

State of Vermont Agency of Human Services Department of Corrections	Title: Sex Offender Registry and Internet Registry Determinations		Page 1 of 32
Chapter: Management Information Systems	#255.01	Supersedes: Interim Procedure #255.01 Sex Offender Registry, dated 9/09/2008 & #255.01 dated 9/29/2005.	
Attachments, Forms & Companion Documents: <ol style="list-style-type: none"> 1 a. VT Sex Offender Registry Notification of Requirement to Register (VCIC form) 1 b. Notification of Requirement to Register – Registrants Convicted Other Than in VT (VCIC form) 2. VT Sex Offender Registry Change of Address*Employment*Education form (VCIC form) 3. VT Sex Offender Registry Change of Treatment* Supervision Status form (VCIC form) 4. DOC-Recommended Treatment Compliance and Non-compliance Checklist 5. Sex Offender Notice of Non-compliance Letter 6. Certification of Compliance with DOC-Recommended Treatment 7. Law Enforcement Notification: Designated High-Risk Sex Offender Release Form (2 pages) 8. Law Enforcement Notification: Standard Sex Offender Release Form 9. Notice Form Regarding Non-compliant Designated High-Risk Sex Offenders 10. Sex Offender Review Committee Referral Form - High-Risk Checklist 			
Local Procedures Required: No Applicability: All staff (including contractors and volunteers) Security Level: "B" - Anyone may have access to this document.			
Approved: <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div data-bbox="82 1150 591 1222"> <hr style="width: 30%; margin-left: 0;"/> Andrew A. Pallito, Commissioner </div> <div data-bbox="753 1150 935 1222" style="text-align: center;"> <u>May 10, 2010</u> Date Signed </div> <div data-bbox="1198 1150 1393 1222" style="text-align: center;"> <u>June 14, 2010</u> Date Effective </div> </div>			

PURPOSE

The purpose of this administrative directive is 1) to establish procedures for ensuring that sex offenders under the supervision of the Department of Corrections (DOC) are registered with the Vermont Sex Offender Registry, if applicable; 2) to establish procedures for the determination of high-risk sex offenders and those offenders who are not in compliance with DOC-recommended treatment; and 3) to establish procedures for the release of incarcerated sex offenders.

POLICY

It is the policy of the Department of Corrections that sex offenders under DOC supervision or in DOC custody are registered and in compliance with the Vermont Sex Offender Registry requirements, and that determinations of high risk and failure to comply with DOC-recommended treatment employ best practice in making such assessments.

AUTHORITY

13 V.S.A. Subchapter 3, Sex Offender Registration and Department of Corrections; 13 V.S.A., §§ 5401 to 5414; Act No. 157 of the 2003-2004 legislative session, Act No. 58, Section 6, of the 2008-2009 legislative session. Department of Corrections APA Rule # 05-013, *Determination of High Risk and Failure to Comply with*

Treatment for Purposes of Sex Offender Internet Registry, 2005. Department of Public Safety APA Rule # 04-41, *Vermont Sex Offender Registry, 2004.*

REFERENCE

American Correctional Association Standards for Adult Correctional Institutions, 4th Edition, #4-4102. Department Administrative Directives #371.05 *Offender Responsibility Plan*, #418.01 *Out of State Movement*, and #502.01 *Victim Notification – Automated and Non-automated*.

DEFINITIONS

Department of Public Safety (DPS): A State of Vermont Department that houses the Vermont Crime Information Center which is responsible for overseeing the Sex Offender Registry.

Employed: Carries on a vocation. Includes employment that is full-time or part-time for a period of time exceeding 14 days, or for an aggregate period of time exceeding 30 days during a calendar year, whether financially compensated, volunteered, or for the purpose of governmental or educational benefit.

High Risk: Statutorily defined as a high degree of dangerousness that a sex offender poses to others. Dangerousness includes the probability of a sexual reoffense. 13 VSA § 5401(16)

High-risk Designation: When a sex offender has been found by the Sex Offender Review Committee to meet the criteria of high-risk for purposes of Internet registration.

“Max-out”: When an inmate completes their maximum sentence while incarcerated and is released without any supervision by the Department of Corrections.

Non-compliance with Treatment: Refusing treatment recommended by the DOC, or failing to remain in and/or complete a treatment program recommended by the DOC.

Non-compliant High Risk Sex Offender: A sex offender defined in 13 VSA § 5411d who:

1. Is incarcerated on or after July 1, 2007 for lewd and lascivious conduct with a child as defined in 13 VSA, § 2602, sexual assault as defined in 13 VSA § 3252, aggravated sexual assault as defined in 13 VSA § 3253, or any attempt to commit a crime listed herein or a comparable offense in another jurisdiction of the United States;
2. Is not subject to indeterminate life sentences under 13 VSA § 3271;
3. Is designated as a high-risk sex offender pursuant to 13 VSA § 5411b; **and**
4. Is non-compliant with DOC-recommended treatment as defined by Department of Corrections administrative directive.

Release (as defined in 13 VSA § 5401(8)): Release from confinement or custody or placement into the community for any reason including release on bail pending appeal, probation, parole, furlough, work release, early release, alternative sanctions, house arrest, daily interrupt, community placement, or completion of sentence. It shall also mean probation or parole supervision of an out-of-state sex offender under an interstate agreement or compact.

