neighborhood, that wonder around a lot of the time.

If we knew all this information we could be able to keep a better eye out for these people.

Thanking you in advance
Carolyn Stelmater

RECEIVED

JUN 01 2005

Planning & Research

MARSHALL UNIVERSITY



FORENSIC SCIENCE CENTER

May 27, 2005

Lt. M.G. Corsaro
425 Jefferson Road
South Charleston, WV 25309

Dear Lt. Corsaro:

I am writing this letter to support the proposed rule change to publish the street addresses of registered sex offenders in the state of West Virginia. Currently, I am a Senior DNA Analyst at the Marshall University Forensic Science Center CODIS Laboratory. I have served as a member of the WV Sexual Assault Nurse Examiners (SANE) Advisory Board for 4 years and have been instrumental in developing the Cabell County Sexual Assault Task Force. I also coordinate SANE trainings for area nurses and am the Board President for Contact Rape Crisis Center in Huntington, WV.

I feel very strongly that the citizens of West Virginia are entitled to access the street addresses of registered offenders. I understand that there is the issue of privacy for the offender; however, I believe that the safety of our citizens, especially the children of West Virginia, far outweighs the privacy of a convicted sex offender. As someone who is planning a family and wishes to stay in West Virginia, this type of information would be invaluable when choosing a neighborhood or school for my children.

In addition, all four of West Virginia's bordering states (Kentucky, Maryland, Ohio and Virginia) list the street addresses of the Sex Offenders on their registries for the public to search. It is now time for West Virginia to step up to the plate and provide this information to protect our citizens.

I also encourage the committee to visit the following website:
<http://www.sexcriminals.com>. Various states have posted their Offender Registries on this site. There is even the capability of adding an online searchable map.

Thank you for filing this request with the Secretary of State.

Sincerely,

Misty Marra
Senior DNA Analyst
Marshall University Forensic Science Center

RECEIVED

JUN 31 2005

Planning & Research

CODIS Laboratories

Marshall University School of Medicine Forensic Science Center
1401 Forensic Science Drive Huntington, WV 25701-3628
304 690 GENE 304 690 4360 fax <http://forensics.marshall.edu>

May 27, 2005

Lt. M. J. Casaro
425 Jefferson Rd.
S. Charleston, W.V. 25309

Dear Lt. Casaro:

I support the Police
making public the street
address of sex offenders.



©MORGAN CREATIVE

Sincerely,
Rebecca Burton

MRS. REBECCA BURTON
72 SIMPSON DRIVE
HUNTINGTON, W.V., 25705

RECEIVED

JUN 21 2005

Planning & Research

RECEIVED

JUN 01 2005

To Whom it May Concern, Planning & Research 5-28-05

I am writing to comment on the sex offender address issue in West Virginia. My husband and I feel very strongly that the specific address should be available to the public. Too many cases have been on the news about not knowing if a sexual offender lives in your neighborhood. You wouldn't know until something tragic happens. That's too late. My husband and I have two young daughters. We would like everything that could possibly be done to protect them to be done. Especially if a step that small could save children's lives. It seems like something terrible has to happen before anyone gets anything done. If it could be prevented it should be. We hope this law gets passed for our children and for all the other children. This world needs to be a safer place for them.

Thank You For your time,
Jill and Dale Buffington
Parkersburg, WV

Main Identity

From: <Piemaz@aol.com>
To: <publicaffairs@wvstatepolice.com>
Sent: Tuesday, May 31, 2005 10:52 AM
Subject: (no subject)

I am in favor of the public knowing where a sex offender lives at all times. How else can we protect our children?

Charlotte Hoard
2062 Point Marion Road
Morgantown, WV 26508

RECEIVED

JUN 22 2005

St. M. G. Cassaro Planning & Research

Yes we believe we have
the right to know, if a
sex offender lives in our
neighborhood.

Thank You

Elaine Luther
John Luther

Po Box 23

Ethel, WV. 25076

Home address

Rt. 17 Trailer Park,

Box 22

6-1-05

To Whom It May Concern,

I am writing concerning the West Virginia Sex Offenders Registry. I saw on WVA News that the actual physical home addresses could be added to the list.

I would love to see that happen. These predators get out of jail way too soon, and then register. The pictures can't be updated fast enough to catch them if they want to continue. What am I saying, if?

Hair can be dyed, beards grown and shaved, weight gained or lost. But that it often is. Home addresses are a must.

Sincerely,
Juanita Lewell
HC 63 Box 1039
Panther, WV
24872

RECEIVED

JUN 3 2005

Planning & Research

B

To Whom It May Concern,
I think that adding the sex
offenders' addresses where they live exactly
is a much better way so I can keep my
baby safely supervised.

Samantha Coleman
Box 2
Daeger, NV

RECEIVED

JUN 3 2005

Planning & Research

6-1-05

To Whom It May Concern,
I think that the sex offenders list should
definitely have home locations added.

Thank You,
Clinton Ferrell, Jr.

RECEIVED

JUN 3 2005

Planning & Research

To Whom It May Concern,
Adding the sex offenders' home address
to the registry is one more step to safeguard our
children.

Thank you,
Shirley Henderson
Jaeger, WV

RECEIVED

JUN 3 2005

Planning & Research

6-1-05

To Whom It May Concern,

I saw on the news that home addresses may be added to the sex offender registry.

Hurrah! Now I can rest assured whether my next door neighbor is a predator with a new beard.

I thank whoever it was that brought up this idea.

Thank you,

Jeremy Ferrell

HC63 Box 2040

Panther, WV

24872

RECEIVED

JUN 23 2005

Planning & Research

RECEIVED

JUN 23 2005

Planning & Research

May 31, 2005

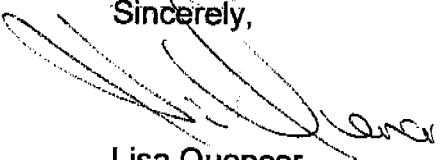
Lt. M.G. Corsaro
425 Jefferson Road
South Charleston, WV 25309

Dear Lt. Corsaro,

I am writing in response to the request for public comment on the proposed posting of addresses of sex offenders.

As the mother of two children, I am strongly in favor of making the addresses of sex offenders available for public review. I am in favor of making the addresses available for review on the website currently maintained by the State Police.

Sincerely,



Lisa Quencer
1625 Stonehenge Road
Charleston, WV 25314

RECEIVED

JUN 3 2005

Planning & Research

u

To Whom It May Concern,

I saw that sex offenders home addresses would be added now and I think that's a great idea. The more limited they are the better.

Kathy Ferrell
Panther, WV

RECEIVED

JUN 23 2005

Planning & Research

It is good that the sex offender list will have home addresses now.

Frank Henderson
Laeger, NV

RECEIVED

JUN 03 2005

Planning & Research

May 29, 2005

Lt. M.G. Corsaro
425 Jefferson Road
South Charleston, WVA. 25309

Subject: Sex Offender Registry

Dear Corsaro:

My husband and I feel very strongly about making public the street addresses of people on the state's sex-offender registry.

The public has a right to know this so that we can better protect our children. We would rather know up front who is in our area than find out after the fact when it would be too late.

Please advise us when this request is granted and we can protect our most treasured — our children!

Teresa K. Schaefer
W. G. Schaefer

649 Gilbert Avenue
Follensbe, WV 26037

RECEIVED

JUN 03 2005

Planning & Research

May 31, 2005

Lt. M. G. Corsaro
425 Jefferson Road
South Charleston, WV 25309

RECEIVED

JUN 3 3 2005

Planning & Research

Lt. Corsaro:

I was so pleased to read in *The Logan Banner* that the West Virginia State Police has filed a request with the Secretary of State's office to include specific street addresses of registered sex offenders in our state on the State Police website.

Our family has made it a habit to check out the names, pictures [although we are frustrated that some pictures are not available], and information of those individuals on a frequent basis, in order to do our best to stay informed. As the parents of one pre-teen daughter, still at home, as well as grandparents of twin 5-year-old grandsons, we are very concerned, to say the least, at the growing number of incidents of child molestations, abductions, and murders, that we hear about in the news.

We are grateful for that information that you put the website. As an example, we found out through that information that a certain man, who was had been hired through the Logan Job Service to work on a part-time basis as a carpenter's assistant for one of my family members, was a convicted child molester. Until we saw his picture on the site, we didn't take much consideration in the fact that he had shown an unusual amount of interest in my young daughter, who had been visiting that household on occasion. From his prior conversations with her, we found out that he had routinely been involved in the area's community theater productions (*The Aracoma Story/ Shawnee Trail Assoc./ etc.*), in which dozens of children are involved each season — including my own daughter. Cold chills ran down my spine when I read the information about him on your site and realized that my child — as well as who knows how many others — had unknowingly, potentially been put in harm's way just by being introduced to this man who seems *so interested* in children.

Although the WV State Police website does perform a great service as is, it would be *so much better* if we could obtain the exact physical address of the individuals listed — *not* so that we could harass them in any way, but just so that we may be aware of their past history and be more cautious in regards to our children's whereabouts and interactions.

Also, we understand that not every person who appears on the list has committed crimes against children. As a woman, I want to have that information available to me so that I may be extra cautious, should one of these men ask to cut my grass, or ring my doorbell to use the phone, or offer to assist me in changing a tire, or (hypothetically speaking, since I'm married) ask me out on a date.

We feel that any information we can obtain would be beneficial in helping us make informed decisions as to whether to hire an individual, for example, to work in a home where there are children, or to put him in a position of trust working with children — whether it be in a summer play or a church youth camp or a scouting activity or whatever. From everything we read, we know that unfortunately most of these predators are more than likely going to repeat their crimes. We don't want our children to be their next victims!

We are aware that the Ohio State Police website gives exact addresses, including maps to the locations of the offenders' homes. We think we, too, have the right to know, in order to protect our children.

We applaud your efforts to help us in that endeavor and hope that you are successful in implementing this in our great State of West Virginia. If there is anything my husband, family, or I can do to assist you in attaining that goal, please contact us. God bless you!

Sincerely,

Cheryl R. Davis
118 Woodland Drive
Chapmanville, WV 25508
cdavis@woodlandpress.com
304-752-7152

June 2, 2005

Lt. M. G. Corsaro
425 Jefferson Road
South Charleston, WV 25309

RECEIVED

JUN 03 2005

Planning & Research

Lt. Corsaro:

I recently noticed in our local newspaper that the West Virginia State Police has filed a request with the Secretary of State's office to include specific street addresses of registered sex offenders in our state on the State Police website. I agree with this request and I'm willing to do whatever is possible to make this filing a reality.

It is essential to have these addresses available, so that we can better protect our children, adults and our communities. I realize former criminals, such as sexual offenders, have civil rights and certain legal rights to live where they so choose, with few exceptions. Yet, I also believe it is imperative that people have the facts of where potential criminals live — particularly those with a record of a sexual offense. After looking at the State Police site of sex offenders, it has made me especially aware that many sexual offenders live right here in our county and the surrounding areas.

I am especially alarmed at the light sentences, or lack of punishments altogether, that most of these perpetrators have received by our court system. Many have received little more than probation for the vilest of crimes. That is an injustice to the citizens of West Virginia. As I have read, sexual offenders are rarely rehabilitated from their behavior. So if the court system is going to release these individuals, we must know where they are.

My family consists of a pre-teen daughter, who is still at home and two young grandsons. As you might guess, I am continually disturbed over the growing number of incidents that include adolescent molestations, child abductions, and flagrant murders that are reported in the news. I am also concerned in behalf of my wife's safety. Rape, as you know, is an everyday occurrence in the Mountain State, and I think that the Secretary of State's Office has a responsibility to the public to do everything within its power to protect law-abiding citizens. Likewise, they must make allowances for public exposure of those who have a past record of such deviant behavior as rape and molestation.

Although the WV State Police website does carry out a great service as it is, it would be *so much more helpful* if citizens could obtain the exact physical address of the individuals listed — *not* so that we could harass them in any way, but just so that we may be aware of their past history and be more cautious in regards to our children's whereabouts and interactions. I also suggest a notification mailing to citizens in each community when a sex offender moves into a specific area. This can help those parents, grandparents or young adults who do not have computer access, which include many in our area.

An informed community can be a safer community.

I am aware that the other states' websites already give exact addresses, as well as maps to the exact location of the offenders' home. I think we, in West Virginia, too, have that right to know, in order to protect our children.

We approve of your efforts to help us in that endeavor and hope that you are successful in implementing this in our great State of West Virginia. The law-abiding families of our state need your help.

If I can be of any assistance in this endeavor, please contact me.

Sincerely,

F. Keith Davis
118 Woodland Drive
Chapmanville, WV 25508
kdavis@woodlandpress.com
304-752-7152
FAX: (304) 752-9002

May 30, 2005

RECEIVED

JUN 09 2005

Hanning & Parsons

Lt. M. G. Corsaro
425 Jefferson Rd.
South Charleston, WV 25309

Dear Sir:

This letter is in support of making public the street addresses of people on the state's sex-offender registry. The public has the right to know and protect our children.

Thank you for taking the initiative in this matter and your support of our children against these predators.

Sincerely,

Kenneth Parsons

May 30, 2005

RECEIVED

JUN 08 2005

Planning & Research

Lt. M. G. Corsaro
425 Jefferson Rd.
South Charleston, WV 25309

Dear Sir:

This letter is in support of making public the street addresses of people on the state's sex-offender registry. The public has the right to know and protect our children.

Thank you for taking the initiative in this matter and your support of our children against these predators.

Sincerely,

A handwritten signature in cursive script that reads "Melinda Dawson". The signature is written in black ink and includes a long horizontal flourish at the end.



Pendleton County Library **RECEIVED**

P.O. Box 519 • Franklin, WV 26807

JUN 6 2005

Planning & Research

June 3, 2005

Lt. M. G. Carsaro
425 Jefferson Rd.
South Charleston, WV 25309

Dear Lt. Carsaro,

I strongly support the WV State Police effort to post the specific addresses of sex offenders on the Sex Offender web page.

The nature of their crimes and their dismal prospects for rehabilitation make it necessary for the public to know exactly who they are and where they are.

Only by vigilance and knowledge can we protect ourselves and our children.

Sincerely,

Charles Bates, Librarian

Keith Horn & wife
& 2 kids

RECEIVED

JUN 26 2005

Don't
938-3843
for 493

Dear Mrs. Colman
Wife Samatha

Cathy
Bowles

Todd Morgan

To Whom it May Concern "Planning & Research"

Both I and my friend listed below totally believe that there need to better be address that are correct for all sex offenders. The public need to stay totally informed to the correct whereabouts of sex offenders. I feel that this would give us better control of the welfare of our kids. Around here so many people in one area have names that are alike or similar this would avoid any confusion in this matter as parents we need to do everything possible to protect our children, and this would definatley help also I feel that this list of names needs to be publisized in our local ~~paper~~ paper at least once a year due to the fact that the only place you can find the sex offenders list is on a computer, and me + most of my friend are elderly and dont own computers. I am at work today but we feel this letter is necessary.

Phil
Hornham

Arthur
Morgan

RECEIVED

304-938-3402
JUN 06 2005

Amida Hyatt
HC63 Box 2042
Panther WV 24872
5-30-05

Planning & Research

~~Police~~ Police Planning & Research

I am writing concerning the recent article concerning the addition of specific house address adding to the sex offenders list. First let me begin on thanking you for all you have done to get the sex offenders list on the computer system.

But I do feel that there needs to be specific house address due to the common usage of the same names of more than one person. This would help to avoid and misconception by anyone. I truly feel that we the people need to know the specifics of all these people in order to better protect our children. This letter really hits close to home because from personal experience I know how it feels to trust someone in the community only to find out later that he was a sex offender.

June 1, 2005

RECEIVED

JUN 06 2005

Planning & Research

West Virginia State Police
Lt. M. G. Corsaro
425 Jefferson Road
South Charleston, WV 25309

To whom this concerns:

I'm writing this to express my opinion about sex offenders.

I think everyone should know the street address where the sex offenders live. I also feel that they should not be allowed to own a gun.

Another reason I'm writing this my ex daughter-in-law was dating a sex offender. I worry about my 3 year old grandson.

I don't know if she is still dating him or not.

Thank you for taking the time to read this.

Sharon Williams

Rachel Newcomer
HC 60 Box 30E
Levels, WV 25431

June 4, 2005

Lt. M.G. Corsaro
425 Jefferson Road,
South Charleston, WV 25309

Dear Lt. Corsaro:

I am writing in response to an article that was written in our local paper The Hampshire Review. I am definitely in favor of posting the sex offender's address on the internet site. This county is growing so quickly and I find it important to know exactly where they live. I believe the way it is posted now is too generalized to say they live in Romney, Springfield, or whatever city they may reside. The county is currently naming roads which I think will help in this process. I am sure it would be ineffective with our current addressing system because everyone has a HC address so it is hard to pinpoint an exact location. I feel that the sex offender's gave up their rights to privacy when they chose to hurt children. These men and women need to be closely monitored due to the unfortunate studies that show that they generally repeat the offenses.

