

# **SEX OFFENDER GUIDELINES AND PROCEDURES**

## **FOR IMPLEMENTING RISK ASSESSMENT AND COMMUNITY NOTIFICATION REGARDING SEX OFFENDERS**

January 2002 (revised October 2002)

### **BACKGROUND**

On June 19, 1998, the U.S. Department of Justice published Proposed Guidelines in the Federal Register (63 FR 33696) to implement the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act as amended by Megan's Law, the Pam Lychner Sexual Offender Tracking and Identification Act of 1996, and section 115 of the General Provisions of Title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998.

The 82<sup>nd</sup> General Assembly of the state of Arkansas passed House Bill 1963 which became Act 1353 of 1999. Act 1353 amends "The Sex and Child Offender Registration Act of 1997." The intent of the Act is to protect the people of Arkansas from sexual victimization by individuals who have previously engaged in this type of criminal activity. Act 1353 is codified in Ark Code Ann §§ 12-12-901 – 920, and 12-12-1301-1303. Act 1353 was modified by Acts 1740 and 1743 in the 83<sup>rd</sup> General Assembly. Code section references remain the same (12-12-901 through 920 and 12-12-1301 through 1303)...

**In compliance with the Campus Sex Crimes Prevention Act §1601, P.L. 106-386 the following supplement to the Guidelines is being issued by the Sex Offender Assessment Committee. It is effective as of 11/04/2002, following approval by the Rules and Regulations Committee of the Arkansas Legislature, and the Board of Corrections. A copy of the addendum will be included in each volume of the Guidelines subsequently issued. Copies of the addendum will be mailed to all judges, prosecutors, sheriffs, chiefs of police, campus security offices, and others known to have been issued copies of the Guidelines.**

The law provides for the appointment by the governor of a Sex Offender Assessment Committee, which includes:

- A defense attorney
- A prosecuting attorney
- Two licensed mental health professionals
- A victim's rights advocate
- A law enforcement officer
- The director of the Arkansas Department of Correction, or the director's designee.
- The director of the Arkansas Crime Information Center, or the director's designee.
- The director of the Department of Community Correction, or the director's designee.

Correspondence to the Sex Offender Assessment Committee may be directed to Post Office Box 6209, Pine Bluff AR 71611-6209, faxed to 870-267-6610, or E-mailed to [adc.sosra@mail.state.ar.us](mailto:adc.sosra@mail.state.ar.us).

The Sex Offender Assessment Committee is charged with promulgating guidelines and procedures for disclosure of relevant and necessary information to the public when the release of the information is necessary for the public protection. Those guidelines include protocols for risk assessment and criteria to assist the courts in determining whether a person convicted of a sexual or violent offense is a sexually violent predator. The committee qualifies examiners to perform assessments under this law, and certifies treatment providers.

The agency primarily responsible for implementing Acts 1740 and 1743 of 2001 is the Arkansas Department of Correction, acting under the direction of the Board of Corrections with advice from the Sex Offender Assessment Committee.

### **OVERVIEW OF THE REGISTRATION, ASSESSMENT & NOTIFICATION PROCESS**

- Adults found guilty or found not guilty by reason of insanity, or who were incarcerated, on parole or probation, or were in the state hospital related to a **target offense** on or after August 1, 1997 are required to register and submit to risk assessment. (In the case of adjudication in juvenile court, the judge determines whether or not registration is to be required.) Individuals who are rearrested for a subsequent **target offense** must be reassessed.
- Adults and juveniles who are or would be required to register by the laws of the jurisdiction in which they were adjudicated are required to be reassessed and to register if they spend more than 14 consecutive days or more than 30 aggregate days a year **residing** in Arkansas or entering Arkansas for employment, education or training.
- Risk assessments may be done only by **examiners qualified** by the Sex Offender Assessment Committee.
- **Sexually Violent Offense**: Any actual or attempted rape or rape-like offenses--i.e., non-consensual sexual assault crimes involving penetration--regardless of the age of the victim (18 U.S.C.. 2241 & 2242)
- The prosecutor should seek a determination as to whether an individual is a **Sexually Violent Predator** if he or she as committed previous sex offenses **sexually violent offenses**, , and/or has multiple victims, and/or caused serious physical or psychological harm to his/her victim. Following a finding of guilt or acquittal on the grounds of a mental disease or defect, of a target offense, the court will request a recommendation from the Sex Offender Assessment Committee. The Sex Offender Assessment Committee may make unsolicited recommendations to the court which retains jurisdiction to make the determination as to whether or not and individual is a sexually violent predator for one year after adjudication or prior to completion of a term of incarceration, whichever is interval is longer.
- **Aggravated sex offenses** are those offenses that involve penetration of a child younger than 12 years of age, or the penetration of a person of any age by

force or threat of serious violence. The sentencing court must indicate on the judgment and commitment order or judgment and disposition form whether the offense qualifies as an **aggravated sex offense (U.S.C. Title 18, Section 2241)**.

- Each individual required to register is provided a **Sex Offender Screening Advisement** that details the risk assessment process along with the forms notifying t him/her of the duty to register. The Department of Community Correction provides advisements to known sex offenders moving into Arkansas, if the offender is under supervision.
- The **assessment** produces an estimate of **level of risk** to the community, a report regarding factors that appear to influence the manifestation of inappropriate sexual behavior, and the age(s) and genders(s) of known victims. A copy of the Offender Fact Sheet is provided to the offender, law enforcement having jurisdiction, and any licensing or certification board having the offender's credentials under consideration.
- The actuarially based portion of the risk assessment is subject to **overrides** and **departures** related to special circumstances, facts and psychological disorders affecting the level of risk posed by an individual. All **overrides** and **departures** must be approved by a licensed psychologist or psychiatrist.
- The offender has ten days from the receipt of notification or risk level to request **administrative review** of his/her risk assessment. He or she must present documentary evidence justifying that review. Reviews are justified only on the basis of previously unavailable information or allegations that these guidelines were not followed.
- Any offender, adult or juvenile who would be required to register in the jurisdiction in which he or she was adjudicated, who is newly convicted or previously convicted and moving into an area, is responsible for presenting himself or herself to the Chief Law Enforcement Officer who will see that he or she is registered with, and tracked by, the **Arkansas Crime Information Center (ACIC)**. (Failure to maintain registration is a Class D felony.) Questions about registration should be directed to **ACIC**.
- **Notification guidelines** based on **level of risk** are provided with each assessment. The Chief Law Enforcement Officer must meet the minimum requirements of notification, but may modify optional parts of the plan to fit the needs of the community.
- An **offender fact sheet** and **risk assessment report** is sent to the chief of police, sheriff and prosecutor who have jurisdiction where the offender resides, and to **ACIC** and the Arkansas State Police. Certified law enforcement authorities, licensing and certification boards and **ACIC** may access offender fact sheets through a web site or request database searches for aid in solving crimes.
- The Chief Law Enforcement Officer having jurisdiction is responsible for **notification** of the appropriate agencies and citizens according to the notification plan. (Notification must reoccur as demanded by circumstances.)
- **Reassessment** may be requested at any time by the court, Post Prison Transfer Board or law enforcement, or every 5 years by the offender. Any

juvenile offender may request reassessment every two years until he/she is eighteen years of age.

- The registration requirement for **sexually violent predators, recidivists and those convicted of an aggravated sex offense**, is for life and may not be **terminated**. The registration requirement for other sex offenders may be terminated upon order of the sentencing court, or order of the court in the jurisdiction in which the offender lives, if the offender was sentenced by an authority other than an Arkansas court. Additional flexibility is allowed for **termination** of the registration requirement for juveniles.
- Continuous efforts will be made to better understand and assess the risks associated with sex offending through **research**.
- Individuals carrying out the tasks prescribed by law and these regulations are provided **immunity** for their good-faith actions under the law.

## TARGET OFFENSES

Generally target offenses include (42 U.S.C. 14071 a, (3) A and B):

- Kidnapping of a minor, except by a parent
- False imprisonment of a minor, except by a parent
- Criminal sexual conduct toward a minor
- Solicitation of a minor to engage in sexual conduct
- Use of a minor in a sexual performance
- Solicitation of a minor to practice prostitution
- Any conduct that by its nature is a sexual offense against a minor
- Any sexually violent offense regardless of the age of the victim (18 U.S.C. Sections 2241 and 2242)
- An attempt to commit any of the above offenses if the legislature chooses to make such an attempt a criminal offense requiring registration.
- Exceptions to the above may be made if the act is criminal based on the age of the victim and the perpetrator is 18 years of age or younger.
- ANY other offense that the Arkansas Legislature chooses to include as a sexual offense or violent offense against a child.

Some offenses such as “stalking” may not have sexually motivated component. In such cases the Court upon the advice of the Sex Offender Screening and Risk Assessment Report will determine whether or not the individual should be required to register.

