



RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

DIRECTOR:

Wayne P. Salant Jr.

POLICY
NUMBER:
20.07-4 DOC

EFFECTIVE
DATE:
12/04/2023

SUBJECT:
SEX OFFENDER REGISTRATION AND
COMMUNITY NOTIFICATION

LAST REVIEWED: 12/2023

SECTION: RELEASE

SUPERSEDES: 20.07-3 DOC

AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director; § 11-37.1-1 et seq., Sexual offender registration and community notification

REFERENCES: The most recent version of RIDOC policy 28.17 DOC, [Probation and Parole Case Management: Probation Violation Requests](#); *State v. Flores*, 714 A.2d 581 (RI 1998); *State v. Gibson*, 182 A.3d 540 (RI 2018); *State v. Santos*, 870 A.2d 1029 (RI 2005); Sex Offender Community Notification Guidelines; RIGL § 11-37.1-1, et seq.

INMATE/PUBLIC ACCESS: YES

AVAILABLE IN SPANISH: YES

I. PURPOSE:

To ensure Rhode Island Department of Corrections (RIDOC) compliance with Rhode Island General Laws (RIGL) related to Sexual Offender Registration and Community Notification. This includes notifying affected offenders of their duty to register with appropriate law enforcement agencies in the communities in which they intend to reside, work, and/or attend school upon sentence expiration or release on probation or parole and to follow procedures for community notification.

II. POLICY:

A. Designated RIDOC staff including, Adult Counselors, Probation and Parole, and Home Confinement shall meet with sentenced offenders who have a duty to register prior to their release from incarceration or upon a sentence to a period of probation and/or home confinement and provide notification of duty to register as sex offender.

Per RIGL § 11-37.1 et seq., staff shall:

1. Inform the person that if s/he changes his/her residence address, s/he shall give the new address to a designated state law enforcement agency in writing within twenty-four (24) hours;
2. Inform the person that if s/he changes residence to another jurisdiction, s/he shall register the new address with the law enforcement agency with whom s/he last registered, and s/he is also required to register with a designated law enforcement agency in the new state in accordance with the new state's sex offender registration statute;
3. Inform the person that if s/he works or attends school in another jurisdiction in which s/he does not reside, s/he shall register his/her employment address or address of the educational institution s/he attends as required by the other state;
4. Require the person to read and sign a [Notice of Duty to Register](#) form approved by the attorney general stating that the duty of the person to register under this section has been explained;
5. Obtain fingerprints and a photograph of the person, if these have items have not already been obtained in connection with the offense that triggers registration.

III. DEFINITIONS:

1. **Abscond** - means not to register as required, or to relocate to some unknown place other than the registered place of residence, or to conceal him/herself in an attempt to avoid registration or verification of registration.
2. **Aggravated offense** - as per RIGL § 11-37.1-2(a), the term means and includes offenses involving sexual penetration of victims of any age through the use of force or the threat of use of force or offenses involving sexual penetration of victims who are fourteen (14) years of age or under.
3. **Conviction** - or "convicted" means, and includes any instance where:
 - a. A judgement of conviction has been entered against any person for any offense specified in enumerated list of offenses, or a federal offense, a foreign offense, or a military offense, regardless of whether an appeal is pending; or

