

# **SEX OFFENDER ASSESSMENT COMMITTEE GUIDELINES AND PROCEDURES 2007**

## **Historical Background**

The United States Congress passed the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act as part of the Federal Violent Crime Control and Law Enforcement Act of 1994. On June 19, 1998, the U.S. Department of Justice published the Proposed Guidelines in the Federal Register (63 FR 33696) to implement the act as amended by “Megan’s Law,” the Pam Lyncher Sexual Offender Tracking and Identification Act of 1996, and §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 Wetterling Act was further modified by the “Campus Sex Crimes Prevention Act” (§1601 of Public Law 106-386). This federal law, enacted October 28, 2000, provides for the tracking of, and availability of, notification information to the campus community about convicted, registered sex offenders enrolled as students, working, or volunteering at institutions of higher education. These requirements are tied to state eligibility for certain types of federal grant funding and must be implemented through state law. The Adam Walsh Child Protection & Safety Act of 2006 further expanded Title 1 to include certain juvenile offenses, possession of child pornography, sex trafficking, and a new definition of sex offense.

## **Arkansas Legislation**

The 81<sup>st</sup> General Assembly of the State of Arkansas passed HB 1061, which became Act 989, “The Sex and Child Offender Registration Act of 1997.” This legislation was amended by the 82<sup>nd</sup> General Assembly of the State of Arkansas by passing HB 1963, which became Act 1353 of 1999. Act 1353 was modified by Acts 1740 and 1743 in the 83<sup>rd</sup> General Assembly. Acts 1740 and 1743 were combined and amended into Act 21 of the 2<sup>nd</sup> extraordinary session of the 84<sup>th</sup> General Assembly. Because the assessment and registration requirements are different for juveniles adjudicated as sex offenders, the law relating to juvenile sex offenders was revised in Act 1265 of 2003. Act 4 of the first extraordinary session of 2006, and Act 394 of 2007 further revised the sex offender registration laws. A.C.A. §12-12-923 establishes electronic monitoring for sexually violent predators for 10 years following release from prison. A.C.A. §12-27-125 establishes enhanced monitoring for sex offenders in the Arkansas Department of Community Correction (“DCC”).

Current code section references for adult offenders are A.C.A. §§12-12-901 through -923. The additional code section for juvenile offenders is §9-27-356. The intent of these various Acts is to protect the people of Arkansas from victimization by individuals who have previously engaged in criminal sexual behavior.

## **The Sex Offender Assessment Committee**

Arkansas law at A.C.A. § 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
- A victim’s rights advocate
- A law enforcement officer
- A member with expertise in juvenile justice or treatment

Also serving on the Committee is

- 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 Screening & Risk Assessment Program (SOSRA). SOSRA is a unit within the ADC. Correspondence to the SOAC and to the staff for SOSRA is to be directed to Post Office Box 6209, Pine Bluff AR 71611-6209, faxed to (870) 850-8446, or e-mailed to [adc.sosra@arkansas.gov](mailto:adc.sosra@arkansas.gov). The office may be reached by phone: (870) 850-8429.

The ADC contracts with the Family Treatment Program (FTP) through Children’s Hospital and 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.

## **Arkansas Crime Information Center**

Maintenance of the Sex Offender Registry and Web Site and responsibility for tracking of sex offenders in the community are vested in the ACIC. Information is available through the Internet, <http://www.acic.org>. The Internet links provide statistical information, as well as individual information, on high-risk offenders and sexually violent predators. Correspondence is to be directed to the Arkansas Crime Information Center, One Capitol Mall, Little Rock, AR 72201. The phone numbers for the Sex

Offender Registry at ACIC are (501) 682-7439 or (501) 682-7441. The fax number is (501) 683-5592.

The ACIC may release information regarding individual offenders only to members of the criminal justice system. However, if a member of the public believes that a sex offender should have registered, but did not, or has changed address or employment without proper notification, that information is to be given to the ACIC by that member of the public at the numbers listed above.

The ACIC maintains a website that provides information on level 2 adult offenders where the victim was fourteen (14) years of age or younger, and all level 3 and level 4 sex offenders. The public may access that website at <http://www.acic.org>.