I think West Virginia needs to get the message out there that the offenders are being watched not only by law enforcement but also by concerned citizens. According to a study I came across on the internet by the people who help with Meaghan's Law, they give West Virginia an "F" regarding the way they handle their sex offenders. I would like to see this grade get better over the next few years and I think giving their exact address would help very much.

Thank you for your time in this matter.

Sincerely,

Rachel Newcomer
jrcjnewcomer@frontiernet.net

RECEIVED

JUN 08 2005

Planning & Research

F/Lt. Michael G. Corsaro

From: "Tara Brannon" <contact_tara@yahoo.com>
To: <mcorsaro@wvsp.state.wv.us>
Sent: Thursday, June 09, 2005 9:56 AM
Subject: Sex Offender Legislation

Madame Secretary -

As director of a rape crisis center that serves four counties in WV (Cabell, Wayne, Lincoln, and Mason counties), I am very much in favor of any legislation that seeks to further protect the public from sexual violence.

The concern for community backlash must be out-weighed by the community's right to safety. This safety can only be achieved through awareness and current, factual data. Our organization regularly sees the lifetime scarring the sexual violence leaves on not only the victim, but the victim's family and friends. We know that sexual abuse changes lives, changes communities forever. (For this reason our organization extends all of our free, confidential services to these populations - victims, their friends, and families - as well.)

Sexual violence is a community issue and community awareness is at the forefront of both prevention and intervention. Unless our community has all of the information available on which to base our personal safety decisions, our neighborhoods will never be truly safe.

I must argue that convicted sex offenders have committed deeply harmful acts. Acts that destroy trust, feelings of personal safety, self-confidence, etc. not only in their victims but in their communities. These convictions are not won easily. Most sex offenders offend and are charged more than once before conviction. For such terrible crimes, the community deserves protection from the possibility of repeated threats. Keep in mind that sex offenders are among the highest reoccurring offense populations in the US probation system and that although 1 in 4 women will be the victim of sexual violence in her lifetime only 2% of the male population commit acts of sexual assault. Repeation is a very real problem.

Please vote to include offender addresses and any other information that may protect West Virginian's from further threats of sexual violence.

Sincerely,
Tara Brannon

Tara T. Brannon
Executive Director
CONTACT Rape Crisis Center
(304) 523-3447 - Office Phone
(304) 523-0558 - Office Fax
(866) 399-RAPE - Toll Free 24 Hour Crisis Line

Discover Yahoo!
Use Yahoo! to plan a weekend, have fun online & more. [Check it out!](#)

6/9/2005

RECEIVED

JUN 9 2005

Dear Lt. Carcano:

Planning & Research

I wrote a letter to the Editor, a copy of which is enclosed. This explains my journey of trying to get some action regarding sexual predators. Cindy Frick put a questionnaire in the Dominion Post. I made a copy of her questionnaire & my letter and gave a copy to each person (36) attending the BOPARC ~~Media~~ Center luncheon. They completed these and I gave them to Cindy. At that time Ser. Prezioso was in attendance & suggested I talk to Ser. Oliverio as he is on the committee to change laws. I called Ser. Oliverio who said he would look into this further. Now I see that the State Police is trying to get this law changed. This is great because we need our law changed to protect our children. When they have been arrested once, they shouldn't be out on the streets. The Lunsford case in Florida is a perfect example. He not only molested & killed the child but put her in the ground alive.

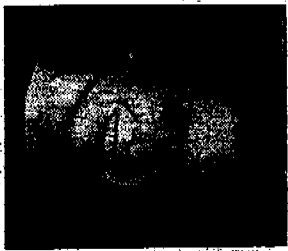
If Florida can get their laws

charged by the work of one man,
the child's father, then WU car also.
If they had to wear a bracelet etc
once they have been arrested perhaps
this would prevent some of this
happening.

My husband, he died in 1976 at
the age of 39 was a Morgantown
Police Officer so I am well aware
of the problems that arise when
a police officer tries to get laws changed
but I truly believe it can be done.

Thank you,

Donna Smith Percival
537 Hurmar Ave
Ston City, WV 26505
304 - 599-3851



Delegate
Cindy Frich
wants to know what you think

YES	NO	
<input type="checkbox"/>	<input type="checkbox"/>	Replace sales tax on food with taxes on race track slot machines
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Require sexual predators of children to wear GPS tracking devices
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Add predator's address to sex offender registry
<input type="checkbox"/>	<input type="checkbox"/>	Make English the official language of West Virginia
<input type="checkbox"/>	<input type="checkbox"/>	Amend state constitution to define marriage as between a man and a woman
<input type="checkbox"/>	<input type="checkbox"/>	Raise pay for teachers and state employees
<input type="checkbox"/>	<input type="checkbox"/>	Reinstate death penalty for first degree murder
<input type="checkbox"/>	<input type="checkbox"/>	Eliminate state income tax on social security benefits
<input type="checkbox"/>	<input type="checkbox"/>	Build state shooting range in Mingoalia County

Please return to: Delegate Cindy Frich at 1248 Bikers Ridge Road, Morgantown, WV 26505. Include your name, address, and phone number.
 Paid For By Delegate Cindy Frich

Would like tracking devices to prevent any more innocent children molested & killed

Listing should tell more about offender's location

I am just sick as I watch TV to learn that another girl, age 13, was killed and molested by a "known" child predator. I obtained a copy of our list of sex offenders for this area and was appalled to learn that the list does not give addresses but only the offender's name, age and town, i.e., Morgantown, Delslow, etc. Are we going to wait until some thing like this happens here? I called the Star City Police Department who told me to call the State Police. The State Police advised me to call Charleston and talk with the sex offender department. I did this and was told to take it up with my legislators. I contacted one person who represents us and since the session in Charleston has ended perhaps something can be introduced next year.

I have a problem with this because every time you turn the TV on there is another innocent child killed. I did bring this up on the radio and was told that the list was on the Internet. So what if it is — it's of no value whatsoever. The little girl that was murdered in Florida lived just across from a "known sex offender" and she's gone now. Her father is trying to get the laws changed so that this doesn't happen again. What

are we going to do?

Donna Smith Percival
 Star City

F/Lt. Michael G. Corsaro

From: "Elliott, Lisa M LRH" <Lisa.M.Elliott@lrh01.usace.army.mil>
To: <mcorsaro@wvsp.state.wv.us>
Sent: Thursday, June 16, 2005 1:01 PM
Subject: Sex offenders policy

To Whom It May Concern:

It is imperative in this day and age that we as parents and citizens do everything within our power to keep our children safe. Allowing individuals to obtain access to the actual address of sex offenders is another tool to help us accomplish this task. I, personally, would like to see this put into place.

Thank you.

Lisa Elliott, E.I.T

Civil Engineer
U.S. Army Corps. of Engineers
502 Eighth Street
Huntington, WV 25701
(304) 399-5764
Lisa.M.Elliott@lrh01.usace.army.mil

6/21/2005

F/Lt. Michael G. Corsaro

From: "Chrissy J Cole" <cole30@marshall.edu>
To: <mcorsaro@wvsp.state.wv.us>
Sent: Friday, June 10, 2005 11:46 AM
Subject: sex offender registry

To whom it may concern,

I SUPPORT the proposed street address requirement of sex offenders in West Virginia. Although some claim it is continued punishment of sex offenders, they fail to realize that sex offenders rarely commit their crime only once and have multiple victims, most of which are not reported. I have faith in our law enforcement system and I do not believe that violence against these offenders, because of the registry, will be tolerated. It is our right and our duty to protect the safety and reputation of our state.

Thanks for taking comments,

Chrissy Cole
Sexual Assault Victim Advocate
Contact: Rape Crisis Center of Huntington
(304) 523-3447 Phone
(304) 523-0558 Fax

6/10/2005

Veronica Reynolds BSW, LSW
116 North Park Street
Wheeling WV 26003

RECEIVED

JUN 17 2005

Planning & Research

F/Lt Michael G. Corsaro
West Virginia State Police
Planning and Research Section
725 Jefferson Road
South Charleston WV 25309
June 13, 2005

Dear F/Lt Corsaro,

I am a licensed professional social worker employed as a victims' advocate for the Upper Ohio Valley Sexual Assault Help Center, Inc. in Wheeling. I am also the mother of a 13 year-old daughter. So I write to you as both a concerned parent and professional in support of the street address requirement for registered sex offenders in West Virginia.

The current offender registry is a great start, but unfortunately, it provides our communities only minimal protection. The general city location information currently provided can be helpful *if* we recognize a familiar face from our neighborhood. But, what about the other neighborhoods where our children play and visit with their friends and family? Children naturally believe that they are invincible and "bad" things only happen to bad people in other places...not in their town or neighborhood. As parents, the more information we have, the better we can protect our children and the more likely they are to heed our cautions.

I understand that opponents to this change will argue that public notice of home addresses will place the offender in jeopardy. I respect their opinion. However, I also recognize that it was the offender, not the victim, who made the choice to use sexual violence against another human being...and most likely a child. I have seen firsthand the damage that sexual violence causes in the life of the victim and their loved ones. It is a lifetime sentence.

Even those who are fortunate to find healing will never be the person they were before the attack. Their life is forever changed. And they *know* it is because of the abuse. They will experience the ripple effect of the abuse until the day that they die. No amount of healing can take away the memory of the abuse that pierces your consciousness at any moment or mile marker in your lifetime. At the birth of your children and each day that they amaze you with their innocence and development, you remember your own abuse and terror grips your heart that your baby could experience that pain--whether they are 1 or 91. When people congratulate you at your graduation and the nausea reminds you to wonder what more you might have achieved if you had not had to struggle so many years before you finally found healing. When you are in the supermarket, your child's PTA meeting, work or anywhere at all and a smell, a song, a word, or an innocent touch triggers the memory. Your heart pounds and a wave of shame washes over you because you can feel their hands on your skin and remember what their skin felt like when you were forced to touch them. But you have to pretend to be "okay".

I know that some people may feel that my letter is too graphic, but I ask them to consider that while they may have to read or hear this only once, survivors of sexual violence FEEL this everyday.

It is amazing the tragedies that human beings can overcome. And yes, survivors can and do heal from sexual violence. It is a long and difficult journey that began with a crime inflicted upon them. A crime that they are not responsible for, but one for which they pay penance. A crime that they had no choice in, except to try to guess what would give them the best chance to survive--and pray they are right.

I believe that we have a responsibility to put every effort into protecting our innocents. 1 in 3 girls and 1 in 5 boys will become the victim of sexual violence before they reach age 18. If the street address requirement prevents just one of those children from becoming a victim, is it not worth it?

Sincerely,

Veronica L. Reynolds BSW, LSW

Veronica L. Reynolds, BSW, LSW

In the best interest of our children, the exact addresses of sex offenders in West Virginia need to be published.

Signed, Alan MYRES

5-29-05
Date

309 Three Mile Rd
Street Address
Charleston, WV 25312
City, State, Zip

In the best interest of our children, the exact addresses of sex offenders in West Virginia need to be published.

Signed, Mary Gordon

6-13-05
Date

1 Villa Estates
Street Address
Char WV 25311
City, State, Zip

In the best interest of our children, the exact addresses of sex offenders in West Virginia need to be published.

Signed, David Townsend

5/29/05
Date

PO Box 836
Street Address
Pinch, WV 25156
City, State, Zip

In the best interest of our children, the exact addresses of sex offenders in West Virginia need to be published.

Signed, Delvie Kinder

5-29-05
Date

1027 Ridgeman Dr.
Street Address
Walltrack WV 25071
City, State, Zip

In the best interest of our children, the exact addresses of sex offenders in West Virginia need to be published.

Signed, Ruth Gordon

6.13.05
Date

1 Villa Estates
Street Address
Charleston WV 25311
City, State, Zip

June 4, 2005

RECEIVED

JUN 16 2005

Planning & Research

Lt. M. G. Corsaro
425 Jefferson Rd.
South Charleston, WV 25309

Dear Sir:

This letter is in support of making public the street addresses of people on the state's sex-offender registry. The public has the right to know and protect our children.

Thank you for taking the initiative in this matter and your support of our children against these predators.

Sincerely,

*Sandra L. Cokley
1665 Oak Grove Rd.
Waverly, WV 26184*

In the best interest of our children, the exact addresses of sex offenders in West Virginia need to be published.

Signed, Bunny Myers

5-29-05
Date

309 Three Mile Rd
Street Address

Charleston, WV 25312
City, State, Zip

In the best interest of our children, the exact addresses of sex offenders in West Virginia need to be published.

Signed, William A. Caender

6/1/05
Date

304 Stacy Drive
Street Address

Charleston, WV 25302
City, State, Zip

In the best interest of our children, the exact addresses of sex offenders in West Virginia need to be published.

Signed, Kelli Myles

6/1/05
Date

308 Three mile Rd.

Street Address

Chas., W.V 25312

City, State, Zip

In the best interest of our children, the exact addresses of sex offenders in West Virginia need to be published.

Signed, Joan Townsend

5/29/05
Date

PO Box 836

Street Address

Pinch, WV 25156

City, State, Zip

In the best interest of our children, the exact addresses of sex offenders in West Virginia need to be published.

Signed, Victor Dawson

6/1/05
Date

407 Rambling Hills

Street Address

Elkview WV 25071

City, State, Zip

In the best interest of our children, the exact addresses of sex offenders in West Virginia need to be published.

Signed, Jennifer Button

10-4-05
Date

71 upper pinch Rd

Street Address

Elkview WV 25071

City, State, Zip



Upper Ohio Valley
Sexual Assault Help Center Inc.
P.O. Box 6764
Wheeling, WV 26003
Business Office: 234-1783

Sexual Assault Help Center Inc.

June 9, 2005

Secretary of State Betty Ireland
State Capital Building I
Suite 157 K
1900 Kanawha Boulevard East
Charleston, WV 25305

RECEIVED

JUN 13 2005

Planning & Research

Dear Madam Secretary:

I am writing in response to an article in the Wheeling Intelligencer newspaper where it reports the efforts of State Police Major David William to convince you to include specific addresses of people on the state's sex-offender registry.

For the past twenty-five years, the Sexual Assault Help Center, Inc. (SAHC) has provided proactive and retroactive support services to all victims of sexual violence. We are one of nine crisis intervention centers operating throughout West Virginia as member agencies of the West Virginia Foundation for Rape Information and Services (FRIS).

The proposal offered by the West Virginia State Police will provide useful information for citizens to protect their families from convicted sexual predators that live among us.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Dalrymple", written over a horizontal line.

William H. Dalrymple
Interim Director
SAHC

cc: Major David William
F/Lt. Michael G. Corsaro ✓



OV/MC

In the best interest of our children, the exact addresses of sex offenders in West Virginia need to be published.

Signed, [Signature]

6-19-05
Date

21 coffee Ave.
Street Address

21019 W 2501
City, State, Zip

RECEIVED

JUN 21 2005

Planning & Research

In the best interest of our children, the exact addresses of sex offenders in West Virginia need to be published.

Signed, Larry Batts

6/19/05
Date

Rt 5 Box 322 H
Street Address

Chas WV 25312
City, State, Zip

RECEIVED

JUN 21 2005

Planning & Research

In the best interest of our children, the exact addresses of sex offenders in West Virginia need to be published.

Signed, Ruth Ann Haym

6-19-05
Date

Rt 9 Box 505 1/2
Street Address

Chas WV 25311
City, State, Zip

RECEIVED

JUN 21 2005

Planning & Research

RECEIVED

JUN 21 2005

Planning & Research 6/17/2005

I for one think sex offenders' street addresses should be public so every one will know who they are moving next to. I send and got the state police paper on sex offenders. But the one I know living next door to me. Had been in jail for it! but when new people move in around here they don't know about him. some with small children. the paper I got was people that don't live near here. I don't have a computer and a lot of people don't. But every thing go on computer now days. I think every person in the area need to know who is next to them.

Thank you

Mrs Goldie Brown

426 = 30th street

Huntington W. Va

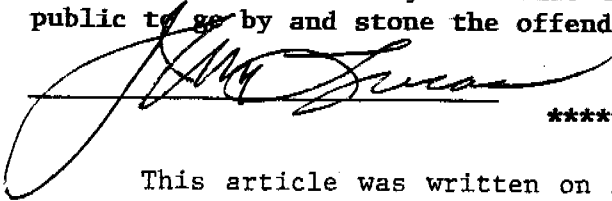
25702

RECEIVED

JUN 07 2005

I wrote this article for TIME Magazine, Major William. I'm surprised you didn't additionally ask that a day of the week be set aside for the public to go by and stone the offenders houses.