- b. There has been a finding of guilty for any offense specifies in in enumerated list of offenses, or a federal offense, a foreign offense, or a military offense, regardless of whether the appeal is pending; or
 - c. There has been a plea of guilty or nolo contendere for any offense specified in enumerated list of offenses, or a federal offense, a foreign offense, or a military offense, regardless of whether an appeal is pending; or
 - d. There has been an admission of sufficient facts or a finding of delinquency for any offense specified in enumerated list of offenses, or a federal offense, a foreign offense, or a military offense, regardless of whether or not an appeal is pending.
4. **Criminal offense against a victim who is a minor** - as per RIGL 11-37.1-2(e), the term means, and includes any of the following offenses or any offense in another jurisdiction that is substantially the equivalent:
- a. Kidnapping or false imprisonment of a minor in violation of § 11-26-1.4 (Kidnapping of a minor), § 11-26-1 (Kidnapping) and § 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) years;
 - b. Enticement of a child in violation of § 11-26-1.5 with the intent to violate §§11-37-6 (Third degree sexual assault), 11-37-8 (Assault with intent to commit first degree sexual assault), 11-37-8.1 (First degree child molestation), 11-37-8.3 (Second degree child molestation);
 - c. Any violation of §§ 11-37-6 (Third degree sexual assault), 11-37-8 (Assault with intent to commit first degree sexual assault), 11-37-8.1 (First degree child molestation), 11-37-8.3 (Second degree child molestation);
 - d. Any violation of § 11-1-10 (Solicitation of an incompetent person under the age of 18 for prostitution), where the underlying offense is a violation of Rhode Island General Laws Title 11, Chapter 34 and the victim or person solicited to commit the offense is under the age of eighteen (18) years;
 - e. Violation of § 11-9-1(b) and (c), (Exploitation of a child for commercial or immoral purposes);
 - f. Any violation of § 11-9-1.3 (Child pornography prohibited);

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- g. Any violation of § 11-9-1.5 (Electronic dissemination of indecent material to minors);
 - h. Any violation of § 11-37-8.8 (Indecent solicitation of a child);
 - i. Any violation of § 11-64-2 (Video voyeurism) where the victim is under the age of eighteen (18) years;
 - j. Murder in violation of § 11-23-1 where the murder was committed in the perpetration of, or attempted perpetration of kidnapping and where the victim of the offense is under eighteen (18) years of age or where the murder was committed in the commission of or attempted commission of rape or any degree of sexual assault or child molestation;
 - k. Any violation of §§ 11-67-6 (repealed), 11-67.1-3(b) (Trafficking a minor), 11-67.1-4(b) (Forced labor of a minor), 11-67.1-5(c) (Sexual servitude/commercial sexual activity), 11-67.1-6(b) (Patronizing a victim of sexual servitude), or 11-67.1-7(b) (Patronizing a minor for commercial sexual activity);
 - l. Any conviction for an attempt or conspiracy to commit an enumerated offense.
5. **Federal offense** - means, and includes, any conviction for an offense that was obtained under federal law which, if committed within the jurisdiction of this state, would require the person to register, any conviction for an offense under 34 U.S.C. § 20911 as amended, or any conviction for an attempt or conspiracy to commit an offense requiring registration.
6. **Foreign offense** - means, and includes, any conviction for an offense which, if committed within the jurisdiction of this state, would require the person to register that was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or under the laws of any foreign country when the United States state department in its country reports on human rights practices has concluded that the independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred, or any conviction for an attempt or conspiracy to commit an offense enumerated offense.
7. **Habitually lives or sleeps** - means living in a place with some regularity, and with reference to where a person required to be registered under this chapter actually lives, which would be some place other than a mailing address or

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- primary address but would entail a place where the person lives on an intermittent basis regardless of whether it pertains to a location otherwise identifiable by street or address.
8. **Homeless** - means a person required to be registered who lacks a fixed, regular, and adequate nighttime residence; has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by the federal, state, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing); or who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided.
 9. **Immediate or immediately** - means upon receipt of information provided by or regarding a person required to register but not later than three (3) business days.
 10. **Jurisdiction** - means an of the fifty (50) states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and any Indian tribe that has elected to function as a registration and notification jurisdiction pursuant to 34 U.S.C § 20929.
 11. **Military offense** - means, and includes, any conviction for any military offense specified by the secretary of defense under § 115(a)(8)(C)(i) of Pub. L. 105-119, codified at 10 U.S.C. § 951 note, or any conviction for an attempt or conspiracy to commit an offense enumerated in this subsection.
 12. **Public or private educational institution** - means early childhood facilities (nursery school, prekindergarten and kindergarten), elementary, middle, secondary, institutions of higher education, and postsecondary educational institutions authorized or licensed by the State of Rhode Island.
 13. **Sexually violent offense** - as per RIGL § 11-37.1-2(k), the term means, and includes, any violation of §§ 11-37-2, 11-37-4, 11-37-6, 11-37-8, 11-37-8.1, 11-37-8.3, 11-67-2 (where the victim was subject to commercial sexual activity), 11-67-3(a), 11-67-3(b) (where the victim was subject to commercial sexual activity), 11-67.1-3(c) (where the victim was subject to sexual servitude), 11-67.1-5(d), 11-67.1-6(c); or 11-5-1, where the specified felony is sexual assault; or § 11-23-1, where the murder was committed in the perpetration of, or attempted perpetration of, rape

