

~~SEXUAL OFFENDER COMMUNITY~~
~~NOTIFICATION GUIDELINES~~
~~R.I. GENERAL LAWS §11-37.1-1 ET SEQ.~~

Approved by RI Parole Board 12/5/2015 ERL ID #7726

~~STATE OF RHODE ISLAND AND PROVIDENCE~~
~~PLANTATIONS~~

~~RHODE ISLAND PAROLE BOARD~~
~~SEX OFFENDER COMMUNITY NOTIFICATION UNIT~~

~~SEX OFFENDER BOARD OF REVIEW 2015~~

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OFFICE OF ATTORNEY GENERAL OF RHODE ISLAND

SEXUAL OFFENDER COMMUNITY NOTIFICATION GUIDELINES

EFFECTIVE DATE:	DISTRIBUTION:
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INTRODUCTION

SCOPE

This policy is intended to ensure that all law enforcement agencies comply with the

~~requirements of Rhode Island General Laws §11-37.1-1 et seq., to provide for the registration of juvenile and adult sexual offenders living in Rhode Island or relocating here from another jurisdiction, and to provide community notification relative to the release of juvenile and adult sexual offenders living in or relocating to Rhode Island.~~

~~The Community Notification Provisions of R.I. General Laws §11-37.1 et seq., shall apply to all those juvenile and adult offenders who committed a sexually violent offense on or after July 24, 1996, and who are determined to be at low risk, moderate risk or high risk of re-offense.~~

POLICY

~~By enacting the Sexual Offender Registration and Community Notification Act, R.I. Gen. Laws §11-37.1-1 et seq., the State of Rhode Island supports the policy that if members of the public are provided adequate notification and information about a sex offender who has been or is about to be released from custody and who lives or will live in or near their neighborhood, the community can develop constructive plans to prepare themselves and their children for the offender's release.~~

~~In order to implement this policy, it is the policy of this agency to facilitate the registration of sexual and other predatory offenders. It is further the policy of this agency~~

~~to provide community notification relative to the release of those offenders as designated~~

~~by statute, while preserving the legal rights of those offenders.~~

~~It is the policy of this agency to provide the maximum information authorized by law,~~

~~consistent with the requirements of public safety.~~

STATUTORY AUTHORITY

~~R.I. General Laws §11-37.1-1 et seq., Sexual Offender Registration and Community Notification Act~~

PART I DEFINITIONS

Section 1.0 Definitions

~~Wherever used in these Guidelines, the following terms shall be construed as follows:~~

~~1.1 The terms “Board”, “Board of Review” and “Sex Offender Board of Review”, shall mean the “BOR” appointed by the governor pursuant to the RI General Laws §11-37.1-1 et seq.~~

~~1.2 The term “Sex Offender Community Notification Unit” shall mean the SOCN~~

~~Unit whose duty and authority is set forth in RI General Law 11-37.1-1 et seq.~~

~~1.3 Law Enforcement Agency:~~

~~1.3.1 For the purpose of community notification, a law enforcement agency is defined~~

~~as the agency having primary jurisdiction over the location where the offender~~

~~expects to reside upon release, and/or where the offender is likely to be encountered.~~

~~1.3.2 For all other purposes under this policy, the definition of law enforcement agency~~

~~includes all agencies which carry on a law enforcement or prosecutorial function~~

~~including, but not limited to, local, state and federal agencies; and parole, probation and court services agencies.~~

~~1.4 The term "sexually violent offense" shall mean and include any violation of RI~~

~~Gen Laws §11-37-2, §11-37-4, §11-37-6, §11-37-8, §11-37-8.1, §11-37-8.3, §11-~~

~~5-1 and §11-23-1 or any offense in another jurisdiction which is substantially the~~

~~equivalent of any offense listed in this subsection and for which the person is or~~

~~would be required to register under 42 USC §14071 or 18 USC Section 4042-(c).~~

~~1.5 The term “sexually violent predator” shall mean a person who has been convicted~~

~~of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.~~

~~1.6 The term “mental abnormality” shall mean a congenital or acquired condition of a~~

~~person that affects the emotional or volitional capacity of the person in a manner~~

~~that predisposes that person to the commission of criminal acts to a degree that~~

~~makes the person a menace to the health and safety of another person.~~

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1.7 The term “personality disorder” shall mean any personality disorder, or combination of personality disorders, as described and defined in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (“DSM-IV”).

1.8 The term “predator” shall mean a person whose act(s) is (are) or was (were) directed at a stranger, or at a person with whom a relationship has been established or promoted for the primary purpose of victimization. The definition includes those offenders who have a pre-existing familial relationship with a victim or victims.

1.9 The term “conviction” or “convicted” shall mean and include any instance where:

1.9.1 A judgment of conviction has been entered against any person for an offense specified in RI General Laws §11-37.1-2, regardless of whether an appeal is pending; or

1.9.2 There has been a finding of guilty for any offense specified in RI General Laws §11-37.1-2, regardless of whether an appeal is pending; or

1.9.3 There has been a plea of guilty or nolo contendere for any offense specified in RI General Laws §11-37.1-2, regardless of whether an appeal is pending;

~~_____ or~~

~~_____ 1.9.4 There has been an admission of sufficient facts or a finding of delinquency~~

~~_____ for any offense specified in RI General Laws §11-37.1-2, regardless of
_____ whether an appeal is pending.~~

~~Provided, however, in the event that a conviction, as defined in this paragraph, has been~~

~~overturned, reversed or otherwise vacated, the person who was the subject of such conviction shall no longer be required to register as required by RI General Laws §11-~~

~~37.1-1 et seq., and any records of such registration shall be destroyed. Provided further~~

~~that nothing herein shall be construed to eliminate a registration requirement of a person~~

~~who is again convicted of an offense for which registration is required by RI General Laws §11-37.1-1 et seq.~~

~~1.10 The term “likely to encounter” means the following:~~

~~_____ 1.10.1 Level II Community Notification (1) the organizations that are in a
_____ location or in close proximity to a location where an offender lives or is~~

~~_____ employed, attends school or university, or which an offender visits or is~~

~~_____ likely to visit on a regular basis, other than the location of the offender’s~~

~~_____ outpatient treatment program; and (2) the types of interaction which~~

_____ ordinarily occur at that location and other circumstances indicate that

_____ contact with an offender is reasonably certain.

~~1.10.2 Level III Community Notification~~ (1) the individuals and organizations

_____ that are in a location or in close proximity to a location where an offender

_____ lives or is employed, attends school or university, or which an offender

_____ visits or is likely to visit on a regular basis, other than the location of the

_____ offender's outpatient treatment program; and (2) the types of interaction

_____ which ordinarily occur at that location and other circumstances indicate

_____ that contact with an offender is reasonably certain.

~~1.11 Day Care Establishments: An establishment licensed by the State of Rhode Island~~

_____ or its agents, to provide day care services for children.

~~1.12 Public and Private Educational Institutions: Early childhood facilities (nursery~~

_____ school, pre-kindergarten and kindergarten), elementary, middle, secondary and

_____ post-secondary educational institutions authorized or licensed by the State of

_____ Rhode Island.

~~1.13 Risk Level Assessment: That level of danger to the community established by the~~

~~Sex Offender Board of Review. There are three risk levels:~~

~~1.13.1 Level I Risk Level I is a sexual offender whose risk assessment~~

~~indicates a low risk of re-offense.~~

~~1.13.2 Level II Risk Level II is a sexual offender whose risk assessment~~

~~indicates a moderate risk of re-offense.~~

~~1.13.3 Level III Risk Level III is a sexual offender whose risk assessment~~

~~indicates a high risk of re-offense.~~

~~1.14 "Parent" means a parent of a student and includes a natural or adoptive parent, a~~

~~guardian, or an individual acting as a parent in the absence of a parent or a~~

~~guardian.~~

~~1.15 "Offenders in Custody" shall mean those juvenile and adult offenders who are~~

~~incarcerated or will be incarcerated at the Adult Correctional Institution, RI~~

~~Department of Corrections or at the state juvenile correctional facility, the RI~~