Janning & Research



This article was written on 21 May, 2005, by one of the 500,000 plus, convicted sex offenders. Society may not appreciate it, but it's long past due.

The crimes against children are so heinous that the hue and cry goes up against all 'sex-offenders' as though all 500,000 registrants are violent sexual predators who need to start wearing GPS detectors, or put in a colony somewhere with fences and barbed wire. The percentage of that 500,000 registered offenders who have committed violent offenses against children is probably well below one (1) percent. Yet, the crime against children is so repulsive, every time a child is molested, all 500,000 registered offenders are punished more and more, as though every one of them are potential killers of children.

The usual knee-jerk reaction is to think up new laws. Every 'law' that I've heard about or read that is enacted after a child is killed is little more than frustrated retaliation against all offenders because they don't know what else to do. Isn't it time somebody thought of something besides closing the barn door after the horse has left? Megan's law was enacted in 1996. Children are still dying. Society is doing little more than putting band-aids on a brain tumor. Reacting from societal pressure, some lawmakers enact laws that I believe puts the child in even greater danger than they were in before.

For example, Florida's House recently passed a bill calling for a mandatory sentence of 25 years to life for people convicted of molesting children under 12, and once they are released they would wear a global positioning system device. I'm not sure that punishing a first time non-violent offender as anything but a first time offender is a good idea. What happens if that person is a first time offender and not yet on any 'registration' list, and knows that if he gets caught, he will have to register for life, could spend life in prison, or wear a GPS collar for the rest of his life if he did get out? That "first-time offender" may very well panic and attempt to avoid those punishments by becoming a "first-time child killer."

offended.

Some panel of strategists who are smarter than I am is going to have to sit down and figure out a way to attack this problem from BOTH ends. By that I mean, don't concentrate entirely on how to punish the offender after the crime is committed, find out how a person reaches the point in his life that sex becomes such a dominating factor that he is now willing to rape and murder a child to satisfy that craving. Babies aren't born pre-destined to become killers and molesters. So, where are they coming from? What is it that changes a newborn innocent into a rapist and a child killer?

Infants learn to manipulate their genitals early as part of a common exploratory behavior. That's normal. Children who start masturbating early for one reason or another, (and it doesn't have anything to do with 'sex') will develop a habit that if not addressed will lead to a compulsion for no other reason but that it feels good. That's not normal!

A physically abused or mentally abused child, or a child who is neglected or abandoned - or who simply harbors feelings of abandonment - are ripe for that compulsive behavior because, through the normal exploratory behavior, they have found something that feels good for a change. It may very well be the only thing in their life that does feel good. That good feeling takes them, even if only temporarily, out of a world that is beating the hell out of them. Children can take only so much neglect. When it gets to a point that they can no longer cope with the reality of whatever it is that is destroying their self-esteem and self-worth, they escape any way they can.

How does a child escape from that kind of pressure? There isn't many options available. Many find the secret little world that only they know about and they will escape into that world where only good feelings exist, as often as necessary. It's not uncommon for children to start masturbating at the age of three or four years old and it's not uncommon for children, by the time they reach puberty, to be masturbating two or three times a day. How many adults today masturbate up to three times a day, and think it is "normal," healthy 'adult' sexual behavior. It doesn't hurt anybody else and it feels good, Right? Isn't that the same excuse drug users offer to justify the use of drugs?

You want to do something more than weep and wail about the offenses against children? You can, and you can do something constructive. This Society that conveniently files away all the pornography and the aberrant fantasies of sexual behavior under the heading of "adult entertainment" is

the child or her family after the fact.

The first thing that is going to have to happen is adults are going to have to want to stop the senseless sexual molestation bad enough, to face reality. Society knows what the real problem is, but by God, we're going to protect our right to fantasize over pornography when we masturbate even if it kills our children. If other people get caught up in it, that's their problem, right?. Dead wrong! It's not their children they molest and kill when the addiction goes ballistic. 'Adults' will have to start by cleaning up their own house first. I believe that day will come. A thousand more innocent children may have to be molested and killed before the obviousness of the connection between sexually explicit "adult entertainment" and sex addiction sinks in, but I believe that day will come.

If you need pornography to stimulate what you believe to be "healthy" sexual behavior, you need professional help. It's not "normal" behavior. If you need your "adult" stimulation so badly that you refuse to give it up and intend to protect it at all costs, be prepared to suffer the consequences. If society continues to allow our courts to refuse to protect our children from the "drug" that will eventually turn many of them into sexually compulsive addicts, and future child molesters, be prepared to suffer the consequences. If Pornography holds that much importance in your lifestyle, resign yourselves to building a lot more prisons, and prepare to suffer more heartache at the loss of more innocent children. We do everything humanly possibly to keep drugs out of the hands of citizens, especially children, yet we protect the right of the porn peddler to distribute the 'drug of choice' to the sex addict and the potential addict, including the children. Wise up people, or suffer the consequences.

END

THE WEST VIRGINIA CONSTITUTION
(and other works of fiction)

PART TWO OF INDEX 18

TIME MAGAZINE ARTICLE — PART II
by : Jim Lucas

RECEIVED

JUN 07 2005

Planning & Research

Every time a child is molested and killed, the parents of past victims get on television with some media individual who does everthing he/she can to dramatize the event because "it raises the awareness of the problem." It doesn't hurt either that it is 'ratings friendly.' The problem is, it's raising awareness of a secondary problem.

The only subject that is ever discussed is better ways to keep track of registered sex offenders. There's no talk of intervention before the offender commits the first offense. Even when the molestation and murder of a child is perpetrated by a first time offender, the hype still zeroes in on the 'registered sex offenders' and 'how to keep tabs on them'. The fears of the public becomes that of believing they are surrounded by child killers. Maybe the subject of intervention before the fact isn't dramatic enough to tweak the ratings, and anyway, talk of cleaning up pornography would endanger the 'right' of the public to sneak around behind closed doors with their "adult entertainment." After all, the Supreme Court of this great nation put their stamp of approval on it, and you can buy your dirty books at the corner store right next to the Viagra, so "adult entertainment" couldn't possibly be harmful, right? That term - "adult entertainment" - was coined by the smut peddlers and is an egregious insult to most 'adults.' Talk about wallowing in the throes of denial...

The television is loaded with commercials advertising "medical" stimulants that will help you enjoy sex even more. Why, some even last up to thirty six hours. I'll bet the two-or-three-out-of-every-ten people in America today who are sexually compulsive probably just love that stuff. Have you ever seen a commercial on TV about how to get sexually compulsive behavior under control? I know if I'd seen one back in the fifties, I would have looked into it.

Unfortunately, it may be too late now for effective attempts such as private organizations who help private individuals gain some control over sexually aberrant behavior. With the total breakdown of the right to privacy in today's world, and the ongoing frenzy of the 500,000 registered sex

drugs are free and readily accessible. He doesn't have to spend time attempting to acquire money to buy what he needs. (b) The genesis of the sexual addict's compulsive behavior probably took root much earlier in life than did the drug addict. (c) Putting a drug addict into prison gives him a chance to dry out. The sex addict takes his drugs into prison with him. Pornography is readily available in prison, but even if it wasn't, he still has all of the past images and fantasies that he can tap into anytime he wants. He will continue to fantasize and masturbate, and eventually get out of prison with the addiction worse off than when he went in.

Sexual addicts live in a world that no one else is aware of, not even the closest members of his/her family. The wife knows that her husband has not been interested in sexual contact with her for some time, but she doesn't know why. Addicts use many excuses including a hard day at work and he is just too tired, or he has just lost interest in sex. Normal, healthy men, regardless of their age, do not just lose interest in sex. If you are in a new marriage, and your spouse has lost interest in sex within the first six months to a year, you have real reason for concern. Many wives believe that they have just become less appealing and will do anything they can in an attempt to kick-start their sex life, including buying new revealing clothes and undergarments, losing weight, etc. but usually to no avail.

One might think that if a man is addicted to sex, he wouldn't be able to leave his wife alone, that he would be constantly pressuring her for sex. Occasionally, that's the case, but very rarely. The sex addict became addicted from years of fantasizing about thousands of different women, and viewing thousands or tens of thousands of pornographic images, each with its own erotic fantasy. Occasionally, he will go back to the same pornographic picture or the same erotic fantasy, but he doesn't linger with either because there is an unlimited supply of both. He gets tired of that fantasy and moves on to the next, with each successive one becoming more and more erotic and/or 'risky'. This same learned behavioral pattern will not permit him to stay interested in any one woman very long. He may have the prettiest wife in town, but he will eventually lose interest. He will replace a loving spouse with a fantasy world of eroticism and sexual behavior that she can't possibly compete with. The excitement of fantasizing sex with a 'new conquest' is far more satisfying than anything his wife can do for him. The addict will often go into a bathroom and masturbate - while fantasizing about a female wearing a short skirt or revealing shorts that he may have seen just for a few seconds somewhere earlier in the day - while his spouse lies

If a person is arrested for a non-violent sexual crime: It must be determined whether the child sexual offender is a pedophile, or if he is a sex addict. There is a difference and until you understand and accept that, not much is going to change. Those who deny this difference have never been there. Sex addiction can be overcome. Pedophilia is a psychosexual disorder for which there is no treatment.

First of all, If the offender is a Pedophile, determine his propensity for violence, and if it is such that he is a danger to the public, he will need close monitoring. One category of pedophilia consists of antisocial personalities who prey upon children for sexual thrills, and his behavior is motivated by both aggressive and sexual components, and the child is often being physically harmed during the sexual attack. With the advances in today's psychology, these traits should not be difficult to detect.

A standardized, effective method must be put into place where through psychological screening, lie detection procedures, plethizomographic screening, whatever it takes, to determine if there is a potential for violence such that the potential is a risk to society. Given the technology of today, and the advances in criminology and psychology, it should be possible for the system - after a person is arrested for a sexual offense - to determine within a reasonable certainty whether or not the individual is capable of raping and murdering a child. No test is going to be 100% accurate, but we can start with 80% and shoot for 100%.

Second, if the offender is a sex addict, retain control over him/her until it has been established that the addiction is under control. A good effective program will take a minimum of a year, how much more depends on how seriously the addict wants to overcome the problem. That program will need to facilitate the same screening to determine the offender's propensity for violence. Any sex offender may be concealing severe psychopathology so this screening is of the utmost importance.

And third, if the crime is a minor sex crime, and the offender is not a violent offender, punish him for the crime he committed, not what societal pressure dictates. This turns into a witch-burning every time a child is molested and if it continues, it won't be long until the first time offender will be facing life in prison for any sex crime. That is not going to deter sex crimes any more than stiffer penalties stopped drug related crimes. An addict is an addict, is an addict ...

Given today's media frenzy when a child is molested, the public hears

offensive behavior, and certainly no inkling at all that that addict took a journey that may have lasted thirty or forty years before he/she offended.

Waiting until a child is molested and then punishing the offender isn't solving the problem. You think you have problems today? You think 500,000 registered sexual offenders are a problem? What about the next 500,000 and the 500,000 after that? Wouldn't it make more sense to do something to try to slow that growth down, instead of concentrating entirely on how to keep tabs on them, or how to punish them after they have molested another child.

Punishing sexual offenders must be done but that doesn't help the child much who has been molested or killed. Society, in its frustration and failure to stop or even slow down the number of sexual crimes, always does something. Every time a child is sexually molested and killed, new laws are enacted, many named after the victim. In 2004 alone, states passed more than 80 laws in an attempt to keep better tabs on sex offenders. Wake up people! 'Laws' are not going to stop a violent sex addict any more than laws stop a desperate drug addict from getting drugs. Violent pedophiles are predators. They hunt children the same as the drug addicts hunt drugs. About the best you can hope for from "laws to keep tabs on him" is that it may assist in catching him after he's killed another child. Is that what you're willing to settle for?

I, along with most of the rest of the country, have been following the Michael Jackson case. Mr. Jackson says that he would never harm a child, that he would slit his wrists before he ever harmed a child. I believe him. Non-violent sexual addicts who fondle children or masturbate children do not see that as harmful to a child. The perplexing narcissism of the addiction prevents them from admitting that they are doing something that is psychologically damaging to the child. The child is not being forced, and the offender is causing no physical pain, and in many cases is in fact causing the child 'good feelings' so in the warped perspective of the addict, he is not harming the child. In fact, he interprets his "helping" the child to feel the good feeling of a sexual climax as bringing pleasure to the child, and in the abysmal denial processes of the addict, how can that be wrong?

Mr. Jackson is dealing with some very complex issues, issues that the average person has not the slightest inkling of. What I believe about his guilt or innocence is irrelevant; that is decided by a jury. If what I've seen on "Court TV" is accurate, I hold the belief that, at the very least, he

F/Lt. Michael G. Corsaro

From: "Rich" <rich@icshelp.com>
To: <mcorsaro@wvsp.state.wv.us>
Sent: Monday, June 20, 2005 9:28 AM
Subject: Fw: Proposed Sex Offender Registry Changes

----- Original Message -----

From: Judy Cooper
To: rich@icshelp.com
Sent: Friday, June 17, 2005 2:34 PM
Subject: RE: Proposed Sex Offender Registry Changes

All public comment regarding the new sex offender law changes must be in writing only, and their address is 725 Jefferson Road, South Charleston, WV 25309, phone number 746-2109. Their email address is mcorsaro@wvsp.state.wv.us

The State Police filed this rule, and they are the ones taking comments. You should contact them. They are the responsible for both filing the rule and accepting comments. You can just email or write with your concerns.

Thank you for taking the time to become involved in this situation.

Judy

-----Original Message-----

From: Rich [mailto:rich@icshelp.com]
Sent: Friday, June 17, 2005 11:33 AM
To: WV Secretary of State
Subject: Proposed Sex Offender Registry Changes

I saw on the tv that changes are being considered on the sex offender registry. At first thought it sounded like a pretty good idea but the more that I think about it the more problems I think its going to cause. The goal is to make sure that neighbors know who are living nearby. But the registry already includes the basic address and name of offenders, any neighbor is going to know the name of who lives near them so they could easily check the registry. Putting exact addresses wouldn't help to protect the kids next door which is the whole reason for the registry, all it would do is give someone who wanted to commit a hate crime a exact address to go to.

Its a fine line between making sure the public is safe yet remembering that the people on the sex offender registry are still people. They undoubtedly in the past done something terribly wrong but that doesn't make it right to paint a bullseye on them for every vigilante that gets drunk and wants to go beat someone up or worse.

No virus found in this incoming message.
Checked by AVG Anti-Virus.
Version: 7.0.323 / Virus Database: 267.7.8/22 - Release Date: 6/17/2005

No virus found in this outgoing message.

6/21/2005

In response to listing specific addresses of sex offenders I feel that the offenders' family and children will have their rights violated. Some of these people have paid for their offense and should not be subject to this type of harrassment. The offenders' family and children should not be taunted by this being public information . What you can expect to happen is going to be lawsuits filed for violation of these peoples rights. We have murderers on the street who have paid their time. Who is to say that they will not strike again. Is their a registry for that? The innocent people in all of this is the offenders family and children. Please make the right decision to protect the rights of everyone involved. Drugs and Alcohol have been the cause of some of the offenders actions and some were placed on probation with no prior record. Their rights are being violated by getting specific with their addresses. I have children of my own and would not want them hurt in any way.

RECEIVED

JUN 08 2005

Planning & Research

Lt. M.G Corsaro
425 Jefferson Rd
So. Charleston, WV 25309

Dear Sir:

I am writing you in regard to your intention to give sex offenders addresses on the internet.

These people have paid for their crime and should not be tormented for life. Their families would also suffer. These offenders have to register with your office and you are always checking to see where they live. You come to their houses to verify address in uniform and in State Police Cruisers.

They have to tell you when they move and if they change motor vehicles, etc.

You state in the article that their abuse by neighbors or others knowing where they live will not be tolerated. How can you prevent this when someone sprays their house or car with paint or breaks out windows when you don't know who it is. They are not going to stand there until you come.

I live next door to my son. It is a narrow street and last winter a salt truck apparently hit and broke off the mirror on his car. We could not prove it was then so he had to replace the mirror without reimbursement.

Three years ago his car window was broken out and a stereo stolen from his care in broad daylight. There was a house not 20 foot from the car and we know she doesn't miss anything but she would not tell us who did it.

I implore you to not put the addresses on the internet.