or any degree of sexual assault or child molestation; or any offense in another jurisdiction that is substantially the equivalent of any offense listed in this subsection or for which the offender is or would be required to register under 34 U.S.C §20911.

14. **School** - means the buildings and real property of kindergarten, elementary, middle, and secondary institutions, whether public or private.

IV. **PROCEDURES:**

A. **Introduction**

Sexual offender registration is intended to enable law enforcement agencies to exchange accurate and timely information on certain categories of offenders who are living, working, and/or attending school in their communities. By statute, RIDOC employees have critical duties with respect to sex offender registration – namely, notification of the duty to register and obtaining information required for registration for those sex offenders placed on parole, probation, home confinement or any other expiration of sentence. RIDOC staff members are required to ensure these offenders are informed of their duty to register upon release into the community and the penalties for noncompliance; punishable by a term of imprisonment of not more than ten (10) years, or a fine of not more than ten thousand dollars (\$10,000), or both, and that non-compliance shall constitute a probation or parole violation or violation of terms of release (RIGL § 11-37.1-10).

B. **Offenders Who Must Register**

1. **Offenders convicted of specified crimes committed on or after July 24, 1996**, under Rhode Island law RIGL § 11-37.1-3, § 11-37.1-2(a), (e) and (k), and offenders convicted of an [aggravated offense](#), [criminal offense against a victim who is a minor](#) or a [sexually violent offense](#) (see Section III. [Definitions](#) for full descriptions).
2. Offenders who had a prior duty to register under the registration law § 11-37-16 (*State v. Flores*) in effect for *offenders who were convicted on or after July 1, 1992, but before July 24, 1996*:
 - a. First degree sexual assault (§ 11-37-2);
 - b. Second degree sexual assault (§ 11-37-4);

- c. Third degree sexual assault (§ 11-37-6);
 - d. Assault with intent to commit first degree sexual assault (§ 11-37-8);
 - e. First degree child molestation (§ 11-37-8.1);
 - f. Second degree child molestation (§ 11-37-8.3);
 - g. or for a conviction in another state of First degree sexual assault which if committed in Rhode Island would constitute a violation of chapter 37.
3. Probationers transferring to Rhode Island under the Interstate Compact who would be required to register pursuant to § 11-37.1-3.

NOTE: Offenders convicted of registrable offense(s) before July 1, 1992 do not have an obligation to register (unless they have a subsequent conviction on a registrable offense). [See State v. Santos, 870 A.2d 1029 (RI 2005), State v. Gibson, 182 A.3d 540 (RI 2018)].

4. Has been convicted of a federal offense, has been convicted of a foreign offense, has been convicted of a military offense or has been convicted of a violation of RIGL § 11-37.1-10.
5. Any nonresident worker who has committed an offense that is subject to registration in the jurisdiction of his or her residence and is employed or carrying on a vocation in Rhode Island; or a nonresident student.
6. Any person having a duty to register who is enrolled at, employed at, or carrying on a vocation at an institution of higher education shall have an additional duty to register with the local law enforcement agency in the city or town where the primary campus of the institution of higher education at which the person is enrolled, employed, or carrying on a vocation is located.

