

SEX OFFENDER ASSESSMENT COMMITTEE
2014

**ASSESSMENT GUIDELINES AND
PROCEDURES FOR**

**MINOR ADJUDICATED DELINQUENT OF
SEX OFFENSE IN ANOTHER JURISDICTION
AND MOVING TO ARKANSAS**

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ASSESSMENT GUIDELINES AND PROCEDURES FOR
MINOR ADJUDICATED DELINQUENT SEX OFFENSE MOVING TO
ARKANSAS
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HISTORICAL BACKGROUND

The 81st General Assembly of the State of Arkansas passed Act 989 of 1997 entitled “The Sex and Child Offender Registration Act of 1997.” This legislation has been amended on several occasions including most recently Acts 172; 505; 508; and 1428 of 2013. Currently known as “The Sex Offender Registration Act of 1997” the law requires assessment of all sex offenders registered in the State of Arkansas for the purpose of determining the level of community notification to be conducted by local law enforcement. These guidelines are for the purpose of assessing the level of community notification of minors who have been adjudicated delinquent of a sex offense in another jurisdiction, which are now living, working or attending school or other training in Arkansas.

THE SEX OFFENDER ASSESSMENT COMMITTEE

Ark. Code Ann. § 12-12-921 establishes a nine (9) member Sex Offender Assessment Committee (“SOAC”). Subject to confirmation by the Senate, the Governor appoints the following six (6) members:

- A defense attorney
- A prosecuting attorney
- A licensed mental health professional who has demonstrated expertise in the treatment of sex offenders.
- A victim’s rights advocate
- A law enforcement officer
- A member with expertise in juvenile justice or treatment

Also serving on the Committee

- The director of the Arkansas Department of Correction (“ADC”), or the director’s designee
- The director of the Arkansas Crime Information Center (“ACIC”), or the director’s designee
- The director of the DCC, or the director’s designee

The SOAC 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. The Committee must also establish qualifications for examiners and qualify examiners to prepare reports in accordance with the assessment protocol.

Adult assessments are completed by the Sex Offender Community Notification Assessment (“SOCNA”). SOCNA is a unit within the Arkansas Department of Corrections. (“ADC”) Correspondence to the SOAC and to the staff for SOCNA is to be directed to Post Office Box 6209, Pine Bluff AR 71611-6209, faxed to (870) 850-8446, or e-mailed to adc.socna@arkansas.gov. The office may be reached by phone: (870) 850-8429.

Pursuant to Ark. Code Ann. § 12-12-906(a)(2)(C)(i)(b) a minor adjudicated delinquent sex offender moving to Arkansas from another jurisdiction must submit to assessment by the UAMS Family Treatment Program or other agency or entity authorized to conduct juvenile sex offender assessments. For the 2013-2014 fiscal year, the ADC and SOAC contracts with the Family Treatment Program (“FTP”) of the University of Arkansas for Medical Sciences to conduct assessments of juvenile offenders, according to standards and procedures developed by that organization and approved by the Sex Offender Assessment Committee. Correspondence to FTP should be sent to Family Treatment Program, ATTN: Registration Risk Assessments, #1 Children’s Way, Slot 512-24B, Site 401, Little Rock AR 72202; phone – 501-364-3348; fax- 501-364-3816. The contract is subject to review and renewal on an annual basis. References to FTP are subject to change pursuant to the contract in place at the time of assessment.

SEX OFFENDER REGISTRATION LAW FOR A MINOR SEX OFFENDER MOVING TO ARKANSAS

Ark. Code Ann. § 12-12-905 requires that the following persons must register:

- (a) The registration or registration verification requirements of this subchapter apply to a person who:
 - (1) Is adjudicated guilty on or after August 1, 1997, of a sex offense, aggravated sex offense, or sexually violent offense;
 - (2) Is serving a sentence of incarceration, probation, parole, or other form of community supervision as a result of an adjudication of guilt on or after August 1, 1997, for a sex offense, aggravated sex offense, or sexually violent offense;
 - (3) Is acquitted on or after August 1, 1997, on the grounds of mental disease or defect for a sex offense, aggravated sex offense, or sexually violent offense;
 - (4) Is serving a commitment as a result of an acquittal on or after August 1, 1997, on the grounds of mental disease or defect for a sex offense, aggravated sex offense, or sexually violent offense; or
 - (5) Was required to be registered under the Habitual Child Sex Offender Registration Act, former § 12-12-901 et seq.
- (b) A person who has been adjudicated guilty of a sex offense and whose record of conviction will be expunged under the provisions of §§ 16-93-301 -- 16-93-303 is not relieved of the duty to register or verify registration.
- (c) (1) If the underlying conviction of the registrant is reversed, vacated, or set aside or if the registrant is pardoned, the registrant is relieved from the duty to register or verify registration.