Esther Crum

RECEIVED

JUN 23 2005

Mannino & Associates

RECEIVED

MAY 31 2005

Mr. Casanova,

RE: Listing Addresses of Sex Offenders **Planning & Research**

Anyone who is for the listing of Actual Street address of sex offenders should be willing to be held liable if that info is used for hate crimes. I'm aware that the information is a matter of public Record, and if anyone truly wishes to know this information they can find it, but they have to work for it, digging through files, old newspapers, and court records. By placing it on the web site anyone in the heat of the moment can find a justifiable victim for a hate crime. Parents who are truly worried about childrens safety will do whatever it takes to make their lives safe, a little research won't stop the truly concerned. If the addresses are published on the web site chaos will be guaranteed.

Here is a similar argument for published information for safety of the public.

Why don't we publish the names, addresses of Police officers that way we know if we live near one if we need him or her, what neighborhoods have the most Police living there should be the safest, we know that nothing would happen to the officers or their families if this information was made readily available on the web... Noone's hatred would flare and cost someone their life, there would be no innocent victims...

As a people we want to be safe, do we all have Alarms, no. Do we all have smoke detectors, no. Do we all wear seat belts, no. Each level of safety is determined by desire and effort.

of the individual. And as an officer I'm sure that you realize that complete safety is a fantasy. Reasonable safety can be achieved but you must be diligent and thorough. Most people are too lazy or ignorant to put forth the effort to be as safe as possible, if they were, would there be speeding tickets, Auto Accidents, Insurance. We can not be protected from ourselves.

I heard of a town which had no crime, a city ordinance required every citizen to carry a firearm. Anyone who thought a crime was possible was sure that someone would shoot them to stop the crime. Everyone was safe.

Why is this not a good idea today? simple; Accidents happen and usually to those who don't pay attention. Also Idiots are everywhere! Please keep these two facts in mind when making / enforcing the law.

Thank you

for your time

Bruce Markum

May 28, 2005

WV State Police
Planning and Research Committee
725 Jefferson
S. Charleston, WV 25309

Dear Sir or Madam:


I am writing concerning the proposed address listing of Registered Sex Offenders on the Internet. As the wife of a Registered Offender, this proposal is frightening to me. I hope that you will consider the danger you will be placing the families of Offenders in before making this new change. Having our address listed on the Internet is an open invitation to vandals or worse. I worry about my safety, my Husband's safety, and the safety of our home and property.

I fully understand your reason for this proposal, however I feel there must be a better way for people to become aware of potential dangers around them. Perhaps Offenders may be evaluated on an individual basis and listed according to their threat level. Or maybe Offender's addresses may be listed in a safer manner with restricted access.

I hope that you will take into consideration the people whose addresses will be listed along with the Registered Offenders, namely everyone in that person's household, and act accordingly. I don't think anyone, regardless of who they are, should be exposed in this manner.

Thank you for your time and your attention.

Sincerely,



Karen Thompson
PO Box 961
Princeton, WV 24740
(304) 384-7139

RECEIVED

JUN 1 2005

Planning & Research

5/27/2005

To Whom It May Concern,

In regards to making public the addresses of prior sex offenders; You will be making a big mistake. If they are made public, they will be harassed constantly. If they make someone, anyone, a neighbor or a jilted girlfriend mad at them they could be accused of wrong-doing again.

My Son-in Law is a convicted offender and he is always being accused of un-nice things even when we happened to be with him on various dates.

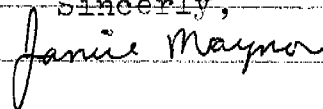
I'm also engaged to a sex offender who is still incarcerated. His ex-wife wanted a divorce and he said no, so her and his step-daughter accused him of ~~abusing~~ abusing the daughter. I've read the transcripts of the trial and they wouldn't even bring his witnesses to the trial.

So you see some of the convicted are really innocent. They can't even get good jobs because of these charges. They have enough trouble existing on the outside as it is. They don't need any more burdens added onto them.

Maybe some of the repeat offenders might need their addresses listed but surly not all of them.

Thanks for taking time to read my comments.

Sincerely,



Janice Maynor

RECEIVED

JUN 01 2005

Planning & Research

May 26, 2005

To Whom It May Concern:

I feel that the proposal to put the addresses of sex offenders on-line is ridiculous. I am the step-daughter of a sex offender and I don't feel that his complete address should be put on-line for everyone to see. Yes, he committed a crime and served time in jail for his crime. I feel that he has paid enough for this crime and should not be subject to anything else. He already must keep an up to date record with the police department and must notify them if anything changes. Isn't that enough? He doesn't even have contact with children anymore; he is currently working full-time and doesn't have time for anything else. He's a good man who made a mistake. Why must he be reminded of that every time someone else looks on-line for something?

I understand that every parent has a right to know if their children are safe, but don't these offenders have a right to the privacy of their own lives? These offenders have the same rights as everyone else. They should be able to move on with their lives and not be worried about someone knowing where they live. And another thing, what happens if someone vandalizes their house while they are at work or something? Will the people who did the vandalizing get away with it because "it was a sex offender's house"?

RECEIVED

JUN 01 2005

Planning & Research

Why is it that just the sex offenders are on-line? If you want to go as far as to put these "criminals" addresses on-line, why not do the same for murderers? They are just as dangerous to the children as these offenders. They could kidnap children and sexually abuse them, then kill them. Why is it that I can know if a sex offender lives near me, but not a convicted killer?

In closing, I again state that I feel that it is ridiculous to put the complete addresses of sex offenders on-line. It is an invasion of privacy. I support my step- father in that he is trying to move on from the mistake he made years ago. I suggest that you take a step back and look at this from an offender's point of view. Their human rights are in jeopardy. It's just not right.

Sincerely,

A handwritten signature in cursive script that reads "Ashley N. Maynor". The signature is written in black ink and is positioned above the printed name.

Ashley N. Maynor

F/Lt. Michael G. Corsaro

From: "tswecker" <tswecker@wvsp.state.wv.us>
To: "Jan Hudson" <jhudson@wvsp.state.wv.us>; "Tom Barrick" <tbarrick@wvsp.state.wv.us>; "Mike Corsaro" <mcorsaro@wvsp.state.wv.us>
Sent: Friday, May 27, 2005 4:41 PM
Subject: Fw: (no subject)

----- Original Message -----

From: WV State Police
To: Terri Swecker
Sent: Friday, May 27, 2005 2:49 PM
Subject: (no subject)

----- Original Message -----

Date: Fri, 27 May 2005 14:45:34 -0400 (Eastern Daylight Time)
From: Sherri <esuthsher@hotmail.com>
To: <troopers@wvstatepolice.com>

Please stop the State Police from putting street addresses on the registry... this will not help. All people cannot be trusted with this information!! If a past offender lives around you the police know it and they will handle the information correctly. For the public to have exact addresses could create a bad situation in that these people will become targets. If they are going to be targets they WILL begin to move. We will create a situation in which they cannot be tracked at all if we persist in this. There are other dangerous people out there, not just sex offenders, if they target people on this registry there will just be more crime...assaults, harassment, even murder are all possibilities. Then what will we do? Right now the authorities are aware of offenders and where they are...offenders may not be important to you and I can understand that, but they are people with families that will be hurt as well. There is a better way.

If I were being targeted...I would be constantly on the move. Do you expect these people to live in fear every day, after all they are still human. Some of the convictions on the registry are 20 or more years old with no recent offences. Some of these people have turned their lives around and are now decent people who deserve to live in peace. They are registered now but some will leave where they are if this happens and disappear. If they disappear... the police won't even be able to find them...then what? No man should be expected to live like that no matter what he did. I understand the need to know, but I believe it should be controlled so as not to create a "witch hunt".

Sincerely,
SLS

tswecker

From: "WV State Police" <wvtroopers@wvstatepolice.com>
To: "Tom Barrick" <tbarrick@wvsp.state.wv.us>; "Terri Swecker" <tswecker@wvsp.state.wv.us>
Sent: Thursday, May 26, 2005 8:20 AM
Subject: [Fwd: Endangerments]

RECEIVED

MAY 26 2005

Planning & Research

----- Original Message -----

Subject:Endangerments**Date:**Thu, 26 May 2005 00:31:31 -0400**From:**James Davis <DavisJms7@isp.com>**To:**<troopers@wvstatepolice.com>

This e-mail is about a news article viewed on channel 8 news at 11:00, May 25, 2005 about publishing sex offender addresses on the internet. I am probably wasting mine and your time with this e-mail, but you are the ones who enforce the laws idiots create. Unless you are a puppet, you must see the crimes our law makers are committing. When paranoid people are allowed to manipulate the law and use that law to endanger the life of any living being, whither righteous or criminal, the law cease to be and justice is thrown out the window. I believe police officers take an oath to protect and serve; with this farce, protect is eliminated. When the law is forced to show partialities, favoritisms and extreme prejudice to or for anyone, can it be called 'law'? When law makers give vigilantes power and justifications for their actions, they destroy the foundation of everything just. When you publish the identity of anyone on the internet, criminal or saintly, you open the lid on Pandora's Box and numerous crimes will be committed. The Fourth Amendment to the United States guarantees the right, to every American citizen, to be secure in their person and personal effects. When you publish peoples identities to public domain, does the breaking of any major law come to mind? I do not know your attitude about equal justice for everyone, but I take every right I am granted at birth, as an American citizen, serious. I pray that our law enforcement agencies are not becoming conscious-less puppets. I thank you for taking the time in reading my concern about publishing identities to public domains.

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5/26/2005

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JUN 22 2005

Planning & Research

June 15, 2005

Burnsville

W.V. 26335

State Police
Maj. David Williams

I read the article in the Charleston newspaper about making public sex offenders names and addresses. This is wrong!!!!

I am the wife of a sex offender, my daughter is his victim, my whole family has been affected by his actions. He has served his prison time, He is now home with me on home confinement, He bothers no one. He is not a threat to anyone, If you publish his name and address, We will have problems again.

We have had problems with one crackpot all ready, she got his name from the internet, she made threaten phone calls, she wrote nasty, nasty letters, she called the judge, she called the home confinement officer

trying to send my husband back to prison, she was a stranger, not related to our family in any way. She was being nosy, a menace to everyone. She should be locked up for harassment, but she is free, free to cause more pain and sorrow.

I very strongly object to anyone publishing our address and names. We had a wife to live in peace. It has been four years since all this happened. My family is just now getting back to normal and coping with what happened. Don't cause more pain and sorrow. Don't publish our names + address.

Patricia Cook
wife + victim

RECEIVED

JUN 22 2005

Planning & Research

Dear Lt Corsaro

The problem with specific sex offender address is that you are going to get some byelaws or crack pot becoming a vigilant and damaging property or committing violence against family members.

As you know 95% of sex offenses are committed by a person known to the victim

Any one can look up names in the phone book anyway.

So this publishing specific address does no good anyway
be harmful

Thank you

Police seek to publicize sex offender addresses

The State Police wants to make public the street addresses of people on the state's sex-offender registry.

A Web site maintained by the agency has the names, hometowns, counties and pictures of 1,700 people convicted of sex offenses. The registry includes those convicted of first- or second-degree sexual assault, first-degree sexual abuse, sexual assault of a spouse or multiple sexual offenses.

State Police Maj. David Williams said his agency has filed a request with the Secretary of State to include specific addresses. The public will be given 30 days to comment on the request.

"We feel this better serves the public," Williams said. "The public has a right to know and protect their children."

In 1993, the Legislature required people convicted of sex offenses to provide information to the State Police upon release from custody. In 1997, legislators required that information to be listed on a central registry. The list was made available to local police agencies, victims' rights and related groups, school sys-

tems and members of the public who made a special request through a circuit judge.

In 1998, another law required the State Police to make public the names and pictures of sex offenders by posting them on the Internet.

Anyone who would like to comment on the rule change must contact the State Police in writing. Send comments to Lt. M.G. Corsaro, 425 Jefferson Road, South Charleston, WV 25309.

kendye@citynet.net

Kenneth Dye
63 William Avenue
Jane Lew, WV., 26378

304-884-8115

7 June 2005

West Virginia State Police
725 Jefferson Road
South Charleston, WV., 25309

RECEIVED

JUN 08 2005

Planning & Research

Subject: Sex Offender Registry List Should Be Made Public

1. I think the full identification of all who have been named in a sexual misconduct charge of any degree, should be made available to the public, if there is any substance to the victim's complaint.

2. I think notification to the public should be made every time they go on the list, every time they change addresses/employment, and periodically there after. I think it should also pertain to Federal Agencies within the State.

3. I think there should be a National Sex Offender Registry List that is available to the public.

4. **Efforts to try to protect future victims is far more important than protecting the privacy of the perpetrator.**

5. The best case in support of this is Joseph Stanley SAPP. M/cau/DOB 1/12/1968:

a. SAPP is listed with WV State Police Sex Offender Registry, ID=2376. The Registry shows his work place as Tulsa, Oklahoma

b. I could not find his name listed with sex offenders with either The Oklahoma Department of Corrections, www.doc.state.ok or Tulsa Police Department, www.tulsapolice.org Both showing no record.

6. 2 Jun 05, Randy Lawmaster, Tulsa Police, notified me that according to someone named Terry at WV State Police, SAPP was back in WV. Lawmaster said he would inform Oklahoma Department of Corrections.

7. See attached separate report for additional information concerning SAPP.

Thank you for your time.



Kenneth Dye

Retired Command Sergeant Major, US Army

Retired Chief, Security and Law Enforcement, VA Hospital, Clarksburg, WV.

1 encl. as

Kenneth Dye

63 William Avenue

kendye@citynet.net

Jane Lew, West Virginia 26378

304-884-8115

7 June 2005

To: Whom It May Concern

Subject: a. **Joseph Stanley SAPP**, M/Cau/DOB-01/22/1968. 236-25-6305.

b. **BIO - Police Officer**, Louise A Johnson Veterans Administration Hospital, One Medical Center Drive, Clarksburg, WV., 26301, 17 May 1993 -until Jan/Feb 1997.

c. Education- **Bachelor of Science**, Major, **Criminal Justice (Law Enforcement - General)**, Minor in **Sociology**, 12/18/92, Fairmont State College, Fairmont, WV., 26554

7/2 1. My opinion of SAPP. SAPP was the type of individual with a silver tongue. He was an expert at manipulating people and things to make him look good. He could take anything, rearrange it and make it look as though it was all his brilliant doings that created whatever good thing that was taking place. He plagiarized and lied to make himself look good and others bad. There are still some at the VA Hospital who think highly of him regardless of the publicity with the sexual charges with a minor. SAPP did not fool most of those who worked directly with him very long.

2. SAPP while working under my supervision had, among others, some sexual related problems. A total of three sexual harassment complaints. Add to that his dealings with three female employees, who in their own different ways, stood out from other ladies. Three ladies, who, in my opinion, were very capable of handling any would be lothario in a forth right manner. Two make complaints to SAPP and he does not report their complaint. The third has her truck struck in the parking lot and SAPP enters her name in the log as receiving a parking violation. In my opinion he was using his authority to get back at them for rejecting his advances. Just my opinion but looking back in hindsight, things sure did lean that way.

a(1). Jun 2, 1995-received a complaint that SAPP had grabbed a female employee by her wrist, holding her against her will, while having a conversation of a personal nature with her. She had to exert force to jerk away from him. I recommended an investigation be conducted by someone other than the Police Section to determine if there was violation of the victim's rights under the fourth amendment, freedom from unlawful search and seizure.

(2) The decision was to go with a **sexual harassment** investigation. The resolution of this sexual complaint was SAPP'S and the complainant's tours of duty would never overlap, except during normal business hours. 08:00AM - 04:30pm, Mon-Fri, Holidays excluded. 7/2

2/8 (2) Complainant's duty schedule was not to be changed to meet this requirement. She worked in the Pharmacy.