- |   |            |
|---|------------|
| 1. Kidnapping of a minor  | § 5-11-102 |
| 2. False imprisonment 1 <sup>st</sup>                           | § 5-11-103 |
| 3. False imprisonment 2 <sup>nd</sup> degree                    | § 5-11-104 |
| 4. Permanent detention or restraint of a minor, not by a parent | § 5-11-106 |
| 5. Rape   | § 5-14-103 |
| 6. Sexual indecency with a child                                | § 5-14-110 |
| 7. Public Sexual Indecency                                      | § 5-14-111 |
| 8. Exposing another person to HIV                               | § 5-14-123 |
| 9. Sexual Assault 1 <sup>st</sup> degree                        | § 5-14-124 |
| 10. Sexual Assault 2 <sup>nd</sup> degree                       | §5-14-125  |

11. Sexual Assault 3 <sup>rd</sup> degree	§5-14-126
12. Sexual Assault 4 <sup>th</sup> degree	§5-14-127
13. Incest	§ 5-26-202
14. Permitting abuse of a child	§ 5-27-221
15. Engaging children in sexually explicit Conduct for use in visual or print medium	§ 5-27-303
16. Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child,	§ 5-27-304
17. Transportation of minors for prohibited sexual conduct	§ 5-27-305
18. Employing of consenting to the use of a child in a sexual performance	§ 5-27-402
19. Producing, directing or promoting a sexual performance	§ 5-27-403
20. Distributing, possessing, or viewing matter depicting sexually explicit conduct involving a child	§ 5-27-602
21. Computer child pornography	§ 5-27-603
22. Computer exploitation of a child	§ 5-27-605
23. Promoting prostitution in the first degree	§ 5-70-104
24. Stalking	§ 5-71-229
25. False attempt, solicitation, or conspiracy to commit any of the above offenses.	

**This list of target offenses is not exclusive.** The registration requirement extends to the requirements of other states, and similar juvenile, tribal, military or other federal offenses. Newly enacted sex offenses or current target offenses subsequently modified by legislation will be considered target offenses unless otherwise specified by the legislature. Any individual, living in or moving into Arkansas, who has been convicted of a target offense or a differently titled, but equivalent offense by a federal court, tribal court, military court, or the court of another state, that is the substantial equivalent of a target offense, is required to register, and to submit to risk assessment.

### **QUALIFICATION OF EXAMINERS**

Risk assessments of adult offenders are currently done through the Arkansas Department of Correction. The Family Treatment Program, through Children's Hospital and the University of Arkansas for Medical Sciences does assessments of juvenile offenders according to standards and procedures developed by that organization and approved by the Sex Offender Assessment Committee.

Once a protocol is established, and the backlog of unassessed offenders is eliminated, the Sex Offender Assessment Committee may arrange for training and qualification of professionals in the community to perform risk assessments. Any professional so qualified must agree to comply with all provisions of the law and these regulations. This includes providing a complete copy of all assessment materials and reports to the Sex Offender Assessment Committee.

## **SEXUALLY VIOLENT PREDATOR**

“Sexually Violent Predator” refers to a person who has been convicted of a sexually violent offense and suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of predatory sexual violence. The designation is intended to identify those individuals who pose the highest level of threat to the community. The prosecutor should consider asking the court to determine whether an individual is a Sexually Violent Predator, if the offense

- Involved multiple victims,
- Was carried on for months or years with any victim,
- Caused or threatened serious harm to the victim,
- Involved bizarre, ritualistic or sadistic behaviors,
- Is the second or subsequent offense against a person
- Is associated with a mental disorder, developmental disability, or personality disorder.
- Involved attempts on the part of the offender to manipulate him/herself into a position of power or authority over, or establish a relationship with the victim for the primary purpose of violation, exploitation, or victimization.

The prosecutor will notify the court in the prosecutor’s information that a determination is being sought as to whether an individual is a Sexually Violent Predator. Upon adjudication of guilt for a sex offense, the Court shall have the individual sent to the Arkansas Department of Correction for evaluation pursuant to §12-12-918, or request that a member of the assessment team come to the local or regional detention facility where the offender is being housed. In either case the prosecutor is asked to fax or e-mail the prosecutor’s Information and any associated documentation needed in preparation for the interview of the offender. Alternatively the court may hold making the determination as to whether and individual is a Sexually Violent Predator in abeyance, sentence the offender, and await the completion of Sex Offender Screening and Risk Assessments evaluation of the incarcerated offender. Any individual convicted of a second or subsequent sex offense will have a new risk screening done, unless that individual has already been found by the court to be a Sexually Violent Predator.

Scheduling for offenders in the custody of the County shall be arranged between the sheriff and Sex Offender Screening and Risk Assessment (SOSRA). The evaluation will take place in a secure setting either at the Diagnostic Unit or the local or regional detention facility. The interview and testing will usually be completed within a day; this may take longer if a polygraph is warranted. Should additional time be needed, the individual may be housed at the Diagnostic Unit for up to three days.

Sex offenders moving into the State of Arkansas from other states will be considered Sexually Violent Predators, if that, or an equivalent, determination has been made by the sending state. If terminologies or criteria differ, Sex Offender Screening and Risk Assessment (SOSRA) will request the offender’s risk assessment file. SOSRA may make a determination based on that file, or may require the offender to submit to risk assessment in Arkansas. All sex offenders at other levels who are moving into

Arkansas must be reassessed. The Department of Community Correction will provide the probationer or parolee a copy of the Sex Offender Screening and Risk Assessment advisement, and will ensure that the ACIC's registration form has been completed.

The recommendation of the Sex Offender Assessment Committee will be provided to the court, as quickly as possible, usually within thirty (30) days of the examiner's gaining access to the offender. Should difficulty in obtaining documents slow the process, or should the next meeting of the Sex Offender Assessment Committee not be scheduled inside that 30 day window, the court will be notified when to expect the report. The risk assessment will not be admissible for purposes of sentencing. Should the offender refuse to cooperate or attempt deception at any point during the assessment, the Court will be notified.

The court retains jurisdiction to make a determination as to whether or not an individual is a Sexually Violent Predator for one year after sentencing or for the duration of incarceration whichever period of time is longer. Should the Sex Offender Screening and Risk Assessment team develop information that demonstrates the likelihood that an offender is a Sexually Violent Predator; this information will be provided to the Prosecuting Attorney who will determine whether a hearing on the matter is warranted.

Any Judgment and Commitment Order or Judgment and Disposition order received by the Arkansas Department of Correction or the Arkansas Department of Community Correction, on which the Sexually Violent Predator indicator is checked will be called to the attention of Sex Offender Screening and Risk Assessment. SOSRA will check whether the Sex Offender Assessment Committee has made a recommendation to the Court and a hearing has occurred. If there has been a breakdown in procedure, the Court will be immediately notified so that corrective action may be taken.

### **SEX OFFENDER SCREENING ADVISEMENT**

Upon receipt of the Judgment and Disposition the Department of Community Correction provides the offender who is being released to community supervision copies of the ACIC Sex Offender Registration Form and the document "Sex Offender Screening Advisement." This document is intended to inform the offender of the requirements and procedures for risk assessment, and the limits on confidentiality. Having read the document, the offender indicates his/her willingness or refusal to undergo risk assessment. Should the offender refuse risk assessment, he/she is classified at the "high" level of risk. DCC then mails a copy of the signed document to SOSRA. P.O. Box 6209, Pine Bluff, AR 71611-6209.

Offenders who are sentenced to the Arkansas Department of Correction will be given the advisement and complete the ACIC Sex Offender Registration Form at the point of intake, or as soon as possible thereafter.

Individuals found Not Guilty by Reason of Insanity will complete the ACIC Sex Offender Registration Form at the State Hospital and be given the Sex Offender Screening Advisement. The evaluation interview and testing will usually be conducted

at the State Hospital when in the opinion of ASH clinical staff, the mental status of the individual allows.

To prevent gaps, SOSRA will request the ACIC to provide a monthly listing of target offense convictions.

**SEX OFFENDER SCREENING AND RISK ASSESSMENT**  
**CONSENT / REFUSAL / DISCLOSURE FORM**

As an individual convicted of a sex offense or an offense against a child, you are required to by Act 1353 of 1999 to submit to an assessment to determine the level of risk that you pose to the general public. A team operating under the oversight of the Sex Offender Assessment Committee will conduct this assessment. The assessment procedures involve: A) a thorough review of official records pertaining to your sexual offense(s) and other criminal history, B) psychological tests as deemed necessary, C) a face-to-face interview, and D) any other methods the team deems necessary to accurately assess your risk, including but not limited to a polygraph examination. You will be photographed, may be video or audio taped, and may be asked to provide a DNA sample (four drops of blood from a finger) and be finger printed if necessary. The assessment is based primarily on documented information as opposed to the opinions of your examiner. The information gathered from you may also be used in research projects at some future date. This information cannot be used in the sentencing portion of your trial. Only certain information can be released, as specified by the Sex Offender Assessment Guidelines.