(2) Registration or registration verification shall cease upon the receipt and verification by the Arkansas Crime Information Center of documentation from the:

(A) Court verifying the fact that the conviction has been reversed, vacated, or set aside; or

(B) Governor's office that the Governor has pardoned the registrant.

Ark. Code Ann. §12-12-906 requires registration for sex offenders moving to Arkansas.

§12-12-906(a) Duty to register or verify registration generally - Review of requirements with offenders.

(2) (A) A sex offender who moves to or returns to this state from another jurisdiction and who would be required to register as a sex offender in the jurisdiction in which he or she was adjudicated guilty or delinquent of a sex offense shall register with the local law enforcement agency having jurisdiction within seven (7) calendar days after the sex offender moves to a municipality or county of this state.

(B) (i) Any person living in this state who would be required to register as a sex offender in the jurisdiction in which he or she was adjudicated guilty or delinquent of a sex offense shall register as a sex offender in this state whether living, working, or attending school or other training in Arkansas.

(ii) A nonresident worker or student who enters the state shall register in compliance with the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248, as it existed on January 1, 2007.

(C) A sex offender sentenced and required to register outside of Arkansas shall:

(i) (a) Submit to assessment by Community Notification Assessment if he or she is at least eighteen (18) years of age at the time he or she enters this state to live, work, or attend school.

(b) If he or she is under the age of eighteen (18) at the time he or she enters this state to live, work, or attend school, he or she shall submit to assessment by the UAMS Family Treatment Program or other agency or entity authorized to conduct juvenile sex offender assessments;

(ii) Provide a deoxyribonucleic acid (DNA) sample if a sample is not already accessible to the State Crime Laboratory; and

(iii) (a) Pay the mandatory fee of two hundred fifty dollars (\$250) to be deposited

into the DNA Detection Fund established by § 12-12-1119 within ninety (90) days from the date of registration.

(b) Failure to pay the fee required under subdivision (a)(2)(C)(iii)(a) of this section is a Class A misdemeanor.

Pursuant to Ark. Code Ann. §9-27-356, the Arkansas Juvenile Court determines whether or not a juvenile, adjudicated delinquent of a sex offense in Arkansas, is required to register.

REGISTRATION PROCESS FOR A MINOR SEX OFFENDER MOVING TO ARKANSAS

The law enforcement agency having jurisdiction will ensure that sex offenders moving into their jurisdiction register. The law enforcement agency with jurisdiction shall complete the registration form and have the offender read and sign the ACIC Acknowledgement form and immediately fax those forms to ACIC or use CENSOR, the electronic system established by ACIC.

For minors' adjudicated delinquent in another jurisdiction, law enforcement agency will explain and obtain the signature of the Offender and the parents/guardians of the Offender on the Juvenile Sex Offender Registration and Community Notification Assessment Advisement Form. This form will be faxed to FTP Program (Fax: 501-364-3816) to alert FTP of the need to begin the assessment process.

COMMUNITY NOTIFICATION ASSESSMENT

Under the auspices of the SOAC, FTP must conduct a community notification assessment on each minor adjudicated delinquent sex offender from another jurisdiction moving to Arkansas and required to register in Arkansas. Community notification assessments are conducted strictly for the purpose of determining the most appropriate level of community notification. Ark. Code Ann. §12-12-906(a)(2)(C)(b).

INITIAL INFORMATION GATHERING

It is recognized that the local law enforcement agency undertaking registration of a minor adjudicated delinquent sex offender moving to Arkansas is not the arresting agency. However, FTP requests their assistance in obtaining information from the adjudicating state on the following information.

FTP requests that the law enforcement agency registering the minor adjudicated delinquent sex offender, who has moved from another jurisdiction, to forward all information available or contact information on the agency from which the information may be obtained, including, but not limited to:

- Arrest Report/Incident Report
- Number & Age of Victims
- Victim Statement
- Offender Statement
- Injury to Victim/Force Used
- Whether a weapon was used in the commission of the crime
- Any Medical Information

Arkansas Crime Information Center Referral: If the referral is received from the Arkansas Crime and Information Center, FTP will begin the assessment process.

Offender Self-Referral: If the offender makes the initial referral, the following information will be obtained and documented in eSOMA and the paper file:

- Date of call
- Offender name
- Offender Date of Birth
- Offender Social Security Number
- Offender Address
- Offender Phone Number
- Sex Offense Conviction(s)
- Date of Sex Offense Conviction(s)
- Jurisdiction of Sex Offense Conviction(s)
- What the offender reports happened that led to his/her conviction

GENERAL INFORMATION GATHERING

Diligent attempts will be made to gather all available information necessary to complete an accurate assessment and all attempts will be documented. The offender and his/her parents/guardian will cooperate in providing waivers or release of information documents requested by FTP to assist in information gathering.