C. Duration of Registration Requirement

ANNUALLY, FOR TEN (10) YEARS FROM EXPIRATION OF SENTENCE FOR THE OFFENSE	ANNUALLY AND FOR OFFENDER'S/ REGISTRANT'S LIFETIME	ANNUALLY, FOR AS LONG AS OFFENDER/REGISTRANT WORKS/ATTENDS A PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION IN RHODE ISLAND
Offenders convicted of a criminal offense against a victim who is a minor. See Section III. and RIGL 11-37.1-2(e) for definition of ' criminal offense against a victim who is a minor. '	Offenders convicted of aggravated offenses (such as forcible First degree sexual assault and First degree child molestation). See Section III. and RIGL 11-37.1-2(a) for definition of ' aggravated offense. '	Non-resident workers and students convicted of offense(s) requiring registration
Offenders convicted of a sexually violent offense, but who are not determined (by the court) to be sexually violent predators or recidivists, and not convicted of " aggravated offenses. " See Section III. and RIGL 11-37.1-2(k) for definition of ' sexually violent offense. '	Recidivists (offenders who have a duty to register and who have one or more <u>prior</u> convictions for any offense described in 11-37.1-2. Homeless offenders verify presence in the community with local law enforcement three (3) times a week.	
	Sexually Violent Predators as defined by RIGL §11-37.1-2(l) (offenders convicted of sexually violent offenses AND determined by a court to be "sexually violent predators") A conviction for a federal, foreign or military offense.	

D. Changes of Address (RIGL § 11-37.1-9)

1. Interstate Moves - prior to a change of residence to a new state, a registrant shall:
 - a. Notify the local law enforcement agency within this state with which the person is registered.
 - b. Register the new address with a designated state law enforcement agency in another jurisdiction to which the person moves in accordance with the new jurisdiction's sex offender registration statute.

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2. Intrastate Moves - when a registrant establishes residence in another city or town in RI, they shall:
 - a. Notify the local law enforcement in the city/town the offender/registant is leaving before establishing residence in a new location;
 - b. Register their new address with the local law enforcement agency in city/town in which the offender is moving, not later than twenty-four (24) hours after the person establishes residence in the new city or town.
 3. International Travel - when a registrant will be traveling outside of the United States, they shall:
 - a. Notify the local law enforcement agency at least twenty-one (21) days in advance of the travel date;
 - b. Provide necessary information regarding his or her international travel to the local law enforcement agency.
- E. Verification of Address
- The Rhode Island State Police ("RISP"), as the designated law enforcement agency, ensures annual address verification pursuant to RIGL § 11-37.1-8 for those offenders required to register in the State.
- F. Homelessness
1. If at the time of his/her release the offender does not have an anticipated address, RIDOC's Records and Identification Unit will transmit a broadcast via the Rhode Island Law Enforcement Telecommunications System (RILETS) stating the offender is subject to registration per RIGL §11-37.1-4.

The RILETS broadcast shall state the following:

- a. Name;
- b. Date of birth (DOB);

- c. The offender is required to register within twenty-four (24) hours with a law enforcement agency as a sex offender pursuant to RIGL §11-37.1-4;
 - d. The offender has no known address.
2. Pursuant to RIGL § 11-37.1-21, if any person convicted of any offense that requires sex offender registration pursuant to this title, or otherwise has a duty to register his or her address with the law enforcement agency in the municipality in which they reside, is provided residence in any **homeless shelter**, that person shall be required to inform the shelter of his or her status and duty to register and to provide his or her name and date of birth to each shelter or homeless shelter where he or she resides overnight.
3. The obligation of the sex offender to provide the information required shall be on a continuing daily and nightly basis and he or she shall provide said information to each and every shelter or homeless shelter at which he or she takes up temporary residence regardless of the length of time he or she stays at such shelter.
4. The homeless shelter that receives information from any sex offender shall be required to transmit that information to the local law enforcement agency and if there be none, to the closest Rhode Island State Police barracks before midnight of that day of the person registering or signing in for the day, night, or any portion of a day.
5. In addition to the other registration requirements, a person who is required to register under chapter 11-37.1 and is homeless shall verify their presence in the community with the local law enforcement agency where they are required to register **three (3) times a week** for the duration of their being homeless.