You may refuse this assessment. If you refuse the assessment you will be assigned a Level 3, "HIGH risk" (or possibly greater). The chief law enforcement officer where you live will so notify those persons who have a need to know. If you consent to this assessment but withhold information, give false information or seriously compromise the assessment team's ability to do a fair and accurate assessment on you, you will be assigned a Level 3, "HIGH" risk" (or greater). Any refusal or non-compliance will be made known to the sentencing court and supervising authorities.

Information from the assessment will be available to the sentencing court, the Post Prison Transfer Board if you are incarcerated, the Department of Community Correction, and the chief law enforcement officer of your jurisdiction for purposes of supervision, and to you. Beyond that, the Sex Offender Screening & Risk Assessment Program will make every effort to keep the information confidential, but cannot guarantee the confidentiality of anything that you may say or indicate during the course of the assessment.

Please read the following disclosure statement carefully, print your name and then initial one of the boxes below.

I, \_\_\_\_\_, understand that the Sex Offender Screening and Risk Assessment Program will be providing a risk rating to the Arkansas Crime Information Center. I also understand that all information provided to the Sex Offender Screening and Risk Assessment Program is subject to disclosure to those authorized by law to receive it.

I have read and understand the terms and conditions of the assessment outlined above.

[     ] I agree to comply with the assessment. [     ] I refuse to be assessed.

Signed \_\_\_\_\_ Date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Witness \_\_\_\_\_ Date \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_.

The "Sex Offender Screening Advisement" for offenders adjudicated as juveniles will contain the following directions:

UPON ENTERING LITTLE ROCK, FOLLOW INTERSTATE 30 TO INTERSTATE 630. EXIT I-630 ON MARTIN LUTHER KING BOULEVARD (STATE CAPITOL COMPLEX EXIT). TURN SOUTH (AWAY FROM THE CAPITOL). TURN RIGHT TO MARSHALL STREET THAT RUNS IN FRONT OF ARKANSAS CHILDREN'S HOSPITAL. PROCEED TO A SIX STORY BUILDING AT 1120 MARSHALL, PAST THE MAIN HOSPITAL. ASK AT THE DESK FOR THE FAMILY TREATMENT PROGRAM OR GO TO SUITE 401.

### **RISK ASSESSMENT, ADULT**

Assessments of adult offender risk will be based on actuarial analyses, information obtained from interview, psychological testing and evaluation, review of relevant records and historical data, and polygraph or penile plethysmograph, if deemed necessary by the team conducting the evaluation.

These procedures will screen for antisocial, psychopathic or other problematic personality characteristics, criminal thinking patterns, mental abnormalities affecting impulse control, sexual deviancies, paraphilias, preoccupation or compulsions, and other factors that may affect the level of risk the offender poses to the community or have a bearing on treatment or supervision plans.

Risk assessment of adults who have been previously convicted and assessed by law enforcement will be considered valid for purposes of registration and notification, unless reassessment is requested by the court, prosecutor, law enforcement, supervising authority, or the offender. Requests by the offender will only be honored if more than five years have elapsed since the most recent assessment.

Risk assessment of adults, who have been previously convicted, but **not** assessed, may be done regionally. The Department of Community Correction will notify offenders in a given area when and where to present themselves for assessment. Assessment will be scheduled at the local parole or probation office, or other suitable location in the area. The Arkansas Crime Information Center (ACIC) will notify Sex Offender Screening and Risk Assessment (SOSRA) of any known sex offender moving in from another state.

All letters concerning scheduling will be sent certified, restricted delivery mail to the last verified address available to ACIC. ACIC will be notified of any letters returned as undeliverable. The offender will be considered non-compliant if a response is not received within 14 days of the date of receipt of the communication as indicated on U.S. Postal Service documentation. The Department of Community Correction and/or local law enforcement will be asked by ACIC for assistance in locating the offender.

Any individual not presenting him or herself for assessment will be considered non-compliant and classified at risk Level 3 until the risk assessment is completed. If arrangements for assessment are not made within 5 days of a missed appointment,

the individual will remain Level 3 pending the next five-year assessment or a request for assessment from the court or chief law enforcement officer. This provision may be waived by vote of the Sex Offender Assessment Committee upon presentation of documentation that the offender was unable to comply due to hospitalization, incarceration, natural disaster, or the like. The chief law enforcement officer having jurisdiction, the sentencing court, and the Department of Community Correction will be notified of any instances of non-compliance.

Individuals previously convicted and assessed in their communities will be reassessed, if requested by the offender, after five years have passed since the most recent risk assessment. Reassessment of any offender may be requested by law enforcement, the court, or a supervising parole or probation officer at any time. Requests for reassessment may be made by phone (870-267-6660); fax (870-267-6610); mail (P.O. Box 6209, Pine Bluff, AR 71611-6209; or E-mail (**[adc.sosra@mail.state.ar.us](mailto:adc.sosra@mail.state.ar.us)**) by completing the form entitled Request for Sex Offender Reassessment.

# Sex Offender Reassessment

Reassessment of (PRINT NAME) \_\_\_\_\_

(STREET ADDRESS) \_\_\_\_\_

(CITY, STATE, ZIP CODE) \_\_\_\_\_

Is requested by (PRINT NAME) \_\_\_\_\_

(MAILING ADDRESS) \_\_\_\_\_

(CITY, STATE, ZIP CODE) \_\_\_\_\_

(phone) \_\_\_\_\_ (FAX) \_\_\_\_\_

The reason for reassessment is [  ] five year reassessment requested by offender

[  ] law enforcement or Community Correction has reason to believe risk level may have changed

Information leading to this request is as follows:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(PLEASE ATTACH ANY ADDITIONAL INFORMATION THAT SUPPORTS THIS REQUEST)

\_\_\_\_\_  
\_\_\_\_\_  
(SIGNED) (DATE) \_\_\_\_\_

Usually the offender will be contacted within 30 days to set up an appointment.

Check here [  ] if delay is likely to increase risk of further victimization.

MAIL OR FAX THIS FORM TO: **SOSRA**  
**P.O. BOX 6209**  
**Pine Bluff, AR 71611-6209**

**FAX (870-267-6610)**

**E-mail [SOSRA@mail.state.ar.us](mailto:SOSRA@mail.state.ar.us)**

Sex offenders newly convicted as adults will be referred to the offices of Sex Offender Screening and Risk Assessment in Pine Bluff. Juvenile offenders will be referred to the Family Treatment Program at Children's Hospital. Offenders sentenced to the Arkansas Department of Correction will be assessed within 6 months of intake, unless the length of their sentence is greater than 10 years. Incarcerated offenders may be reassessed as needed during the course of their incarceration, with the risk assessment being given final review at the point of release. Any offender placed on probation will be given a form advising him/her of the requirements and the process for setting up an appointment.

Should the offender be unable to present himself or herself for assessment in Pine Bluff, other arrangements must be made through the court. It is the responsibility of the offender to notify the court of serious hardship (E.g. the offender does not drive and has no family to assist him/her). The court may then order the Sex Offender Screening and Risk Assessment team to make arrangements to assess the individual locally.

### **RISK ASSESSMENT, JUVENILE**

All sex offenders who have been adjudicated as juveniles **must** have a sex offender registration assessment. All assessments must be ordered by the juvenile court having jurisdiction of the case. The assessment for adolescent offenders will include recommendations for level of care and supervision. The Family Treatment Program will send a report with information regarding the level of risk posed to the public and other relevant information to the court in order that the court may make a determination as to whether the juvenile offender shall be ordered to register.

**Referral for assessment** shall include court order, signed Sex Offender Screening and Risk Assessment Advisement form (completed by probation officer or DYS), and Patient Information form. Advisement form, Patient Information form, and Checklist for referral packet information required may be requested by contacting the Family Treatment Program Data Manager at (501) 364-3348. Needed checklist information includes copy of social security card; guardianship or custody orders; investigative reports including narratives of victim, witness and offender statements; Psychological Testing including I.Q. scores; records from all previous mental health treatment including psychosocial history, discharge summary, and other relevant records; if currently in treatment, copies of last five days of progress notes; copies of all court orders, including an order for a Community Notification Risk Assessment; legal history including all previous charges and outcomes; referral letter from the Court to include the current legal status, disposition of the case, and current location of the juvenile offender; medical status including list of all current medications. *Failure to send all the required information may result in delay of the processing of the referral.* Send all items for assessment to:

Family Treatment Program  
Attention: Community Notification Assessments  
1120 South Marshall Street, Suite 401  
Little Rock, Arkansas 72202

Phone: (501) 364-3810 Fax: (501) 364-3816

All assessments will be conducted at the Family Treatment Program in Little Rock. After the assessment is completed, the assessment report shall be sent to the Court in care of the probation officer or Department of Youth Services, whichever has responsibility in the case. The Community Notification Risk Assessment document is confidential and should not be re-released.