Risk Assessment: A variety of criminogenic-specific assessment tools used by the Department of Corrections in order to identify evidence-based, objective, reliable, and valid predictions of offender risk to re-offend, while providing a reliable means of measuring offender change over time, through reassessment. The tools identified

are not exclusive or all inclusive, and may change based on results of research and more effective methods becoming available.

Sex Offender: A sex offender as defined in Vermont statute, reflected in 13 VSA subchapter 3, § 5401 (10), and as defined in federal law.

A. A person who is convicted of any of the following Vermont offenses:

- i Sexual assault as defined in 13 VSA § 3252;
- ii Aggravated sexual assault as defined in 13 VSA § 3253;
- iii Lewd and lascivious conduct as defined in 13 VSA § 2601;
- iv Sexual abuse of a vulnerable adult as defined in § 1379 of 13 VSA;
- v Second or subsequent conviction for voyeurism as defined in 13 VSA § 2605(b) or (c);
- vi Kidnapping with intent to commit sexual assault as defined in 13 VSA § 2405(a)(1)(D);
- vii Aggravated sexual assault of a child in violation of 13 VSA § 3253a.
- viii An attempt to commit any offense listed in this section A.

B. A person who is convicted of any of the following offenses against a victim who is a minor, except that, for purposes of this section, conduct which is criminal only because of the age of the victim shall not be considered an offense for purposes of the Registry if the perpetrator is under the age of 18 and the victim is at least 12 years old:

- i. Any offense listed in section A;
- ii. Kidnapping as defined in 13 VSA § 2405(a)(1)(D);
- iii. Lewd and lascivious conduct with a child as defined in 13 VSA § 2602;
- iv. Slave traffic as defined in 13 VSA § 2635;
- v. Sexual exploitation of children as defined in 13 VSA §§ 2822-2828;
- vi. Procurement or solicitation as defined in 13 VSA § 2632(a)(6);
- vii. Aggregated sexual assault of a child as defined in 13 VSA § 3253(a);
- viii. Sex trafficking of children or sex trafficking by force, fraud, or coercion as defined in 13 VSA § 2635a;
- ix. Sexual exploitation of a minor as defined in 13 VSA § 3258(b); or
- x. An attempt to commit any offense listed in this section B.

C. A person who has a federal conviction in federal court for any of the following offenses:

- i. Sex trafficking of children as defined in 18 U.S.C. § 1591;
- ii. Aggravated sexual abuse as defined in 18 U.S.C. § 2241;
- iii. Sexual abuse as defined in 18 U.S.C. § 2242;
- iv. Sexual abuse of a minor or ward as defined in 18 U.S.C. § 2243;
- v. Abusive sexual contact as defined in 18 U.S.C. § 2244;
- vi. Offenses resulting in death as defined in 18 U.S.C. § 2245;
- vii. Sexual exploitation of children as defined in 18 U.S.C. § 2251;
- viii. Selling or buying of children as defined in 18 U.S.C. § 2251A;
- ix. Material involving the sexual exploitation of minors as defined in 18 U.S.C. § 2252;
- x. Material containing child pornography as defined in 18 U.S.C. § 2252A;
- xi. Production of sexually explicit depictions of a minor for import into the United States as defined in 18 U.S.C. § 2260;
- xii. Transportation of a minor for illegal sexual activity as defined in 18 U.S.C. § 2421;
- xiii. Coercion and enticement of a minor for illegal sexual activity as defined in 18 U.S.C. § 2422;
- xiv. Transportation of minors for illegal sexual activity, travel with the intent to engage in illicit sexual conduct with a minor, and engaging in illicit sexual conduct in foreign places as defined in 18 U.S.C. § 2423;

- xv. Transmitting information about a minor to further criminal sexual conduct as defined in 18 U.S.C. § 2425.
- xvi. An attempt to commit any offense listed in this section C.

D. A person who takes up residence within this state, other than within a correctional facility, and who has been convicted in any jurisdiction within the United States, including a state territory, commonwealth, the District of Columbia or military, federal or tribal court, for a sex crime the elements of which would constitute a crime under 13 VSA § 5401(10) if committed in this state.

E. A person 18 years of age or older who resides in this state other than in a correctional facility, and who is currently required to register, or prior to taking up residence within this state was required to register as a sex offender in any jurisdiction of the United States, including a state, territory, commonwealth, the District of Columbia, or military, federal or tribal court; except that, for purpose of this section, conduct which is criminal only because of the age of the victim shall not be considered an offense for the purpose of the Registry if the perpetrator is under the age of 18 and the victim is at least 12 years old.

F. A non-resident sex offender who crosses into Vermont and who carries on a vocation (is employed) or is a student.

Sex Offender Review Committee (referred to hereafter as *Committee*): A committee of five (5) people appointed by the Commissioner to determine if referred cases meet the designation of high-risk established in statute for purposes of Internet registration.

Student: A person who is enrolled on a full-time or a part-time basis in any public or private educational institution in Vermont, including any secondary school, trade or professional institution, or institutions of higher learning.