NOTE: RIDOC staff members may inform offenders of their obligation to notify the homeless shelter of their status and duty to register, however it is ultimately the offender's responsibility once s/he is released from RIDOC custody.

G. RIDOC Staff Responsibilities

1. Pursuant to RIGL § 11-37.1-6(5), not less than sixty (60) days prior to the release of any offender subject to chapter 37.1 of Title 11, the Director of RIDOC, or his/her designee, must verify that the duties of the sex offender

board of review and any other state agency have been fulfilled as specified in § 11-37.1-6 et. seq.

In the event that the Director of RIDOC or his/her designee cannot obtain verification, s/he shall, no later than thirty (30) days prior to the release of an offender, file with the Presiding Justice of the Superior Court a Petition for Writ of Mandamus, seeking compliance with chapter 37.1 of Title 11.

2. Wardens/Designees

The Sex Offender Community Notification Unit (SOCN Unit) of the Parole Board, on the 10th and 24th of each month, shall provide a report to all Wardens of those incarcerated sex offenders who have previously been referred to the SOCN Unit, are serving a sentence for a registrable offense and who are expiring their sentence (or who will be paroled) within six (6) months.

a. The Warden/designee checks this report and directs the Adult Counselor to:

- (1) Verify offender release dates and good time release dates;
- (2) Initiate the [Notice of Duty to Register](#) form to be signed by the offender;
- (3) Initiate the critical release protocol;
- (4) Uploads the Notice of Duty to Register document in the Offender Watch Database and electronically notifies the Warden/designee and SOCN. At the time of the upload of the Notice of Duty to Register document, it is immediately disseminated electronically to all law enforcement agencies. All agencies receive an alert stating that RIDOC has completed its requirement to notice said agencies.

NOTE: If an offender refuses to sign the [Notice of Duty to Register](#) form, the Adult Counselor or designated RIDOC staff member documents the refusal and signs the form. In addition, the Adult Counselor or designated RIDOC staff member issues a disciplinary report (“booking”) to the offender. The [Notice of Duty of Register](#) form is disseminated as if it were a signed notification

- b. The Warden/designee shall verify that the Notice of Duty to Register document has been successfully uploaded into the Offender Watch Database and verifies that all other vital information, including the anticipated release date.
- c. The Warden/designee initiates the Warden's Letter and uploads this signed document as "Release Documents" into the Offender Watch Database.

NOTE: If the offender has no anticipated address, (i.e., has no residence at which to live at the time of his/her release) the notification will state: "Homeless."

3. Probation and Parole

- a. When an offender is sentenced by the court for any registrable offense included under RIGL § 11-37.1-3, the Probation and Parole Aide for the designated county will assemble a copy of the 1A packet (inclusive of the police report, sentence disposition, judgment of conviction, Indictment/Information charging document) and forward it to the SOBR [see RIGL §§11-37.1-6(c), 11-37.1-12((b)(5))].
- b. On the tenth (10th) and twenty-fourth (24th) day of each month the Probation and Parole Administrator shall provide a report of incarcerated sex offenders prepared by the SOCN Unit to the Probation and Parole Supervisors.
- c. In addition to notification procedures outlined in Section [II.A](#), when an offender is placed on probation, suspended sentence, or deferred sentence by the court for any charge covered under RIGL § 11-37.1-5, the Probation and Parole Officer or Probation and Parole Aide shall:
 - (1) Inform the person of their duty to register within 24 hours of sentencing and obtain the information required for registration;
 - (2) Obtain the following information in **digitized format**:
 - (a) Relating to the person's name:

- i. The person's full primary given or legal name;
 - ii. Any and all names the person used in the past, valid or otherwise; and
 - iii. Any and all nicknames, aliases, and pseudonyms regardless of the context in which they are used.
- (b) Relating to the person's date of birth:
 - i. The person's actual date of birth;
 - ii. Any other date of birth used by the person.
- (c) Relating to the person's social security number:
 - i. A valid social security number for the person; and
 - ii. Any social security number the person has used in the past, valid or otherwise.
- (d) A current digitized photo of the person.
- (e) An accurate description of the person as follows:
 - i. A general description of the person's physical appearance or characteristics; and
 - ii. Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or tattoos.
- (f) Relating to a person's residence:
 - i. The address of each residence at which the person resides or will reside; and
 - ii. Whether the person is homeless.
- (g) Any and all telephone numbers of the person.