After the assessment is completed, FTP will mail a letter indicating the youth's risk level to the youth, his parents or guardians, and either his juvenile probation officer or DYS. It is the responsibility of the juvenile probation officer or DYS to meet with the youth to discuss his risk level with him. The youth and/or parents or guardians may request an administrative review of the risk level. This request must be made within 15 days of receipt of the letter notifying the juvenile of the risk level. See section of the for more information regarding administrative review on page 15 of 27.

*Should placement on the Sex Offender Registry be ordered for the youth, a copy of the court order for the offender to register should be sent to:*

Family Treatment Program  
Community Notification Risk Assessment  
1120 South Marshall Street, Suite 401  
Little Rock, AR 72202

Fax # (501) 364-3815

A sample court order for the juvenile to register as a sex offender is provided:

IN THE CIRCUIT COURT, JUVENILE DIVISION  
OF \_\_\_\_\_ COUNTY, ARKANSAS

STATE OF ARKANSAS

PLAINTIFF

VS.

No. \_\_\_\_\_

DEFENDANTS

\_\_\_\_\_ (Mother)

\_\_\_\_\_ (Father)

\_\_\_\_\_ (Juvenile)

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

**JUVENILE SEX OFFENDER REGISTRATION ORDER: PROBATION**

This Court possesses jurisdiction of the parties and the subject matter before it pursuant to A.C.A. § 9-27-306(a)(1) and A.C.A. § 12-12-906. On \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the Court found the juvenile defendant delinquent for the following offense(s):

Offense: A.C.A. § \_\_\_\_\_ Type \_\_\_\_\_ Class \_\_\_\_\_ Counts \_\_\_\_\_

Offense: A.C.A. § \_\_\_\_\_ Type \_\_\_\_\_ Class \_\_\_\_\_ Counts \_\_\_\_\_

Offense: A.C.A. § \_\_\_\_\_ Type \_\_\_\_\_ Class \_\_\_\_\_ Counts \_\_\_\_\_

Offense: A.C.A. § \_\_\_\_\_ Type \_\_\_\_\_ Class \_\_\_\_\_ Counts \_\_\_\_\_

Pursuant to A.C.A. § 12-12-906(a)(3), the Court ordered the juvenile to submit to the Sex Offender Assessment. After review of the assessment and upon the recommendation by the Family Treatment Program, the Court hereby orders the juvenile to register as a sex offender. The Court directs the Family Treatment Program to complete the Fact Sheet and to submit it to \_\_\_\_\_, Juvenile Probation Officer. This officer shall:

- \_\_\_ Complete the Juvenile Sex Offender Registration Form;
- \_\_\_ Provide a copy of this order and the Fact Sheet, Registration Form and Juvenile Sex Offender Rights and Responsibilities Form to the juvenile and his/her parent, guardian or custodian and shall explain this information to the juvenile and his/her parent, guardian or custodian;
- \_\_\_ Send by registered or certified mail a copy of this court order, Fact Sheet and Registration Form to ACIC, Sex Offender Registry Manager, One Capitol Mall 4D-200, LR, AR 72201;
- \_\_\_ Place the Fact Sheet, Registration Form and Juvenile Sex Offender Rights and Responsibilities Form in the court file;
- \_\_\_ Provide law enforcement, where the juvenile resides, a copy of the:  
    \_\_\_\_\_ Sex Offender Registration Form  
    \_\_\_\_\_ Fact Sheet

Additional orders: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Court directs that a copy of this order be mailed to Family Treatment Program - Arkansas Children's Hospital, 1120 Marshall Street, Suite 401, LR Arkansas 72201.

IT IS SO ORDERED, Effective this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Circuit, Juvenile Division Judge

IN THE CIRCUIT COURT, JUVENILE DIVISION  
OF \_\_\_\_\_ COUNTY, ARKANSAS

STATE OF ARKANSAS

PLAINTIFF

VS.

No. \_\_\_\_\_

DEFENDANTS

\_\_\_\_\_ (Mother)

\_\_\_\_\_ (Father)

\_\_\_\_\_ (Juvenile)

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

**JUVENILE SEX OFFENDER REGISTRATION ORDER: DYS**

This Court possesses jurisdiction of the parties and the subject matter before it pursuant to A.C.A. § 9-27-306(a)(1) and A.C.A. § 12-12-906. On \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the Court found the juvenile defendant delinquent for the following offense(s):

Offense: A.C.A. § \_\_\_\_\_ Type \_\_\_\_\_ Class \_\_\_\_\_ Counts \_\_\_\_\_

Offense: A.C.A. § \_\_\_\_\_ Type \_\_\_\_\_ Class \_\_\_\_\_ Counts \_\_\_\_\_

Offense: A.C.A. § \_\_\_\_\_ Type \_\_\_\_\_ Class \_\_\_\_\_ Counts \_\_\_\_\_

Offense: A.C.A. § \_\_\_\_\_ Type \_\_\_\_\_ Class \_\_\_\_\_ Counts \_\_\_\_\_

Pursuant to A.C.A. § 12-12-906(a)(3), the Court ordered the juvenile to submit to the Sex Offender Assessment. After review of the assessment and upon the recommendation by the Family Treatment Program, the Court hereby orders the juvenile to register as a sex offender. The Court directs the Family Treatment Program to complete the Fact Sheet and to submit it to the Division of Youth Services (DYS) Director. DYS shall:

\_\_\_\_\_ Complete the Juvenile Sex Offender Registration Form;

\_\_\_\_\_ Provide a copy of the Fact Sheet, Registration Form and Juvenile Sex Offender Rights and Responsibilities Form to the juvenile and his/her parent, guardian or custodian and shall explain this information to the juvenile and his/her parent, guardian or custodian

\_\_\_\_\_ Send by registered or certified mail a copy of this court order, Fact Sheet and Registration Form to ACIC, Sex Offender Registry Manager, One Capitol Mall 4D-200, LR, AR 72201 and carbon copy this Court along with a signed copy of the Juvenile Sex Offender Rights and Responsibilities Form;

\_\_\_\_\_ Provide law enforcement, where the juvenile resides, a copy of the:  
\_\_\_\_\_ Sex Offender Registration Form  
\_\_\_\_\_ Fact Sheet

Additional Orders: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Court directs that a copy of this order be mailed to the Family Treatment Program, 401, LR Arkansas 72201 and the DYS Director, P.O. Box 1437, Slot 450, LR, AR 72201.

IT IS SO ORDERED, Effective this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Circuit, Juvenile Division Judge

Upon receipt of the court order that the juvenile register as a sex offender, the Family Treatment Program will forward the Juvenile Offender Fact Sheet to the Court and to the Arkansas Crime Information Center. ***When the Court receives the Juvenile Offender Fact Sheet, the Court is to forward a copy of the Juvenile Offender Fact sheet to the local law enforcement agency having jurisdiction for this case.*** This step is required in order for the offender to be duly registered. The Division of Youth Services or the juvenile probation officer will assist the juvenile in filling out the registration form, and accompany him to register at the local law enforcement agency having jurisdiction. As ordered by the court, the juvenile probation officer or DYS will send a copy of the registration, Fact Sheet, and court order to ACIC and the supervising authority, if any.

After registration, law enforcement must send a copy of the registration form to ACIC.

Until an actuarial prediction instrument with adequate reliability and validity for use with adolescent offenders is validated, risk assessments will be based on:

- A thorough review of records provided by the court
- Clinical interviews with the offender
- When appropriate, psychological testing
- When possible, family and/or collateral interviews
- Review of mental health treatment and/or assessment records.
- Actuarial factors with established risk prediction value.

Courts must provide copies of all information relating to the offense and the offender.

A large database will be established and periodic data analyses will be performed until an actuarial method with acceptable reliability and validity is developed. Should other instruments having empirically demonstrated validity and reliability with adolescents become available before an Arkansas-specific instrument is developed, those instruments will be employed as the principal means of risk assessment.

Assessments of adolescent offenders will be subject to peer review.

Reassessment may be ordered by the court or supervising officer when there is a change of circumstance of the juvenile offender.

A copy of each completed risk assessment will be forwarded to the Arkansas Department of Correction for archiving and research purposes.

## **JUVENILE RECORDS**

Records of assessments of juveniles will be kept in a paper file for one year and then may be stored electronically. The juvenile judge having jurisdiction will make any determination regarding sealing of legal records.