### **Sex Offender Registration**

A.C.A. § 12-12-905 requires that the following persons must register:

(1) A person who is adjudicated guilty on or after August 1, 1997, of a sex offense, aggravated sex offense, or sexually violent offense;

(2) A person who 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) A person who 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) A person who 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; and

(5) A person who was required to be registered under the Habitual Child Sex Offender Registration Act, formerly § 12-12-901 et seq., enacted by Acts 587 of 1987, §§ 1-10 and 989 of 1997, § 23.

Pursuant to A.C.A. § 9-27-356, the court determines whether or not a juvenile is required to register.

### **Target Offenses:**

Pursuant to federal law, (42 U.S.C. 14071 a, (3) A and B), target offenses include:

- 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 determines is a sexual offense or violent offense against a child.

Additionally, the court may require registration of any offense for which there was a sexually motivated component. If the court determines that there is a sexual component, registration may be required. (For example, some stalking cases are not sexually motivated and others are.) Adults convicted of any of the following offenses **must** register.

1. Kidnapping of a minor, not by a parent	§ 5-11-102
2. False imprisonment of a minor 1 <sup>st</sup> , not by a parent	§ 5-11-103
3. False imprisonment of a minor 2 <sup>nd</sup> , not by a parent	§ 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. Indecent exposure, if a felony offense	§ 5-14-112
8. Exposing another person to HIV, when ordered by the Court to Register	§ 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. Video Voyeurism, if a felony offense	§5-16-101
14. Voyeurism, if a felony offense	§5-16-102
15. Incest	§ 5-26-202
16. Permitting abuse of a minor	§ 5-27-221
17. Engaging children in sexually explicit conduct for use in visual or print medium	§ 5-27-303
18. Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child,	§ 5-27-304
19. Transportation of minors for prohibited sexual conduct	§ 5-27-305
20. Internet Stalking of a Child	§ 5-27-306
21. Employing or consenting to the use of a child in a sexual performance	§ 5-27-402
22. Producing, directing or promoting a sexual performance	§ 5-27-403
23. Distributing, possessing, or viewing matter	§ 5-27-602

- depicting sexually explicit conduct involving a child
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| 24. Computer child pornography  | § 5-27-603 |
| 25. Computer exploitation of a child  | § 5-27-605 |
| 26. Promoting prostitution in the first degree                                      | § 5-70-104 |
| 27. Stalking when ordered by the court to register                                  | § 5-71-229 |
| 28. An attempt, solicitation, or conspiracy<br>to commit any of the above offenses. |            |

**This list of target offenses is not exclusive.** The registration requirement extends to the requirements of other state laws, tribal laws, military laws, and additional federal laws. Newly enacted sex offenses or current target offenses subsequently modified by legislation shall be considered target offenses unless otherwise specified by the legislature. The sentencing court has the authority to order the registration of any offender shown in court to have attempted to commit or to have committed a sex offense, even if the offense is not listed as a target offense. Any individual living in or moving into Arkansas, or entering Arkansas for employment, education, or training, who has been convicted of a target offense, or a differently titled, but equivalent offense by a federal court, tribal court, military court, or court of another state, that is the substantial equivalent of a target offense, or is required to register under the laws of another state is required to register and to submit to assessment in Arkansas.

## **Aggravated Sex Offenses**

“Aggravated sex offense” means an offense substantially equivalent to “aggravated sexual abuse” as defined in 18 U.S.C. § 2241 as it existed on March 1, 2003, which principally encompasses:

- (A) Engaging or attempting to engage in sexual acts involving penetration with victims of any age through the use of force or the threat of serious violence; or causing or attempting to cause another person to engage in a sexual act either by using or threatening force against that other person or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping; Engaging in sexual acts involving the penetration of victims below the age of twelve (12) by knowingly rendering another person unconscious and then engaging in a sexual act with that other person; or by administering to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct and engaging or attempting to engage in a sexual act with that other person.
- (B) Crosses a state line with intent to: engage or attempt to engage in a sexual act with a person who has not attained the age of twelve (12) years.
- (C) Knowingly engages or attempts to engage in a sexual act with another person who has not attained the age of twelve (12) years; or knowingly engages or attempts to engage in a sexual act under the circumstances in A and B above with another person who has attained the age of twelve (12) years but has not attained the age

of sixteen (16) years and is at least four (4) years younger than the alleged offender.

Determination as to whether an offense qualifies as an “Aggravated Sex Offense” may depend on the circumstances surrounding the offense. The court must indicate on the judgment and commitment or judgment and disposition form whether or not the offense is an aggravated sex offense.