Vermont Crime Information Center (VCIC): Part of the Department of Public Safety (DPS); it is a State repository for all criminal histories, including identifying information.

Vermont Sex Offender Internet Registry: A list containing names of sex offenders posted to the Internet for public use, established by statute at the Vermont Criminal Information Center (VCIC.)

Vermont Sex Offender Registry: A registry established by statute in 1996 at the Department of Public Safety (DPS) Vermont Criminal Information Center in compliance with federal law. It contains information on all sex offenders residing or employed in Vermont, or attending a post-secondary educational institution in Vermont.

Vermont Treatment Program for Sexual Abusers (VTPSA): A Vermont correctional facility and community-based DOC treatment program for offenders convicted of sexually-related offenses.

PROCEDURAL GUIDELINES

There are statutory requirements governing the Vermont Sex Offender Registry and Internet Registry. Because sex offenders, as defined by statute, who are in the custody of, or under supervision by, the Department of Corrections still must comply with Registry requirements whether they are incarcerated or in the community, Department staff have an important relationship with the Department of Public Safety Vermont Criminal Information Center, which oversees the Registry. Staff have a responsibility to inform sex offenders of their Registry requirements, as well as to notify VCIC (and document that notification) of the status of an offender, especially when that status changes. This includes compliance or non-compliance with DOC-recommended treatment.

1. Vermont Sex Offender Registry General Considerations

- a. The law requires all sex offenders convicted in the State of Vermont after July 1, 1996, as well as those convicted in any state before July 1, 1996 who were supervised in the community by the Commissioner of Corrections as of July 1, 1996, to register with the Sex Offender Registry established at the Department of Public Safety's (DPS) Vermont Criminal Information Center (VCIC.)
- b.
 - i. The reporting requirement remains in effect for ten (10) years after the sex offender has "maxed" from prison, or they are discharged from probation, or their parole has expired, whichever is later.
 - ii. 13 VSA § 5407(f): The individual shall register as a sex offender and shall continue to comply with the above for life except if incarcerated, if that person:
 - a) Has at least one (1) prior conviction for an offense described in 13 VSA § 5401(10);
 - b) Has been convicted of sexual assault or aggravated sexual assault (13 VSA §§ 3252 & 3253);
 - c) Has been determined to be a sexually violent predator (13 VSA § 5405); or
 - d) Has been designated as a non-compliant high-risk sex offender (13 VSA § 5411d).
- c. Determination of non-compliance with treatment will only apply to offenders who did not comply with DOC-recommended treatment **after March 1, 2005**.
- d.
 - i. Persons who are classified by the court as Sexually Violent Predators (13 VSA § 5405) are required to report every 90 days (13 VSA § 5407(2)) to the Sex Offender Registry and within 24 hours of a change of address.
 - ii. Persons who are designated as Non-compliant High-Risk are required to report in person every 30 days (13 VSA § 5411d(b)) to DPS or the local law enforcement agency and prior to a change of address.
 - iii. Requirements for other offenders are detailed in *Vermont Sex Offender Registry Notification of Requirement to Register Form, Attachment 1*.
- e. After ten (10) years have elapsed from the completion of the sentence, a person required to register as a sex offender for life, pursuant to § 5407 of Title 13, may petition the District Court for a termination of notification. A registrant may petition the court to be removed from the Registry once every 60 months thereafter.
- f. A high-risk sex offender may petition the Sex Offender Review Committee to remove their designation, and if the sex offender's petition is denied, they may appeal to the Superior Court 13 VSA § 5411b.
- g. A high-risk sex offender who has been determined to be non-compliant by the Department may petition the District Court (13 VSA § 5411d(f)) once every five (5) years from the date of the designation after successfully completing treatment, in order to be relieved of the heightened Registry requirements outlined in 13 VSA § 5411(d).

2. General Responsibilities of Probation and Parole Officer (PO)/Facility Caseworker

The PO/Caseworker will:

- a. Determine at Intake/Initial Interview whether the offender/inmate who is required to register on the VT Sex Offender Registry is in fact registered, by doing the following:
 - i. Conduct a record check on the offender, read it when received, and determine if they have a current or prior sex offense that requires them to register;