Desired information for a complete and accurate assessment is listed below. The list is not exhaustive, and the staff member is expected to use his/her best judgment as to what further information may be required to complete the assessment.

- Judgment & Commitment or Judgment & Disposition Order for each sex offense
- Affidavit & Warrant for Arrest
- Detailed description of sex offense(s)
- Detailed description of nonsexual Dangerous offense(s)
- Current & Complete ACIC/NCIC Report(s)
- Drug & Alcohol history & Treatment Information
- Sex Offender Treatment information

- Medical information regarding possible injuries to the victim(s)
- Mental Health Assessment and Treatment Information
- Relevant incarceration information
- Relevant probation/parole information

A list of documents obtained will be maintained in the electronic sex offender management system and the list mailed to the offender along with his community notification level letter.

ASSESSMENT PROCESS

A sex offender has immunity for a statement made by him or her in the course of assessment with respect to prior conduct under the immunity provisions of § 16-43-601 et seq. Ark. Code Ann. 12-12-917(b)(4)(B).

Community Notification Level Assessment for minor who has been adjudicated delinquent for sexual offenses may include but are not limited to:

- Review of the youth's criminal history, with particular attention given to sexual and violent offenses.
- Interview with the youth by assessment staff. Parents or caregivers are expected to participate in the interview. Treatment providers, case managers, and others may also be interviewed.
- Thorough review of current and previous mental health records available to the assessor.
- Review of educational records, including grades, behavior, and assessment, as available.
- Review of psychological testing, if available.
- Child maltreatment reports, incident reports, disciplinary reports from facilities.
- Other information that is relevant to the youth's offense and general behavioral and emotional adjustment.
- Completion of appropriate actuarial instruments for youth who have been adjudicated for sexual offenses.
- Truth verification techniques

For a minor who was adjudicated delinquent out-of-state, referring parties, when available, shall provide offense information, criminal history information, mental health treatment information, psychological testing information, and other information as available. The referring party shall provide a release of information document signed by the youth's parent having custody so that assessment staff may attempt to obtain relevant information. FTP staff will attempt to obtain relevant records when they are not made available by law enforcement.

Background information on youth will be reviewed for completeness prior to scheduling of the assessment interview. More information may be requested by assessment staff after meeting with the youth, his parents or caregiver.

The juvenile and his/her parent/guardian will participate in an interview at the Family Treatment Program located at

11 Children's Way, Suite 401, Little Rock, AR 72202

(This location may be found on some GPS equipment as 1120 Marshall Street. It is on the Arkansas Children's Hospital campus.)

INTERVIEW

The minor and his parent will participate in an interview at the Family Treatment Program (FTP). For youth who are in residential treatment or in DYS custody, treatment and/or facility staff may participate in the interview process. Information to be gathered in this interview includes:

- Information about the index offense, including charges, victim statement, evidence of planning, etc.
- Information about all other delinquency charges and convictions
- Information about all other inappropriate sexual behaviors or sexual crimes
- Current behavior
- Placement history
- Personal history
- Developmental history
- Medical history
- Substance abuse history
- History of maltreatment, exposure to family and/or community violence, and other trauma.
- Educational history, including grades, school behavior, and special resources
- Sexual history
- Current and previous mental health treatment

ACTUARIAL INSTRUMENT

FTP utilizes the Juvenile Sex Offender Assessment Procedure, II (JSOAP-II) as its actuarial tool. However, due to the rapidly changing developmental factors in youth, current actuarial tools for youth with sexual offenses are limited in their validity and reliability. Actuarial assessment of static and dynamic risk factors assist in providing a risk assessment that is based on clinical evaluation of factors that have been identified in the literature as related to sexual re-offense. Static risk factors are those that cannot decrease over time, regardless of intervention or treatment, while dynamic risk factors are subject to change over time, and sex offender specific

treatment is designed to affect dynamic risk factors in order to reduce the offender's risk for reoffending in the future.

DEFAULT ASSESSMENT DETERMINATION

If an offender living in the community fails to appear for his/her first scheduled interview, he/she will be sent another letter scheduling a second interview. If the offender fails to appear for the second appointment; refuses to cooperate in the assessment process (where the offender's aggressive, threatening, or disruptive behavior prevents an assessment); or the offender voluntarily terminates the assessment after having been advised of the consequences, he/she will be assigned a default level.

FTP will refer appropriate incidents to the prosecutor in the county of registration for refusal to cooperate with the assessment process, a Class C Felony (see Ark. Code Ann. §12-12-904(a)).