Should there be any confusion regarding whether a sex offense qualifies as an “Aggravated Sex Offense” the Court will be contacted during the course of the assessment of the offender.

Individuals convicted of (an) aggravated sexual offense(s) are required to register for life.

### **Registration of Offenders**

A court in which an individual is either adjudicated guilty or acquitted on grounds of mental disease or defect of a sex offense, aggravated sex offense, or sexually violent offense, shall advise the individual that he or she is required to register as a sex offender. The Registration form, the ACIC Acknowledgment form, and Sex Offender Advisement form shall be a part of the paperwork completed at the time of conviction and shall be included with any other paperwork completed by the offender at that time. The prosecutor is to provide these forms to ACIC with the packet of information completed by the sex offender. These forms are available at the ACIC website.

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. Law enforcement officials shall also fax these forms to SOSRA (Fax: 870-850-8446). This will alert SOSRA to the need to begin the assessment process and/or alert SOSRA to the fact that an offender has relocated.

The ADC, the DCC, the Department of Human Services (DHS), and the Arkansas State Hospital shall complete the registration form for any offender being released from confinement ten days prior to release. The custodian shall also have the offender read and sign the ACIC Acknowledgement form. These forms shall be faxed to ACIC and SOSRA.

Sex offenders released from custody must register with the law enforcement agency where they will reside upon release.

### **Residency**

Residency is defined by A.C.A. § 12-12-903(10) as the place where a person lives notwithstanding there may be an intent to move or return at some future date to another

place. Residency also includes place of employment, training, or education. An offender must register in each law enforcement jurisdiction where he or she lives, attends school or is employed. For example, a convicted sex offender who is a college student must register with law enforcement (chief of police or sheriff) in the jurisdiction in which he or she lives, and the campus police or safety office, and possibly a third jurisdiction if working in a different city or county from where he or she resides.

Residence shall include a motor home, vehicle or boat when that is where the individual resides.

Nonresident worker(s) or student(s) from outside Arkansas whom have been or would be required to register by the laws of the jurisdiction in which they were adjudicated are required to be assessed and to register.

### **Verification of Residency**

Level 1 through 3 sex offenders must notify ACIC and law enforcement of any change of address ten (10) days prior to change. For an unexpected emergency change of address as in the case of a dwelling fire or natural disaster changes must be reported within three (3) days. A.C.A § 12-12-906.

Sexually Violent Predators must present themselves every three (3) months to the law enforcement agency having jurisdiction to verify residency.

Sexually Violent Predators released from confinement after 04/07/2006 must present themselves to local law enforcement, and are subject to electronic monitoring for ten (10) years. A.C.A § 12-12-923.

All other offenders not determined to be Sexually Violent Predators, level 4, must present themselves to the law enforcement agency having jurisdiction to verify residency every six (6) months.

ACIC will send a Verification of Residency form to the offender's home and that form must be presented to the local law enforcement agency in order to verify residency.

Failure to register or maintain registration is a Class C Felony. A.C.A. § 12-12-904.

### **Community Notification Assessment**

The SOSRA under the auspices of the SOAC must conduct a community notification assessment on each sex offender required to register in Arkansas, unless the offender was assessed by a law enforcement agency prior to the development of SOSRA and that assessment information was entered into to the ACIC database. Assessments completed by local law enforcement prior to the development of SOSRA, but not entered into the ACIC database, will not be considered a valid assessment. In those instances, SOSRA will conduct an assessment.

Community Notification Assessments are conducted for the purpose of determining the most appropriate level of community notification. The community notification level assigned by SOSRA strictly indicates the level of notification to be performed by local law enforcement.

## **Assessment Process**

Community Notification Assessments may include, but are not limited to, the following:

- A review of the sex offender's criminal history, with particular attention given to any offense that was sexual or violent in nature.
- An interview of the sex offender completed by SOSRA staff.
- A polygraph examination or a Voice Stress Analysis in cases in which SOSRA staff do not believe that they have adequate information to accurately assess the offender.
- A thorough review of any mental health records available to SOSRA staff at the time of assessment that may be relevant to the offender's risk to the community.
- Psychological testing when deemed necessary by SOSRA psychologists.
- Other information that is relevant to the offender's offense history and/or pattern.
- Completion of appropriate actuarial instruments designed to assess individuals convicted of sexual offenses.