~~Training School for Youth, on or after the effective date of these Guidelines.~~

~~1.16 "Agency having custody" shall mean the RI Department of Corrections and the~~

~~Department of Children, Youth and Families.~~

~~1.17 "Agency having control and supervision" shall mean the Department of~~

~~Corrections, Office of Probation and Parole and the Department of Children,~~

~~Youth and Families, Office of Juvenile Probation and Parole.~~

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~~1.18 “Non-Incarcerated Offenders” mean:~~

~~1.18.1 Those juvenile and adult offenders who have been convicted of a sexually violent offense after juvenile adjudication or trial, but whose sentence has not yet been imposed or whose appeal is pending;~~

~~1.18.2 Those juvenile and adult offenders who plead guilty or nolo contendere to a sexually violent offense, but whose sentence has not yet been imposed or whose appeal is pending;~~

~~1.18.3 Those juvenile and adult offenders who were convicted of a sexually violent offense and who received a suspended sentence with probation;~~

~~1.18.4 Those juvenile and adult offenders who were convicted of a sexually violent offense and who received straight probation or whose sentence was deferred;~~

~~1.18.5 Those juvenile and adult offenders who were convicted of a sexually violent offense and who were sentenced to a term in a juvenile correctional facility or adult correctional facility but who have received credit for time served;~~

~~1.18.6 Those adult offenders moving into Rhode Island from another jurisdiction;~~

~~_____ who were convicted of a sexually violent offense and who are now under—~~

~~_____ the control and supervision of the Rhode Island Department of—~~

~~_____ Corrections, Office of Probation and Parole;~~

~~_____ 1.18.7 Those juvenile offenders moving into Rhode Island from another~~

~~_____ jurisdiction, who were convicted of a sexually violent offense and who—~~

~~_____ are now under the control and supervision of the Rhode Island Department—~~

~~_____ of Children, Youth and Families, Office of Juvenile Probation and—~~

~~_____ Juvenile Parole; and~~

~~_____ 1.18.8 Those juvenile and adult offenders who have received a sentence of~~

~~_____ incarceration upon conviction of a sexually violent offense, but who were~~

~~_____ released from custody before the effective date of these Guidelines.~~

~~-~~

~~1.19 The term “sentencing court” as used in these Guidelines regarding juvenile sex~~

~~_____ offenders, means the Family Court and any of its justices, including, but not~~

~~_____ limited to, the trial judge presiding over the adjudication which resulted in the~~

~~_____ juvenile’s conviction of the sexually violent offense.~~

~~1.20 The term “sentencing court” as used in these Guidelines regarding adult sex~~

~~_____ offenders, means the Superior Court and any of its justices, including, but not~~

~~_____ limited to, the trial judge presiding over the trial which resulted in the adult—~~

~~_____ offender’s conviction of the sexually violent offense.~~

~~PART II ——— DUTIES OF THE SEX OFFENDER BOARD OF REVIEW,~~
~~———— PAROLE BOARD AND LAW ENFORCEMENT~~

~~OFFENDERS IN CUSTODY~~

~~Section 2.0 Duties of the Sex Offender Board of Review~~

~~2.1 ——— The agency having custody of the sexual offender shall refer such person to the~~

~~———— Board of Review, together with any reports and documentation as may be helpful~~

~~———— to the board, for a determination as to whether or not such person is possessed of~~

~~———— a mental abnormality that affects the emotional or volitional capacity of the~~

~~———— person in a manner that predisposes that person to the commission of criminal~~

~~———— sexual acts to a degree that makes the person a menace to the health and safety of~~

~~———— other persons.~~

~~2.2 ——— The agency having custody of the sexual offender, on the date of commitment or~~

~~———— within a reasonable time of the commitment date and prior to the offender's~~

~~———— release from confinement, shall refer said offender to the Board of Review,~~

~~———— together with any reports and documentation as may be helpful to the board, or a~~

~~———— determination as to whether or not such person is possessed of a mental~~

~~———— abnormality that affects the emotional or volitional capacity of that person in a~~

~~_____manner that predisposes that person to the commission of criminal sexual acts to a~~

~~_____degree that makes the person a menace to the health and safety of other persons.~~

~~2.3 The Board shall, within thirty (30) days of such a referral of a person, obtain any~~

~~_____and all evidence and documentation sufficient to aid the court in its determination—~~

~~_____as to whether or not a person convicted of an offense specified in §11-37.1 2 is a~~

~~_____sexually violent predator and shall forward such evidence and documentation to~~

~~_____the sentencing court along with a report of its findings.~~

~~2.4 Upon forwarding a report of its findings with supporting documentation to the _____sentencing court, the Board shall also forward the same information to the Attorney_____~~

~~_____General. The Attorney General, or his designee, shall request a scheduling date_____~~

~~_____from the court clerk for the court's review and determination of an offender's~~

~~_____sexually violent predator status and shall provide the court with adequate advance_____~~

~~_____notice of the date by which the BOR must receive the court's decision.~~

~~2.5 The Board of Review shall use an objective scientifically validated and reliable _____risk assessment instrument as an aid in determining whether an offender has the~~

~~_____characteristics of a "sexually violent predator". If the Board finds such~~

~~_____characteristics, the BOR shall ask the Parole Board psychiatrist/psychologist to~~

~~——conduct a sexual offender evaluation to determine if the offender has a mental~~

~~——abnormality or personality disorder that makes a person likely to engage in~~

~~——predatory sexually violent offenses.~~

~~2.6——Any offender who is determined by a court to be a “sexually violent predator”~~

~~——must register until such time as a court decides the offender is no longer a~~

~~——“sexually violent predator”.~~

~~2.7——The offenses specified in RI General Laws §11-37.1-2 include:~~

~~§11-1-10——Soliciting an Incompetent Person, where the underlying offense is a~~

~~——violation of Chapter 34 and the victim or person solicited is under the age~~

~~——of eighteen (18) years.~~

~~§11-5-1——Assault with Intent to Commit First Degree Sexual Assault (Date of Offense—~~

~~——on or after 7-1-99)——~~

~~§11-9-1(b) or (c)——Exploitation For Immoral Purposes~~

~~§11-9-1.3——Child Pornography~~

~~§11-9-1.5——Electronically disseminating indecent material to minors~~

~~§11-23-1——Murder; where the murder was committed in the commission of or~~

~~_____ attempted commission of, rape or any degree of sexual assault or child-~~

~~_____ molestation (Date of offense on or after 7-1-99)~~

~~§11-26-1.4 — Kidnapping or false imprisonment of a minor~~

~~§11-26-2 — Kidnapping with Intent to Extort, where the victim of the offense is sixteen-~~

~~_____ (16) years of age or older and under the age of eighteen (18)~~

~~§11-26-1.5 — Enticement of Children~~

~~§11-37-1.10 — Failure to Register/Verify Address~~

~~§11-37-2 — First Degree Sexual Assault~~

~~§11-37-4 — Second Degree Sexual Assault~~

~~§11-37-6 — Third Degree Sexual Assault~~

~~§11-37-8 — Assault with Intent to Commit First Degree Sexual Assault (Date of
_____ Offense on or after 7-1-99)~~

~~§11-37-8.1 — First Degree Child Molestation~~

~~§11-37-8.3 — Second Degree Child Molestation~~

~~§11-37-8.8—Indecent Solicitation of a Child~~

~~§11-64-2—Video Voyeurism (Victim Under 18)~~

~~—Section 3.0—The Duties of the Sex Offender Board of Review~~

~~3.1—The sentencing court shall report its determination of sexually violent predator~~

~~—status to the Board of Review and the Sex Offender Community Notification Unit.~~

~~—Upon receipt of the court's determinations, the Board of Review is required~~

~~—to provide a report of its findings concerning the sexually violent predator status,~~

~~—or lack thereof, of every sexual offender referred to them by the agency having~~

~~—custody of the offender and all relevant information underlying the determination.—~~

~~—~~

~~3.2—The sentencing court shall report its determinations of sexually violent predator~~

~~—status to the Board of Review and the Sex Offender Community Notification Unit~~