(3) **note-**During this investigation, according to the investigator, SAPP, while on duty, after hours, without knocking, using the master key carried by the on-duty police officer, unlocked, opened, and entered her office. (This was against procedure. Police were required to make sure the door was locked. They were not to unlock and enter for any reason if the door was locked. Her door was locked with her inside). She stated SAPP was shocked to see her sitting at her desk working. She stated this was reported to the Associate Director, Robert MALONE. I didn't hear about this until the second sexual harassment charge was being investigated against SAPP).

b. Jul 4, 1995-Female Pharmacist receives an abusive phone call from an irate veteran. Having no luck with calming the individual, tired of the obscene and hostile language, she hung up on the caller and reported the incident to SAPP. SAPP did not make a police report of the incident. I received a written report from her as to what happen. SAPP said he didn't make a report because he didn't think what she told him warranted a report. He also said what she reported to me was different than what she reported to him. A check of the data files in the police office would have revealed that the individual making the call was not one of our best patients. SAPP was informed that he was to make a Uniform Offense Report (UOR) of any incidents of this nature. The UOR could be classified as a "Disturbance", if the incident failed to meet the classification of any other offense. Disturbance being classified in VA Policy as any disruption of the normal operation of the facility. (Remember-He has a 4 year degree in Criminal Justice-Law Enforcement General)

c(1). April 12, 1996-received written report from a female employee stating that on 8 April 96, she had reported to SAPP that on Friday, 5 April 96, someone had cut a tire on her car while it was parked in the VA parking lot, between 08:00AM - 04:30PM. No police report initiated by SAPP. SAPP stated he had asked her for a written report with "all pertinent information", so he could determine if the incident was VA related, and then make a report. He also stated, "but when she first reported it, I was uncertain of the incident taking place on VA property due to insufficient evidence". *a lot of words to say nothing while trying to cover his failures.* According to her, a Service Station Attendant in Charleston said the cut appeared to be deliberate.

(2). **Acts of vandalism** to vehicles in the different parking lots of the hospital, during normal operating hours, were not a problem, the almost eleven years I worked there.

d. Aug 14, 1996-Received complaint alleging possible sexual harassment. (Second one, turned out to be joking with male victim over phone). Investigation initiated.

e. Sep 96-Third sexual harassment complaint. (second one involving female) 2/8

N/D f. Sep 19, 1996- Female employee's vehicle parked in parking lot, taking up four parking spaces, is struck by a vehicle that leaves the scene. SAPP investigates, making three different journal entries on the same accident. One would have been sufficient. One of the three, utilizing her name, was on the female employee being issued a courtesy violation notice (CVN), for taking up three, not four, spaces. Police never use names in the journal when recording CVNs, just one blip of information showing how many were issued during their tour. SAPP with his 4 year degree has been working for over 2 years as a Police Officer. When asked why the use of name, SAPP replied, "I wasn't on *parking lot patrol* and it was her vehicle that was hit". Emphasis being placed on the phrase "parking lot patrol", as though it was different and special than any other. He went on to say he could have written her up for four spaces, instead of three, as she was in four. My reply to all of this was "you don't have to be on parking lot patrol to write a ticket and if she was occupying four spaces then put four, no more, no less. Police can not be perceived as showing favoritism or singling out individuals. He seemed to accept this at the time, but later on accused me again, for about the third or fourth time, of picking on him, using this as one of the examples.

3. When taken separately, items 2b, c, & f, are not all that earth shaking. Considering the three female victims, SAPP'S CJ Degree, and his experience as a VA Police Officer, makes it seem like retaliation on his part. I am thinking he had hit on them, was promptly put in his place by each, and now, given the opportunity, he is using his position to get back at them. Just my opinion.

4. Oct 2, 1996-a. Completed investigation of alleged sexual harassment received in Aug, with male victim. Investigation revealed, SAPP, over the phone as soon as the male victim answered, said, "give us more head". SAPP said he asked for a patient named Everete Morehead, because he thought the male clerk was giving some female nurses a hard time. He then changed his story and said he asked for a Dr Moorehead, for the same reason. It was horseplay between the females and the male, with the male resenting SAPP getting in on the action. SAPP, the on duty Police Officer had no reason to get involved. We did have a doctor at that time whose name was MOOREHEAD. You can picture for yourself what the horseplay was about.

b. This investigation also revealed;

(1) SAPP threatening to catch the male off post and "thump him one".

(2) SAPP, while joking around with some engineer employees and the joke got out of hand, became hostile and aggressive, stood up, placed his hands on his weapons and asked words to the effect "You want to make something out of it".

(3) SAPP spreading stories I had been promoted to GS-12 and the Police Officers are still GS-5. SAPP stated the Chief of Fiscal told him all Service Chiefs were GS-12. Chief, Fiscal denied discussing grade structure of any employee with SAPP or anyone else. This was brought to my attention because the union president entered my *2/8*

Page *3* of *7*, Incl 1, WV Sex Offender Law change, dtd 7 Jun 05, concerning SAPP, by

DYE *N/D*

2/8 office in a very hostile manner demanding to know why the Police Officers were not upgraded to GS6.

c. All of the above, plus some other comments showing SAPP in less than a favorable manner, was included in the investigation and sent forward with my conclusions, which were:

(1) All parties in the original complaint had shown poor judgment, that was not in the best interest of the hospital.

(2) SAPP, in all areas, had shown improper police procedure, hostility, immaturity, poor judgment, propensity to shift blame, and propensity to create dissension by starting rumors.

d. My recommendations were:

(1) Results of investigation be given to all service chiefs concerned for appropriate action.

(2) SAPP'S arrest authority be withdrawn and he terminated. If unable to terminate, reassign to duties other than in the police section. (To my knowledge, no action was ever taken on this report. The sexual harassment charge (female victim) initiated in September was still ongoing.

5. Jan/Feb 1997-SAPP is suspended, with pay, pending completion of the sexual harassment investigation initiated in September. (Note-earlier, during the investigation, the victim reported receiving threatening phone calls at her home, from an unknown person, concerning the complaint)

6. Sometime later SAPP resigns before the investigation is completed. I do not know what was done concerning the incident after he resigned. I was on sick leave, December through Mar 31, retirement effective 31 Mar 1997.

7. 1997 Rumor going around he is working at some Correctional Facility in North Carolina.

8. 1998 he is working as a Parole Officer, WV Department of Corrections. No one from Department of Corrections contacted me, his supervisor when he was working at the VA Hospital. Granted I retired Mar 31, 1997, but I wasn't hiding from anyone and could have been found very easily. If the Personnel Department was contacted apparently they did not reveal any of the above. Or else WV Department of Corrections hired him with that knowledge.

9a. 10 April 1998 I provide, in writing a lot of this information to the Sheriff of Lewis County. Included was a copy of the statement I gave to the Investigating Team during the 2/8

Page 4 of 7, Incl 1, WV Sex Offender Law change, dtd 7 Jun 05, concerning SAPP, by DYE 2/8

7/2 second sexual harassment charge involving a female. I blacked out the names of the victims.

b. 16 April 1998 his office forwards it to WV Department of Corrections, providing me with a copy of their cover letter.

10. 21 Apr -18 May 1998 exchange letters with the Director of the VA Hospital, Michael Neusch over me giving this information to the Sheriff. He suggested I might be doing something wrong, that I might still have official government documents in my possession, and I might wish to seek legal advice. I told him the only "Official Documents" I had in my possession were copies of statement or reports that I had made and signed. I also told him I felt I was entitled to those copies, to do with as I saw fit, and I didn't think I was doing anything wrong. I never heard from him again.

11a. November 2000 Governor Elect Wise, as reported by the Clarksburg Telegram, Tuesday afternoon, 14 Nov 2000, did not reappoint SAPP to the Parole Board.

b. Rumor control had it he was still working for Parole Board, after Governor Wise took office, due to back log of cases.

c. Rumor control also had it that there were a couple of incidents involving some females that were looked at but never made public.

d. I am not sure about b or c.

12. Oct 28, 2001, arrested by Sgt. Mark Davis, Upshur County Sheriff's Department, on one count of sexual abuse by a parent, guardian, or custodian. Davis saying the investigation was continuing. At time of arrest female victim was 14 years old. (Buckhannon Record/Delta, 5 Aug 2002).

13. 15 Jan 2002, SAPP indicted by Upshur County Grand Jury on 24 charges. 8 felony counts of third-degree sexual assault, 12 felony counts of sexual abuse by a parent, guardian, or custodian, and four misdemeanor counts of third degree sexual abuse. The incidents occurred over a four year period and involved a female under the age of 16 under SAPP'S care. (Reference Buckhannon/Record Delta, 16 Jan 2002).

14. a. Jan/Feb 2002, Mrs. SAPP calls me on the phone asking if I will provide what I know to her divorce lawyer. Being gun-shy from Neusch's letters, knowing how manipulative SAPP was and not knowing Mrs. SAPP'S true feelings or intentions of the phone call, I told her I would only respond to an official request written on her lawyer's letterhead. A female claiming to be Mrs. SAPP'S lawyer later called, and I told her the same thing. 7/2

7/2
b. I received this request, dated 21 February 2002, from a Nancy K. Quinn, of the Law Offices of Cornelia Reep, 120 South Fourth Street, Clarksburg, WV. I started working and generated a 14 page report on 3.5 floppy disc.

15. 10:00AM, 28 Feb 02, I enter the law office. Showed Quinn's letter to the receptionist. Tell her "I am Dye and the info requested by Quinn was on this floppy disc. Print one copy. I will sign, then you Xerox me a copy of what I have signed and I will be on my way." At this time a second lady in the office in a very abrupt tone started what I consider an interrogation of me. I have had to put up with to many cross examinations by defense lawyers where they talked down to me, and to many sessions with the union and SAPP where I was talked down to, to go through it from the lawyers who supposedly are trying to help Mrs. SAPP, who I am trying to help. I picked up my letter, 3.5 disc and walked out.

16. 24 Feb 2003. A&E Television Network aired a program on WV Parole Board. SAPP was the lead interviewer for the sexual offender applying for parole on this program. I e-mailed some of the above information to www.AETV.com, at 3:15pm, Tuesday, 25 Feb 2003. I don't recall receiving a reply back from them.

17. a. Sometime in 2004, SAPP appears to have worked out a "Plea Bargain". There was no notification of him ever being on trial. What we heard was he was given 2 years home confinement for 2 counts 3rd Degree Sexual Assault and placed on the sex offender registry.

b(1). I, SAPP'S supervisor for over 3 and a half years, was never contacted by any one from the Prosecutor's Office, for any information I may have been able to provide. The only information any one had from me was what I had provided, of my own free will, to the Sheriff, who forwarded a copy to the WV Department of Corrections. The Director, Michael Neusch, VA Hospital, Clarksburg, WV., seemed a bit upset about that.

(2). On the other hand, as manipulative, sneaky, underhanded, and out right devious as SAPP is, it would not surprise me to hear there is a glowing letter of praise from me about SAPP somewhere in his file with the Department of Corrections.

(3) For The Record. Feb 1993 I did write one. Per his request. It was dated 2 Feb 1993, three months before he was hired by me as a Police Officer. It was written after he graduated from college 18 Dec 1992. It was based on my knowledge of him while he was a work study student going through college. That is the only one. His actions after being hired, negated every good thing I said about him, while he was a work study student

18a. According to a phone call received 2:15PM, 2 Jun 05. SAPP is not working in Tulsa, OK. He was but he is back in WV now. 7/2

7/19
b. 6 Jun 2005 @ 5:21PM, The WV State Sex Offender Register still had his work place as Tulsa, Oklahoma.

19. In my opinion, SAPP will strike again, if he has not already. Others who know him also seem to think this way.

20a. Yes. The public needs to be informed about all illegal sexual activities committed by either a female or male. Their activities need to be made public every time they change addresses, employment, and if no change, every six months. Notice in paper like is done with delinquent taxes.

b. A National Sex Offender List should be set up on the Internet with its own web address. Mass advertisement to notify the public of list and web address. This list in addition to the State's list. Easy access to this list by any who so desire.

c. Efforts to try to protect future victims is far more important than protecting the privacy of the perpetrator.

21. Andrew Vachss, writing in The Parade magazine, page 16, June 5, 2005, has an article that is very interesting reading. 7/19

Thank you for your time.



Kenneth Dye

Retired Command Sergeant Major, US Army

Retired, Chief, Security and Law Enforcement, VA Hospital, Clarksburg, WV.

Lieutenant M-G Corsaro,

I am a concerned resident of Black Betsy, WV. I read your statement regarding sex offenders on the internet and unfortunately there is one in our neighborhood is a registered child sex offender. Residents in Black Betsy that know this person: P.M. (Poca) - will always have a fear when their children go out to play. I know it is the parents responsibility to keep tabs on your children, but all it takes is just a split second. My children are grown and I have always taught them right from wrong and to respect the law. I wish all parents would teach their children. P.M.'s home even had a meth lab problem a few months ago and of course he is still at home, and I think this is wrong. They race up and down the roads, gravel flying, and alot of activity during late hours.

There is another person that lives in the area and all he does is ride his 4-wheeler like a bat out of H., destroying land that does not belong to him, racing up and down the railroad tracks. He always seems to manage to out run the law. I am so sick of this and I know other people are too, but we fear to say anything for what will happen.

If you please, could the deputies or whoever, do a drive-by everynow and then on Eastside Drive. I am sorry I cannot give you my name because *I am afraid*. I know the law has their job to do and I know that you all are very busy, but it is like the Indy 500 here. It is really a shame!

Tips: White (sets low) chevy truck
Junk Yard Lot
4-wheelers 10-Midnight not to mention all evening.
Late Night Traffic

I really hope that you can help! The Putnam Co. deputies don't seem concerned at all. If a law officer would park and sit on the Church lot across the RR Tracks at Black Betsy and roll his window down and listen for the guys coming out of Eastside Drive..and they squeal their tires racing up towards Poca, you could definitely write some tickets. If they know that you are there....they forewarn everyone else. They have CB's I am almost sure because this one guy, the law can't catch him. There are several people that have 4-wheelers in the area but they know how to ride them.

Please Please Help!
Law abiding
Tax Paying Citizen

•

RECEIVED

JUN 16 2005

Planning & Research

Mr./Mrs. Jim and Ella Pennington
157 Patteson St.
Beckley, WV 25801
USA

RECEIVED

JUN 8 2005

Planning & Research

June 6, 2005

WV State Police
Planning and Research Section
725 Jefferson Road
South Charleston, WV 25309

Dear Sirs/Madams.

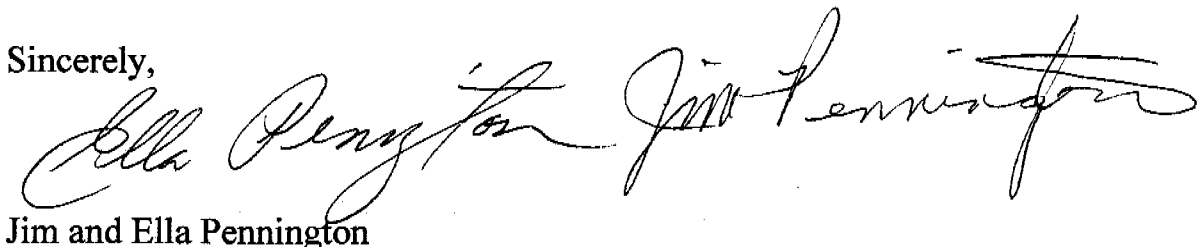
Please consider our suggestion: Require sex offenders to continue lifetime registration of their whereabouts/residence. If they move they should be required to notify authorities. Failure to do so should result in automatic jail sentence.

Serious sex offenders should receive a life sentence and if they are released, it should be on lifetime parole. One condition of parole should be continued registration and if they violate that they should return to prison.

As you are aware, research has shown that these offenders cannot be rehabilitated. **We urge you to consider these suggestions for the safety and well-being of our communities and our precious children.**

Thank you for this opportunity to express our opinions.

Sincerely,



Jim and Ella Pennington

RECEIVED

JUN 02 2005

Planning & Research

Amy Walls
Clarksburg, WV
May 31, 2005

F/Lt Michael G. Corsaro
West Virginia State Police
Planning and Research Section
725 Jefferson Road
South Charleston, WV 25309

F/Lt. Corsaro:

I am writing to you in response to the call for public comment for listing street addresses of registered sex offenders. As a lifetime citizen of our state, and as a parent of four children, this issue is one of importance to me, and one I have given a lot of thought to.

When researching online availability of offender street addresses, two states come to mind. Currently, the state of Oregon does not have a publicly accessible website to view registered offenders. Public awareness is achieved mainly through community notification and the providing of a phone number to request lists of offenders. In contrast, the state of Florida has a website, and lists street addresses of registered offenders. If we are to judge these policies purely by media coverage, the logical conclusion would be that Florida has had the most trouble with occurrences of sex related crimes compared to Oregon. In my opinion, the listing of street addresses of registered offenders has neither hindered nor reduced new sexual crimes. I would also mention that several news stories have emerged in most recent months of citizens engaging in harassment and vigilantism behaviors in Florida, in spite of the fact that their own laws supposedly prohibit this, resulting in registrants losing viable jobs, housing, and in one case, the suicide of a registrant.

Even if there is little public sympathy for the death of a sex offender, acts of the public in regard to protests, vandalism, and harassment will most surely tie up the resources of local law enforcement, which will be called upon to preserve order. The rural nature of many of our communities in this state may lend itself to these types of situations.