## **Referrals**

Sex Offenders may be referred to SOSRA for assessment in a number of ways. ACIC submits a list of newly registered offenders monthly. Law enforcement agencies refer sex offenders in their jurisdictions. A court or prosecutor can refer an offender for assessment. The Arkansas Parole Board can refer an offender for assessment. The DCC can also refer an offender for assessment. Additionally, an offender may call and alert SOSRA to the need for assessment upon conviction or upon moving into Arkansas and/or a new jurisdiction.

## **Initial Information Gathering**

If law enforcement, a court, and/or a prosecuting attorney make the referral, the initial information will be gathered on the Law Enforcement Call-in Sheet. If the law enforcement agency making the referral was the arresting agency, a request will be made that they forward all available information from the investigative file. That information includes but is 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

If the law enforcement agency making the referral is not the arresting agency, enough information will be gathered utilizing the Law Enforcement Call-in sheet to allow SOSRA to run an ACIC/NCIC printout. In lieu of the Law Enforcement Call-In Sheet, a copy of a completed registration form may be faxed to SOSRA. That form will give SOSRA enough information to proceed with information gathering.

Arkansas Crime Information Center Referral: If the referral is received via a list received from the Arkansas Crime and Information Center, SOSRA will run an ACIC/NCIC printout and begin the information gathering process.

Arkansas Department of Community Correction Referral: If the Department of Community Correction is the referring agency, they will forward any information they have pertaining to sex offense convictions involving the offender.

Arkansas Parole Board Referral: If the Arkansas Parole Board is the referring agency, they will provide the name, ADC#, and any relevant information about the offender's incarceration history.

Offender Self-Referral: If the offender makes the initial referral, the Offender Call In Sheet will be utilized, and the information on that form will be gathered.

## **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.

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. Not all information will be available for every assessment.

- Judgment & Commitment or Judgment & Disposition Order for each sex offense
- Affidavit & Warrant for Arrest
- Detailed description of each sex offense
- Detailed description of violent offenses
- Current & Complete ACIC/NCIC Report
- Drug & Alcohol history & Treatment Information
- Community Sex Offender Treatment information
- RSVP Treatment Information (RSVP Final Evaluation & MSI)
- Medical information regarding possible injury to the victim

- Relevant incarceration information
- Relevant probation/parole information
- Felony information

If the offender is incarcerated in the ADC, the DCC, the DHS, or the Arkansas State Hospital all possible information will be gathered following the above-mentioned procedure. Information will also be gathered from the institutional file, mental health file, RSVP file, & any other available files, as appropriate.

A separate sheet of paper listing all documents obtained will be placed in the file. The offender will be provided with this list upon request.

## **Prosecutor's File**

Effective April 7, 2006, as a result of Act 4 passed in the 2006 first extraordinary session of the General Assembly, prosecutors shall forward a copy of their file to SOSRA within 30 days of conviction of an offense that led to the registration of a sex offender. SOSRA will seek the assistance of the Office of the Prosecutor Coordinator to develop a list of relevant information and documents to be sent by the prosecutor upon conviction of a sex offender

## **5th Amendment**

A.C.A. § 12-12-917(b)(4)(B) protects any admissions to SOSRA made by the offender during the assessment interview from use in a criminal proceeding. In this way, the individual's Fifth Amendment rights are protected. Therefore, the offender may not avoid answering questions by claiming protection under the 5<sup>th</sup> amendment right to avoid self-incrimination. (This protection does not relieve SOSRA staff of legal reporting obligations.)

## **Interview**

Upon receipt of the necessary information the record will be assigned to and reviewed by a SOSRA interviewer in preparation for an interview. The interviewer may gather additional information.

Offenders residing in the community are required to travel to the SOSRA Offices at 2403 E. Harding Avenue in Pine Bluff, unless they are hospitalized or have a medical condition that would prevent them from traveling. In such cases, offenders must provide written documentation of the medical condition preventing them from traveling. The written documentation must come from a physician.

Offenders will be given two opportunities to appear for an interview. The first notice will be sent first class mail. If the offender fails to appear, a second notice will be mailed by first class mail and by certified mail. SOSRA will send the letter scheduling the interview to the most recent ACIC address, unless the offender, law enforcement agency

with jurisdiction, or the DCC provides SOSRA with a more current address, due to a recent move. Provision of a new address to SOSRA does not relieve the offender of the obligation to provide the address directly to law enforcement. The offender shall have the burden of establishing evidence that he/she failed to receive both notices.