- (h) A signed copy of the person's notice of registration and notification obligations ([Notice of Duty to Register form](#)).

NOTE: A digitized copy of the [Notice of Duty to Register](#) form will be maintained in RIDOC's Transition from Prison to Community Data System (TPCDS).

- d. Upon completion of the notification process, the Probation Aide and/or the Probation & Parole Unit shall:
 - (1) Immediately disseminate the signed duty to register document to the designated state law enforcement agency; and
 - (2) Immediately disseminate the 1A packet (including the duty to register document) to the SOBR via the SOCN Unit.
- e. If an offender refuses to sign the [Notice of Duty to Register](#) form, the Probation and Parole Officer or Probation and Parole Aide documents the refusal and signs the form. The form is disseminated to the designated law enforcement agency and the SOCN Unit as if it were a signed notification.

The offender's refusal to sign shall be referred to the Probation and Parole Supervisor to consider issuance of a probation violation.

4. Interstate Compact Unit

- a. Classification Office
 - (1) When an offender enters the RIDOC as an Interstate Corrections Compact inmate having any offense comparable to a registrable offense included under RIGL § 11-37.1-3, the Classification Office will assemble a copy of the referral packet (inclusive of the police report, sentence disposition, judgment of conviction, Indictment/Information charging document) and forward it to the SOBR [see RIGL §§11- 37.1-6(c), 11-37.1-12((b)(5))].

- (2) Not less than six (6) months prior to the expiration of an Interstate Compact inmate, RIDOC's Classification Office will confirm with the SOCN Unit that an inmate will be released to the state of RI and will have a registration requirement under RIGL § 11-37.1-3.

b. Probation and Parole

Upon acceptance of a sex offender on Probation or Parole from another jurisdiction to Rhode Island under the **Interstate Compact** and the offense(s) require registration under RIGL § 11-37.1-3, the following procedures must be followed:

- (1) The Rhode Island Probation and Parole Interstate Compact Office provides the sending jurisdiction with the reporting instructions for the offender prior to the offender's proceeding to Rhode Island.
- (2) Upon arrival in Rhode Island, the offender must register with the local police department within the time frame required by RIGL § 11-37.1-4(g) [i.e., twenty-four (24) hours].
- (3) The offender is to report to the Deputy Compact Administrator's office within twenty-four (24) hours of arriving in Rhode Island or on next working day if arriving on a weekend or holiday.
- (4) The Deputy Compact Administrator/or their Designee shall:
 - (a) Review/read aloud the [Notice of Duty to Register](#) form with the offender and obtains required signatures;
 - (b) Obtain required registration information in digitized format;
 - (c) Immediately disseminate the duty to register document to the designated state law enforcement agency; and
 - (d) Complete a referral to the Sex Offender Board of Review/SOCN Unit including the duty to register

document. Whenever possible, these materials should include the police report, sentence disposition, judgment of conviction, and Indictment/Information charging document.

- (5) If an offender refuses to sign the [Notice of Duty to Register](#) form, the Deputy Compact Administrator/and or their designee documents the refusal and signs the form. The [Notice of Duty to Register](#) form is distributed to the RISP and SOCN Unit as if it were a signed notification.

The Deputy Compact Administrator shall notify the sending jurisdiction that the offender is in violation of probation.

- (6) Upon acceptance of interstate transfer, the assigned Probation and Parole Officer confirms with the designated law enforcement agency and/or via the designated database that the offender has complied with the duty to register.