- ii. Then check the VCIC Sex Offender Registry to see if the sex offender is registered.
- b. Inform the sex offender of the specific requirements of their duty to register (*Vermont Sex Offender Registry Notification of Requirement to Register Form, Attachment 1a*);
 - c. Require the sex offender to read and sign the *Notification Form*, acknowledging that the duty of the sex offender to register has been explained and is understood;
 - d. Ensure that the *Notification Form* is completed by or for the sex offender, and inform them that it is their responsibility to keep the registration information current, using appropriate forms;
 - e. Transmit the completed *Notification Form* and a digital photo promptly to the VCIC;
 - f. Inform a sex offender who has been convicted of a sexual crime in a state or jurisdiction other than Vermont, but who is now in custody or under supervision in Vermont for a non-sexual crime, of the specific requirements of their duty to register (*Vermont Sex Offender Notification of Requirement to Register – Registrants Convicted in a State or Jurisdiction other than Vermont, Attachment 1b*.)
 - g. Inform a sex offender who has been accepted for transfer under the Interstate Commission of Adult Supervision (Interstate Compact) that 1) if they change residence to another state, they are required to notify VCIC of the new address (*Sex Offender Change of Address* Employment* Education form, Attachment 2*); and 2) if the new state has a registration requirement, they are also required to register with the designated law enforcement agency in the new state no later than three (3) days after establishing residence in that state (in accordance with Interstate Compact procedures); and 3) they must be in compliance with the receiving state's Sex Offender Registry requirements.
 - h. Inform the sex offender who is compliant with DOC-recommended treatment, but has not completed that treatment at the time of their release from incarceration and/or supervision, that they will be required to submit proof to VCIC of their participation in community-based treatment (*Certification of Compliance with DOC-recommended Treatment, Attachment 6*.) Give the sex offender blank copies of the letter (*Attachment 6*) that they will fill out and use to show proof of continued compliance with treatment every month. The sex offender must submit this letter to VCIC once (1x) a month until the Sex Offender Review Committee determines DOC-recommended treatment has successfully been completed.
 - i. Inform the sex offender they need to notify their PO within 24 hours of changing their address, employment, or schooling;
 - j. Notify VCIC either electronically or in writing (using the *Sex Offender Registry Change of Address*Employment*Education form- Attachment 2*) within 24 hours of when the sex offender has notified their PO of a change of address, employment, or schooling;
 - k. Notify VCIC of any change in the PO or field office supervising the sex offender on *Attachment 2*.
 - l. Notify the Community upon Release;
 - i. The Facility Caseworker will complete the *Law Enforcement Notification: Designated High Risk Sex Offender Release form (Attachment 7)* if the sex offender has been determined high-risk, at

least six (6) months before the offender's release from incarceration (either on furlough or "maxing out"), and send it to the offender's PO.

- ii The Caseworker will complete the *Law Enforcement Notification: Standard Sex Offender Release form (Attachment 8)* if the sex offender has not been determined high-risk, at least three (3) months before the offender's release, and send it to the PO.
- iii The PO will send the completed *Law Enforcement Notification* to any appropriate law enforcement agency. Sending the form will supplement personal contact with the local agency by the PO.
- iv If the sex offender serves the total maximum term of incarceration ("maxes out"), and the proposed residence (if known) may place either children or community members at undue risk, the PO will inform the Department for Children and Families (DCF) and the local police chief prior to the offender's release.

m. Evaluate offenders for high-risk determination and send documentation to the Sex Offender Review Committee at the required time. (See *Section 11.*)

3. Facility Referral to the Registry

A *Vermont Sex Offender Registry Notification form (Attachment 1a)* will be completed by the offender or for the offender by the Facility Caseworker, and signed by the offender, acknowledging that their duty to register and report periodically has been explained and is understood.

- a. The Caseworker will put this Registry information in electronic case notes, place a copy of the form in the offender's file, and give a copy to the offender.
- b. Sex offenders who are housed in a correctional facility Transition Unit and who are released on daily furlough into the community for work search or employment are also required to complete and sign a *Registry Notification Form*.
 - i. The Facility Caseworker will ensure that *Attachment 1a* is filled out and sent to VCIC no less than ten (10) days before they are first released to the community for transition work search. Under *Conditions of Release on Attachment 1a*, the Caseworker will circle 'furlough' and write in "**Transition Work Search.**"
 - ii. The Caseworker will ensure that *Attachment 1a* is also filled out and sent to VCIC before the offender is released for employment the first time. Under *Conditions of Release*, the Caseworker will circle 'furlough' and write in "**Transition Employment.**"
 - iii. The Caseworker will also ensure that the offender fills out *Change of Address*Employment*Education (Attachment 2)* if the offender changes employment while in the Transition Unit. The Caseworker will notify VCIC in writing or electronically within 24 hours of notice of the change.
 - iv. The Caseworker will make a personal notification (no less than 10 days before release as above) to the victim registered in VANS (automated victim notification service) regarding a sex offender in the Transition Unit who is going out on furlough for work search or employment.
- c. The Caseworker will transmit the *Notification to Register form* and a digital photo to the VCIC no less than ten (10) days before the offender's release into the community. (See *form for address and Fax number.*)
- d. Release on Furlough: Within 24 hours of the offender's release from confinement on furlough, the assigned Facility Caseworker will send an email to VCIC stating that the offender has been released, and

will also fill out and send the *Change of Treatment*Supervision Status form (Attachment 3.)* The Caseworker will put the email in electronic case notes.

- e. Release - Max-out: The Caseworker will ensure that VCIC has been notified within 24 hours, as above, of a sex offender's release who is "maxing out" by filling out the *Change of Treatment* Supervision form (Attachment 3)* and sending it to VCIC. The Caseworker will also email VCIC within 24 hours and document in electronic case notes.
- f. The Caseworker will ensure that if the offender is designated as non-compliant high-risk at the time of their release from confinement in a correctional facility, the offender reads and signs the *Notice Form Regarding Non-compliant High-risk Sex Offenders (Attachment 9.)* The Caseworker will then forward this form to VCIC no less than thirty (30) days prior to the offender's release.