~~—prior to the offender's release from confinement or within a reasonable time from~~

~~—the offender's release from confinement or probation with a suspended sentence.~~

~~3.3—The Board of Review shall determine the appropriate level of community~~

~~—notification for each sexual offender. A good faith effort shall be made to~~

~~complete the determination at least fourteen (14) days before the sexual offender~~

~~is released from confinement or is accepted for supervision.~~

~~3.4 In determining the appropriate level of risk of re-offense for each offender the~~

~~Board of Review shall consider the risk factors set forth in RI General Laws §11-~~

~~37.1-1 et seq.~~

~~3.5 The Board of Review shall use a scientifically validated and reliable objective risk~~

~~assessment instrument in order to make their respective determinations. The Board~~

~~of Review may consider the results of a risk assessment instrument conducted~~

~~by the Sex Offender Community Notification Unit, or the agency having custody~~

~~and supervision regarding a particular sex offender, in lieu of conducting its own~~

~~risk assessment instrument for that offender.~~

~~3.6 The Board of Review shall decide the appropriate level of community notification~~

~~for each offender, based on their determination of each offender's level of risk of~~

~~re-offense.~~

~~a) Low risk of re-offense corresponds with a Level I Community~~

~~Notification level.~~

~~b) Moderate risk of re-offense corresponds with a Level II
Community Notification level.~~

~~c) High risk of re-offense corresponds with a Level III Community
Notification level.~~

~~-~~

~~3.7 The SOCN Unit shall assist the Law Enforcement Agency with jurisdiction over
the area in which the offender is expected to reside (hereafter the "primary"
Law
Enforcement Agency) in the primary Law Enforcement Agency's creation of
an
Offender Fact Sheet, by providing the primary Law Enforcement Agency with
all
relevant information concerning the offender before the offender is released
from
custody. The primary Law Enforcement Agency shall notify and assist the Law
Enforcement Agency with jurisdiction over the area where the offender is
Employed, by providing the Offender Fact Sheet and all other relevant
information
concerning the offender.~~

~~3.8 If the Board of Review determines that the risk of re-offense by the sexual
offender is within moderate or high levels, the Sex Offender Community
Notification Unit shall notify the person in writing, by letter, or other
documentation:~~

~~3.8.1 That Community Notification will be made not less than ten (10)
business~~

_____ days from the date of the letter or other document evidencing an intent to

_____ promulgate a Community Notice in accordance with RI General Laws _____

_____ §11-37.1-11 et seq., together with the level form, the nature that such

_____ notification will take, and will include the following information:

_____ 3.8.2 That an application for review of the action is filed within the time

_____ specified by the letter or other documentation, which in any case shall be

_____ not less than ten (10) business days, by the person subject to the

_____ Community notification, with the criminal calendar judge of the Superior

_____ Court of the county in which the person who is the subject of the

_____ notification resides or intends to reside upon release, whose name shall be

_____ specified in the letter or other document, requesting a review of the

_____ determination to promulgate a Community Notification, that notification

_____ will take place.

_____ 3.8.3 That the person subject to Community Notification file an application for

_____ review; and

_____ 3.8.4 That the person has the right to be represented by counsel of their own

_____ choosing or by an attorney appointed by the court, if the court determines

_____ that he or she cannot afford counsel; and

~~3.8.5 That the filing of an application for review may be accomplished, in the absence of counsel, by delivering a letter objecting to the notification and/or its level, form or nature, together with a copy of the letter or other documentation describing the proposed community notification, addressed to the judge described in the communication to the clerk of the Superior Court/Family Court in the county in which the person resides or intends to reside upon release.~~

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~~**See RI General Laws §11-37.1-1 et seq. A sample Notice to Level II and Level III**~~

~~**Offenders is included in the Appendix.**~~

~~3.9 The Sex Offender Community Notification Unit shall send a copy of the Notice to~~

~~Level II and Level III Offenders to the primary Law Enforcement Agency.~~

~~3.10 All law enforcement agencies shall submit their general community notification~~

~~plans to the Sex Offender Community Notification Unit for approval at the~~

~~beginning of each new year. The Sex Offender Community Notification Unit~~

~~shall review each law enforcement agency's Level II and Level III community~~

~~notification plans for consistency across law enforcement agencies and for~~

~~compliance with these Guidelines.~~

Section 4.0 — Duties of Law Enforcement Agencies

~~4.1 — The primary Law Enforcement Agency shall establish a specific notification plan~~

~~— that shall be consistent with the level of Community Notification established by~~

~~— the Board of Review. The primary Law Enforcement Agency shall establish the~~

~~— plan before the offender is released from custody or placed on probation. The~~

~~— community notification plan shall include the preparation of an Offender Fact~~

~~— Sheet.~~

~~4.2 — Offender Fact Sheet — An offender fact sheet shall, at minimum, include:~~

~~— 4.2.1 — The date the fact sheet was issued;~~

~~— 4.2.2 — The Law Enforcement Agency responsible for implementing the
— Community Notification consistent with the fact sheet;~~

~~— 4.2.3 — Legal authority under which the fact sheet was prepared;~~

~~— 4.2.4 — A method of contacting the Law Enforcement Agency for further
— information;~~

~~— 4.2.5 — A statement of the offender's rights;~~

~~4.2.6 The name, date of birth, and physical description of the offender;~~

~~4.2.7 A recent photograph, if available;~~

~~4.2.8 A statement of the offense for which the offender was convicted, or other~~

~~legal basis for the offender's confinement;~~

~~4.2.9 A description should be written in a manner which protects the identity of~~

~~the victim and witnesses to the offense to the extent it is reasonably~~

~~possible to do so. The description of the offense should be written in a~~

~~manner so as to not unreasonably arouse the anger of those who review it,~~

~~or jeopardize the safety of the offender. The Sex Offender Community~~

~~Notification Unit may use the offense summary information provided by~~

~~the Board of Review for the offense summary;~~

~~4.2.10 The Board of Review's assigned risk level;~~

~~4.2.11 The actual address at which the offender intends to reside by street~~

~~name or by description of landmarks near the area where the offender~~

~~intends to reside;~~

~~4.2.12 The scope of the Community Notification Law;~~

~~4.2.13 The name of the person at the Law Enforcement Agency who wrote the
Offender Fact Sheet.~~

~~4.3 To meet the above provisions, the Law Enforcement Agency shall use a fact
sheet
similar to Addendum II of this policy.~~

~~4.4 Distribution of Offender Information among Law Enforcement Agencies:~~

~~4.4.1 The primary Law Enforcement Agency shall prepare the Offender Fact
Sheet and distribute it, along with any other necessary and relevant
information, to the Law Enforcement Agency or agencies in the cities or
town where the offender is likely to be encountered.~~

~~4.4.2 For instance, in addition to the Offender Fact Sheet, the primary Law
Enforcement Agency may also disclose the offender's criminal history
records or any other relevant information to other law enforcement
agencies.~~

~~4.5 Distribution of Offender Information to the Public:~~

~~4.5.1 The Offender Fact Sheet shall be distributed by Law Enforcement
Agencies
to the appropriate schools, establishments and organizations and/or
person(s) in accordance with the Community Notification plan for each
offender and using these guidelines.~~

~~4.5.2 The Offender Fact Sheet shall not be distributed to any other school, establishment or organization, or any other individual except those designated in the Community Notification plan.~~

~~4.5.3 The Law Enforcement Agencies, when available and appropriate, may utilize~~

~~an existing coordinated messaging system designed for parents of school~~

~~children pertaining to the dissemination of information of Level 2 and Level~~

~~3 notifications. This procedure may be substituted for individual mailings as~~

~~outlined in the Guidelines in Section 7.2~~

~~4.6 The Law Enforcement Agency shall be responsible for implementing the Community Notification at the level designated by the Board of Review.~~

~~PART III COMMUNITY NOTIFICATION PLAN~~

~~GUIDELINES FOR LEVELS I, II AND III~~

~~Section 5.0 Risk Level I Low Risk Sexual Offender~~

~~For Risk Level I Sexual Offenders, Offender Fact Sheets shall be distributed by the Law~~