PAPERWORK/DNA/DIGITAL PHOTOGRAPHS

Before conducting the assessment, a FTP staff person will be assigned to insure that offenders to complete the Juvenile Sex Offender Registration and Community Notification Assessment Advisement Form, if it has not already been completed and submitted by local law enforcement at the time of registration. FTP staff will instruct them about basic assessment information. If the offender refuses to sign the forms, the FTP staff person will attempt to obtain a witness to document the offender's refusal. Both witnesses will sign and date the form.

Whenever possible, a digital photograph will be taken of the offender during the assessment process. The offender will be identified at the time the photograph is taken. The photo will be transferred to the Offender Fact Sheet. In the event that an offender is not photographed at the time of his interview, a photograph will be obtained from another source, such as the eOMIS system, local law enforcement, the DCC, or ACIC.

TRUTH VERIFICATION TECHNIQUES

If FTP staff determines that additional information may be obtained, a computerized voice stress analysis (CVSA) or polygraph may be used. The FTP administrator and/or FTP psychologist can make the final decision whether to use a truth verification measure with an offender.

Offenders will be given one opportunity to present themselves and submit to a truth verification examination. Failure to appear for the scheduled examination as part of the assessment process will result in the offender being assessed a Level 3 by Default.

Any behavior by the offender to influence the results of a truth verification examination will result in the offender defaulting him/herself to a Level. The offender may be referred for prosecution for failing to cooperate with the assessment process, a Class C Felony. (See Ark. Code Ann. § 12-12-904(a)).

COMMUNITY NOTIFICATION LEVELS

After completing the assessment process, each offender will be assigned one of the following community notification levels.

- Level 1: Typically offenders in this category have no prior history of sexual offending and the community can be protected with notification inside the home and to local law enforcement authorities. Level 1 would not generally be appropriate with prepubescent victim(s), predatory behavior, sexual interest in children, or a history of working with children or around children if the victim was a child, and allegations of force or threats of physical harm were used in the offense.
- Level 2: Typically offenders in this category have a history of sexual offending where notification inside the home is insufficient. Community notification requires notice to the offender's known victim preference and those likely to come into contact with the offender.
- Level 3: Typically offenders in this category have a history of repeat sexual offending, and/or strong antisocial, violent or predatory personality characteristics. These are individuals whose offense and criminal history require notification throughout the community.
 - Default Level 3: Offenders who appear for the assessment under the influence of alcohol, illegal drugs or who fail to timely disclose the use of medications, individuals who fail to appear for any phase of the assessment, individuals who are aggressive, threatening, or disruptive to the point that FTP staff cannot proceed with the assessment process, and individuals who voluntarily terminate the assessment process having been advised of the potential consequences will be classified as being a Level 3

OVERRIDES & DEPARTURES

The actuarial tools used during the assessment are only one component of a community notification assessment. The other components of the assessment have been previously described in these guidelines. The following additional information will be used in connection with the results of actuarial tools and the other components of the assessment previously discussed. In instances where an actuarial instrument is used, the following are nonexclusive and non-binding descriptions of when an increase or decrease from the actuarial score may be appropriate in determining the notification level.

CONSIDERATIONS FOR INCREASED COMMUNITY NOTIFICATION

- If the offender has committed previous juvenile or adult sexual offense(s); has multiple offenses; or has multiple victims, whether or not there are convictions, the community notification level may go beyond the recidivism risk suggested by the actuarial instruments. This may extend to known or self-admitted molestations, offenses that were reported and reliably investigated even if not prosecuted, and offenses primarily sexual in nature but pled down to non-sexual offenses.
- If statements made by the offender during the interview, or relevant historical data suggest there are psychological abnormalities that may predispose the offender to sexual offending; a physical condition, addiction or other psychological impairment that decreases his/her ability to control sexual impulses, or increases his/her potential for sexual violence; or other data that suggest higher risk than the actuarial model predicts, the community notification level should go beyond the recidivism risk suggested by the actuarial instruments.
- If the offense involved extreme physical injury, death, or other heinous actions, the offender should be assigned no lower than a Level 3.
- If the offender has provided information on record or during the interview that he/she is likely to commit subsequent sex offenses, the offender may be assigned Level 3.
- If the offender's offense history, behavior, or victim characteristics (e.g., extremely young victim, stranger victim, extra-familial victim, etc.) indicates community notification should go beyond the recidivism risk suggested by the actuarial instruments.

CONSIDERATIONS FOR DECREASED COMMUNITY NOTIFICATION

- If after treatment, (behavioral, anti-androgen or other), the offender is able to show evidence that the treatment has significantly enhanced the offender's impulse control ability and decreased the predisposition to re-offend, the community notification level assigned may be lower than the recidivism risk suggested by the actuarial instruments.
- If there is evidence to show that the offense 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, the community notification level assigned may be lower than the recidivism risk suggested by the actuarial instruments.
- 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 or other witness admitted that the allegations were fabricated out of spite), the community

notification level assigned may be lower than the recidivism risk suggested by the actuarial instruments.