4. Field Referral to the Registry

- a. Within 24 hours of the offender's initial intake at a Probation & Parole Office, District Managers will ensure that the following occurs:
 - i. Each sex offender admitted from the Court has signed a *Notification of Requirement to Register Form (Attachment 1a or 1b)* acknowledging that their duty to register and report has been explained and is understood, and has completed the required registration information;
 - ii. The PO has transmitted the form and a digital photo of the offender to VCIC within 24 hours (*see form for address and Fax number*); and
 - iii. The PO has put this information in DOC electronic case notes, placed a copy in the offender file, and given a copy to the offender.
- b. At intake the PO will verify that the facility Caseworker notified VCIC within 24 hours of the offender's release (through the *Change of Treatment* Supervision Status form, Attachment 3.*)
- c. When a sex offender who is on probation has been discharged by the court, or whose parole or sentence has expired, the PO will email VCIC within 24 hours and place a note in electronic case notes. The PO will also mail VCIC a *Change of Treatment * Supervision Status form*, which includes the status of the offender's DOC-recommended treatment.
- d. If a sex offender under DOC community supervision is incarcerated for any type of furlough, probation, or parole violation, or new charge, the PO will complete the *Change of Address form (Attachment 2)* and circle 6.a. They will send this to VCIC within 24 hours of their knowledge of the incarceration. When the offender is released, the PO will circle 6.b. and send the completed *Attachment 2* to VCIC within 24 hours of their knowledge of the release. Either must be documented in electronic case notes. This requirement applies to violations or new charges for sex offenses or non-sex offenses.
- e. If the sex offender's assigned PO changes at any time, the District Manager will ensure that the newly assigned PO notifies VCIC by email as soon as possible and documents in electronic case notes.

5. Refusal To Comply with Registration (Field and Facility)

- a. Should a sex offender refuse to sign the identification, registration, or notification documents, or to have a digital photo taken, the person witnessing the refusal will make an affidavit describing the refusal. The affidavit will be sent to the State's Attorney who obtained the conviction, with a copy to VCIC.

- b. The Caseworker/PO will also immediately inform VCIC by email of the offender's refusal, and will put the information in electronic case notes.

6. Compliance with DOC-Recommended Treatment

a. Facility Responsibilities

- i. No less than 90 days prior to release, the Caseworker will determine if the sex offender is in compliance with a treatment program recommended by DOC.
- ii. If the offender is in compliance, the Caseworker will complete the *DOC-recommended Treatment Compliance and Non-compliance Checklist (Attachment 4)* and review all documentation with their supervisor.

iii. Notice to VCIC

The Caseworker will submit the completed *Checklist (Attachment 4)* to VCIC within five (5) business days prior to the offender's release.

b. Field Responsibilities

- i. Within ten (10) days of a sex offender being placed on community supervision by the Court, the PO will determine the offender's level of compliance with recommended treatment.
- ii. If the offender is in compliance, the PO will complete the *DOC-recommended Treatment Compliance and Non-compliance Checklist (Attachment 4)* and review all documentation with their supervisor.
- iii. Notice to VCIC: The PO will submit the completed *Checklist (Attachment 4)* to VCIC within five (5) business days.
- iv. When the offender has completed treatment, the PO will complete the *Change of Treatment*Supervision Status Form (Attachment 3)* and send to VCIC with five (5) business days.

7. Determined Compliant but Have NOT Completed Treatment Prior to Their Sentence Expiration Date

No later than thirty (30) days prior to the expiration date of a sentence, the PO will notify the sex offender of how to maintain their compliance status. The PO will inform them of their responsibilities should they choose to complete treatment. These responsibilities are:

- a. Every thirty (30) days the offender will submit to VCIC *Attachment 6, Certification of Compliance with DOC-recommended Treatment*.
- b. They will do this each month (1x a month) until the treatment provider submits a letter of completion to the Sex Offender Review Committee and the Committee has determined that the offender has completed treatment.

8. Non-compliance with DOC-recommended Treatment

a. Facility Responsibilities

- i. No less than 90 business days prior to release, the Caseworker will determine if the sex offender is in compliance with a treatment program recommended by DOC.
- ii. If the offender is determined not to be in compliance, the Caseworker will complete the *DOC-recommended Treatment Compliance and Non-compliance Checklist (Attachment 4)*. The Caseworker will review all documentation with their supervisor.

iii. Notice to VCIC

The Caseworker will submit the completed *Checklist (Attachment 4)* and the completed *VT Sex Offender Registry Notification of Requirement to Register (Attachment 1a or 1b)* to VCIC no less than 90 business days prior to the offender's release.

iv. Notice to Offender

The Caseworker will notify the offender in writing using the *Sex Offender Notice of Non-Compliance Letter (Attachment 5.)*

v. Notice to Victim

The Caseworker will make a personal notification (within 5 days as above) to the victim registered in VANS regarding a sex offender who is non-compliant with DOC-recommended treatment.

b. Field Responsibilities:

i. Within 10 days of a sex offender being placed on community supervision, the PO will determine the offender's level of compliance with recommended treatment.

ii. If the offender is determined not to be in compliance, the PO will complete the *DOC-recommended Treatment Compliance and Non-Compliance Checklist (Attachment 4)* and review all documentation with their supervisor.

iii. Notice to VCIC

The PO will submit the completed *Checklist (Attachment 4)* to VCIC no later than five (5) business days after the determination of non-compliance.

iv. Notice to Offender

If staff have determined that the offender is not in compliance, the PO will notify the offender in writing using the *Sex Offender Notice of Non-Compliance Letter (Attachment 5.)*

v. Notice to Victim

The PO will make a personal notification (within 10 days as above) to the victim registered in VANS regarding a sex offender who is non-compliant with DOC-recommended treatment.