- (7) In the event an offender has not registered, the Probation or Parole Officer contacts the offender immediately, advises him/her to register, and performs the following duties:

(a) Probationer:

- i. Prepares a Presentment Report following the most recent version of RIDOC policy 28.17 DOC, [Probation and Parole Case Management: Probation Violation Requests](#), to inform the Office of the Attorney General of the violation.
- ii. Notifies the designated law enforcement agency of the failure to register.

(b) Parolee:

- i. Prepares a Parole Violation Report informing the Parole Board of the violation of terms of parole.
- ii. Notifies the designated law enforcement agency of the failure to register.

(c) Interstate Probationer/Parolee:

- i. Prepares a progress report informing the sending state of the violation and forwards said report to the Interstate Compact Unit for transmittal to the sending state.
 - ii. Notifies the local police of the failure to register.
- (8) Should a sex offender change residency within the state, the assigned Probation or Parole Officer verifies that the offender registered with the local police department within the time frame specified in RIGL § 11-37.1-9(d) [i.e., twenty-four (24) hours] and RIGL § 11-37.1-21 (rules for offenders residing in shelters).
- (9) Should a Probation and Parole Officer or other RIDOC supervisory staff (i.e., Home Confinement) receive changes in an offender's registration information, they shall immediately forward it to the designated state law enforcement agency.
- (10) In the event the offender has not registered, the Probation or Parole Officer follows procedures delineated in Sections [II.A](#) and [IV. G.3.c](#).

5. Sex Offender Community Notification (SOCN) Unit

a. "Duty to Register" Tracking System

Designated RIDOC staff (i.e., Probation and Parole and Home Confinement) shall refer to the Rhode Island Sex Offender Board of Review (SOBR), via the Sex Offender Community Notification (SOCN) Unit of the RI Parole Board, all cases in which a sentenced offender has a duty to register. This referral will allow the SOCN Unit to enter and maintain data from those cases in an internal data tracking system.

On the 10th and 24th of each month, the SOCN Unit of the Parole Board runs a report from this internal data tracking system and provides a list to the Wardens/designees and the Probation and Parole Administrator of those incarcerated sex offenders who are

serving a sentence for a registrable offense and who are expiring their sentence (or who will be paroled) within six (6) months. This report includes the name of the offender, release date, offense, and date of offense. This report also contains a section indicating whether the [Notice of Duty to Register](#) form has been completed or is pending (thereby flagging a need to obtain a signed [Notice of Duty to Register](#) form).

b. Community Notification

- (1) Once an offender is sentenced by the court for any registrable offense included under RIGL § 11-37.1-3, the Probation and Parole Aide for the designated county will send by e-mail a copy of the 1A packet (inclusive of the available police reports, sentence disposition, judgment of conviction, Indictment/Information charging document) to the SOBR via the SOCN Unit for screening and inclusion in the Unit's internal SOCN tracking system/database.
- (2) When an offender is referred to the SOBR/SOCN Unit per RIGL § 11-37.1-6(c) and procedures outlined under this policy:
 - (a) The SOCN Unit Information Aide, in consultation with the Chief Program Development for the Parole Board/SOCN Unit ("SOCN Unit Program Chief") performs a cursory screen of the case to confirm the applicability of sex offender registration and community notification under RIGL § 11-37.1-1 et. seq. (i.e., date and nature of offense/conviction).
 - (b) Once enough case materials have been received and the case is determined to fall under this statute, the Information Aide enters all case information into the Unit's internal data tracking system/database and organizes a case file for further review by the SOCN Unit Program Chief.
 - (c) Where the case involves a conviction for First-degree or Second degree child molestation, the SOCN Unit Program Chief (or his/her designee) will also review and screen the case for applicability of the Jessica

Lunsford Child Predator Act of 2007 (RIGL § 11-37-8.2.1) and/or Community Supervision (RIGL § 13-8-30). This information will be entered in the SOCN Unit internal tracking system/database. The SOCN Unit Chief will notify designated RIDOC staff in the Records/ID and Probation and Parole Units of any offender identified for inclusion under the Jessica Lunsford and Community Supervision Acts.