## **LEVEL OF RISK FOR ADULT AND JUVENILE OFFENDERS**

Based on historical data and information obtained from the risk assessment process, offenders are assigned to the following levels of risk to the general public:

1. **Low risk:** Usually these are individuals with no prior history of sexual acting out, and no strong antisocial tendencies, sexual compulsions or psychological factors impairing judgement.
2. **Moderate risk:** Usually these are individuals with limited or circumscribed prior history of sexual acting out, possess some antisocial personality characteristics, predatory tendencies, or deviant sexual interest or behavioral patterns that increase the general level of risk these offenders pose. They may have mild or well controlled mental disorders, and / or developmental disabilities.
3. **High risk:** These individuals usually have histories of repeat sexual offending, and/or strong antisocial, violent or predatory personality characteristics. Sexual compulsions are likely to be present, but may be kept under control when relapse prevention plans are followed and treatment is continued. The offense patterns of these individuals reflect a relatively high probability of re-offense and/or a risk of substantial injury to victims should re-offense occur.
4. **Sexually Violent Predator:** These are individuals with impaired judgment or control who have sexual or violent compulsions that they lack the ability to control. This may be due to pedophilia or other disorder of sexual attraction, mental illness or personality disorder that distorts thinking, interferes with behavioral control, and predisposes the person to acts of predatory sexual violence.

Individuals who refuse assessment will be classified as being “high risk.” Individuals who attempt to conceal or lie about their behavioral histories will similarly be classified “high risk.” The court may make the determination that an individual is a Sexually Violent Predator even if a valid assessment cannot be produced due to refusal to cooperate or apparent efforts to deceive the examiner.

## **OVERRIDES AND DEPARTURES**

Some flexibility is required in the risk assessment procedure to take into account special circumstances of a particular case that either are not sufficiently considered, or require more emphasis than afforded, in the actuarial prediction model. The following overrides and departures represent the primary (but not exclusive) causes to modify the actuarial risk assessment. They are used sparingly and only with the approval of senior clinical staff, and may differ for juveniles. Only the court may assign Level 4, Sexually Violent Predator.

### **Overrides**

1. If the offender has committed previous juvenile or adult sexual offense(s), or has multiple current offenses (involving different victims, times, and/or circumstances), he/she should be deemed to pose the highest level of risk. This may extend to known or self-admitted molestations, offense that were reported and reliably investigated even if not prosecuted, and offenses primarily sexual in nature but pleaded down to non-sexual offenses.

2. If statements made by the offender during the interview, or certain features of the psychological assessment, or the judgement of clinical staff, or relevant historical data suggest higher risk than the actuarial model predicts, the offender may be assigned to a higher risk level.
3. If the offense involved extreme physical injury, death, or other heinous actions, the offender should be assigned to the highest level of risk.
4. If the offender has provided information on record or during the interview that he/she is likely to commit subsequent sexually violent offenses, he/she should be assigned to the highest level of risk.
5. If the offender is deemed to have provided deliberately false or misleading information to the assessment team, or provides answers on a standardized test that meet the criteria for invalidity his/her level of risk may be increased.
6. If the offender refuses to submit to, or seriously compromises, the interview and assessment process, his/her level may be raised to the high risk level, and or the offender may be considered by the Sex Offender Assessment Committee for a recommendation to the court for consideration as a sexually violent predator.
7. If the clinical team determines that the offender suffers from a mental abnormality, physical condition, addiction or other psychological impairment that decreases his/her ability to control sexual impulses, or increases his/her potential for sexual violence, his/her risk level may be increased.

## **Departures**

1. If treatment, behavioral, anti-androgen or other, is believed to significantly enhance the offender's impulse control ability and to decrease the predisposition to reoffend, and the professional providing treatment indicates a willingness to work with Sex Offender Screening and Risk Assessment, the offender may be assigned to a lower risk level, unless the offender has been classified at Level 4, Sexually Violent Predator. Should the offender withdraw from treatment against the advice of the therapist, or become more predisposed to reoffend in the view of the therapist, the therapist will notify Sex Offender Screening and Risk Assessment. The offender will revert to his/her previous risk level and law enforcement will be notified.
2. If there are aspects to the offense pattern that suggest that the sexual acting out was a temporary aberration unlikely to recur, or the nature and pattern of the offense is such that it poses less of a risk to the community at large, his/her risk level may be decreased.
3. If the offender's current risk assessment data is at such variance with aspects of the official record (E.g. the alleged victim recanted, or the spouse admitted that the allegations were confabulated out of spite), his/her risk level may be decreased.
4. Adolescent offenders in a residential treatment program, group home, therapeutic foster care, foster care, or other appropriately supervised placement may be assigned to a lower level of risk. The adolescent will revert to his/her higher level of risk, should he/she stop treatment or become non-compliant with the supervision and/or safety plan.

Any departure or override will be fully documented and is subject to review by the Sex Offender Assessment Committee.

## **ADMINISTRATIVE REVIEW**

The Sex Offender Assessment Committee shall appoint a member to do administrative reviews of risk assessments. The duty of the administrative reviewer shall be to ensure that these guidelines and procedures have been followed in a thorough and objective manner, and that any sworn documents or official records not available at the time of the risk assessment are brought to the attention of the assessment team who will determine whether the information has a bearing on public risk.

Administrative review may be requested by the court, prosecutor, chief law enforcement officer having jurisdiction, the Department of Community Correction, Post Prison Transfer Board, or under certain conditions the offender. In addition, a random sample of the assessments will be reviewed quarterly.

A juvenile offender may request administrative review of his/her assessment only if he/she is required by the juvenile court to register. At that time he/she will be advised of his/her rights to request the administrative review procedure shown below.

Each adult offender will be notified of his/her level of risk, and the notification guidelines accompanying it. Notification will be by registered mail to the address provided to the Arkansas Crime Information Center for purposes of registration. He or she will have fifteen

(15) days from the date of receipt to send sworn statements, or verifiable court or agency documents, or a clear statement of procedural error or bias, justifying an administrative review to Sex Offender Screening and Risk Assessment, P. O Box 6209, Pine Bluff, AR 71611-6209. If the evidence is not in the possession of the offender, he/she should identify the agency holding the evidence, and request an extension of time, not to exceed an additional fifteen (15) days.

The offender may initiate an administrative review on either or both of the following bases:

1. The offender has, or can direct Sex Offender Screening and Risk Assessment (SOSRA) to, documents that were unavailable to SOSRA at the time of assessment and are related to the actuarial method used in the determination of level of risk. Unsupported allegations made by the offender will not be considered.
2. The offender alleges that the regulations listed herein were not followed or followed in a manner inconsistent with the spirit of the Sex Offender Registration Act. The offender must show probable error, prejudice or negligence committed by an individual or individuals involved in the risk assessment.

Requests for an administrative review based on a dislike of the level of risk assigned to the offender, the unfairness of the system, or legal questions related to the original adjudication and sentencing will not be considered. The administrative review is based on document and record review only, the offender has no right to appear or call witnesses.

The Secretary of the Sex Offender Assessment Committee will conduct reviews. The offender will be notified of the results of the review, except in the case of random quality improvement reviews. Copies of the Secretary's response will be sent to the offender, the chief law enforcement officer of the city and/or county in which the offender resides, ACIC, and the Sex Offender Assessment Committee. Any member of the Sex Offender Assessment Committee may ask to see source documents or question the administrative reviewer regarding the reasoning behind the recommendation.

The decision of the administrative reviewer will be final.

### **ARKANSAS CRIME INFORMATION CENTER**

The Arkansas Crime Information Center (ACIC) is the agency responsible for tracking all sex offenders who are required to register

**State of Arkansas**

**Sex Offender Registration Form**

Reporting this information is required by ACA §12-12-904. This form shall be sent to the Arkansas Crime Information Center within 3 days after completion for entry into the state and national Sex Offender Registration Files.