~~Enforcement Agency as set forth in §5.0 through and including §5.5 of these Guidelines.~~

~~5.1—Mandatory Disclosure: Victims Disclosure upon Request of the Victim:~~

~~———5.1.1—The Fact Sheet shall be given to the victim(s) of the offense committed—~~

~~———by the sexual offender who has requested disclosure, if that request has———~~

~~———been made know to the Sex Offender Community Notification Unit and/or———~~

~~———the Law Enforcement Agency, and if the Sex Offender Community~~

~~———Notification Unit and/or the Law Enforcement Agency is provided an~~

~~———address for the victim(s) with which to communicate this information. If———~~

~~———the victim(s) notifies the Sex Offender Community Notification Unit, then———~~

~~———the SOCN Unit shall notify the Law Enforcement Agency involved of the~~

~~———victim(s) request and include all necessary information.~~

~~5.2—The Fact Sheet shall be mailed to the offender.~~

~~5.3—Additional Disclosure: Witnesses Disclosure upon Request of Witnesses.~~

~~5.4—The primary Law Enforcement Agency shall distribute the Offender Fact Sheet to~~

~~———any other Law Enforcement Agency where the sexual offender is likely to be~~

~~———encountered.~~

5.5 Offender criminal history records may be disclosed to other Law Enforcement Agencies in accordance with RI General Laws §11-37.1-1 et seq.; and in accordance with these Guidelines.

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~~Section 6.0 — Risk Level II — Moderate Risk Sexual Offenders in Residential Facilities~~

~~For a Risk Level II Sexual Offender who is placed in a Residential Facility, disclosure shall be as set forth in §6.1 and §6.2 of these Guidelines.~~

~~6.1 — Mandatory Disclosure: upon Request of Victim/Witnesses:~~

~~—— Disclosure shall be made to all persons and entities to which Level I mandatory~~

~~disclosure would be made as set forth in §5.1 through §5.5 of these Guidelines.~~

~~6.2 — Additional Disclosure:~~

~~—— Additional disclosure may not be made until the head of the residential facility~~

~~notifies the Law Enforcement Agency that the offender's placement or residence~~

~~in the facility is scheduled to end. Upon receipt of this notification, the Law~~

~~Enforcement Agency may make disclosures as authorized in §7.1 below.~~

~~Section 7.0 — Risk Level II (1) — Moderate Risk Sexual Offenders Not Placed in a Treatment Facility.~~

~~For a Risk Level II (1), disclosure shall be as set forth in §7.1 through and including §7.7~~

~~of these Guidelines.~~

~~7.1 Mandatory Disclosure: upon Request of Victim/Witnesses:~~

~~Disclosure shall be made to all persons and entities to which Level I mandatory~~

~~disclosure would be made.~~

~~7.2 Additional Disclosure shall be made to Public and Private Education Institutions~~

~~the offender is likely to encounter as follows:~~

~~7.2.1 Early Childhood Facilities, Elementary and Secondary Public and Private~~

~~Schools.~~

~~The following guidelines apply to both public and private schools~~

~~(hereafter referred to collectively as "school") as follows:~~

~~Nursery Schools~~

~~Pre-Kindergarten~~

~~Kindergarten~~

~~Elementary Schools~~

~~Middle Schools~~

~~Secondary Schools~~

~~_____~~

~~7.2.2 At the beginning of every school year, the chief administrator of the~~

_____ school, and/or his/her designee, shall provide the local Law Enforcement

_____ Agency with a current directory of the names and addresses of all parents

_____ who have children attending their particular school. The Law _____

_____ Enforcement agency shall use the directories from each school to provide _____

_____ Community Notification to these parents in accordance with these _____ guidelines.

|

_____ 7.2.3 _____ At the beginning of each school year, the school shall delete from the

_____ directory all the names of parents whose children no longer attend that

_____ school, and the names of parents who have asked that their names be _____

_____ removed from the directory.

|

_____ 7.2.4 _____ At the beginning of each school year, the school shall notify the parent(s)

_____ of children attending the school of their option to remove their name(s)

_____ and address(es) from the school directory. The notice shall include, at a

_____ minimum, the following:

|

_____ a) _____ A brief summary of the RI Sex Offender Registration and

_____ Community Notification Act.

|

~~b) An explanation that the parent(s) included in the directory shall continue to receive Offender Fact Sheets from the Law Enforcement~~

~~Agency, unless and until the parent notifies the school that they~~

~~wish to remove their names(s) from the directory or until the~~

~~parent no longer has children attending the school, whichever~~

~~occurs first.~~

~~c) A simple form requiring the name of the child or children~~

~~attending the school and a parent's signature and address, notifying~~

~~the school and the Law Enforcement Agency that the parent(s) do~~

~~not want their name(s) and address(es) included in the directory and~~

~~do not want to receive offender fact sheets from the Law~~

~~Enforcement Agency.~~

~~7.2.5 The school shall delete from the directory the name and addresses of~~

~~parents who have submitted the above mentioned form requesting that~~

~~their names and address be removed. The school shall send a duplicate~~

~~copy of the above mentioned form to the Law Enforcement Agency for~~

~~their records.~~

~~7.2.6 The Law Enforcement Agency shall determine which schools shall be notified of Level II Sex Offenders in accordance with these guidelines and shall distribute the Offender Fact Sheet(s) to the parent(s) included in the directory for those schools the Law Enforcement Agency has included in its Community Notification.~~

~~7.2.7 The Law Enforcement Agency shall also distribute the Offender Fact Sheet to the principal or chief administrator of the schools(s) included in the Community Notification plan, for the purpose of sharing the information with their school employees only.~~

~~7.3 Additional disclosure shall be made to the Post-Secondary Public and Private Educational Institutions an offender is likely to encounter as follows:~~

~~7.3.1 The following guidelines apply to both public and private post-secondary educational institutions (hereafter referred to collectively as "school").~~

~~7.3.2 The Law Enforcement Agency shall notify the chief administrator of the public or private post-secondary educational institution and the chief security officer by giving him/her a Law Enforcement Agency Offender Fact Sheet.~~

~~7.3.3 The administrator and/or chief security officer may distribute the Offender~~

~~Fact Sheet among the school's employees as he/she deems appropriate.~~

~~7.3.4 The school may provide a copy of the Offender Fact Sheet to every student and/or provide them access to the Offender Fact Sheet.~~

~~7.4 Additional Disclosure shall be made to the Day Care Establishments the offender~~

~~is likely to encounter.~~

~~7.4.1 At the beginning of every school year, the chief administrator of the day-~~

~~care facility and/or their designee shall provide the local Law Enforcement—~~

~~Agency with a current directory of the names and addresses of all parents—~~

~~who have children attending their particular day care center. The Law-~~

~~Enforcement Agency shall use the directories from each day care center to—~~

~~provide Community Notification to parents in accordance with these— guidelines.~~

~~7.4.2 At the beginning of every school year, the day care facility shall delete~~

~~from the directory all the names of parents whose children no longer—~~

~~_____ attend their day care facility, and the names of parents who have asked~~

~~_____ that their names be removed from the directory.~~

~~_____ 7.4.3 At the beginning of every school year, the day care facility shall notify the~~

~~_____ parent(s) of children attending the day care facility of their option to~~

~~_____ remove their names(s) and address(es) from the directory. The notice shall~~

~~_____ include, at a minimum, the following:~~

~~_____ a. A brief summary of the RI Sexual Offender Registration and
_____ Community Notification Unit.~~

~~_____ b. An explanation that the parent(s) included in the directory shall
_____ continue to receive Offender Fact Sheets from the Law Enforcement
_____ Agency unless and until the parent(s) notifies the day care facility that~~

~~_____ they wish to remove their name(s) from the directory or until the
parent(s)~~

~~_____ no longer has children attending the day care facility, whichever
occurs~~

~~_____ first.~~

~~_____ c. A simple form requiring the name of the child or children
_____ attending the day care facility and a parent's signature and address,
_____ notifying the day care facility and the Law Enforcement Agency that
_____ the parent(s) do not want their name(s) and address(es) included in~~