- If the official documentation of the sex offense indicates that it was a statutory offense, without evidence of violence, coercion or a deviant attraction, and if there is not a pattern of illegal sexual behavior, the community notification level assigned may be lower than the recidivism risk suggested by the actuarial instruments.

COMMUNITY NOTIFICATION ASSESSMENT REPORT FOR MINORS FROM ANOTHER JURISIDCTION

The Community Notification Assessment Report for Minors Adjudicated Delinquent of a Sex Offense in Another Jurisdiction and Moving to Arkansas shall be written summarizing the important aspects of each record completed, indicating the level of community notification level assigned the offender, and providing recommendations for purposes of notification and monitoring. A copy of the Assessment Report for Minor Adjudicated in Another Jurisdiction will be provided to the Offender at which time the offender may seek an administrative review of the decision. (See Guidelines, ADMINISTRATIVE REVIEW for procedure for requesting an administrative review.)

The report may include:

- Identifying demographic information,
- Sexual offense conviction(s) and date as indicated on the Judgment and Commitment or Disposition,
- Brief synopsis (overview) of the sex crime,
- Prior (other) criminal convictions of a violent or sexual nature for which SOCNA has a judgment,
- Interview synopsis,
- A history of learning or intellectual problems,
- A history of mental illness or mental health treatment,
- Additional factors affecting community notification level,
- The assessed community notification level,
- High risk behaviors impacting supervision, and
- Signature line.

A Disclaimer should be placed at the end of the report identifying those individuals who have access to this information and the requirement for them to delete any identifying victim information if given to anyone other than law enforcement.

OFFENDER FACT SHEET

Pursuant to Ark. Code Ann. § 12-12-917(f)(4)(B) the Offender Fact Sheet will include the following information, as applicable:

- (i) Registration information as required in § 12-12-908;
- (ii) Risk level;
- (iii) Date of deoxyribonucleic acid (DNA) sample;
- (iv) Psychological factors likely to affect sexual control;
- (v) Victim age and gender preference;
- (vi) Treatment history and recommendations; and
- (vii) Other relevant information deemed necessary by the committee or by professional staff performing sex offender assessments including, as available,
 - A recent photo of the offender/Date of Photo, if known
 - Offender name
 - Known aliases
 - Social security number
 - Fingerprint ID class/code
 - SID#
 - CSN#
 - ADC#
 - Driver's license number
 - Date of birth
 - Height
 - Weight
 - Race
 - Identifying marks or scars
 - Hair color
 - Eye color
 - Community notification level
 - Date of DNA sample
 - Anticipated legal address/Date Last Verified
 - Temporary address (if applicable)
 - Probation/Parole Office
 - Place of employment
 - Brief description of crime
 - Criminal History/Sexual Violence
 - Victim preference
 - Treatment history

NOTIFICATION TO THE OFFENDER OF THE COMMUNITY NOTIFICATION LEVEL

The offender will be notified by both certified mail and first class mail of the assessed community notification level and the rights and procedures for administrative review. The notification will be mailed to the address provided to the Arkansas Crime Information Center for purposes of registration, unless there is a valid reason to deviate from this policy, i.e., the offender calls and has just updated his address, but it is not yet in ACIC.

ADMINISTRATIVE REVIEW

The offender's request for an administrative review must be made, in writing, within fifteen (15) days of receipt of the advisement of the assessment level notification sent to the offender by certified mail and first class mail; receipt of the advisement of the community level notification will be presumed within five (5) days of postmark. The offender is responsible for delivery of the request for administrative review to FTP. The offender should send a written request for administrative review to FTP Treatment Program, Registration Risk Assessments, #1 Children's Way, Slot 512-24B, Suite 401, Little Rock, AR 72202.

The offender must clearly state and support, with documentary evidence attached to the request, his/her basis for the administrative review. The following shall be considered as a basis for administrative review:

- The rules and procedures of the FTP were not properly followed in reaching a decision of the community notification level of the sex offender;
- Documents or information not available at the time of assessment have a bearing on the risk that the sex offender poses to the community; or
- The assessment is not supported by substantial evidence.

The administrative review is a review of the record only and is conducted by a member of the SOAC. The offender has no right to a hearing in which he/she will appear and/or call witnesses.