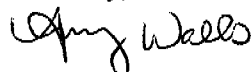
While it is imperative that we continue to provide safety to the citizens of West Virginia, there are some key issues that should be addressed. West Virginia is one of the few states that do not have a "tiered" system when classifying offenders. The only designations, if I am correct, are between Predatory and Non-predatory offenders. This definition is continuously blurred by the interchanging of the words "predator" and "offender" by the media and other organizations. As a concerned parent, I have educated myself as to the differences between

offenders and predators. I am now aware that the offenses committed by sexual offenders cover a wide range of sexually-related crimes, some of which involve no victim, or quite often involve people within family or caregiver relationships, thus reducing the fear of "stranger danger". There are even cases of false allegation that were settled via plea bargain agreements prior to the advent of the registry. Because our current law was applied retroactively, these individuals are now forced into registry status, without the benefit of further review by the board. This information is unavailable about individuals on the registry, which only serves to enhance the fear currently gripping the public. Certain individuals here, claiming to represent activist groups, are also engaging in whipping local citizens into a veritable frenzy over an isolated local case involving an individual and a minor. While I do not wish to downplay the seriousness of his alleged crime, the fact is that no sexual crime was committed. This fact is overlooked when presented in community "awareness" meetings, which I have been present in. The focus seemed not to be on education of the public about the current system in place, good and bad, but only on advancing proposals to place yet more restrictions on registrants.

I urge you to promote changes that will positively affect all citizens of our state. Continue to advocate, as I do, for parents to be involved in all aspects of their children's lives. Press for clarifications or tiers in the registry or eliminate individuals that are not a threat to the public at large. To me, this will make our jobs protecting our children and citizens easier by focusing on the individuals that truly need to be "watched out for" as much as that is possible in today's society.

Thank you for allowing my comments to be heard.

Sincerely,

A handwritten signature in cursive script that reads "Amy Wells".

Clarksburg, WV

George A. Hall, Parkersburg, WV

May 27, 2005

Dear Lt. Corsaro:

I received this address notice from the Parkersburg paper. I know there is a lot of public pressure to release addresses of the those on the sexual offenders list. Great wisdom must be used in this.

I am only favorable to releasing names of, and addresses for, those who are a true public threat. There are some on this who were / are only misdemeanors offenders. There are after cases of "Romeo + Juliet" cases where two people were barely on different sides of an age of consent when a pregnancy brought the matter to a court for custody, etc. Such a misdemeanor case should never put one on this list in the first place, especially those whose offense was before the list had been established.

Can you make such distinctions before a list of addresses is published? At least ask the attny General's advice to see if such latitude can be allow.

Thanks for paying attention to public comments.

Sincerely,
George A. Hall

RECEIVED

JUN 1 2005

Planning & Research

FILED

TITLE 81
PROCEDURAL RULE
WEST VIRGINIA STATE POLICE

2005 JUN 24 4:08 PM

SERIES 14
REGULATIONS AND PROCEDURES
PERTAINING TO THE WEST
VIRGINIA
SEX OFFENDER REGISTRATION
ACT

OFFICE WEST VIRGINIA
SECRETARY OF STATE

as the Board, a board created within the Division of Military Affairs and Public Safety whose primary purpose is to assist the circuit courts by delivering a report forth the findings and recommendations of the board on whether a person before the sentencing court is a sexually violent predator.

81-14-1. General.

1.1. Scope. -- This procedural rule explains the responsibilities and the administration of the West Virginia Sex Offender Registry, the community notification/education program, the West Virginia Sex Offender Registration Advisory Board and the responsibility of sex offenders required to register, incarceration facilities, probation or parole officers, sentencing courts, Circuit Court, Prosecuting Attorney, State Police, all law enforcement agencies, community or religious organizations and the public. The Sex Offender Registration Act is regulatory in nature and is not penal. The provisions of this Act apply retroactively and prospectively.

1.2. Authority. -- This rule is issued under authority of W. Va. Code §15-12-1 et. seq. and §62-12-2, as amended.

1.3. Filing Date. -- June 24, 2005.

1.4. Effective Date.-- August 1, 2005.

81-14-2. Definitions.

As used in this rule, unless in a context that clearly requires a different meaning the following terms are defined as such:

2.1. Board - The Sex Offender Registration Advisory Board, hereon known

2.2. Bodily injury - substantial physical pain, illness or impairment of physical condition.

2.3. Central Registry - hereon known as the Registry, the West Virginia Sex Offender Registry maintained by the West Virginia State Police and housed in the Criminal Records Section.

2.4. Deadly weapon - any instrument, device or thing capable of inflicting death or serious bodily injury and designed or specially adapted for use as a weapon or possessed, carried or used as a weapon.

2.5. Forcible compulsion - as defined in article §61-8B-1, as amended, of the West Virginia Criminal Code, physical force that overcomes such earnest resistance as might reasonably be expected under the circumstances; or threat or intimidation, expressed or implied; placing a person in fear of immediate death or bodily injury to himself or herself or another person will be kidnapped; or fear by a person under sixteen (16) years of age caused by intimidation expressed or implied by another person who is at least four (4) years older than the victim.

2.6. Mental abnormality - a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

81CSR14

2.7. Predatory act - any act directed at a stranger, family member or at a person with whom a relationship has been established or promoted for the primary purpose of victimization.

2.8. Post conviction supervisory status - monitored or supervised behavior of the person following their conviction or release from incarceration. This status may include, but is not limited to, probation, parole, home detention or work release.

2.9. Sex Offender Registration Act - hereon known as the Act, article §15-12-1 et. seq., as amended, of the West Virginia Criminal Code, that sets forth the duties of various entities as it pertains to the registration of sex offenders and the duty of the West Virginia State Police to promulgate rules prescribing the manner of registration procedures.

2.10. Sexual criminal offenses - those offenses that require registration as a sexual offender upon conviction or when found not guilty by reason of mental illness, mental retardation or addiction. These offenses include, but are not limited to, §61-8B-3, 4, 5,6,7,8, or 9, §61-8C-2 or 3, §61-2-14, §61-8-6 or 7, §61-8D-5 or 6, §61-8-12 and §61-11-8 (attempt to commit the previous offenses). These also include, but are not limited to, offenses with similar provisions in another state, federal or military jurisdiction.

2.11. Sexually violent offenses - any criminal offense set forth in §61-8B of the West Virginia Criminal Code as amended, or offenses with similar provisions in another state, federal or military jurisdiction that include forcible compulsion, bodily injury or the use of a deadly weapon or any violent offense(s) that is determined by a court of competent jurisdiction to be sexually motivated.

2.12. Sexually violent predator - a person who has pled guilty to, has been convicted or found not guilty by reason of mental illness, mental retardation or addiction, of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes a person likely to engage in predatory sexually violent offenses.

2.13. Sex offender - a person convicted of any of the offenses referred to in W. Va. §15-12-2 as amended, or offenses with similar provisions in another state, federal or military jurisdiction, or a person convicted of the attempt to commit the above referred offenses or a person that was found not guilty of the above referenced offenses by reason of mental illness, mental retardation or addiction or a person convicted of a criminal offense, which at the time of sentencing, was found by the sentencing judge to have been sexually motivated.

2.14. Vehicle information - make, model, color, year and license number of any vehicle the person has registered in his or her name or to which he or she has regular access.

2.15. Address - any current physical address(es) including the mailing address.

2.16. Physical address - the actual location of the residence(s).

2.17. Family member - as defined in §48-27-204 of the WV Code, as amended.

81-14-3. Purposes.

3.1. Assist local law enforcement agencies efforts to protect their communities by regulating how sex offenders register with the Sex Offender Registry at their local State Police detachments.

3.2. Give local communities adequate notice and information regarding persons residing within a specific county, through the community notification program and quarterly releases of offender lists, so the community can develop constructive plans to adequately protect themselves and their children.

3.3. Inform the community, law enforcement, criminal justice entities and the person of their rights and responsibilities as it pertains to the Act.

3.4. To prescribe the manner of how a person is to register and the manner of how information pertinent to the registry originating from the probation officers, parole officers, courts, and law enforcement officers is to be forwarded to the Registry.

81-14-4. Objectives.

4.1. To enter all sex offenders into the Registry as prescribed in W. Va. Code §15-12-1 et. seq., as amended, in a timely and accurate manner.

4.2. To form collaborative partnerships with West Virginia Prosecuting Attorneys, family related community organizations and victim advocates in conducting community notification/education programs.

4.3. To conduct community notification/education programs that provide education for the community on characteristics of sex offenders, the sex offender registry law, strategies for protecting an individual and their children and the resources available for victims.

4.4. Educate the public through the community education program to reduce inappropriate actions by citizens.

4.5. Inform public entities and care givers as prescribed by W. Va. Criminal

Code §15-12-1 et. seq., as amended, of the sex offenders residing, working, attending school or visiting for more than fifteen (15) continuous days in their areas.

81-14-5. Intent, Findings and Severability.

5.1. Legislative Intent and Findings: The intent of the Sex Offender Registration Act is to assist law-enforcement agencies efforts to protect the public from sex offenders by requiring sex offenders to register with a State Police detachment in the county where they reside, work, attend school or visit for more than fifteen (15) continuous days and by making certain information about sex offenders available to the public. It is not the intent of the Legislature that the information be used to inflict either retribution or additional punishment on any person requiring registration under the West Virginia Sex Offender Registration Act.

5.2. Severability. If any sections or subsections of this rule are determined to be invalid, it shall not be construed to invalidate any of the provisions not otherwise affected.

81-14-6. Persons Required to Register.

6.1. All persons who are convicted, enter a plea of guilty or found not guilty by reason of mental illness, mental retardation or addiction, of committing any of the following criminal sexual offenses are to register;

6.1.a. Sexual assault in the first degree, W. Va. Code §61-8B-3, as amended,

6.1.b. Sexual assault in the second degree, W. Va. Code §61-8B-4, as amended,

6.1.c. Sexual assault in the third degree, W. Va. Code §61-8B-5, as amended,

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6.1.d. Sexual assault of a spouse, W. Va. Code §61-8B-6 (repealed as of June 7, 2000),

6.1.e. Sexual abuse in the first degree, W. Va. Code §61-8B-7, as amended,

6.1.f. Sexual abuse in the second degree, W. Va. Code §61-8B-8, as amended,

6.1.g. Sexual abuse in the third degree, W. Va. Code §61-8B-9, as amended,

6.1.h. Incest, W. Va. Code §61-8-12, as amended,

6.1.i. Detention of person in place of prostitution, W. Va. Code §61-8-6, involving a minor, as amended,

6.1.j. Procuring for house of prostitution, W. Va. Code §61-8-7, as amended,

6.1.k. Abduction of person, kidnapping or concealing a child, W. Va. Code §61-2-14, as amended,

6.1.l. Use of minors in filming sexually explicit conduct, W. Va. Code §61-8C-2, as amended,

6.1.m. Distribution and exhibiting of material depicting minors engaged in sexually explicit conduct, W. Va. Code §61-8C-3, as amended,

6.1.n. Sexual abuse by parent, guardian or custodian, W. Va. Code §61-8D-5, as amended,

6.1.o. Guardian or custodian allowing sexual abuse to be inflicted on a child, W. Va. Code §61-8D-5, as amended,

6.1.p. Displaying of sex organs by a parent, guardian or custodian, W. Va. Code §61-8D-5, as amended,

6.1.q. Sending, distributing, exhibiting, possessing, displaying or transporting material by a parent, guardian or custodian, depicting a child engaged in sexually explicit conduct, W. Va. Code §61-8D-6, as amended,

6.2. All persons who are convicted, enter a plea of guilty or are found not guilty by reason of mental illness, mental retardation or addiction of attempting to commit, W. Va. Code §61-11-8, as amended, any of the previous criminal sexual offenses are to register.

6.3. All persons convicted of offenses with similar provisions in another state, federal or military jurisdictions are to register in West Virginia if they reside, work, attend school or if they visit for more than fifteen (15) continuous days in the state.

6.4. All persons convicted of any criminal offense, which at the time of sentencing, was found by the sentencing judge to have been sexually motivated are to register.

81-14-7. Duration of Registration.

7.1. Persons required to register shall comply with this rule, except during periods of incarceration, for a minimum period of ten (10) years from the time of release from prison or jail or from the time the person entered a plea of guilty or was convicted prior to actual incarceration.

7.2. Certain persons are required to register for life. The conditions for lifetime registration include:

7.2.a. One or more prior convictions or any finding of not guilty by reason of mental illness, mental retardation or addiction, of a qualifying offense;

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7.2.b. Conviction or a finding of not guilty by reason of mental illness, mental retardation or addiction of a sexually violent offense or any violent offense determined to be sexually motivated, or;

7.2.c. The person has been determined to be a sexually violent predator or;

7.2.d. The victim of qualifying offense was a minor or;

7.2.e. The qualifying offense involved multiple victims or multiple violations of a qualifying offense.

81-14-8. Responsibilities of Administrators of Incarceration Facilities, Probation or Parole Officers.

8.1. Administrator, probation or parole officers include, but are not limited to:

8.1.a. Commissioner of Corrections or his/her delegated agent or;

8.1.b. Regional jail administrator or his/her delegated agent or;

8.1.c. Chief or Sheriff operating a jail or his/her delegated agent or;

8.1.d. Probation officer or;

8.1.e. Parole officer or;

8.1.f. Such person who supervises the person to be registered following their release from incarceration.

8.2. Release from incarceration shall include, but is not limited to:

8.2.a. Granted probation or;

8.2.b. Granted a suspended sentence or;

8.2.c. Release on probation or;

8.2.d. Release on parole or;

8.2.e. Release on home detention or confinement or;

8.2.f. Release on work release or;

8.2.g. Discharge the sentence or;

8.2.h. Any other type of release from incarceration.

8.3. The administrator, probation or parole officer who supervises a person required to be registered or accepts supervision of a person registered as a sexual offender from another state, shall within three (3) business days of receiving notification of the persons release, obtain the information required by way of a written notice.

8.3.a. The written notice shall be completed on a WVSP Form 170 (Sex Offender Registration and Verification Form) or an agency equivalent and shall include:

8.3.a.1. Full name of the person to be registered including any aliases, nicknames and other names used by the person.

8.3.a.2. Full address, including any and or all county(ies), where the person resides or intends to reside, works or attends school at time of registration and;

8.3.a.3. Name and address of employer or place of occupation at time of registration or any anticipated future employers or places of occupation and;

8.3.a.4. Name and address of any school or training facility the person is attending at time of registration or expects to attend and;

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8.3.a.5. Person's social security number and;

8.3.a.6. Recent photographs of the person and;

8.3.a.7. Brief description of the crime for which the person was convicted and;

8.3.a.8. Right thumb print and;

8.3.a.9. If applicable, the name and telephone number of the probation or parole officer and;

8.3.a.10. Jurisdiction of arrest or conviction and;

8.3.a.11. The date of conviction and;

8.3.a.12. If incarcerated, the date of release from incarceration and;

8.3.a.13. If the person has been determined to be a sexually violent predator, the notice shall also include:

8.3.a.13.A. Identifying factors, including physical characteristics and;

8.3.a.13.B. History of the offense and;

8.3.a.13.C. Documentation of any treatment received for mental abnormality or personality disorder.

8.4. The administrator, probation or parole officer shall have the person sign and date the inverse side of Form WVSP 170 (Sex Offender Registration and Verification Form) advising the person of their responsibility to register.

8.5. The administrator, probation or parole officer, shall send the original Form

WVSP 170 (Sex Offender Registration and Verification Form) to the Registry and a copy to the State Police detachment in the county(ies) where the person will reside, work, attend school or will visit for more than 15 continuous days.

8.5.a. A copy of Form WVSP 170 (Sex Offender Registration and Verification Form) will be maintained by the administrator, probation or parole officer and;

8.5.b. A copy of the completed Form WVSP 170 (Sex Offender Registration and Verification Form) shall be given to the person to be registered.

8.6. The administrator, probation or parole officer shall have the signatures applied to the Form WVSP 170 (Sex Offender Registration and Verification Form) notarized. The form shall have an embossed/raised official seal or official stamp of the controlling government agency placed upon said form.

81-14-9. Responsibilities of the Sentencing Court.

9.1. At the time the person is convicted of the crimes set forth in 6.1 of this procedural rule, the sentencing court shall:

9.1.a. Inform the person so convicted of the requirements to register imposed by this article and shall further satisfy itself by interrogation of the defendant or his or her counsel that the defendant has received notice of the provisions of this article and that the defendant understands said provisions.

9.1.b. Have the person sign in open court, a statement acknowledging that the person understands the requirements imposed by the Act.

9.2. The sentencing court shall determine if a person who has been convicted of a sexually violent crime is a sexually violent predator or is no longer a sexually violent predator.