Efforts will be made to assess sex offenders in ADC prior to their release. In the event that is not possible, priority will be given to those ADC offenders referred by the Arkansas Parole Board and/or who have a transfer eligibility date within one year. Copies of the Offender Profile Report will be provided to the Arkansas Parole Board on all ADC offenders.

Interviews taking place at the SOSRA offices will be recorded. If for any reason, it is not possible to visually record an interview, it will be audio recorded.

Information gathered during the interview includes, but is not limited to:

- Number of sex offense convictions.
- Number of offenses that were sexual in nature, but pled to another offense.
- Number of violent convictions/incidents.
- Manner in which the offender gains access to victims.
- Number of victims.
- Age & sex of victims.
- Relationship of offender to victims.
- How the offender gained compliance.
- Whether the offender has caused physical injury to victim(s).
- Deviant sexual interests.
- Any sadistic behavior/interest on the part of the offender.
- Any other information deemed necessary for the accurate completion of actuarial instruments and/or to accurately assess the offender.

The SOSRA psychologist will determine whether enough information exists within the SOSRA file to determine whether the offender fits the criteria of a Sexually Violent Predator. A SOSRA psychologist may participate in or conduct a supplemental interview of any offender who may fit the criteria for Sexually Violent Predator. The psychologist will document his/her participation in the file, including any diagnoses made as a part of the assessment.

The salient aspects of the interview will be documented in a typed Interview Summary. The interview summary should include the official version of all known sex offenses and violent offenses, as well as the offender's version of these events. The information listed above and any other relevant information used to determine a community notification level should also be included.

## **Actuarial Instruments**

The interviewer will complete the actuarial instruments deemed appropriate by SOSRA psychologists. Those instruments will be completed in accordance with the scoring guidelines for each instrument. The actuarial instruments are only one component of the assessment process.

### **Default Assessment Determination: Failure to Appear for Interview; Inappropriate Behavior; Voluntary Termination of the Assessment.**

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 3 or will have information reviewed for consideration of Sexually Violent Predator status. If a SOSRA psychologist determines that there is adequate information available to indicate that the offender fits the criteria of a Sexually Violent Predator, the offender will be referred to the SOAC for consideration.

SOSRA will refer appropriate incidents to the prosecutor for refusal to cooperate with the assessment process, a Class C Felony (see A.C.A. §12-12-904(a)).

### **Paperwork/DNA/Digital Photographs**

While conducting the assessment, a SOSRA staff person will be assigned to monitor offenders, complete the SOSRA Consent/Refusal/Confidentiality form, the ACIC acknowledgement form and instruct them about basic assessment information. If the offender refuses to sign the forms, the SOSRA staff person will attempt to obtain a witness to document the offender's refusal. Both witnesses will sign and date the form.

SOSRA will make attempts to ascertain whether or not an offender's DNA has been obtained prior to an interview at the SOSRA offices. If evidence does not exist that DNA has been gathered, SOSRA will obtain a DNA sample.

Whenever possible, a digital photograph will be taken of each offender during the assessment process. The offender will be identified at the time the photographs are taken. The photos 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 Detection Techniques**

If SOSRA staff determines that there is insufficient information to accurately assess a sex offender, a polygraph examination and/or voice stress analysis may be used to seek further information. Generally, sex offenders may be considered for a polygraph or voice stress analysis when:

- The sex offender was convicted of a “hands off” sex offense ( i.e. exhibitionism, child pornography, etc.) to inquire about undetected victims.
- The sex offender offended on victims inside his or her own household to ensure there are not any victims outside his or her home.
- Offenders are female to gain additional information, as research and data for assessment of female offenders is limited.
- When there are strong indications of sadistic behavior during the sex offense and the offender does not admit sexual arousal to the sadistic elements.
- The sex offender has one known victim but there are indications of a deviant sexual interest to ensure that there are no other victims.
- The offender claims to have remained offense-free for an extended period of time.

Each case is different and this list does not prohibit a polygraph or voice-stress analysis to be conducted in other situations in order to seek additional information for an assessment. However, staff generally should make a recommendation for polygraph when the above conditions are met. The SOSRA administrator and/or SOSRA psychologist will make the final decision whether to use a truth detection measure with an offender.

Offenders will be given one opportunity to present themselves and submit to a truth detection examination or analysis. 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 or referred to the SOAC for a determination of Level 4 if appropriate.