Upon receipt of a request for an administrative review, FTP will forward the request and the administrative record to the SOAC reviewing official. The SOAC reviewing official will review the administrative record and determine whether to uphold the assessment or submit the review to the full SOAC for modification consideration. A majority vote of SOAC will be required to modify the notification level based upon the administrative review. If an administrative review cannot be completed within thirty (30) days of receipt of the request for administrative review, the reviewing official shall notify the offender of the delay by regular mail. Upon completion of the administrative review, the results will be documented and forwarded to the offender by certified mail. For those incarcerated, service shall be as provided in the Arkansas Rules of Civil

Procedure or by personal delivery to the offender. Community notification at the level assigned in the administrative review will commence five (5) days after the postmark of the administrative review decision to the offender.

During the Administrative Review, the local law enforcement agency having jurisdiction may make community notification at the initial level of assessment Ark. Code Ann. § 12-12-922(b)(5). FTP will notify law enforcement of the conclusion and results of the administrative review and community notification will be adjusted pursuant to any change in the level assigned.

JUDICIAL REVIEW

Upon receipt of the findings of the administrative review, the offender has thirty (30) days to file a petition under the Arkansas Administrative Procedures Act in Pulaski County Circuit Court or in the Circuit Court of the county in which the offender resides or does business, requesting judicial review of the community notification level. Ark. Code Ann. §12-12-922(b)(7)(A)(ii) and Ark. Code Ann. §25-15-212.

As part of the judicial review process, the SOAC may ask the court to seal statements of victims, medical records, and other items that could place third parties at risk of harm.

Community notification will continue at the level determined by the Administrative Review during the pendency of a judicial review. The community notification level will be adjusted pursuant to any change ordered by the court as a result of the judicial review process.

When notice of a judicial review is received, FTP will fax copies of the notice to the Arkansas Attorney General's Office, and the ADC's Compliance Office.

PREPARING THE RECORD

FTP will use the following procedure when preparing the record for the judicial review:

- Copy all information contained in the record,
- Remove duplicates, unless the duplicates have notes written on them or contain information not on the original document,
- Retain any duplicate documents in a manila folder marked "duplicates" in the original file,
- Designate the file into the following division:
 - Part 1: Administrative Review: includes the request for administrative review, any documentation sent by the offender the Final Administrative Order and proof of service of the order, i.e. signed USPS green card.
 - Part 2: Assessment Documentation: includes all information use to make the determination of the assessment level, including but not limited to, all legal documents collected, interview notes and summary, treatment records, testing and any correspondence.

- Part 3: Correspondence and Miscellaneous Documentation
- Certify the copy as true and correct, and
- Provide once certified copy of the file to the Arkansas Attorney General's Office.

NOTIFICATION PROCESS

If a request for Administrative Review is not received within twenty (20) days after postmark of the advisement of the community notification level, the notification process will proceed. A copy of the Sex Offender Assessment Report, Offender Fact Sheet, and the Notification Guidelines will be mailed to the Local Police Department, Local Sheriff's Department, Prosecuting Attorney, DCC, the ACIC, and the Arkansas Parole Board.

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 confirm the offender's location. Any discrepancies on the Offender Fact Sheet should be immediately brought to the attention of the FTP: Phone (501) 364-2829 or FAX (501) 364-3816.

Local law enforcement agencies are permitted to perform notification regarding sex offenders to members of the community.

NOTIFICATION GUIDELINES

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 beyond those who have a need to know within the agency.

The higher the community notification level assigned, the broader the notification that must be given. These notification guidelines apply to adult offenders. 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 threat 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.

LEVEL 1 / LOW COMMUNITY NOTIFICATION

- 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.
- 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 ADC. Victims or guardians of victims of juvenile offenders should be notified by law enforcement.

LEVEL 2 / MODERATE COMMUNITY NOTIFICATION

- 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 DHS, women's organizations and shelters, park security, businesses frequented by children.
- Employers must be notified.
- State licensing boards will be notified as deemed appropriate by local law enforcement, when the person is licensed by the board.
- Individuals or heads of families with members within the offender's target group who are likely to encounter the offender, or live in the same neighborhood as the offender must be notified.
- Offender Fact Sheet information on adult offenders rated at Level 2 with a victim who is fourteen (14) years of age or younger will be available to the public on the ACIC web site (<http://www.acic.org/>).

LEVEL 3 / HIGH COMMUNITY NOTIFICATION incl. Default Level 3

- All of the entities and individuals listed for Levels 1 and 2 must be notified, 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 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 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.

- Offender Fact Sheet information on offenders rated at Level 3 (high) will be available to the public on the ACIC web site (<http://www.acic.org/>).