9.2.a. The proceeding to determine if a person is a sexually violent predator shall be initiated by the filing of written information by the Prosecuting Attorney.

9.2.b. The proceeding to determine if a person is no longer a sexually violent predator shall be initiated by the filing of a petition by the person who has been determined to be a sexually violent predator providing that the underlying conviction has been reversed, vacated or set-aside.

9.3. Before determining sexually violent predator status, the sentencing court may order a psychiatric or other clinical examination. After such examination, the court may further order a period of observation to be conducted at an appropriate facility within the state. The choice of the facility is to be made after consulting with the Director of the Division of Health.

9.4. Before determining sexually violent predator status, the court shall, by order, request a report from the Board.

9.4.a. The order shall be issued within thirty (30) business days of the filing of the information by the Prosecuting Attorney or a petition by the person.

9.4.b. The court shall forward its order, the information or petition, as well as the entire criminal record, all medical and/or psychiatric records and any other relevant materials to the Board.

9.4.b.1. The court order shall provide that any and all records, documents and materials received by the Board are

confidential and not subject to public disclosure or dissemination.

9.5. At the hearing to determine sexually violent predator status the court shall:

9.5.a. Allow the person whose status is in question to be present.

9.5.b. Allow the person whose status is in question to be represented by counsel, introduce evidence and cross-examine witnesses.

9.5.c. Allow the person whose status is in question access to a summary of the medical evidence to be presented by the state.

9.5.d. Allow the person whose status is in question to be examined by an independent expert of their choice and use this experts testimony as evidence on their behalf.

9.5.e. Make a finding of fact on the person's sexually violent predator status based on a preponderance of the evidence.

9.6. The clerk of the court shall forward a copy of the court's final order and the following information to the Registry by certified or registered mail.

9.6.a. Name of the offender and;

9.6.b. Date of birth and;

9.6.c. Social Security number and;

9.6.d. The crime for which the person was convicted and;

9.6.e. Date of conviction and;

9.6.f. Sentence imposed.

9.7. The court may, at the time of sentencing of any criminal offense that is

not covered in 6.1 of this procedural rule, determine that the offense was sexually motivated, thus requiring the person convicted of the offense to register as a sex offender.

81-14-10. Responsibility of Circuit Court.

10.1. A Circuit Court may, upon petition by a resident of a county, order the Registry to release information about persons residing in that county that are required to register.

10.1.a. When petitioned to release information, the court shall determine if the requested information is relevant to public safety and outweighs the need for confidentiality of the person(s).

10.1.a.1. The court may further order limitation upon secondary dissemination of the information released by the Registry by the resident seeking the information.

81-14-11. Responsibility of the Prosecuting Attorney.

11.1. Following the conviction of a person required to be registered or when receiving knowledge that a person required to be registered is being released from incarceration, the Prosecuting Attorney may initiate proceedings seeking to establish that a person is a sexually violent predator by filing of a written information with the circuit court that sentenced the offender.

11.1.a. The written information shall describe a record of judgment of the court regarding the person's conviction.

11.1.b. The written information shall contain a short and plain statement of the claim that the person suffers from a mental abnormality or personality disorder

that makes the person likely to engage in predatory sexual offenses.

11.2. When notified that a sexually violent predator intends to reside in their county, the Prosecuting Attorney shall, in cooperation with the Registry, conduct a community notification/education program.

11.3. When notified that a person required to register for life intends to reside in their county, the Prosecuting Attorney shall cooperate with the Registry in conducting a community notification/education program.

81-14-12. Sex Offender Registration Advisory Board.

12.1. General.

12.1.a. The scope of the Sex Offender Registration Advisory Board is defined in W. Va. Code §15-12-2 (b), as amended. The Act is regulatory in nature and not penal. The provisions of the Act apply retroactively and prospectively.

12.1.b. Liberal Construction. The provisions of this rule will be liberally construed to permit the Board to discharge its statutory functions and to secure just and expeditious determination of all matters before the Board; therefore, for good cause, the Board may, at any time suspend the requirements of any of these regulations.

12.1.c. Immunity. The Board shall be immune from civil liability for damages arising out of any action for carrying out its responsibilities in the administration of W. Va. Code §15-12-1 et. seq., as amended, except when the board acts with gross negligence or in bad faith.

12.1.d. Delegation of Powers and Duties. Except where contrary to law, the

Board may delegate any of its powers to the employees or agents of the Board.

12.1.e. Meetings. The West Virginia Sex Offender Registration Advisory Board shall meet as called for by the Board President, a majority of the Board members or the Secretary of the Department of Military Affairs and Public Safety. A quorum consists of three members, one of whom shall be a mental health professional. Meeting location will be at the discretion of the Board President.

12.1.f. Mail. The West Virginia Sex Offender Registry located at West Virginia State Police Headquarters, shall be responsible for the receipt of all correspondence and requests for reports from the courts.

12.2. Referral by Circuit Court.

12.2.a. After the court sentences a person convicted of a sexually violent offense as provided in W. Va. Code §15-12-2 et. seq., as amended, and upon the commencement of a summary proceeding, the court shall, by order, request a report from the West Virginia Sex Offender Registration Advisory Board. The order shall be issued within thirty (30) business days of the filing of the information by the prosecuting attorney or a petition by the sex offender.

12.2.b. The report shall set forth the Boards findings, conclusions and a recommendation on the issue of whether the sex offender is or is not a sexually violent predator subject to the registration requirements in W. Va. Code §15-12-4, as amended, or is no longer a sexually violent predator.

12.2.c. The court shall request and receive the report prior to the hearing to determine if the sex offender is or is not a

sexually violent predator or is no longer a sexually violent predator.

12.2.d. The court order, the information or petition as well as the entire criminal record, all medical and/or psychiatric records and any other relevant materials shall be forwarded to the West Virginia Sex Offender Registration Advisory Board, West Virginia State Police Headquarters, 725 Jefferson Road, South Charleston, West Virginia 25309.

12.2.e. The court order shall provide that any and all records, documents and materials received by the Board are confidential and not subject to public disclosure or dissemination.

12.2.f. Faxed materials are accepted only if the original documents are received within five (5) business days of the date of the fax transmission.

12.2.g. Submission dates shall be determined by postmark, or if hand-delivered, by office receipt stamp and the date of the fax transmission.

12.2.h. Upon receipt of the court order and all relevant documents, the Sex Offender Registry shall forward copies of the same to each member of the Board. All copies of documents mailed or delivered to individual Board members shall be destroyed by the Registry after the Board issues its findings, conclusions and recommendation to the court. The original shall be maintained at the office of the Sex Offender Registry.

12.2.i. In the event the Board is unable to make a decision based on the information provided by the court, the Board shall inform the court of the specific information needed to make findings, conclusions and a recommendation. The Board may request the court to order the

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information listed in 12.3.c. of these procedural rules be made available.

12.3. Duties of the Sex Offender Registration Advisory Board.

12.3.a. The Board shall issue a report setting forth its findings, conclusions and a recommendation within thirty (30) business days from the date the Board received the courts order requesting the report.

12.3.b. The Board shall consider all case records, interview data, mental health and treatment summaries, relevant materials submitted by the sex offender as well as any other relevant documents that have been timely submitted to the Board.

12.3.c. Other factors that may be considered include, but are not limited to, are:

12.3.c.1. The sex offender's criminal record from the National Criminal Information Center (NCIC) and the Interstate Identification Index (III) or other legal jurisdiction criminal record;

12.3.c.2. Probation and parole records;

12.3.c.3. A copy of the original criminal complaint;

12.3.c.4. The police investigation report;

12.3.c.5. Witness statements;

12.3.c.6. A copy of the indictment;

12.3.c.7. A copy of the plea agreement;

12.3.c.8. The victim(s) impact statement;

12.3.c.9. The sex offender's use of alcohol, illegal drugs and misuse of prescription drugs;

12.3.c.10. Psychological and psychiatric assessments defined by the Board;

12.3.c.11. Participation in sex offender programs in and/or out of correctional facilities;

12.3.c.12. Any mental illness or mental disability of the sex offender;

12.3.c.13. Any mental hygiene hearing reports;

12.3.c.14. The nature of the sexual contact with the victim;

12.3.c.15. Demonstrated patterns of sexual abuse performed by or against the sex offender;

12.3.c.16. Any display of unusual cruelty during the commission of any and all convicted offenses;

12.3.c.17. Any behavioral characteristics that contribute to the sex offender's conduct;

12.3.c.18. A review of commonly accepted sex offender risk factors;

12.3.c.19. An assessment of the sex offender's empathy and remorse for the offense he or she was convicted of;

12.3.c.20. An assessment of the sex offender's understanding and intentions regarding the registration statute;

12.3.c.21. An assessment of the sex offender's plans to not re-offend;

12.3.c.22. An assessment of the sex offender's cognitive, affective and behavioral resources to not re-offend;

12.3.c.23. An assessment of the sex offender's psycho social history;

12.3.c.24. Trial transcript; and;

12.3.c.25. Relevant reports from the West Virginia Department of Health and Human Resources.

12.4. Findings and Conclusions.

12.4.a. When the Board finds that the sex offender is a sexually violent predator, the following findings shall have been made:

12.4.a.1. The sex offender was convicted of an eligible offense as provided in W. Va. Code §15-12-2, as amended, and;

12.4.a.2. The sex offender suffers from a mental abnormality or personality disorder and;

12.4.a.3. The sex offender is likely to engage in predatory violent offenses.

12.4.b. When the Board finds that the sex offender is not a sexually violent predator; the following findings shall have been made:

12.4.b.1. The sex offender was not convicted of an eligible offense(s) or;

12.4.b.2. The sex offender does not suffer from a mental abnormality or;

12.4.b.3. The sex offender is not likely to engage in violent predatory offenses.

12.4.c. When the Board finds that the sex offender is no longer a sexually

violent predator, the following findings shall have been made:

12.4.c.1. The sex offender no longer suffers from a mental abnormality and;

12.4.c.2. The sex offender is not likely to engage in sexually violent predatory offenses.

12.4.c.3. The underlying conviction has been reversed, vacated or set aside.

81-14-13. Responsibilities of the State Police.

13.1. The State Police detachments shall serve as the local law enforcement agency that actually administers the registration procedures upon the person required to be registered.

13.2 The registration of sex offenders shall include;

13.2.a. Full name;

13.2.b. Date of birth;

13.2.c. Social Security number;

13.2.d. Sex, race, height, weight, hair and eye color;

13.2.e. Any current physical and mailing address(es);

13.2.f. County of residence(s);

13.2.g. All telephone numbers including cellular;

13.2.h. Previous address and date of address change;

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13.2.i. Make, model, year, color and license number of all vehicles the person has registered or to which he or she has regular access;

13.2.j. Employer name and complete address including county;

13.2.k. School or training facility name and complete address including county;

13.2.l. All Internet Provider(s) and Account(s) including screen names, user names or aliases used on the Internet;

13.2.m. Jurisdiction (State and County of conviction) and conviction date;

13.2.n. Date released from incarceration or placed on probation;

13.2.o. Conviction offense;

13.2.p. Parole or Probation officer name and telephone number;

13.2.q. Right thumb print of the person;

13.2.r. At least two full face photographs including no more than and no less than the shoulder area to the top of the head of the person not wearing a hat or sunglasses;

13.2.s. Required signatures of the person and date signed;

13.2.t. Required signatures and information of uniformed member and date signed;

13.2.u. The detachment shall retain a copy of the Form WVSP 170 (Sex Offender Registration and

Verification Form) and shall display the date the post office was contacted and date the address was physically verified on the detachment's copy.

13.3. When a person required to be registered arrives at a State Police detachment located in the county where the person resides, intends to reside, works, attends school or will visit for more than fifteen (15) continuous days, the Detachment Commander, or in his/her absence, another uniformed member, shall;

13.3.a. Obtain photo identification and;

13.3.b. Complete the front and back of the Form WVSP 170 (Sex Offender Registration and Verification Form) on the person that shall include all information stipulated in 13.2 of this procedural rule and;

13.3.c. Take two (2) full sets of fingerprints on FD-249 (FBI Fingerprint Card) and;

13.3.d. Take at least two (2) full face photographs (see procedural rule 13.2.r) of the person using a placard with the name, detachment and date of photograph. Additional photographs may be taken and placed in an investigative file located at the detachment.

13.3.e. The completed original Form WVSP 170 (Sex Offender Registration and Verification Form), an original photograph and the two (2) full sets of fingerprints (FD-249) shall be mailed to the Registry within five (5) business days.

13.3.f. A copy of the completed Form WVSP 170 (Sex Offender Registration and Verification Form) and one original photograph shall be kept in the detachment Sex Offender Registry file.

13.3.g. Within fifteen (15) working days of the date of registration a uniformed member of the West Virginia State Police shall make an appearance at the person's residence to verify that the person resides at or has moved from the given address, and; shall contact the Post Office to verify that person receives mail or no longer receives mail at the given address and document date verified on detachment copy.

13.3.g.1. If the Post Office is unable to verify the person is receiving mail at the given address, the inquiring officer shall notify the Registry in writing of same.

13.4. When a person previously registered arrives at the detachment to report a change of address or a change in any other registration information, the Detachment Commander or in his/her absence, another uniformed member shall;

13.4.a. Complete Form WVSP 170-U (Sex Offender Update Form) including a right thumb print and signatures of the person, the uniformed member and the supervisor;

13.4.a.1. Compare file photograph and take at least two full face photographs if determined by the officer to be a significant change in appearance.

13.4.a.2. The original completed Form WVSP 170-U (Sex Offender Update Form) and an original photograph, if applicable, shall be mailed to the Registry within five (5) business days.

13.4.a.3. A copy of the completed Form WVSP 170-U (Sex Offender Update Form) and one original photograph, if applicable, shall be kept in the detachment Sex Offender Registry file.

13.4.a.4. Follow verification procedures in 13.3.g of this procedural rule.

13.5. When notified that a registered person has moved out of their county and has no other registration requirement within that county, the Detachment Commander shall forward all original registration documents and photographs pertaining to the person to the Registry.

13.5.a. Copies of the photographs and registration documents may remain at the detachment in an investigative file.

13.6. When notified of a registered person's intent to move out of state, the Detachment Commander, or in his/her absence, another uniformed member, shall: follow the procedure in 13.4.a. and 13.4.a.2 of this procedural rule.

13.7. If the Registry informs the Detachment Commander that additional fingerprints are needed on a person moving from another state or living in another state and carrying on a vocation, working or attending school or visiting for more than fifteen (15) continuous days in West Virginia, the Detachment Commander shall;

13.7.a. Ascertain the location of the person and require the person to report to the detachment to be fingerprinted using two (2) FD-249 (FBI fingerprint cards).

13.7.b. Mail the completed FD-249 (FBI Fingerprint cards) to the Registry within five (5) business days.

13.8. When an officer makes contact with anyone with a previous conviction of a sexual offense or may be required to register as defined in W. Va. Code §15-12-2 et. seq., as amended, the Detachment Commander, or in his/her absence, another uniformed member, shall report that contact to the Registry for verification of registration requirements. This contact shall be by telephone or fax stating name and date of birth of the person and the offense for which

they were convicted or the qualifying offense.

13.9. Within five (5) business days after receiving a completed Form WVSP 170 (Sex Offender Registration and Verification Form), the Detachment Commander, or in his/her absence, another uniformed member, shall distribute a copy of the Form WVSP 170 (Sex Offender Registration and Verification Form) and a copy of the photograph to:

13.9.a. All law enforcement agencies including any campus police department within the county or counties covered by the detachment and;

13.9.b. The County Superintendent of Schools, and;

13.9.c. The Child Protective Services investigators within the detachment area of responsibility.

13.10. Upon receiving information on a person who resides or intends to reside in the county(ies) covered by the detachment that the person's place of employment, school or training facility or place of visitation for more than fifteen (15) continuous days is located in another detachment area, the Detachment Commander, or in his/her absence, another uniformed member, shall forward a copy of the Form WVSP 170 (Sex Offender Registration and Verification Form) and a photograph or copy of a photograph to the affected detachment(s).

13.11. When the detachment receives a facsimile copy from the Registry of a list of those persons who have been sent a certified letter informing them of their requirement to verify their address, the list shall serve as a notice that the person has been informed of their requirement to verify his/her address and has ten (10) business days from receipt of certified letter to comply.

13.11.a. When the person arrives at the detachment for address verification, the Detachment Commander, or in his/her absence, another uniformed member, shall:

13.11.a.1. Follow the procedure in 13.3.a., 13.3.b. and 13.3.d.;

13.11.a.2. The completed Form WVSP 170 (Sex Offender Registration and Verification form) and photograph shall be mailed to the Registry within five (5) business days;

13.11.a.3. Follow the verification procedure in 13.3.g of this procedural rule.