~~the directory and do not want to receive Offender Fact Sheets from the Law Enforcement Agency.~~

~~7.4.4 The day care facility shall delete from the directory the names and addresses of parents who have submitted the above mentioned form requesting that their names and addresses be removed. The day care facility shall send a duplicate copy of the above mentioned form to the Law Enforcement Agency for their records.~~

~~7.4.5 The Law Enforcement agency shall determine which day care facilities shall be notified of Level II Sex Offenders in accordance with these guidelines, and shall distribute the Offender Fact Sheet(s) to the parents included in the directory for those day care facilities the Law Enforcement Agency has included in its Community Notification plan.~~

~~7.4.6 The Law Enforcement agency shall also distribute the Offender Fact Sheet to the chief administrator of the day care facility included in the Community Notification plan, for the purpose of sharing the information with day care facility employees only.~~

~~7.5 Additional disclosure shall be made to the other Day Care Providers that the offender is likely to encounter as follows:~~

~~7.5.1 The Law Enforcement Agency shall obtain from the Department of Children, Youth and Families (DCYF) a list of licensed day care providers in the area where the offender resides or expects to reside and/or where the offender is likely to be encountered. The Law Enforcement Agency shall notify the day care providers by giving them a Law Enforcement Agency Offender Fact Sheet.~~

~~7.5.2 The day care provider shall provide a copy of the Offender Fact Sheet to every parent of every child under his/her care and/or provide access to the Offender Fact Sheet which is in the custody of the provider.~~

~~7.6 Additional disclosure shall be made to the Establishments and Organizations that primarily serve individuals the offender is likely to encounter.~~

~~7.6.1 The Law Enforcement Agency shall distribute the Offender Fact Sheet to those establishments and organizations where the offender is likely to be encountered, and that are included in the Level II community notification plan.~~

~~7.6.2 Examples of establishments and organizations that shall be part of the community notification plan include, but are not limited to, the following:~~

- _____ Football Leagues (coaches, adult supervisors only)
- _____ Little League and Babe Ruth Baseball Leagues (coaches and adult supervisors only)
- _____ Youth Soccer, Tennis, Basketball and other Sports Leagues (coaches and adult supervisors only)
- _____ Religious Organizations (Church personnel only)
- _____ Boys and Girls Clubs (employees and security only)
- _____ Girl Scouts of America (employees, adult team leaders only)
- _____ Boy Scouts of America (employees, adult team leaders only)
- _____ All Volunteer and Community Organizations which come into contact with children (adult volunteers, directors, employees and security only)
- _____ Mall and department stores (employees and security only)
- _____ Local merchant associations (employees and security only)
- _____ Sports facilities, both public and private, including but not limited

to, bowling alleys, recreational centers and gymnasiums (adult supervisors, employees and security only)

Entertainment facilities including but not limited to movie theaters, community theater groups and organizations (employees, adult volunteers, security only)

-

Neighborhood Crime Watch Groups in neighborhoods where the offender is likely to be encountered

-

All public meeting facilities (supervisors, adult volunteers and/or employees and security only)

Libraries (employees, adult volunteers and security only)

7.6.3 In determining the establishments and organizations who will be given the Offender Fact Sheet under this provision, the Law Enforcement Agency may consider the offender's prior history, offense characteristics employment history, recreational, social and

religious interests; and the characteristics of likely victims. The Law Enforcement Agency should consult with any other Law Enforcement

Agencies with jurisdiction over areas in which the offender is likely

~~_____ to be encountered. Organizations that are notified shall be advised of~~

~~_____ the confidentiality of the information and the limits on allowable
_____ distribution.~~

~~7.7 The identity of the individuals in the directories provided by the above-mentioned~~

~~_____ early childhood, elementary, middle and secondary schools and day care facilities,~~

~~_____ shall not be disclosed to any individual or organization except those names
_____ which may be disclosed to Law Enforcement Agencies for law enforcement
_____ purposes.~~

~~7.8 Providing the public with computerized access to the information contained in the~~

~~_____ Sex Offender Fact Sheet.~~

~~_____ 7.8.1 No identifying information of a juvenile shall be posted
_____ on any public website.~~

~~Section 8.0 Risk Level III High Risk Sexual Offenders in Residential Facilities~~

~~For a Risk Level III Offender who is placed in a Residential Facility, disclosure shall be as set forth in §7.1 and §8.2.~~

~~_____ 8.1 Mandatory Disclosure upon Request of the Victim/Witnesses~~

~~Disclosure shall be made to all persons and entities to which Level I mandatory~~

~~disclosure would be made in accordance with §5.0 through §5.5 of these Guidelines.~~

~~8.2 Additional Disclosure; Offender in a Treatment Facility~~

~~Additional disclosure may not be made until the head of the facility notifies the Law Enforcement Agency that the offender's placement or residence in the facility is scheduled to end. Upon receipt of this notification, the Law Enforcement Agency may make disclosures as set forth in §9.0 through and including §9.6.9 of these Guidelines.~~

~~Section 9.0 Risk Level III (a) High Risk Sexual Offenders Not Placed in a Treatment~~

~~Facility.~~

~~For a Risk Level III (a) Offender, disclosure shall be set forth in §9.0 through and including §9.6.9 of these Guidelines.~~

~~9.1 Mandatory Disclosure upon Request of the Victim/Witnesses~~

~~Disclosure shall be made to all persons and entities to whom Level I and Level II~~

~~mandatory and additional disclosures would be made in accordance with §5.0 through §7.7 of these Guidelines.~~

~~9.2—Additional Disclosure to Individual Community Members~~

~~Additional disclosure of the Offender Fact Sheet should be made to any other members of the community the offender is likely to encounter as set forth in §9.3 through and including §9.6.9 of these Guidelines.~~

~~9.3—In determining the individual community members, establishments and organizations that will be given the Fact Sheet under this provision, the Law Enforcement Agency may consider the offender's prior history, age, offense characteristics, employment, recreational, social and religious interests and the characteristics of likely victims.~~

~~9.4—The Law Enforcement Agency shall consult with any other Law Enforcement Agencies with primary jurisdiction over which the offender is likely to be encountered.~~

~~9.5—The Law Enforcement Agency shall make reasonable efforts to notify members of the community through appropriate use of public information resources, including, but not limited to, any two or all of the following:~~

~~9.5.1—Providing public access to hard copies of the Offender Fact Sheet at the Law Enforcement Agency; or~~

~~9.5.2—News releases; or~~

~~9.5.3 Fliers; or~~

~~9.5.4 Advertisements in local newspapers; or~~

~~9.5.5 Providing the public with computerized access to the information contained in the offender fact sheet. For instance the Law Enforcement~~

~~Agency could create a web site or other type of program that would be~~

~~accessible to the public at the Law Enforcement Agency or at the local~~

~~library; or~~

~~9.5.6 Any other available methods of distribution which are effective and appropriate to the community.~~

~~9.6 The Law Enforcement Agency, from time to time, shall consider and use as appropriate a variety of informational approaches, such as community educational~~

~~meetings, in order to educate the public. Such community educational meetings or~~

~~other informational approaches may provide the following:~~

~~9.6.1 Description of the Community Notification Law and Sex Offender Registration Law.~~

~~9.6.2 Offender Fact Sheets concerning the Level III offenders who are subject to~~

~~community notification.~~

~~9.6.3 Information which will promote public safety and protection from other~~

~~offenders who may not be subject to notification.~~

~~9.6.4 An explanation of the rights of the offenders to be free of illegal~~

~~harassment.~~

~~9.6.5 Assistance of community leaders, other officials and relevant professional~~

~~disciplines.~~

~~9.6.6 Information relevant to the scope of notification for the offender who is~~