<b>Type or Print</b> <small>Black Ink Only</small>		Sentencing Court				Registered as: Sex or Child Offender (Check Box) Sexually Violent Predator	
Offender's Last Name	First Name	Middle Name	AKA or Alias Last Name		First Name	Middle Name	
Date of Birth	Race	Sex	Height Ft In	Weight	Hair Color	Eye Color	Social Security #
State Ident # (Arkansas SID)	FBI # (if available)	Driver License #		ID Card #	State of DL or ID Card		
Scars/Marks/Tattoos							

**Sex or Child Offense Information** (If additional space is needed, list on separate sheet and attach to this form)

Date of Arrest	Arresting Agency	Offense for which found guilty or acquitted by reason	Arrest Tracking #
Date of Arrest	Arresting Agency	Offense for which found guilty or acquitted by reason	Arrest Tracking #
Date of Arrest	Arresting Agency	Offense for which found guilty or acquitted by reason	Arrest Tracking #

**Institute of Higher Education** (known or anticipated) (If currently attending/volunteering/ employed, check here )

Name of Institute	Location
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**Residence Address** (known or anticipated)  
example P.O.Box)

**Mailing Address** (if different from residence, for

Street #, Street Name; RR # & Box; Apt #; Mobile Home # <b>(Do not use P.O. Box here)</b>					Street #, Street Name; RR # & Box; Apt #; Mobile Home # or P.O. Box #		
City	County	State	Zip	Phone #	City	State	Zip

**Place of Employment**

Name of Employer (company and/or individual)	Street #, Street Name/ RR# & Box	City	State	Zip	Phone #
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**Brief Description of the Crime(s) for which this registration is required**


Victim Information	Age Victim 1	Race Victim 1	Sex Victim 1	Offender Relationship to Victim 1	Age Victim 2	Race Victim 2	Sex Victim 2	Offender Relationship to Victim 2

**If Assessed Indicate: Assessment Level** \_\_\_\_\_ **Date Assessed** \_\_\_\_\_ **Assessed by:** \_\_\_\_\_

**Acknowledgement by Offender**

I hereby acknowledge that I have been advised of my duty to register as a sex or child offender, or sexually violent predator, as required by Arkansas ACA §12-12-904. I have also been advised that failure to regularly verify my address or failure to report any change of address as required under ACA §12-12-904 constitutes a Class D felony and may result in my subsequent arrest and prosecution.

Registering Agency or Court	Campus Registration? YES NO (circle one)
Address	City and Zip
	Area Code & Phone #

\_\_\_\_\_  
**Signature of Offender**

\_\_\_\_\_  
**Date**



to the **Arkansas Crime Information Center, One Capitol Mall, Little Rock, AR 72201**. Failure to complete and forward in 3 days after registering an offender is a Class B Misdemeanor under ACA § 12-12-904. (ACIC SOR Form 07-25-02)

Arkansas Crime Information Center  
State Sex Offender Registry

**Change of Address Form for Registered Sex Offenders**

Please complete the following information and mail or fax to the Arkansas Crime Information Center within five days of receipt of this form in order for your record to be promptly updated.

Form Completed by: \_\_\_\_\_ Date Form Completed: \_\_\_\_\_  
(If other than the offender)

Jurisdictional Agency Name (If Applicable) \_\_\_\_\_

Offender Name: \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security No: \_\_\_\_\_

**Previous Address:**

**New Mailing Address:** (May use PO Box if not your residence)

\_\_\_\_\_  
Street or Rural Route No. & Box

\_\_\_\_\_  
Street or Rural Route No. & Box

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
City State Zip \_\_\_\_\_

Telephone No. ( ) \_\_\_\_\_

**Institute of Higher Education:**

Date Moved or Planning to Move \_\_\_\_\_

\_\_\_\_\_  
Name of Institution

If Currently Attending Check Here:

**New Place of Residence: if different from new mailing address: (Do not use PO box for residence!)**

**Place Of Employment:**

\_\_\_\_\_  
Name of Employer (company or individual)  
If unemployed, state unemployed.

\_\_\_\_\_  
Street or Rural Route No. & box

**Address Of Employer:**

\_\_\_\_\_  
City State Zip \_\_\_\_\_

\_\_\_\_\_  
Street or Rural Route No. & Box

\_\_\_\_\_  
City State Zip

**If new place of residence has been physically verified, sign below**

Telephone No. ( ) \_\_\_\_\_

\_\_\_\_\_  
**Law enforcement official only Date verified**

Signature of Offender: \_\_\_\_\_ Date Signed: \_\_\_\_\_  
(Required)

**Failure to report any change of address as required by Act 989 of 1997 as amended constitutes a Class D Felony and may result in subsequent arrest and prosecution.**

**From the point of initial registration, the offender must notify ACIC in writing of any change in residence address not later than 10 days prior to leaving the address of the offender's current registration. Some latitude is allowed for emergency change of address as in the case of a dwelling fire or natural disaster.**

**Any offender moving to, or returning to, Arkansas is required to register with local law enforcement within 30 days of establishing residency.** Offenders moving into Arkansas, who have been, or would be, required to register in the jurisdiction in which they were sentenced, are also required to undergo reassessment, submit a DNA sample, and pay \$250 to the DNA detection Fund established under §§ 12-12-1101 & 1102. Offenders working, training or receiving education in Arkansas for 14 or more consecutive days or 30 or more aggregate days a year, are also required to register.

Any offender moving out of the state must inform ACIC at least ten days prior to the move, and must register with the appropriate law enforcement agency in the new state.

Offenders are required to return a verification of residence address every 6 months (every three months for an offender adjudicated as a Sexually Violent Predator). This verification is required even if there has been no change of address. The six-month period begins with first registration. Individuals who are incarcerated or housed in a state institution that does not allow them into the community are not required to verify their address until ten days prior to their release or a change of status that allows them access to the community. Law enforcement is encouraged to check that the offender actually resides at the address given.

**An offender who fails to register or to report changes of address as required, may be charged with a Class D felony, and if found guilty may be sentenced to up to six years and fined up to \$ 10,000. Any offender meeting ACIC criteria of "delinquent" or "address unknown" will have his/her Offender Fact Sheet placed on the public section of the web page until registration requirements have been met.**

**Sexually Violent Predators (Risk Level 4) and those convicted of Aggravated Sexual Offenses are required to register for life.** Other offenders may petition the Court for release from registration requirements at any time fifteen or more years after initial registration. Release from registration requirements is based on reassessment and an evidentiary hearing in the circuit court in which the offender was sentenced.

ACIC can only release information regarding individual offenders to members of the criminal justice system. However, if a member of the public believes that a sex offender should have been registered, but did not, or has changed address or employment without proper notification, information may be given to ACIC by calling (501) 682-2222 or sending an E-mail to [pstitz@acic.state.ar.us](mailto:pstitz@acic.state.ar.us). While ACIC cannot release information on the individual except to law enforcement, all information from the public will be checked out.

Should questions arise about the registration process, ACIC maintains a web site, <http://www.acic.org/>.

## **NOTIFICATION GUIDELINES FOR ADOLESCENT OFFENDERS**

The Family Treatment Center assessment team's report to local law enforcement will include a risk assessment and recommendations about notification. Local law enforcement is encouraged to base notification on the unique aspects of the case and the circumstances in the community. Disrupting the legitimate community ties of a juvenile, or making him or her feel like an outcast, may only serve to increase the likelihood of further acting out. The staff or foster parents of the therapeutic setting in which a juvenile may be placed may be reluctant to work with the juvenile in that treatment setting under the glare of the public spotlight. On the other hand a juvenile should not be placed in a setting that provides access to target age and gender victims without very strong precautions.

Aside from the special modifications suggested by either the assessment team or local law enforcement, the notification guidelines associated with each level of risk are the same for adults as they are for adolescents.

## **NOTIFICATION GUIDELINES FOR ADULT OFFENDERS**

The notification guidelines indicate which segments of the community must be notified. **Notification given to any individual or agency does not authorize that individual or agency to disseminate information beyond those residing with the individual, or those who have a need to know within the agency.**

Generally, the higher the risk level assigned, the broader the notification that **must** be given. These notification guidelines apply to adult offenders and to juvenile offenders ordered by the court to register. The guidelines should be interpreted narrowly in the case of a juvenile in accordance with the level of confidentiality afforded by the juvenile justice system. **It is the responsibility of the Chief Law Enforcement Officer to interpret these guidelines and prepare a notification plan.** Should circumstances change that may increase the offender's risk to the community, it is the responsibility of the Chief Law Enforcement Officer to modify the existing notification plan or request a reassessment.

Discretion must be used in applying the guidelines to any offender. The harm that may be caused by a particular notification must be weighed against the protection that would be afforded the public. For example, notifying the neighbors about a Level 1 or Level 2 incest offender may further victimize the offender's spouse and child if the offender's family is known in the community. Similarly, broad notification of the community about a juvenile offender who is being well supervised, may not add to the safety of the community, but may disrupt the offender's adjustment in the community.

The initial steps toward notification occur as part of the risk assessment process. The Arkansas Department of Correction is responsible for notifying the sheriff and the chief of police, ACIC, the offender, any supervising agencies and the victim. Sheriffs and chiefs of police are encouraged to have a written working agreement to ensure that all offenders in their jurisdictions are properly registered. The notification guidelines shown below and any special recommendations will be attached to the Offender Fact Sheet.