81-14-14. The Responsibilities of Law Enforcement Agencies, Other Than the State Police.

14.1. Assist cooperatively upon request of the Prosecuting Attorney or the Registry in conducting the community notification/education program.

14.2. Responsibly manage the information concerning sexual offenders residing within the county.

14.2.a. Refrain from secondary dissemination of the information.

14.2.b. Utilize the information for investigative purposes only.

14.3. When making contact with anyone convicted of a sexual criminal offense or qualifying offense, the agency shall report that contact to the Registry for verification of registration requirements. This contact shall include name and date of birth of the person, current address and offense of which the offender was convicted.

14.4. As the provisions of this Act apply both retroactively and prospectively, if

informed by the Registry that they have arrested a person who was convicted prior to the enactment of the Sex Offender Registration law, but who is not registered and may be required to register, the agency shall provide the Registry with the person's current address and any available information pertaining to the person.

81-14-15. Responsibilities of the Sex Offender Registry.

15.1. The Registry shall maintain the central registry of information on those persons who are required to be registered.

15.2. Maintain a roster of all authorized community organizations or religious organizations that regularly provide services to youths in the county and have signed the Sex Offender Non-Disclosure Agreement.

15.2.a. This roster of authorized organizations may also include individuals and organizations that provide day care services for youth or day care, residential, or respite care, or other supportive services for incapacitated, infirm or mentally incapacitated persons.

15.2.a.1. To be included in this roster, the individual or organization shall make a written request to the Registry stating the services provided, the counties served, and a statement as to why the individual or organization should be eligible to receive sex offender registration information.

15.2.a.2. To be included in this roster, the individual or organization shall, if applicable, provide any legal documents, charters, statute, license, etc., that authenticate the organization as a community or religious organization that regularly provides services to youths in the county or provides residential care, respite care, or other supportive services for

incapacitated, infirm or mentally incapacitated persons. The individual or organization shall sign the Sex Offender Non-Disclosure Agreement.

15.2.b. The Registry shall remove an organization from the roster of authorized community organization or religious organization when that organization or a member of that organization has violated the terms of the Sex Offender Non-Disclosure Agreement or when that organization no longer meets the requirements outlined in this section or requests removal.

15.3. The Registry shall maintain and make available to the public, at least quarterly, a list of all persons who are required to register for life. This list will be separated and disseminated by county of residence.

15.3.a. The list shall be released following a telephone or written request by a member of the public. The list shall be for the county in which the requesting person resides.

15.3.a.1. To receive quarterly updates, the requesting person must resubmit their telephone or written request on a quarterly basis.

15.3.b. The list shall include the municipality of place of employment, training or school and the street and house address (physical location) of the person's residence, but shall not include the name of employer, training or school.

15.4. The Registry shall maintain and make available to the public a list of all persons who are required to register for life that shall be accessible through the Internet.

15.4.a. The list shall include the municipality of place of employment, training or school and the street and house address (physical location) of the person's

residence but shall not include the name of employer, training or school.

15.5. Within five (5) business days of receiving a person's registration, the Registry shall forward a copy of the Form WVSP 170 (Sex Offender Registration and Verification Form) and a copy of the photograph to all authorized community and religious organizations that are to receive sex offender registration information.

15.6. Within fifteen (15) business days of receiving a person's registration, the Registry shall notify the FBI National Sex Offender Registry (NSOR).

15.7. Within fifteen (15) business days of receiving a lifetime person's registration, the Registry shall update its available information accessible to the public via the quarterly mailing and the Internet.

15.8. The Registry is authorized to release sex offender registration information and documentation to federal, state and local governmental agencies responsible for conducting pre-employment checks.

15.9. The Registry may release sex offender registration information and documentation, when properly requested, to authorized law enforcement and governmental agencies of the United States, its territories, foreign countries authorized to receive the same, other state jurisdictions and the state of West Virginia.

15.9.a. These countries/government jurisdictions must stipulate in writing that this information will be used solely for law enforcement related purposes.

15.10. The Registry may release sex offender registration information and documentation, when properly requested, to the West Virginia Crime Victims Compensation Fund.

15.11. The Registry shall release a list of sex offenders not subject to notification on the Internet and who reside, work, attend school or visit for more than fifteen (15) continuous days in a county to a resident of same county only upon being properly ordered by a circuit court to make such a release.

15.12. Within fifteen (15) business days of notification, the Registry shall remove a name from the Registry when properly ordered by a circuit court following a petition by a registered person whose conviction has been overturned and shall:

15.12.a. Inform the FBI National Sex Offender Registry (NSOR) when a name has been removed from the Registry;

15.12.b. Inform the State Police detachment, in the county where the person resides, the person has been removed from the Registry files and the Internet;

15.12.c. Inform all authorized community and religious organizations that have been properly registered to receive sex offender registration information when a name has been removed from the registry.

15.12.d. If the person was required to register for life, the Registry shall update the list of persons made available to the public through the Internet and by telephone request.

15.13. When notified that a person required to register has changed or intends to change their address to an address outside the county where the person has been residing the Registry shall:

15.13.a. If applicable, within fifteen (15) business days of the notice, inform the State Police detachment in the county where that person resided.

15.14. When notified that a person required to register has changed or intends to change their address the Registry shall, within fifteen (15) business days of the notice, if the person was required to register for life, update the list of persons made available to the public through the Internet.

15.14.a. When notified that a person required to register has moved or intends to move out of state, the Registry shall within ten (10) business days of the notice, inform the Sex Offender Registry point of contact for the state in which the person intends to reside and forward requested information as per the contact's instructions.

15.15. When notified by a court of its determination that a person is or is no longer a sexually violent predator, the Registry shall:

15.15.a. Within fifteen (15) business days of the notice, inform the State Police detachment and all authorized community and religious organizations of the court's determination of the person's sexually violent predator status.

15.15.b. Within fifteen (15) business days of the notice, update the list of persons made available to the public through the Internet.

15.15.c. Within fifteen (15) business days of the notice, inform the Prosecuting Attorney in the county where the person resides of the court's determination of the person's sexually violent predator status.

15.16. When a court has requested a report from the Sex Offender Registration Advisory Board, the Registry shall:

15.16.a. Receive and date stamp any mail, fax transmissions or hand delivered documents addressed to the Board at the Registry office address.

15.16.b. Upon receipt of the court order and all relevant documents, forward copies of the same to each member of the Board, retaining all original documents within the Registry.

15.16.c. Inform the Board of a meeting time and place as determined by the Board President.

15.16.d. Assist the Board in forwarding the report to the requesting court.

15.16.e. Provide the Board with relevant background information, such as a criminal history record, on the person.

15.17. The Registry shall conduct, as outlined in this rule and at any time as requested by the Prosecuting Attorney, in cooperation with the Prosecuting Attorney, a community notification/education program.

15.17.a. Coordinate with the Prosecuting Attorney to arrange a time and meeting place for the program.

15.17.b. Provide handouts, brochures and involve appropriate local community persons that can provide information and services.

81-14-16. Responsibilities of Community Organizations or Religious Organizations Authorized to Receive Sex Offender Registration Information.

16.1. Individuals or organizations that provide the following services are authorized to receive sex offender registration information:

16.1.a. Youth or day care services or;

16.1.b. Residential care or;

16.1.c. Respite care or;

16.1.d. Other supportive services for incapacitated, infirm or mentally incapacitated persons.

16.2. These organizations shall provide all legal documents, charters, statute, licenses, etc. that authenticate the organization as a community or religious organization providing services to youth in the county or providing residential care, respite care, or other supportive services for incapacitated, infirm or mentally incapacitated persons.

16.3. These organizations and/or individuals shall sign and abide by the terms set forth in WVSP Form Sex Offender Non-Disclosure Agreement Form and shall:

16.3.a. Limit the use of the provided information to its intended purpose;

16.3.b. Use the information to develop prevention and safety strategies and;

16.3.c. Destroy all documentation when it is no longer needed for the purpose for which it was provided and;

16.3.d. Only allow authorized officials of said organization access to the information and;

16.3.e. Not disseminate the information to any other organization, agency or person and;

16.3.f. Implement reasonable and necessary procedures to protect this information from unauthorized access, alteration or destruction.

16.4. Individuals and organizations shall responsibly manage the information pertaining to sex offender registrations.

16.4.a. The information shall not be used to harass or intimidate persons registered as stated in W. Va. Code §15-12-1a., as amended.

16.4.b. The information shall not be used in any attempt to affect the person's employment or housing status.

81-14-17. Responsibilities of Those Persons Required to Register.

17.1. Responsibilities at the time of conviction.

17.1.a. The person who has pled guilty, is convicted or found not guilty by reason of mental illness, mental retardation or addiction of those crimes listed in 6.1 of this procedural rule that require registration, or those offenses determined by the sentencing court to have been sexually motivated, shall sign in open court and on the record, a statement that they understand the sex offender registration requirements.

17.1.a.1. The statement, once signed and witnessed, constitutes prima facie evidence that the person has knowledge of the sex offender registration requirements.

17.1.b. The person shall respond to the court's interrogation to verify that the person has received notice and understands the provisions of the Act.

17.2. Responsibilities concerning sexually violent predator status.

17.2.a. At the hearing to determine sexually violent predator status, the person whose status is in question, shall be present, and shall have the right to be represented by counsel, introduce evidence and cross examine witnesses.

17.2.b. Prior to the hearing, the person whose status is in question shall have the right to an examination by an independent psychiatric or clinical expert of their choice and have the right to utilize the testimony of such expert as a medical witness on their behalf.

17.2.c. If determined by a court to be a sexually violent predator, the person must comply with all registration requirements pertinent to a sexually violent predator as set forth in 17.1 et. seq. and 13.3 of this procedural rule.

17.2.d. The proceeding seeking to establish that a person is no longer a sexually violent predator is initiated by the filing of a petition by the person determined to be a sexually violent predator providing that the underlying conviction has been reversed, vacated or set aside.

17.3. Responsibilities of the person upon release from an incarceration facility.

17.3.a. Within three (3) business days of release the person shall physically appear at a State Police Detachment in the county of residence and supply information necessary to complete a Form WVSP 170 (Sex Offender Registration and Verification Form) and comply with the procedures in 13.3 of this procedural rule.

17.4. Responsibilities after conviction or plea of guilty, but prior to actual incarceration.

17.4.a. Within three (3) business days of conviction or entering of a guilty plea, the person shall physically appear at a State Police Detachment in the county of residence and supply information necessary to complete a Form WVSP 170 (Sex Offender Registration and Verification Form) and comply with the procedures in 13.3 of this procedural rule providing that the person is not incarcerated.

17.5. Responsibilities for verification of address.

17.5.a. When initially registering at a State Police detachment, the person shall supply a mailing and physical address(es) to the uniformed member.

17.5.a.1. Following the registration process, the person shall cooperate fully with the State Police uniformed member when he/she physically arrives at the person's address to verify that the given address is correct.

17.5.b. Once the person is included in the Registry, the address verification shall continue to be required. In the month of their birth, the person shall receive a certified letter from the Registry containing a WVSP 170 (Sex Offender Registration and Verification Form).

17.5.b.1. Those persons determined to be a sexually violent predator shall receive the letter and WVSP Form 170 (Sex Offender Registration and Verification Form) in the months of January, April, July and October to comply with the every ninety (90) day requirement.

17.5.b.2. All other persons shall receive at least the letter and WVSP Form 170 once a year.

17.5.c. The person shall physically appear at a State Police detachment in the county(ies) they reside within ten (10) business days of receiving the letter and WVSP Form 170 and comply with the procedures outlined in 13.3.b and 13.3.d of this procedural rule.

17.6. Responsibility of the person when changing address or encountering any change in registration information.

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17.6.a. Within ten (10) business days prior to the actual change of address the person shall physically appear at the State Police detachment where they last registered and advise of their intent to move as well as provide their new address according to the change of address procedure in 13.4 of this procedural rule.

17.6.a.1. If incarcerated and intending to reside out-of-state or out-of-country, the person required to register must notify correctional officials before their release of such intent and the actual address where they will reside.

17.6.b. Within ten (10) business days following the move, the person must physically appear at the State Police detachment in the county(ies) where the new address is located and provide the new address according to the registration procedure outlined in 13.3 of this procedural rule.

17.6.c. Within ten (10) business days of a change in registration information, the person must physically appear at a State Police detachment in the county(ies) where they reside, work or attend school and provide the information necessary to comply with the registration procedures outlined in 13.4.a of this procedural rule.

17.7. Responsibilities of out-of-state registrants.

17.7.a. All persons who are required to register as a sex offender in the state where they reside, and meet one of the following criteria, must register within three (3) business days of the start of their employment, work, school enrollment or visit;

17.7.a.1. Employed in West Virginia or;

17.7.a.2. Carry on a vocation in West Virginia or;

17.7.a.3. A student in West Virginia or;

17.7.a.4. Is visiting for more than fifteen (15) continuous days.

17.7.b. The person required to register shall physically appear at a State Police Detachment in the county(ies) in which the place of employment, school, vocation and/or the place of visitation is located and provide all necessary information to comply with the registration procedures outlined in 13.3 of this procedural rule.

17.8. Responsibilities of a sex offender in another state moving to West Virginia.

17.8.a. Within ten (10) business days of the change of address, the person shall physically appear at the State Police detachment in the county(ies) where they reside or intend to reside and provide the information necessary to complete the registration procedures in 13.3 of this procedural rule.

17.9. Responsibility of a person who is required to register and resides in one county and works, carries on a vocation, attends school or is visiting for more than fifteen (15) continuous days in another county(ies).

17.9.a. The person required to register shall physically appear at a State Police Detachment in the county(ies) in which the place of employment, school, vocation or place of visitation is located and provide the necessary information to complete the registration procedures outlined in 13.3 of this procedural rule.

17.10. Responsibility of a person who is qualified to be registered as a sex offender, but is not included in the Registry.

17.10.a. As the provisions of this Act apply both retroactively and prospectively, if a person has been convicted or found not guilty by reason of mental illness, mental retardation or addiction of any offense listed in 6.1 and 6.2 of this procedural rule or of any offenses determined by the sentencing court to have been sexually motivated and is required to register, but is not included in the Registry, the person must register as a sex offender.

17.10.a.1. Within ten (10) business days of being notified, by certified mail from the Registry, of their responsibility to register, the person must physically appear at a State Police detachment in the county(ies) where they reside, work and/or attend school and provide all information necessary to complete the registration procedures outlined in 13.3 of this procedural rule.

81-14-18. Community Notification/ Education Meetings.

18.1. The meetings shall be conducted within fifteen (15) business days from the time that the responsible Prosecuting Attorney receives notification that a Sexually Violent Predator has moved to or intends to reside in that county.

18.2. Additional community notification/education meetings may be conducted at the discretion of the Prosecuting Attorney.

18.2.a. After determining that a community notification/education program will be repeated, the Prosecuting Attorney shall promptly notify the Registry to initiate the proceedings for the meeting.

18.3. The meetings shall be conducted by the Registry and in collaboration with the Prosecuting Attorney, local law-enforcement agencies, probation and/or parole, community organizations, victim resource organizations and victim advocates.

18.4. The community notification/ education meeting shall include, but is not limited to:

18.4.a. Brief presentation, on West Virginia's sex offender law, its origins in Federal Legislation, state and national statistics of registered sex offenders.

18.4.b. Handouts will include information naming sex offenders subject to public notification residing in the county that the meeting is being held.

18.4.b.1. The information will include the municipality of place of employment or training or school and the street and house address (physical location) of the person's residence, but shall not include the name of the employer, training or school.

18.4.c. Open forum for questions from the public.

81-14-19. Responsibilities of the Public.

19.1. Communities and individuals shall responsibly manage the information pertaining to sex offenders.

19.1.a. The information shall not be used to harass or intimidate.

19.1.b. The information shall not be used in any attempt to affect the person's employment or housing status.

81-14-20. Documents Available.

Unless otherwise specified in the proceeding rule, the following documents are available by contacting the Sex Offender Registry at:

Sex Offender Registry
Criminal Records
West Virginia State Police
725 Jefferson Road
South Charleston, WV 25309

Telephone number: 304-746-2133

Fax number: 304-746-2403

20.1. WVSP 170, Sex Offender Registration and Verification form.

20.2. FD-249, FBI fingerprint card.

20.3. Sex Offender Information Bulletin-Notification of Release.

20.4. Sex Offender Information Non-Disclosure Release Agreement.

20.5. List of all persons, updated quarterly, and separated by county of residence who are required to register for life as a sex offender.