RE-ASSESSMENT

Adjudicated Delinquent Sex Offenders who have moved to Arkansas and been assessed as minor may request reassessment five (5) years after the date of the most recent assessment. Reassessment of an adjudicated delinquent sex offender age eighteen (18) or over will be conducted by SOCNA. Reassessments may include a polygraph, or voice stress analysis, as deemed appropriate by the FTP. The cost of polygraph and/or computerized voice stress analysis will be billed to the person being reassessed. Reassessments of incarcerated individuals will include administration of a polygraph examination, and/or computerized voice stress analysis, as deemed necessary by SOCNA staff.

Reassessment may be requested by the DCC, the law enforcement agency having jurisdiction, or the Arkansas Parole Board to the SOAC at any time, by submission of the Sex Offender Re-Assessment Form or a statement of reason for reassessment to the SOCNA Program. The cost of any polygraph, voice stress analysis and/or plethysmograph examinations on referrals by law enforcement will be borne by the SOAC. Forms for requesting reassessment are available from the ACIC web site or may be obtained from the SOCNA.

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. Refusal or non-compliance will also result in the offender being assigned a default level 3.

Offenders who are reassessed based upon their request will be given one opportunity to appear for re-assessment. If the offender provides advance notice of an inability to make the scheduled appointment, he/she will be allowed one additional opportunity to appear. If the reassessment is at the request of a state or local agency, the offender will have two opportunities to appear.

TERMINATION OF REQUIREMENT TO REGISTER

Termination of the registration requirements are found in Ark. Code Ann. § 12-12-919.

Expungement of criminal convictions under the provisions of Ark. Code Ann. §§ 16-93-301 - 303 does not relieve an individual of the duty to register or reregister. The requirement to register due to a criminal conviction is relieved if the underlying conviction of the offender is reversed, vacated, or set aside, or if the offender is pardoned.

RECORDS

The SOAC will maintain all documentation gathered and all assessments administered. Original documents will be maintained for at least one year, after which time case files may be stored electronically and the original documents can be destroyed. If there is ongoing litigation that

would necessitate the hard copy being maintained beyond one year, the files will not be digitally imaged until the resolution of the court proceedings.

Access to documents generated by the SOAC may be granted to ACIC, and to any law enforcement agency or court of competent jurisdiction.

The offender may request copies of all reports generated and a list of all documents obtained from other agencies from the SOAC.

The FTP will not provide copies of working notes, or of copyrighted psychological tests that are restricted to licensed professionals. Copies of records generated by other agencies will not be released except under court order. **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 assessment process.

Access for the purpose of research must be requested in writing and is subject to approval by the ADC with recommendation by the SOAC. FTP research is also under the oversight of the UAMS Human Subjects Committee.

IMMUNITY

A sex offender has immunity for a statement made by him or her in the course of assessment with respect to prior conduct under the immunity provisions of § 16-43-601 et seq. Ark. Code Ann. 12-12- 917(b)(4)(B).

Public officials, public employees, public agencies, and members of the SOAC are immune from civil liability for good faith conduct under Act 989 of 1997, as amended.

Nothing in Act 989 of 1997, Ark. Code Ann. §12-12-920, 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 SOAC 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.

JUVENILE SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION ASSESSMENT ADVISEMENT FORM

[This document is for use in the registration of minor juveniles adjudicated delinquent in another state of a registerable sex offense who are living, working or attending school in Arkansas.]

Pursuant to Ark. Code Ann. §12-12-906 (a)(2)(A) a sex offender who moves to or returns to Arkansas from another jurisdiction where he/she has been adjudicated guilty or delinquent of a sex offense is required to register as a sex offender. Said registration is conducted by the local law enforcement in the community where the offender lives, works and/or attends school. Registration must take place within seven (7) days of moving to the municipality of county of this State. A registered sex offender must submit to an assessment to determine the level at which community notification will be conducted. Ark. Code Ann. §12-12-906(a)(2)(C).

The FAMILY TREATMENT PROGRAM, operating under the oversight of the Sex Offender Assessment Committee will conduct this assessment. The assessment procedures involves but is not specifically limited to, some or all of the follow components:

- Review of the youth's criminal history, with particular attention given to sexual and violent offenses.
- Interview with the youth by assessment staff. Parents or caregivers are expected to participate in the interview. Treatment providers, case managers, and others may also be interviewed.
- Thorough review of current and previous mental health records available to the assessor.
- Review of educational records, including grades, behavior, and assessment, as available.
- Review of psychological testing, if available.
- Child maltreatment reports, incident reports, disciplinary reports from facilities.
- Other information that is relevant to the youth's offense and general behavioral and emotional adjustment.
- Completion of appropriate actuarial instruments for youth who have been adjudicated for sexual offenses.
- Truth verification techniques

You will be photographed when you appear for your assessment. 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.