### **Level 1 / Low Risk**

- The law enforcement agency having jurisdiction, and other law enforcement agencies likely to encounter the offender. This may include state and federal law enforcement agencies, campus police, school safety officers, and the like.
- The offender. The fact sheet will be mailed to the offender at the same time that it is mailed to the Chief Law Enforcement Officer having jurisdiction. If the offender

- requests an administrative review, the Chief Law Enforcement Officer will be notified and asked to limit community notification to that indicated for Level 1 and any citizens thought to be at immediate risk, until the review has been completed.
- All adult members of the household where the offender is residing or intends to reside, unless the offender is residing or intends to reside in a residential treatment facility, group home, foster home, half-way house or other supervised living arrangement, in which case only the residence supervisor or foster parent should be notified.
  - Victims or guardians of victims of adult offenders are notified through the VINE system operated by the Arkansas Department of Correction. Victims or guardians of victims of juvenile offenders should be notified by law enforcement.
  - The Department of Children and Family Services of DHS shall be notified of those juvenile offenders required by the court to register.

### **Level 2 / Moderate risk**

- All parties specified in level 1 **must** be notified.
- The heads of agencies and organizations that serve individuals in the offender's target group must be notified. This may include, but is not limited to, schools, day care centers, community and youth groups, religious organizations, libraries, the Department of Human Services, women's organizations and shelters, park security, businesses frequented by children.
- State licensing boards and prospective employers will be notified, if requested by the licensing board or by the human resources manager for the employer, or if law enforcement sees the type of employment as bringing the offender and potential victims into contact.
- The heads of families or individuals with members that are of the age and gender of the offender's target group and are likely to encounter the offender, or live in the same neighborhood as the offender must be notified.

### **Level 3 / high risk**

- **All of the entities and individuals listed for Levels 1 and 2 must be notified**, including those designated as "discretionary" unless to do so would cause harm to the victim(s).
- Notification must be made to any member of the community whom the offender is known to be likely to encounter, based on the offender's prior history, recreational or religious interests, employment, or the characteristics of the offender's victims.
- Notification should be conducted by methods devised to notify all members of the public likely to encounter the offender. This should be done face-to-face between law enforcement and citizens to the extent possible. Those likely to encounter the offender, including all neighbors, are to be given an Offender Fact Sheet and cautioned about the appropriate use of the information.
- It is recommended that posters, Internet postings and media not be used as a means to notify the community regarding offenders rated at this or any lower level of risk unless the status of the offender (not maintaining registration), or the characteristics of the offender (mental disorder, personality disorder, developmental disability, or the like), or relevant finding by the assessment team indicate the necessity of broader notification for public safety.

#### **Level 4 / Sexually Violent Predator**

- **All of the entities and individuals listed for Levels 1 through 3 must be notified**
- Notification of members of the general public in the vicinity of where the offender lives, travels and works should be done. It is preferable to notify these individuals in a face-to-face meeting, and to encourage assistance in monitoring the offender rather than instigating harassment, fear or hatred. However, open community meetings or meetings with neighborhood watch groups are also acceptable.
- Any individual having good reason may request an Offender Fact Sheet from the Chief Law Enforcement Officer. Each individual given an Offender Fact Sheet must be advised that it is not for publication, but may only be used in accordance with the law and these guidelines.
- The Department of Community Correction will be asked to provide intensive supervision, if the offender falls under the jurisdiction of that agency.
- Polygraphing will be done on reassessments, unless clearly contraindicated in the view of SOSRA.
- Community meetings may be held to inform residents of the area in which the offender is likely to be found.
- Printed material, posters, and electronic media may be used to notify and inform the public in the most necessary and potentially dangerous situations.
- The Offender Fact Sheets of all Sexually Violent Predators will be available to the public on the ACIC website.

The Chief Law Enforcement Officer must follow the guidelines, but may with good reason, add to or expand notification to accommodate circumstances, and is responsible for all community notification. For example, community notification of the presence of a high-risk rapist who targets adult women would not necessarily follow the same pattern as notification regarding a pedophile who targets preadolescent boys.

The Chief Law Enforcement Officer is encouraged to consult multidisciplinary teams, the prosecuting attorney, parole and probation officers, treatment providers, other law enforcement agencies, and any other community resources in preparing the notification plan. The plan should be a specific written document showing:

1. Who in the community is to be notified
2. Who participated in the preparation of the plan
3. The approval of the Chief Law Enforcement Officer, or designee
4. The date the plan was made, and dates of notification.

A copy of the notification plan should be mailed to Sex Offender Screening and Risk Assessment (SOSRA).

Only the Chief Law Enforcement Officer, or designee, is permitted to perform notifications regarding sex offenders to members of the community. Any inquiries from the public will be directed to the Chief Law Enforcement Officer. If feasible, the Chief Law Enforcement Officer will be advised to expect the inquiry. The Sex Offender Assessment Committee retains the authority to respond to questions from courts and law enforcement, departments of correction, parole and probation, and registration authorities in other states.

#### **OFFENDER FACT SHEET**

The "Offender Fact Sheet" will be completed on a web-based application maintained by Arkansas Crime Information Center (ACIC). ACIC, Law Enforcement Agencies, the Department of Community Correction, the Post Prison Transfer Board and social service

agencies may be provided a password to allow complete access to the database. This password will be changed regularly, and the Internet address of all individuals accessing the database will be tracked. **The chief law enforcement officer having primary jurisdiction over the campus of an institution for training or education shall have access to the web-based application file of the fact sheets on all registered sex offenders maintained by the Arkansas Crime Information Center.**

The database may be queried by *modus operandi*, weapon, victim age and gender, area of the state, physical description, description of the subject vehicle and such other information likely to aid in ongoing investigations. Certain information such as Social Security Number, Driver's License Number, and information about employers or victims that is available to law enforcement, may not be available to the public.

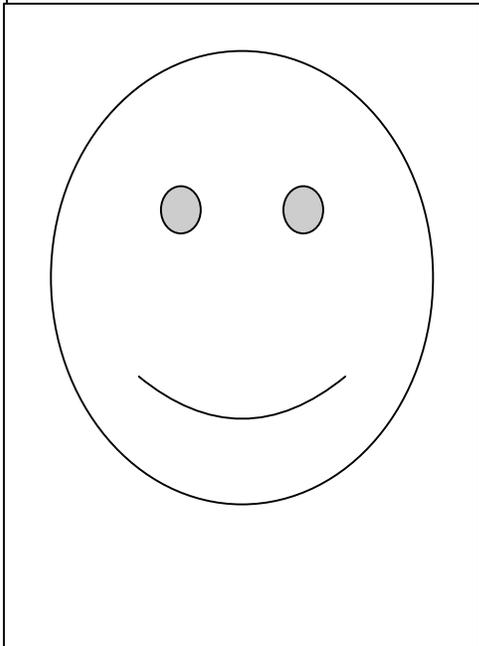
Any one determined to be an appropriate party to receive notification may view the Offender Fact Sheet, with certain information deleted, at the discretion of law enforcement. Any individual receiving notification should be advised against publishing or sharing the notification beyond the individuals, families or agencies specified in the notification plan. Any individual notified should be advised that harassment of sex offenders is against the law.

The offender fact sheet will include:

- Offender's full name and known aliases
- Date of birth
- Physical description
- Hair and eye color
- Scars, marks or tattoos
- Address of temporary residence
- Anticipated address of legal residence
- Driver's License Number or State Identification Number
- Social Security Number
- Place of employment
- Photograph
- Fingerprint Code (if available)
- State Police Identifying Number (SID) (if available)
- Criminal history
- Brief description of crime for which registration was required
- *Modus operandi* and/or weapons used in committing sex offenses
- Risk level
- Factors likely to influence risk level
- Date of DNA sample
- Victim preferences
- Treatment history and recommendations

**(Modify the "Sex Offender Fact Sheet" to include "enrolment, employment or volunteer activities in an institution of education or training.")**

## SEX OFFENDER FACT SHEET



**Offender Name:** Doe, John Allen  
**ADC#:** 9999999

**Aliases:** "T.C."

**Social Security #:**  
000-00-0000

**Fingerprint Code/Class:**  
TTXXXX0000CC00CI0000

**State Police ID #:** 222222

**Driver's License #:** 000000000

**Date Of Birth:** mo/dd/yy

**Height:** 6-01

**Weight:** 225

**Race:** Caucasian

**Scars, Marks, or Tattoos:** Tattoo: "T.C."/R. Ankle; 2" Scar/L. Arm.

**Hair Color:** Brown

**Eye Color:** Green

**Risk Level:** 2

**Date of DNA Sample:**  
Mo/dd/yy

**Anticipated Legal Address:** 1234 Smith Rd.; Any Place, AR 12345

**Temporary Address (if applicable):** ADC Cummins Unit

**Place of Employment:** NA

**Description of Crime:** This offender's most recent sexual offense conviction was for Carnal Abuse-Third Degree on 9-10-01. This offense involved the offender engaging in sexual intercourse with a 14 year-old female on several occasions.

**Other Criminal History:** Theft of Property (2 counts); DWI; Disorderly Conduct; Hot Check Violation. Battery-3<sup>rd</sup> Degree (admitted by offender during interview).