Any behavior by the offender to influence the results of a truth detection examination or analysis will result in the offender defaulting him/herself to a Level 3 or referral to the SOAC for a Level 4 consideration. The offender may be referred for prosecution for failing to cooperate with the assessment process, a Class C Felony. (see A.C.A. 12-12-904(a))

### **Sexually Violent Predator (“SVP”)**

Sexually Violent Predator refers to a person who has been adjudicated guilty of a sex offense or acquitted on the grounds of mental disease or defect of a sex offense that makes the person likely to engage in predatory sex offenses. The designation indicates that the highest and most visible means of community notification should be conducted on these offenders. Sexually Violent Predator status should be considered for the following:

- Offenses involved multiple instances with multiple victims;

- The offender caused or threatened serious harm to the victim(s);
- The offense(s) involved bizarre, ritualistic, or sadistic behaviors;
- The offense(s) 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; or
- Evidence of sexual deviancy or psychopathy exists.

Potential routes for determination as to whether an individual should be designated a Sexually Violent Predator:

1. Pursuant to §12-12-918, a prosecutor may allege SVP status and upon conviction, the Court shall enter an order for an assessment by an examiner qualified by the SOAC. SOSRA will prepare a report to be sent to the Court with copies to the prosecuting attorney and the defense attorney. Upon receipt of a report, the Court shall determine if SVP status is appropriate.
2. Pursuant to A.C.A. §12-12-922, if during the course of a SOSRA assessment grounds are found for believing that an individual may be a SVP, that information will be presented to the SOAC by SOSRA. SOAC will determine whether the offender meets the criteria for SVP by a majority vote.

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, SOSRA will request the offender's assessment file. SOSRA may make a determination based on that file or may require the offender to submit to assessment in Arkansas.

## **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 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.

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 SOSRA 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 or referred to SOAC for Sexually Violent Predator status.

- Level 4: Sexually Violent Predator refers to a person who has been adjudicated guilty of a sex offense or acquitted on the grounds of mental disease or defect of a sex offense that makes the person likely to engage in predatory sex offenses. The designation indicates that the highest and most visible means of community notification is required.

## **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 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 or referred to the SOAC for a determination of Level 4, if appropriate.
- 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 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, unless the offender has been classified at Level 4, Sexually Violent Predator.
- 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.

## **Sex Offender Profile Report**

A sex offender profile report may 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.

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 SOSRA 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**

The Offender Fact Sheet will include the following information:

- 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

- Factors most likely to affect community notification level
- Treatment history

## **Notification to the Offender**

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 risk level notification will be presumed within five (5) days of postmark. The offender is responsible for delivery of the request for administrative review to SOSRA. The offender should send a written request for administrative review to P.O. Box 6209, Pine Bluff, AR 71611.

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:

1. The rules and procedures of the SOSRA were not properly followed in reaching a decision of the community notification level of the sex offender;
2. 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
3. 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, the SOSRA administrator will forward the request and the record to the reviewing official. The reviewing official will review the record and determine whether to uphold the assessment or submit the review to 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. Once completed, the results of the administrative review will be 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 risk 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, law enforcement may make community notification only at the level immediately below the assessed community notification level upon which review has been requested. SOSRA will notify law enforcement of the conclusion and results of the administrative review at which time additional notification may be made by law enforcement based upon the results of the administrative review.

## **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, requesting judicial review of the community notification level.

As part of the judicial review process, the Committee 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, SOSRA will fax copies of the notice to the Arkansas Attorney General's Office, and the ADC's Compliance Office.

## **Preparing the Record**

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

- Copy each section as it is divided in the record,
- Number each page before it is copied,
- 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,
- Make four (4) copies of the file,
- Bind copies in the same manner as the original record,
- Certify each copy as true and correct, and
- Provide three (3) copies of the file to the Arkansas Attorney General's Office.

## **Notification**

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 Risk Assessment & Profile 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 SOSRA: Phone (870) 850- 8429 or FAX: (870) 850-8446.

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. 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 to the community at large.

## **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**

- 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) or Level 4 (Sexually Violent Predator) will be available to the public on the ACIC web site (<http://www.acic.org/>).

## **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 media may also be used to conduct level 4 notification, if the Chief Law Enforcement Officer having jurisdiction deems it necessary to protect the community.
- 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.