~~subject to notification.~~

~~9.6.7 Information about existing social services and counseling services for~~

~~victims of sexually violent offenses.~~

~~9.6.8 General personal safety and crime prevention tips, fact sheets and/or~~

~~related materials.~~

~~9.6.9 Information concerning general sex offender and predatory offender~~

~~characteristics.~~

~~Section 10.0—Exchange of Information between Law Enforcement Agencies~~

~~—The Law Enforcement Agency may provide any data in its possession obtained~~
~~—under the Sexual Offender Registration and Community Notification Statute to~~
~~—another Law Enforcement Agency that is initiating or conducting an~~
~~investigation,~~
~~—or to assist that Law Enforcement Agency in conducting Community~~
~~Notification~~
~~—or Sex Offender Registration. See RI General Laws §11-37.1-1 et seq.~~

~~PART IV—RE—NOTIFICATION~~

~~Section 12.0—Re Notification~~

~~12.1—When an offender notifies a Law Enforcement Agency of the intent to move~~
~~from~~
~~—the jurisdiction or within the jurisdiction, the Law Enforcement Agency shall:~~

~~—12.1.2 Obtain a copy of the sex offender's Change of Address Notice from the~~
~~—offender. A copy of the form shall be sent to the Chief Law Enforcement~~
~~—Officer of the jurisdiction to which the offender intends to move. A copy~~
~~—of the form will be retained in the Law Enforcement Agency's files.~~

~~—12.1.3 The Law Enforcement Agency shall provide the new Law Enforcement~~
~~—Agency with all relevant and necessary information in its possession~~

~~_____pertaining to the offender, including the notification plan.~~

~~— 12.1.4 The new Law Enforcement Agency then has responsibility for implementing~~

~~_____a Community Notification Plan at the level determined by the Sex Offender~~

~~_____Board of Review.~~

~~12.2 A Law Enforcement Agency may periodically review its Community~~

~~_____Notification files to determine if re-notification of the community is appropriate~~

~~_____due to changes in the make-up of the community. In making that determination,~~

~~_____the Law Enforcement Agency should consider the nature and characteristics of~~

~~_____the community, including the extent of changes in its population and~~

~~_____membership. The Law Enforcement Agency shall not, on its own, change the~~

~~_____level of notification for any offender. If the Law Enforcement Agency determines~~

~~_____that re-notification is appropriate, the agency shall employ the same methods of~~

~~_____notification it employed originally to the extent that it is feasible, consistent with~~

~~_____the original recommendations made by the Sex Offender Board of Review.~~

~~12.3 Upon receipt from the SOCN Unit of a reclassification of an offender's risk level,~~

~~_____the Law Enforcement Agency shall proceed with the implementation of a~~

~~_____Community Notification Plan consistent with the new level of notification, with~~

~~_____ recommendations of the Sex Offender Board of Review and in accordance with~~

~~_____ the guidelines set forth in §5.0 through §9.6.9 of these Guidelines.~~

~~PART V~~ _____ ~~RELEASE OF INFORMATION~~

~~Section 13.0~~ _____ ~~Release of Information~~

~~13.0~~ _____ ~~The Sexual Offender Registration and Community Notification Act, RI General~~

~~_____ Laws §11-37.1-1 et seq., does not provide that an offender's criminal history of~~

~~_____ convictions be made a public record, nor does it provide for the release of such~~

~~_____ information to the general public in all circumstances. No information obtained~~

~~_____ under RI General Laws §11-37.1-1 et seq., shall be released or transferred _____~~

~~_____ without the written consent of the offender and/or his/her authorized _____~~

~~_____ representative, except under certain enumerated circumstances set forth below:~~

~~_____ 13.1 _____ No consent for release or transfer of information obtained under RI~~

~~_____ General Laws §11-37.1-1 et seq., shall be required in the following~~

~~_____ instances:~~

~~_____ 13.2.1 _____ Such information may be disclosed to Law Enforcement Agencies~~

~~_____ for law enforcement purposes; and~~

~~13.2.2~~ Such information may be disclosed to government agencies

~~conducting background checks; and~~

~~13.2.3~~ The Attorney General's Office (as a designated Law Enforcement

~~Agency) and any local Law Enforcement Agency authorized by the~~

~~Attorney General's Office may release relevant information that is~~

~~necessary to protect individuals concerning a specific person~~

~~required to register under RI General Laws §11-37.1-1 et seq.,~~

~~except the identity of the victim of an offense that requires~~

~~registration under RI General Laws §11-37.1-1 et seq., shall not be~~

~~released; and~~

~~13.2.4~~ Such information may be released or disseminated in accordance

~~with the provisions of RI General Laws §11-37.1 and these~~

~~Guidelines.~~

~~PART VI~~ ~~IMMUNITY~~

~~Section 14.0~~ ~~Good Faith Immunity~~

~~14.1~~ Any person who performs any act, or fails to perform any act hereunder,

_____ shall have good faith immunity from any liability, civil or criminal,
that

_____ might be incurred as a result of the performance of or failure to
perform

_____ any act hereunder.

Approved by RI Parole Board 12/5/2015 ERL ID #7726

APPENDIX

ADDENDUM I

SEX OFFENDER RISK OF RE-OFFENSE ASSESSMENT FACTORS

Each risk of re-offense assessment decision shall be made on the basis of the facts of each

individual case, after review of appropriate documentation. The following fifteen (15)

facts will be considered in each risk level determination. The factors listed below should

be considered in conjunction with those facts that have already been articulated in RI

General Laws §11-37.1.

FACTORS CONCERNING THE COMMISSION OF THE SEXUAL OFFENSE

- **ACTUARIAL RISK SCORE**

— Including but not limited to Static 99-R (Adults) and the Static 2002, STABLE 2007 (Adults with SOCN Interview) and the J-Soap II (Juveniles).

- **DEGREE OF VIOLENCE**

— Including, but not limited to, use of weapons, threats, bodily harm, kidnapping,

— homicide, known HIV status.

- **OTHER SIGNIFICANT CRIME CONSIDERATIONS**

— Including, but not limited to, presence of multiple offenders, animal abuse,
— photography/videotaping of crime, humiliation.

- **—DEGREE OF SEXUAL INTRUSION**

— Including, but not limited to, the type or nature of the offender's contact
with the
— victim, types of penetration of the victim.

- **—VICTIM SELECTION CHARACTERISTICS**

— Including, but not limited to, the number of victims, age of the victim,
specificity
— of victim characteristics, developmental level, vulnerability factors i.e.
handicap,
— establishment of relationships for the primary purpose of victimization.

FACTORS CONCERNING PRIOR HISTORY

- **—KNOWN NATURE AND HISTORY OF SEXUAL AGGRESSIONS**

— Including, but not limited to, offense frequency, type, duration, length of
sexual
— aggression history, past or present paraphilic behavior.

- **—OTHER CRIMINAL HISTORY**

- **—SUBSTANCE ABUSE HISTORY**

— Including, but not limited to, participation in substance abuse treatment.

- ~~PRESENCE OF PSYCHOSIS, MENTAL RETARDATION OR BEHAVIORAL DISORDER~~

~~FACTORS CONCERNING SUPPORT SYSTEMS~~

- ~~DEGREE OF FAMILY SUPPORT OF OFFENDER
ACCOUNTABILITY AND SAFETY~~

- ~~PERSONAL, EMPLOYMENT AND EDUCATIONAL STABILITY~~

~~Including, but not limited to, history of violent behavior, relationship stability,~~

~~employment stability, significant personal isolation.~~

- ~~INCARCERATION COMMUNITY SUPERVISION RECORD~~

~~Including, but not limited to, access to potential victims through employment~~

~~and living environment.~~

- ~~EXTERNAL CONTROLS~~

~~Including, but not limited to, probation and parole status, electronic monitoring, group home placement.~~

~~FACTORS CONCERNING TREATMENT/PSYCHOTHERAPY PROGRESS~~

- ~~PARTICIPATION IN SEX OFFENDER SPECIFIC TREATMENT PROGRAM~~

- ~~RESPONSE TO SEX OFFENDER SPECIFIC TREATMENT/
ADMISSION OF GUILT, ACCEPTANCE OF RESPONSIBILITY
FOR CRIMES, COMMITMENT TO ONGOING SAFETY,
RECOVERY AND SEX OFFENDER TREATMENT~~

ADDENDUM II

~~—sample police notification fact sheet—~~
SEX OFFENDER INFORMATION FACT SHEET

(for Level II or III)