9. Subsequent Compliance with Treatment – under DOC Supervision

A sex offender currently under supervision, who has previously been determined to be in non-compliance with DOC-recommended treatment, can come into compliance upon successful participation in a treatment program recommended by the DOC for a minimum of twelve (12) consecutive months of participation.

- a. The PO will request a letter from the offender's current treatment provider verifying that the offender has been engaged in twelve (12) consecutive months of treatment.
- b. The PO will complete the *DOC-recommended Treatment Compliance & Non-compliance Checklist (Attachment 4)* and review all documentation with their supervisor before final determination of treatment compliance. Determination of whether the offender has come into compliance will be made no later than two (2) weeks after DOC receives the treatment provider letter from the offender. Documentation will be filed in the offender's file.
- c. When the PO determines the offender has met the requirements, the PO will forward this change of status by filling out the *Change of Treatment*Supervision Status form (Attachment 3)* within five (5) business days to the VCIC.

10. "Max-out Cases" Determined Non-compliant with Treatment

No later than thirty (30) days prior to the expiration date of a sentence, the Facility Caseworker will notify the incarcerated sex offender of their non-compliance status. The Caseworker will inform them of their responsibilities should they choose to become compliant after their sentence has expired. These responsibilities are:

a. *Sex Offender Petition*

A non-compliant sex offender may petition the Committee to change their treatment non-compliance status only upon the offender's completion of a treatment program recommended by the DOC. They

will have their treatment provider send a letter to the Sex Offender Review Committee stating that the offender has completed treatment.

Completion of treatment shall be defined as:

- i. The offender has substantially accepted responsibility for committing the sexual offense(s) for which they have been convicted;
- ii. The offender has meaningfully participated in treatment recommended by the DOC that is specifically designed to reduce their risk to sexually re-offend;
- iii. The offender's participation in the treatment has been sufficient both to allow their specific treatment needs to be identified, and to demonstrate through overt behavior a willingness to work diligently on addressing those needs;
- iv. The offender is able to demonstrate an understanding of the thoughts, attitudes, emotions, behaviors, and sexual arousal linked to their sexual offending, and can identify when these occur in present functioning;
- v. The offender demonstrates sufficiently sustained change in the thoughts, attitudes, emotions, behaviors, and sexual arousal linked to their sexual offending, such that it is reasonable to assume that they have reduced their risk to sexually re-offend.

b. *Committee Determination*

- i. The Committee will make a determination only after 1) receiving a letter from the offender's treatment provider outlining the offender's completion of treatment and 2) a completed *Certificate of Compliance with DOC-recommended Treatment (Attachment 6)* signed by the offender.
- ii. No later than 30 days after receipt of such a letter, the Committee will make a written determination of whether the offender has come into compliance.
- iii. The Committee will forward its decision to the offender no later than five (5) business days after making its decision.
- iv. If the Committee determines that the offender has completed treatment, the Committee will forward that information to VCIC no later than five (5) business days after the decision.

11. Designation of High-Risk

a. Determination of High-Risk

The Caseworker/PO is responsible for assessment of the offender for high-risk and referral to the Sex Offender Review Committee.

- i. The Caseworker/PO will ensure that no later than four (4) weeks after a sex offender has been placed on probation by the Court or sentenced to incarceration, the Caseworker/PO will complete a Static-99R on the offender. If an incarcerated sex offender is serving less than 30 days, the PO will complete the Static-99R.
- ii. For sex offenders who have been accepted for Vermont DOC supervision through the Interstate Compact (ICAOS), the PO will complete a Static-99R on the offender.
- iii. The Caseworker/PO will complete the *Sex Offender Review Committee Referral Form - High Risk Checklist (Attachment 10)* on all sex offenders with a Static-99R score of 6 and above OR who have a conviction for kidnapping, used a deadly weapon, engaged in sexual sadism, or caused serious bodily harm to the victim.
- iv. Other Assessment Factors for Increased Risk

The PO/Caseworker may recommend that an offender who scores below 6 on the Static-99R be considered for the high-risk designation due to the nature of other risk factors, such as a pattern of predatory sexual offending, continued failure to cooperate with DOC supervision, or recent threats of intent to commit additional offenses. (See *Attachment 10*.) The PO/Caseworker will

clearly outline these other factors on the *High Risk Checklist* and, if recommending an override, obtain written supervisor approval and submit supporting documentation to the Committee.

v. Other Assessment Factors for Decreased Risk

The PO/Caseworker may recommend that a sex offender who scores above 6 on the Static-99R or has moderating factors that reduce their risk to reoffend, such as disability that prevents access to potential victims, or a long-term pattern of cooperation while under DOC supervision, not be considered for the high-risk designation. The PO/Caseworker will clearly outline these other factors on the *High-Risk Checklist* and, if recommending an override, obtain written supervisor approval and submit supporting documentation used to complete the assessment to the Committee.