## **Re-Assessment**

Adult offenders may request reassessment five (5) years after the date of the most recent assessment. Reassessments will include a polygraph, voice stress analysis, or plethysmograph (measure of sexual interest examination), as deemed appropriate by the SOSRA. The cost of polygraph, voice stress analysis and/or plethysmograph examinations will be billed to the person being reassessed.

Reassessments of incarcerated individuals will include administration of a polygraph examination, voice stress analysis and/or plethysmograph (measure of sexual interest), as deemed necessary by SOSRA staff. The cost of these examinations will be borne by the SOSRA.

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 to the SOSRA 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 SOSRA.

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 or a level 4, if enough information exists to determine that he/she fits the SVP criteria.

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 A.C.A. § 12-12-919.

Expungement of criminal convictions under the provisions of A.C.A. §§ 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 SOSRA. A copy of the tape or video of the interview may also be requested.

The SOAC will not provide copies of working notes, or of copywrited 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.

## **Immunity**

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 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.



## 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.

Type or Print <u>Black Ink Only</u>		Sentencing Court		Registered as: Sex Offender <input type="checkbox"/> (Check Box) Sexually Violent Predator <input type="checkbox"/>	
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)

**Mailing Address** (if different from residence, for example P.O.Box)

Street #, Street Name, RR # & Box, Apt #, Mobile Home # (Do not use P.O. Box here)					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

### 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 C felony and may result in my subsequent arrest and prosecution.*

(Required information)

Registering Agency or Court (one)	Campus Registration? YES NO (circle one)
Address	City and Zip
Name (Printed) of official completing this form	Area Code & Phone #

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

\_\_\_\_\_  
Date

This Form shall be faxed or mailed to the **Arkansas Crime Information Center, One Capitol Mall, Little Rock, AR 72201, FAX 501-683-5592**. Failure to complete and forward to ACIC within 3 days after registering an offender is a Class B Misdemeanor under ACA § 12-12-904.

(ACIC 501 Form 03-24-06)

## Sex Offender Acknowledgement Form

Read, sign and return this form to your local law enforcement agency

1. Pursuant to Act 989 of 1997, anyone convicted of a sex offense as defined by state and federal law are required to register prior to release from incarceration, placed on probation or upon entry to this state from another state. All offenders are required to provide fingerprints, photos, DNA and pay all fees pertaining to registration before or upon registration.
2. Pursuant to §12-12-909 (b), The Arkansas Crime Information Center (ACIC) requires the offender to report any changes in residence in person to the local law enforcement agency having jurisdiction. When changing residence and/or mailing address from within the state, this must be in writing, signed by the offender no later than ten (10) days before the offender establishes residence. If the offender moves here from another state and is required to register in the other state, the offender must report to the jurisdictional law enforcement agency to register within three (3) business days after establishing residency.
3. If the offender moves to another state or lives in Arkansas and works in another state, the offender must register in that state no later than ten (10) days before the offender establishes residency or employment in the new state. If the offender attends school, does volunteer work or is employed at any institute of higher education, the offender shall register with the law enforcement agency having jurisdiction over the campus. This may be a Department of Public Safety or the local law enforcement agency. A nonresident worker or student shall register in compliance with Pub. L. No. 109-248 as exists 01-01-07 no later than three (3) business days after establishing residency, employment or student status.
4. The offender is required to verify their residence within TEN (10) days after receipt of the *Verification of Residency* form which will be mailed to the offender's home every six months after registration, or every 90 days depending on the offender's assessment level. The Verification of Residency form must be taken in person to the local law enforcement agency having jurisdiction. This form cannot be mailed or faxed directly to ACIC by the offender.
5. All offenders are required to submit to a risk assessment to be completed by the Department of Correction Sex Offender Screening and Risk Assessment Program (SOSRA). The offender will be notified by certified mail of the location, date and time of the assessment. It is a Class C Felony to fail to appear for assessment or to not fully submit to the assessment process. The offender will be assessed as a default level 3 should this occur.
6. Pursuant to Act 330 of 2003, It is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12- 12-901 et seq. and who has been assessed as a Level 3 or Level 4 offender to reside within two thousand (2,000) feet of the property on which any public, private, secondary school or daycare facility is located. ACT 818 of 2007 includes public parks and youth centers and Act 394 of 2007 prohibits level 3 and level 4 offenders from residing within 2000 ft of the residence of his/ her victim or to have direct or indirect contact with his/ her victim for the purpose of harassment as defined under § 5-17-208.
8. Pursuant to Act 1779 of 2005, it is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, §12-12-901 et seq., and who has been assessed as a level 3 or level 4 offender to engage in an occupation or participate in a volunteer position that requires the sex offender to work or interact primarily and directly with children under sixteen (16) years of age.
9. Pursuant to § 12-12-907 no later than ten (10) days after release from incarceration or after the date of sentencing, the offender shall report to the local law enforcement agency having jurisdiction to update registration information.
10. Pursuant to 18USCA sub section 2250 of the Adam Walsh Child Protection and Safety Act of 2006 if an offender fails to report a change of residence and/or moves across state line for the purpose of evading registry requirements he/she can be charged for this violation by the U.S. Attorney's office. Pursuant to Act 392 of 2007 it is a Class D Felony to possess identification cards or driver's licenses with incorrect physical addresses.
11. Pursuant to Act 992 of 2007 it is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as a level 3 or level 4 offender to knowingly enter upon the campus of a public school except under certain circumstances listed in the act.