- (d) The SOCN Unit Program Chief will assign the case to one or more of the Parole Board/SOCN Unit Field Investigator(s) for further investigation and case preparation for eventual submission to the Sex Offender Board of Review as per § 11-37.1-6.
- (e) The assigned Field Investigator will perform all further case research, investigation, risk assessment(s), offender interview and other necessary case preparation as determined and assigned by the SOCN Unit Program Chief.

Upon completion of case investigation and preparation by the Field Investigator, the case will be reviewed by the SOCN Unit Program Chief.

- (3) The SOCN Investigator submits the offender's case investigation file to the SOBR (see RIGL § 11-37.1-6). Pursuant to §11-37.1-6(1), the SOBR is appointed by the Governor and comprised of representatives from State and private organizations, which may include experts in the behaviors and treatment of sex offenders. At least one (1) member of the SOBR shall be a qualified child/adolescent sex offender treatment specialist.
- (4) Per RIGL § 11-37.1-6(c)(4) "notwithstanding any other provision of law, the [SOBR] shall have access to all relevant records and information in the possession of any state official or agency having a duty under §§ 11-37.1-5(a)(1) through (6), relating to the juvenile and adult offenders under review by the board, including, but not limited to, police reports; prosecutor's statements of probable cause, presentence investigations and reports, complete judgments and

sentences, current classification referrals, juvenile and adult criminal history records, violation and disciplinary reports, all psychological evaluations and psychiatric evaluations, psychiatric hospital records, sex offender evaluations and treatment reports, substance abuse evaluations and treatment reports to the extent allowed by federal law. Records and information obtained by the board of review under this subsection shall remain confidential, provided that the board of review may disclose the records and information to the sentencing court in accordance with the provisions of this chapter.”

- (5) The SOBR meets monthly to review cases referred by the RIDOC or DCYF (after investigation and assessment by the SOCN Unit) and assign a level of risk for sexual recidivism an offender poses to the community:
 - (a) Low risk of re-offense = Level I;
 - (b) Moderate risk of re-offense = Level II;
 - (c) High risk of re-offense = Level III.
- (6) Per RIGL § 11-37.1-13 and the Sexual Offender Community Notification Guidelines, and as assigned by the SOCN Unit Program Chief, for each offender leveled by the SOBR, the SOCN Unit:
 - (a) Prepares an Offender Fact Sheet for each offender leveled by the SOBR (see sample Offender Fact Sheet at attachment 1). The Fact Sheet is sent to the offender, the local law enforcement agency where the offender resides or intends to reside and the designated state agency managing the public website.
 - (b) Provides the primary law enforcement agency with all relevant information concerning the offender. This is the agency having primary jurisdiction over the location where the sex offender expects to reside upon release, and or where the offender is likely to be encountered.

- (c) Notifies offenders who are designated Level II or Level III by SOBR, in writing, by letter or other documentation:
- i. 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 § 11-37.1-12(b), together with the level, form and nature that the notification will take;
 - ii. That unless an application for review of the action is filed within the time specified by the letter or other documentation, which in any case shall not be less than ten (10) business days, by the adult offender subject to community notification, with the criminal calendar judge of the superior court for the county in which the adult offender who is the subject of notification resides or intends to reside upon release, or by the juvenile offender subject to community notification over whom the family court exercises jurisdiction, with the clerk of the family court for the county in which the juvenile offender 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 (at the assigned Level) will take place;
 - iii. That the offender has a 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
 - iv. 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 in the county in which the adult offender resides or intends to reside upon release, or in the case of juvenile offenders over whom the family court exercises jurisdiction, addressed to the judge described in the communication to the clerk of the family court in the county in which the juvenile offender resides or intends to reside upon release (see sample Notice to Level II and III Offenders at attachment 2).

- (d) Sends the Offender Fact Sheet (see attachment 1) and any appeal letter(s) for each offender to the offender's assigned Probation and Parole Officer.
- (e) Completes all data entry for the offender, including level designation and appeal, in the SOCN Unit tracking system/database.