vi. Referral of High-Risk Sex Offenders to the Sex Offender Review Committee

a) *For offenders who are incarcerated*: No later than 24 weeks prior to their anticipated release date, the Caseworker will forward the Static-99R score sheets, the *High-Risk Checklist*, any override or under-ride recommendations, and all supporting documentation to the Committee. A copy of the *High-Risk Checklist* and the Static-99R score sheet will be filed in the offender's file and will be documented in electronic case notes.

b) *For offenders under supervision who were sentenced in Vermont*: No later than four (4) weeks after assignment, the PO will forward the Static-99R score sheets, the *High-Risk Checklist*, any override or under-ride recommendations, and all supporting documentation to the Committee. They will file a copy of the *Checklist* and the Static-99R score sheet in the offender's file and document in electronic case notes.

c) *For offenders under supervision who were transferred to Vermont through the Interstate Compact*: No later than four (4) weeks after assignment, the PO will send materials, as in b) above, to the Committee and file a copy and document as above.

b. Sex Offender Review Committee Review of High-Risk Determinations

No later than four (4) weeks after receipt of the referral from DOC staff, the Committee will make a determination of high-risk for purposes of the VT Sex Offender Internet Registry. The four (4) week time frame may be extended if the Committee needs additional information to make a determination.

- i. The Committee will determine by a preponderance of the evidence that the offender poses a high degree of dangerousness to others. "Dangerousness" includes the probability that the offender will commit a new sexual offense.
- ii. The Committee will make its determinations based upon a majority vote.
- iii. The Committee's written decision will include specific findings of fact to support its designation of an offender as high-risk.
- iv. Written notification of the offender's designation of high-risk will be sent to the referring Caseworker or PO, the offender, and VCIC no later than five (5) business days after such a determination has been made.

c. Notice and Opportunity to be Heard re: High-Risk Designation

- i. A sex offender will have an opportunity to be heard regarding their high-risk determination by the Committee. The offender must make and send a written response to the Committee no later than 30 days after receipt of the Committee's decision.
- ii. No later than 30 days after receipt of the offender's written response (appeal), the Committee will conduct a hearing to review the designation of high-risk. The offender will receive at least a seven (7) business day notice of the time, date, and location of the hearing. The hearing will give the offender and their attorney (if the offender chooses to be represented) an opportunity to be heard and present relevant evidence. Such hearings may be conducted via video or telephone conferencing.

- iii. The Committee will issue a written decision no later than fourteen (14) days after the hearing. A copy of this decision will be forwarded to the offender, the VCIC, and the offender's supervising Caseworker or PO within five (5) business days of such a decision. This decision will serve as notification to VCIC if an offender is to be removed from high-risk status for purposes of the Sex Offender Internet Registry.
- iv. If written notice was required by statute, the Committee will also send its decision to the DOC Director of Victim Services, who will notify the victim if the victim is registered on the automated victim notification system (VANS.)

d. Superior Court Review

Upon exhausting the administrative remedies, a sex offender who is designated as high-risk may appeal to Superior Court as provided in 13 V.S.A. § 5411b.

e. Petitioning to Change a High-Risk Designation

A sex offender who has been designated high-risk and who has exhausted their administrative remedies, may petition the Committee for a change once every two (2) years from high-risk designation.

12. High-Risk Non-compliant (13 VSA § 5411d)

a. An offender shall be designated as a high risk non-compliant sex offender if the person:

- i. Is incarcerated on or after July 1, 2007 for:
 - lewd and lascivious conduct with a child as defined in 13 VSA. § 2602,
 - sexual assault as defined in 13 VSA § 3252,
 - aggravated sexual assault as defined in 13 VSA § 3253, or
 - any attempt to commit a crime listed herein or a comparable offense in another jurisdiction of the United States;
- ii. Is not subject to indeterminate life sentences under 13 VSA § 3271;
- iii. Is designated as a high-risk sex offender pursuant to 13 VSA § 5411b;
- iv. Is non-compliant with sex offender treatment as defined by this directive.

b. Non-compliant High-Risk Sex Offenders who are "Maxing-out" Their DOC Sentence

The Facility Caseworker is responsible for the following if a non-compliant high-risk sex offender is completing a sentence that is expiring and is being released from incarceration:

- i. No less than thirty (30) days prior to release, the Caseworker will have the offender read and sign the *Notice Form Regarding Non-compliant High-Risk Sex Offenders (Attachment 9.)*
- ii. No less than thirty (30) days prior to release, the Caseworker will inform VCIC by completing and sending the *Change of Treatment*Supervision Status form (Attachment 3.)*
- iii. Within 24 hours of the non-compliant high-risk sex offender's release from confinement, the Caseworker will send an email to VCIC stating that the offender has been released. The Caseworker will also put the email in electronic case notes.

c. A non-compliant high-risk sex offender may petition the District Court to be relieved from the heightened Registry requirements in 13 V.S.A. § 5411d(f)(1) once every five (5) years from the date of designation.

TRAINING

1. Human Resources Development will coordinate training with the Facilities Executive and the Field Services Executive in order to reach all staff that have responsibilities listed in this administrative directive.