**I have read and understand the above rules regarding my registration as a sex offender. I further acknowledge that my failure to comply with the requirements to register as a sex offender, to comply with any part of the assessment process, to report changes in address constitutes a Class C felony. I understand failure to comply could result in my arrest and/or prosecution.**

\_\_\_\_\_  
Offender Signature

\_\_\_\_\_  
Date signed

\_\_\_\_\_  
Print Offender name clearly

\_\_\_\_\_  
Witness signature (law enforcement)

# SEX OFFENDER SCREENING AND RISK ASSESSMENT

## Consent Form

As an individual required to register in Arkansas by Act 989 of 1997, Act 1353 of 1999, as amended by Acts 1740 & 1743 of 2001 and Act 4 of 2006 you must 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 or other truth detection measure. You will be photographed, audio and video taped, and may be asked to provide a DNA sample. 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 may refuse this assessment, but to do so could lead to you being charged with a Class C Felony. If you refuse the assessment, you may be assigned the highest risk level. 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 may be assigned the highest risk level. If you become disruptive or aggressive, either verbally or physically, you will be asked to leave the premises, may be assigned the highest risk level and may be charged with a class C felony. Any refusal or non-compliance could be made known to the sentencing court and supervising authorities.

A Profile Report & Offender Fact Sheet will be sent to the Department of Community Correction, the local Police Department & Sheriff's Department of your jurisdiction & the local Prosecuting Attorney. An Offender Fact Sheet will be sent to 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 risk level by mail. 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 on the test.

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

Sex Offender Screening & Risk Assessment is interested in the number of victims on whom you have offended. We will ask questions in regards to the number of victims, the age of the victims and your sexual behavior & interests. We are not interested in obtaining information that would lead to future prosecution. However, any information provided about a current child victim must be reported to the appropriate investigative agency.

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

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

# Sex Offender Screening & Risk Assessment Request for Re-assessment

Agency Requesting Reassessment: \_\_\_\_\_

Person Requesting Reassessment: \_\_\_\_\_

Offender Name: \_\_\_\_\_

Offender Address: \_\_\_\_\_

Offender Social Security #: \_\_\_\_\_

Offender State ID#: \_\_\_\_\_

Offender Date of Birth: \_\_\_\_\_

Latest Sexual Offense Conviction/Date: \_\_\_\_\_

Reason(s) (check one) for re-assessment:

- ☐ The offender has been observed to be engaging in suspicious, potentially predatory, or high-risk behavior (Please specify.)
- ☐ This offender has been convicted of a second or subsequent sex offense.
- ☐ The offender has successfully completed a Sex Offender Treatment Program.
- ☐ Significant new information/evidence has been obtained that bears upon the offender's community notification level. (Please specify.)
- ☐ Other: \_\_\_\_\_.

Please give as much detail as possible as to why you want this offender re-assessed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please attach copies of any relevant information to this request.

**Please return to SOSRA at:**

**P.O. Box 6209**  
**Pine Bluff, AR 71611**  
**Fax: 870-850-8446**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# 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  
One Capitol Mall, Room 4d, 200  
Little Rock, AR 72201  
Phone: (501) 682-2222  
Fax: (501) 683-5592

## JUVENILE ASSESSMENT

Family Treatment Program  
1120 Marshall, Suite 401  
Little Rock, AR 72202  
Phone: (501) 364-3815  
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