LEVEL _____ NOTIFICATION OF RELEASE

(insert Police Department Name)

Agency Case Number: _____ Date: _____
--

~~The individual who appears on this notification has been convicted of a criminal offense which requires the individual to register with law enforcement pursuant to RI Gen. Laws §11.37.1 et. seq. (Sexual Offender Registration and Community Notification Act).~~

~~This individual is also subject to community notification under The Act, which authorizes law enforcement agencies to inform the public of a sex offender's release from prison and/or sentence to probation when the Sex Offender Board of Review determines that the release of information will enhance public safety and protection.~~

~~This offender is not wanted by the police at this time. This notification is not intended to increase fear. It is our belief that an informed public is a safer public.~~

~~Except as provided by law, court order or other legal prohibition, law enforcement may not direct where the offender does or does not reside, or direct where the offender works or goes to school. Further, the risk level of this offender has been determined based largely on his potential to re-offend.~~

~~Sex offenders have always lived in our communities, but it was not until passage of the Sexual Offender Registration and Community Notification Act that law enforcement was formally noticed of their residence. In many of these cases, law enforcement is now able to~~

~~share information with you. However, abuse of this information to threaten, intimidate or harass registered offenders will not be tolerated and may be a crime. Further, such abuse could potentially end law enforcement's ability to engage in community notifications.~~

~~The [insert police Department] is available to help you by providing you with useful information on personal safety. The Department may be reached at (401) _____ [insert police department contact number]. If you have information regarding current criminal activity of this or any other offender, please call 911.~~

~~(Recent Photo of Offender) _____ (Name and Date of Birth of Offender)~~

~~(Age of Offender)~~

~~(Physical Description of Offender)~~

~~[Add statement of Offense of which the offender was convicted, or other legal basis for the offender's conviction/confinement; brief description of the facts of the offense; victim age/sex and whether known or unknown to offender, actual address of the Offender by street name and number].~~

~~This notice is intended to provide you with information concerning this offender. The Sexual Offender Registration and Community Notification Act does not apply to all persons who are sexual offenders, but as a result of the Act and registration laws, law enforcement is now better able to locate and be better aware of activities of thousands of such offenders.~~

ADDENDUM III

COVER LETTER FROM SOCN UNIT TO LAW ENFORCEMENT

LEVEL I OFFENDER

RE: NAME OF LEVEL I OFFENDER

ADDRESS

{DATE}

Dear Chief Law Enforcement Officer:

The enclosed information is in reference to a **Level I** Offender. It includes a Sex Offender Fact Sheet for the above named offender.

This classification allows you to notify other Law Enforcement Agencies as well as any Victims or Witnesses of the information contained on the Fact Sheet. Please see the approved SOCN Guidelines for definitions and guidance.

In addition to the Fact Sheet, the SOCN Unit will provide you with information supporting the Risk Level Classification which is intended for Law Enforcement use only. Please contact the SOCN Unit with any questions.

If the offender notifies your Department of his/her intent to move from your city/town, you are responsible for re-notification under Section 12 of the Guidelines.

Sincerely,

~~Special Projects Coordinator~~

~~Sex Offender Community Notification Unit~~

~~(401) 462-0903~~

~~cc: Probation & Parole Officer~~

~~COVER LETTER FROM SOCN UNIT TO LAW ENFORCEMENT~~

~~LEVEL II OFFENDER~~

~~RE: NAME OF LEVEL II OFFENDER~~

~~ADDRESS~~

(DATE)

Dear Chief Law Enforcement Officer:

The enclosed information is in reference to a **Level II** Offender. It includes a Sex Offender Fact Sheet for the above named offender.

This classification allows you to notify other Law Enforcement Agencies, Victims and Witnesses, Schools and Day Care Facilities, as well as any Establishments and Organizations that primarily serve individuals who are likely to encounter the offender. Please see the approved SOCN Guidelines for definitions and guidance.

In addition to the Fact Sheet, the SOCN Unit will provide you with information supporting the Risk Level Classification which is intended for Law Enforcement use only. Please contact the SOCN Unit with any questions.

If the offender notifies your Department of his/her intent to move from your city/town, you are responsible for re-notification under Section 12 of the Guidelines.

Sincerely,

Special Projects Coordinator

Sex Offender Community Notification Unit

(401) 462-0903

cc: Probation & Parole Officer

**COVER LETTER FROM SOCN UNIT TO LAW ENFORCEMENT
LEVEL III OFFENDER**

RE: NAME OF LEVEL III OFFENDER
ADDRESS

(DATE)

Dear Chief Law Enforcement Officer:

The enclosed information is in reference to a **Level III** Offender. It includes a Sex Offender Fact Sheet for the above named offender.

This classification allows you to notify other Law Enforcement Agencies, Victims and Witnesses, Schools and Day Care Facilities, as well as any Establishments and Organizations that primarily serve individuals who are likely to encounter the offender. In addition, Level III Notifications may include other individual members of the community whom the offender is likely to encounter. Please see the approved SOCN Guidelines for definitions and guidance.

In addition to the Fact Sheet, the SOCN Unit will provide you with information supporting the Risk Level Classification which is intended for Law Enforcement use only. Please contact the SOCN Unit with any questions.

If the offender notifies your Department of his/her intent to move from your city/town, you are responsible for re-notification under Section 12 of the Guidelines.

Sincerely,

Special Projects Coordinator

Sex Offender Community Notification Unit

(401) 462-0903

cc: Probation & Parole Officer

SAMPLE NOTICE FROM SOCN UNIT TO LEVEL II AND LEVEL III OFFENDERS

**NOTICE OF OFFENDER'S OPTION FOR COURT REVIEW OF DESIGNATED
LEVEL OF COMMUNITY NOTIFICATION**

(DATE)

Dear

Pursuant to the RI Sexual Offender Registration and Community Notification Act, RI-
General

Laws §11-37.1-1 et seq. you have been referred to the Sex Offender Board of Review
for a determination of risk of re-offense for community notification purposes.

Upon review of all relevant information and documentation provided concerning
your case, the

Sex Offender Board of Review has determined that your risk of re-offense is-
[moderate][high].

~~Consequently, Community Notification shall take place at [Level II] [[Level III]].~~

~~[Level II Community Notification requires disclosure of identifying information in the form of an~~

~~“Offender Fact Sheet” to (1) the victim and/or witnesses of the offense for which you have been~~

~~convicted; (2) those organizations you are likely to encounter, such as schools, day-care facilities, and other social and religious agencies in the area where you will be living and/or working; including providing the public with computerized access to the information contained in the Sex Offender Fact Sheet.]~~

~~[Level III Community Notification may include all of the above as well as additional disclosure to any other members of the community the offender is likely to encounter. Further, notification may include any two or more of the following:~~

~~Providing public access to hard copies of the offender fact sheet at the Law Enforcement Agency;~~

~~News releases; or~~

~~Fliers; or~~

~~Advertisements in local newspapers; or~~

~~Providing the public with computerized access to the information contained in the Offender Fact Sheet. For instance the Law Enforcement Agency could create a web site or other type of program that would be accessible to the public at the Law Enforcement Agency or at the local library.~~

~~Or any other available methods of distribution which are deemed effective and appropriate to the community, consistent with the Statute and Guidelines.}~~

~~The Act provides you with the opportunity to appeal and ask for court review of the Board's assigned risk level **within ten (10) days of the date of this Notice.** Community Notification will continue to take place at the current assigned risk level until such time as a court affirms or modifies the Board of Review's leveling decision.~~

~~This is your choice. If you decide to appeal you must:~~

- ~~1. apply for a Court Review within ten (10) days of the date of this Notice;~~
- ~~2. apply for a Court Review in writing, such as a letter;~~
- ~~3. The written application for Court Review shall include:~~
 - ~~a. your name~~
 - ~~b. a statement of objection to the notification and/or its level, form or nature~~
 - ~~c. a copy of this Notice~~
- ~~4. You must file your written application for a Court Review with Court Clerk as well as to
the Sex Offender Community Notification Unit:~~