**Victim Preferences:** Current victim was an adolescent female, however, this offender admitted to another sexual offense involving a pubescent female, in which formal charges were never filed.

**Factors Most Likely to Affect Risk Level:** Risk to the community increases if this offender is actively using alcohol/drugs or is not working a program of sobriety maintenance; is in a relationship, occupational or residential setting that gives him unsupervised access to underage persons and supervising adults are unaware of his status as a sex offender; is not maintaining a stable residence and consistent, gainful employment; is not under close supervision and is non-compliant with all terms of his supervision plan; is not continuing aftercare treatment for his sexual behavior and other emotional problems.

**Treatment History:** Completed a drug/alcohol and a sex offender's treatment program while incarcerated.

**Recommendations:** Ongoing drug/alcohol treatment and aftercare treatment for his sexual behavior and other emotional problems. Close Supervision.

Copies of the Offender Fact Sheet are made available by the Arkansas Department of Correction to:

- The Arkansas Crime Information Center (ACIC)
- The sheriff and/or chief of police of the city and/or county in which the offender resides.
- Parole or probation (if the offender is under Department of Community Correction supervision or Juvenile Probation).
- The Post Prison Transfer Board (if the offender is currently incarcerated).
- Any therapeutic program in which the offender is enrolled.
- The offender.
- Any law enforcement agency requesting the Offender Fact Sheet.
- Any court in which the offender is a party to the proceedings.
- **the chief law enforcement officer having primary jurisdiction over the campus of an institution for training or education, in those cases in which Sex Offender Screening and Risk Assessment is aware that the offender is a student, part or full-time employee, or volunteer on a campus covered by this act.**

The Chief Law Enforcement Officer **must** make the Offender Fact Sheet available to the victim and members of the community indicated in the Notification Guidelines. An abbreviated version of the Offender Fact Sheet will be available off the Internet for this purpose.

The following is a cover letter suggested as a model to be provided with any Offender Fact Sheet:

The [*insert name of the law enforcement agency*] is releasing the attached information pursuant to Act 1740 and 1743 of 2001 and guidelines provided by the Sex Offender Assessment Committee established by that law.

The individual who appears on the attached Fact Sheet has been convicted of an offense that requires registration with the Arkansas Crime Information Center. This individual is not wanted by law enforcement at this time. No action on your part is required other than the type of alertness and caution that increases the safety of individuals, families, neighborhoods and communities. Should you observe suspicious behavior on the part of this individual, do not take action on your own, but immediately notify law enforcement. You may not share this information with others, except those who have a need to know (other adult members of your family, if this is a family notification; coworkers in a position to prevent harm, if this is an agency notification).

This notification is not intended to cause alarm. Nor may you use this information to intimidate or harass the person identified. Harassment of any individual is against the law. We are all better protected if this individual makes a successful adjustment and maintains control over deviant sexual impulses.

If you feel you need further information about the dynamics of sex offending, you may contact the Arkansas Commission on Child Abuse, Rape and Domestic Violence, 4301 w. Markham, slot 606, Little Rock, AR 72205.

## **NOTIFICATION**

The law enforcement officer having jurisdiction over an offender shall review the notification guidelines and procedures, and the offender fact sheet. Prior to notification, the law enforcement agency should visit the listed address to ensure that the subject of the notification is, in fact, residing or about to reside there. Any discrepancies on the Offender Fact Sheet should be immediately brought to the attention of Sex Offender Screening and Risk Assessment (Phone (870) 267-6660 or FAX: (870) 267-6610).

The sheriff or chief of police has the authority to go beyond notification guidelines in consultation with multidisciplinary teams, the prosecuting attorney, parole and probation officers, social service agencies, and any other agency or individual who has direct involvement in protecting the community from sex crimes. Any step beyond the notification guidelines should have a strong rationale behind it, which should be clearly stated in the notification plan.

Notification regarding juvenile offenders will only occur if ordered by the juvenile court, taking into account the juvenile's compliance with the recommended safety and supervision plan.

Should the individual relocate to a new address outside the area covered by the previous notification but remain within the jurisdiction of the Chief Law Enforcement Officer, the notification plan should be modified, and notifications reissued 10 days prior to the move, or as soon as possible following the move. Should the offender move outside the jurisdiction, it is the responsibility of the offender to notify ACIC prior to the move. ACIC will notify the sheriff and chief of police of the new jurisdiction.

## **REASSESSMENT**

The adult offender may request reassessment five years after the date of the most recent risk assessment. The juvenile offender may request reassessment two years after the date of the most recent risk assessment. Once the juvenile offender reaches age 18, the guidelines for adult offenders are to be followed. The files of such offenders will be transferred from the Family Treatment Program to Sex Offender Screening and Risk Assessment, which will conduct any further assessments.

Reassessment may be requested by parole or probation, any law enforcement agency, the court, or the Sex Offender Assessment Committee at any time, by submission of a statement of reason to Sex Offender Screening and Risk Assessment. Reassessment of a juvenile may be requested by social service agencies having proper authority.

**Reassessments, particularly those done on the basis of suspicion of recent deviant sexual activity, may include administration of a polygraph and/or plethysmograph (measure of sexual interest) examination.**

Refusal of, or non-compliance with, reassessment will result in a written notification to law enforcement in the area in which the offender resides, and to any supervising agency.

### **TERMINATION**

The offender whose offenses do not require lifetime registration, and who has maintained registration for fifteen years, may apply to the sentencing court for an order terminating the registration requirement.

Juvenile courts may order termination of the registration requirement at any point during the court's jurisdiction.

The termination procedure involves reassessment ordered by the court and an evidentiary hearing.

### **RECORDS**

Sex Offender Screening and Risk Assessment will maintain all documentation gathered and all assessments administered. Original documents will be maintained for at least one year, during which time case files may be digitally imaged. When a year has passed and accuracy of the digital images is demonstrated, the original documents may be destroyed.

Access to documents may be granted to ACIC, and to any law enforcement agency or court of competent jurisdiction. **These documents are not subject to the Freedom of Information Act.**

### **RESEARCH**

The assessment process will be the subject of ongoing research in an effort to develop an Arkansas specific actuarial tool, and to improve the accuracy of the overall risk assessment process.

Access for the purpose of research must be requested in writing and is subject to approval by the Arkansas Department of Correction with recommendation by the Sex Offender Assessment Committee.

### **IMMUNITY**

Public officials, public employees, public agencies, and members of the Sex Offender Assessment Committee are immune from civil liability for good faith conduct under Act 1353.

Nothing in Act 1353 shall be deemed to impose any liability upon, or give rise to a cause of action against, any public official, public employee, public agency, or member of the Sex Offender Assessment Committee for any discretionary decision to release relevant and necessary information, unless it is shown that the official, employee, agency or Committee member acted with gross negligence or in bad faith.

## **DISCLAIMER**

### **There is no foolproof method of predicting human behavior.**

The best prediction of general risk is based on actuarial studies of large groups. For example, the insurance industry predicts higher rates of automobile accidents for males less than 27 years of age (and charges accordingly). Given a large enough group, the prediction of the rate of accidents will be highly accurate. However, this prediction does not extend to identifying the individuals in that group who will have the accidents. Prediction can be improved by taking into account what we know about an individual. A young person who drinks heavily, has had speeding tickets, skips school and likes to show off his red sports car can be predicted to be a somewhat higher risk than a well behaved, drug free, honor student who is only allowed to drive the family car to school and on errands for mom. Even so, either of these individuals can have an accident.

While the system being used is state-of-the-art and will be improved as statistical and psychological prediction is further refined, there will be Level 4, sexually violent predators who do not reoffend. And there will be Level 1, low risk offenders who commit heinous crimes. The prediction being made is the risk posed to the community if the individual reoffends. For example, an offender with multiple victims or violence associated with a sex crime is likely to put a broader segment of the community at more serious risk than an offender with an underage girl friend. Similarly an offender with compulsive sexual habits (E.g. exhibitionism) is prone to repeat acts, but does not pose the same overall level of risk to the community as does an offender who offends less frequently, but who is inclined to sadistically or ritually torture his/her victim.

All law enforcement officers involved in the process should make it clear during the process of notification, that the protection afforded by enhanced tracking, awareness, supervision and treatment of sex offenders, is not absolute protection. All parents should be encouraged to teach their children about appropriate and inappropriate touching by family, friends, baby sitters, teachers and others with whom their children come into contact.

Assistance and information regarding this is available through the Commission on Child Abuse, Rape and Domestic Violence, 4301 W. Markham, Slot 606, Little Rock AR 72205. (Phone 501-661-7975, Fax 501-661-7976)

**REVIEWED UNDER THE ADMINISTRATIVE PROCEDURES ACT, October 1, 2002**