You will be given an appointment for your assessment as soon as the Family Treatment Program has gathered sufficient information to conduct the assessment. You will receive notification of the date and time of your assessment by mail. If you show up for your appointment on time you may plan on the assessment lasting two (2) hours. If you are late, there is no guarantee your assessment can be completed that day. Repeated failures to show up on time will be considered refusal of assessment. You may be contacted to provide appropriate waivers to enable the Family Treatment Program to obtain required information. Any documents you wish the assessment process to consider must be submitted in advance of the assessment appointment.

You may refuse this assessment, but refusal to cooperate with any part of the assessment process is grounds for you to be charged with a Class C Felony. Additionally, if you refuse the assessment, you may be assigned the highest risk level. The chief law enforcement officer where you live will provide notice to the community of your level, and the Arkansas Crime Information Center will post your level on the Sex Offender Registration website. If you become disruptive or aggressive, either verbally or physically, you may be assigned the highest risk level by default and charged with a class C felony. Any refusal or noncompliance maybe reported to the sentencing court and supervising authorities.

The Risk Assessment and Profile Report and Offender Fact Sheet will be provided to the Department of Community Correction, your local Police & Sheriff's Departments, the local Prosecuting Attorney and the Arkansas Crime & Information Center. Information will be provided to the Post Prison Transfer Board and to therapists who are providing you with treatment, upon request. You will be advised of your community notification level by mail.

Sex Offender Screening & Risk Assessment files are not subject to the Freedom of Information Act.

The Sex Offender Screening and Risk Assessment is interested in the number of victims on whom you have offended and your sexual behavior and interests. Information you disclose about other victims during your assessment interview cannot be used to prosecute you unless the information provided is about a current child victim. As a mandated reporter the person conducting the assessment interview must report on going abuse to the appropriate investigative agency.

Please read this form carefully, then read the statement below and initial one of file boxes below.

I agree to comply with the assessment understanding that if I become disruptive or aggressive, either verbally or physically, I may be assigned the highest risk level and charged with a class "C" felony.

I refused to be assessed understanding I may be assigned the highest risk level and subject to prosecution for a class "C" felony.

PRINT Name of Juvenile Offender

Signature of Juvenile Offender

DATE

Print Name of Parent or Guardian

Signature of Juvenile's Parent or Legal Guardian

DATE

Print Witness Name and Title

Signature of Witness, Title

DATE

NOTICE TO OFFENDER OF ASSESSED COMMUNITY NOTIFICATION LEVEL

Dear

You have been assessed and assigned a community notification level: _____

A copy of your Offender Fact Sheet, Community Notification-Assessment Report and a list of documents in the file are enclosed with this letter. Should you disagree with your assigned community notification level, you may challenge the level by requesting an administrative review. As part of that request you may request a copy of the any documents generated by FTP.

The request for an administrative review shall be postmarked in accordance with these instructions within fifteen (15) days of receipt of this letter. The basis of the request for administrative review shall be clearly and specifically stated and any newly obtained documentary evidence must be attached.

The basis for administrative review shall be that:

- The rules and procedures were not properly followed in reaching a decision on the community notification level of the individual (you must specify which rule or procedure allegedly was not followed);
- Documents or information not available at the time of assessment and having a bearing on the assessment that were not considered (documents or information must be submitted with the request for administrative review); or
- The assessment is not supported by substantial evidence (please be specific).

An offender fact sheet shall be made available to law enforcement so that community notification may commence pending completion of the administrative review.

Send any requests for review, along with your written documentation to: Sex Offender Assessment Committee, P.O. Box 6209 Pine Bluff, Arkansas 71611.

Sincerely,

RESOURCES

ADULT ASSESSMENTS

Sex Offender Screening & Risk Assessment
P.O. Box 6209
2403 E. Harding Ave.
Pine Bluff, AR 71611
Phone: (870) 850-8429
Fax: (870) 850-8446

SEX OFFENDER REGISTRATION

Arkansas Crime Information Center
322 South Main St Suite 615
Little Rock, AR 72201
Phone: (501) 682-2222
Fax: (501) 683-5592

JUVENILE ASSESSMENT

Family Treatment Program
Physical Address:
#11 Children's Way
Mailing Address:
#1 Children's Way, Slot 512-24B
Little Rock, AR 72202
Phone: (501) 3643348
Fax: (501) 364-3816

CHILD ABUSE HOTLINE

Arkansas State Police
(800) 482-5964

INFORMATION ABOUT ABUSE

Commission on Child Abuse, Rape & Domestic Violence
University of Arkansas for Medical Sciences
4301 W. Markham, Slot 606
Little Rock, AR 72205
Phone: (501) 661-7975
Fax: (501) 661-7977

VICTIM ASSISTANCE

Arkansas Crime Reparation
323 Center St., Suite 1100
Little Rock, AR 72201
Phone: (501) 682-1020
(800) 448-3014
Fax: (501) 682-5313