~~(adult offenders may appeal to) (juvenile offenders may appeal to)~~

~~RI SUPERIOR COURT RI FAMILY COURT~~

~~Clerk – Criminal Sex Offender Calendar – Juvenile Calendar~~

~~250 Benefit Street~~ ~~One Dorrance Street~~

~~Providence, RI 02903~~ ~~Providence, RI 02903~~

~~AND~~

~~RI DEPARTMENT OF CORRECTIONS~~

~~SOCN Unit~~

~~40 Howard Avenue~~

~~Cranston, RI 02903~~

~~You have the right to be represented by an attorney of your own choosing or by an attorney appointed by the court if the court determines that you cannot afford to pay for an attorney to represent you.~~

~~Sincerely,~~

~~Special Projects Coordinator~~

~~Sex Offender Community Notification Unit~~

~~(401) 462-0903~~

SAMPLE FACT SHEET-LEVEL I

RHODE ISLAND SEX OFFENDER COMMUNITY NOTIFICATION UNIT

FACT SHEET FOR LEVEL I OFFENDER

RISK LEVEL I — Law Enforcement may notify other law enforcement agencies, victims

(LOW) of and/or witnesses to the offense committed by the

The individual who appears on this notification has been convicted of a criminal offense which requires the individual to register with law enforcement pursuant to RI Gen. Laws §11.37.1 et. seq. (Sexual Offender Registration and Community Notification Act “The Act”).

The following information is **for law enforcement use only**:

~~Name and Date of Birth of Offender~~

~~Age of Offender~~

~~Address of Offender~~

~~Affix Photograph of Offender~~ — ~~Physical description and identifying marks of Offender~~

~~Conviction Statue~~

~~Release Date, Releasing Institution~~

~~Supervising Agency Name and Telephone Number~~

~~Statement of offense including, but not limited to, offense type, location of previous offense,~~

~~modus operandi, age of victim(s), method of victim acquisition, level of force used,~~

~~weapon type (if any), chemical use patterns and types.~~

~~Special release conditions and supervision, if any.~~

~~Address of offender upon release.~~

~~Employment, education institutions, and other localities offender may frequent upon release.~~

~~Other information which may be pertinent to law enforcement officers.~~

~~This information is for the use of the Law Enforcement Agencies Only and is not to be~~

~~Re-produced for general distribution.~~

LAW ENFORCEMENT AGENCY

SAMPLE FACT SHEET—LEVEL II

~~SAMPLE FACT SHEET-LEVEL II~~

~~[LAW ENFORCEMENT AGENCY]~~

~~LEVEL II SEX OFFENDER FACT SHEET~~

~~COMMUNITY NOTIFICATION~~

~~**RISK LEVEL II** -- Level II Community Notification requires disclosure of identifying~~

~~(MODERATE) information in the form of an "Offender Fact Sheet" to (1) the victim and/or witnesses of the offense for which the offender has been convicted (upon request); (2) those organizations the offender is likely to~~

~~The individual who appears on this notification has been convicted of a criminal offense which requires the individual to register with law enforcement pursuant to RI Gen. Laws §11.37.1 et. seq. (Sexual Offender Registration and Community Notification Act "The Act").~~

~~This individual is also subject to community notification under The Act, which authorizes law enforcement agencies to inform the public of a sex offender's release from prison and/or sentence to probation when the Sex Offender Board of Review determines that the release of information will enhance public safety and protection.~~

~~**This offender is not wanted by the police at this time. This notification is not intended to increase fear. It is our belief that an informed public is a safer public.**~~

~~Except as provided by law, court order or other legal prohibition, law enforcement may not direct where the offender does or does not reside, or direct where the offender works or goes to school. Further, the risk level of this offender has been determined based largely on his potential to re-offend.~~

~~Sex offenders have always lived in our communities; but it was not until passage of the Sexual Offender Registration and Community Notification Act that law enforcement was formally noticed of their residence. In many of these cases, law enforcement is now able to share information with you. However, abuse of this information to threaten, intimidate or harass registered offenders will not be tolerated and may be a crime. Further, such abuse could potentially end law enforcement's ability to engage in community notifications.~~

~~The [insert police Department] is available to help you by providing you with useful information on personal safety. The Department may be reached at (401) [insert police department contact number]. If you have information regarding current criminal activity of this or any other offender, please call 911.~~

~~Name and Date of Birth of Offender~~

~~Age of Offender~~

~~Affix Photograph of Offender _____ Physical description and identifying marks of Offender~~

~~Address of Offender (by street name and number)~~

~~Offense for which offender was convicted~~

~~Date of Release~~

~~[Add statement of Offense of which the offender was convicted, or other legal basis for the offender's conviction/confinement; brief description of the facts of the offense; victim age/sex and whether known or unknown to offender, actual address of the Offender by street name and number].~~

SAMPLE FACT SHEET-LEVEL III

[LAW ENFORCEMENT AGENCY]

LEVEL III SEX OFFENDER FACT SHEET

COMMUNITY NOTIFICATION-

RISK LEVEL III - Level III Community Notification requires disclosure of identifying

(HIGH) _____ information in the form of an "Offender Fact Sheet" to (1) the victim and/or witnesses of the offense for which the offender has been convicted (upon request); (2) those organizations the offender is likely to encounter, such as schools, day care facilities and other social and religious agencies in the area where

~~The individual who appears on this notification has been convicted of a criminal offense which requires the individual to register with law enforcement pursuant to R.I. Gen. Laws §11.37.1 et. seq. (Sexual Offender Registration and Community Notification Act).~~

~~This individual is also subject to community notification under The Act, which authorizes law enforcement agencies to inform the public of a sex offender's release from prison and/or sentence to probation when the Sex Offender Board of Review determines that the release of information will enhance public safety and protection.~~

~~This offender is not wanted by the police at this time. This notification is not intended to increase fear. It is our belief that an informed public is a safer public.~~

~~Except as provided by law, court order or other legal prohibition, law enforcement may not direct where the offender does or does not reside, or direct where the offender works or goes to school. Further, the risk level of this offender has been determined based largely on his potential to re-offend.~~

~~Sex offenders have always lived in our communities; but it was not until passage of the Sexual Offender Registration and Community Notification Act that law enforcement was formally noticed of their residence. In many of these cases, law enforcement is now able to share information with you. However, abuse of this information to threaten, intimidate or harass registered offenders will not be tolerated and may be a crime. Further, such abuse could potentially end law enforcement's ability to engage in community notifications.~~

The ~~[insert police Department]~~ is available to help you by providing you with useful information on personal safety. The Department may be reached at (401) ~~[insert police department contact number]~~. If you have information regarding current criminal activity of this or any other offender, please call 911.

Name and Date of Birth of Offender

Age of Offender

Affix Photograph of Offender _____ Physical description and identifying marks of Offender

Address of Offender (by street name and number)

Offense for which offender was convicted

Date of Release

~~[Add statement of Offense of which the offender was convicted, or other legal basis for the offender's conviction/confinement; brief description of the facts of the offense; victim age/sex and whether known or unknown to offender, actual address of the Offender by street name and number].~~

~~SAMPLE NOTIFICATION LETTER FROM POLICE TO VICTIM AND/OR WITNESS IN CASE~~

Date _____

Parent/Guardian of

Victim's Name

Victim's Street Address

City, State and Zipcode

Mr./Mrs./Ms. _____,

The _____ Police Department is in the process of conducting a Level _____ notification on convicted sex offender _____ Sex Offender's Name____. Offender's Level I, II, or III status has been designated by the Sex Offender Board of Review and the Rhode Island Superior Court.

At your request, I am forwarding this letter and enclosed fact sheet to your attention in compliance with RI General Laws §11-37-1-1 et. seq. _____ Sex Offender's Name____ is presently living at _____ Street or Landmark name____ area of _____ your city____ and is currently on supervised probation until [Date_____].

If you should have any questions or concerns about _____ Sex Offender's Name____ or the attached fact sheet, please feel free to contact me at your earliest convenience at my office number _____.

Sincerely,

Officer's Name____