2. Human Resources Development will train Facility Superintendents and District Managers on the database applications regarding the Sex Offender Registry which are relevant to this administrative directive.
3. The Facility Superintendents and District Managers will ensure that all Living Unit Supervisors and Casework Supervisors 1) understand their responsibilities; and 2) that they train casework staff, probation officers, and other relevant staff on the procedures, timelines, and appropriate database entry for which they are responsible.

QUALITY ASSURANCE

1. The Facility Superintendents and District Managers are responsible for ensuring that staff document relevant Sex Offender Registry Information in the DOC database.
2. The Facility Superintendents and District Managers are responsible for reviewing data within the database applications supporting Registry compliance on a monthly basis. This is to ensure staff compliance with entering appropriate and relevant data.
3. The Sex Offender Review Committee is responsible for ensuring that referrals and decisions on referrals are documented, as well as results of high-risk designations and appeals.
4. The Commissioner's Office will ensure that staff have access to all current VCIC Sex Offender Registry and Department forms needed for this directive.
5. The Facility Superintendents and District Managers are responsible for ensuring that staff use final, approved statewide forms for this directive.

ATTACHMENT 1a. – SAMPLE

VERMONT SEX OFFENDER REGISTRY
NOTIFICATION OF REQUIREMENT TO REGISTER

13 VSA, Chapter 167, Subchapter 3 established the Vermont Sex Offender Registry. The crime(s) you have been convicted of requires you to register with the Vermont Sex Offender Registry located at:



Vermont Criminal Information Center (VCIC)
Department of Public Safety
103 South Main Street
Waterbury, Vermont 05671-2101
802-241-5400



- 1. Name: Last First Middle
2. Date of Birth: 3. Sex: 4. Race: 5. SS#:
6. Height: 7. Weight: 8. Eye Color: 9. Hair Color:
10. Conditions of Release: Furlough / Probation / Parole 11. DOC Field Office/Facility:
12. DOC Supervising Probation Officer:
13. Treatment Compliance: (Currently Enrolled or Entering Treatment) Yes: No:
14. High Risk Designation: Yes: No:
15. Current Home (911) Address:

Number Street City State Zip

YOU MUST PROVIDE THE MAILING ADDRESS EVEN IF IT IS THE SAME AS THE PHYSICAL ADDRESS.

16. Current Mailing Address:
Number Street/PO Box Apt/Unit # City State Zip

17. Telephone #: _____ 18. Are there persons under the age of 18 living with you? Yes: ____ No: ____

19. Current Employer:

Employer's Address:

20. Post - Secondary School (college):

School Address:

21. Conviction Information:

*****YOU MUST PROVIDE THE AGE OF THE VICTIM(S).*****

Docket #	Date of Conviction	Offense	Sentence	Age/Gender of Victim

Docket #	Date of Conviction	Offense	Sentence	Age/Gender of Victim

Docket #	Date of Conviction	Offense	Sentence	Age/Gender of Victim

Docket #	Date of Conviction	Offense	Sentence	Age/Gender of Victim

22. Any victims under 13 yrs old? Yes: _____ No: _____

23. Fingerprints/Photographs: Attached: _____ or Previously Submitted On: _____ By: _____

Agency

By law you must comply with the following requirements:
*** Registrant's Initials signify understanding of each requirement.***

Registrant's Initials:

1. You must notify your Probation Officer within 24 hours of any change of address, employment information or any enrollment in any post-secondary educational institution for as long as you are being supervised by the Vermont Dept of Corrections.

I understand this requirement. _____

2. If your employer requires you to work or volunteer at a college campus, you must provide the name of the post-secondary educational institution to the Registry. If you become employed or you attend a post-secondary educational institution in another state, while residing in Vermont, you must register with that state.

I understand this requirement. _____

3. If there is anyone in your residence under 18, or if someone under 18 moves into your residence, you must notify the Registry and/or your Probation officer within three (3) days.

I understand this requirement. _____

4. After you are discharged from supervision of the Department of Corrections you must notify VCIC of any changes to the information listed above in #'s 1, 2 and 3 within three (3) days.

I understand this requirement. _____

5. If you intend to move to another state, you must notify VCIC about your change of address within three (3) days.

You must contact the local law enforcement agency in the new state immediately to comply with their registry laws.

I understand this requirement. _____

6. Within 10 days of your birth date, you will receive a form from VCIC verifying your current physical and mailing address, current employment information, and any enrollment in any post-secondary educational institution. You must complete the form and return it to VCIC within ten (10) days.

I understand this requirement. _____

7. If your information is posted on the Internet, you must provide a new photograph every year at the time of your Address Verification requirement.

I understand this requirement. _____

8. If you have been designated as a Violent Sexual Predator, you must verify your address every 90 days with the Registry.

I understand this requirement. _____

9. If you become Homeless, you must contact the Registry on a daily basis with your exact location.

I understand this requirement. _____

10. You must continue to comply with the requirements listed above for ten (10) years from the date you are discharged from supervision from the Department of Corrections. If you have been designated a Sexually Violent Predator, a Sexual Recidivist, have been convicted of a Sexually Violent Crime as described in 13 VSA Chapter 167, §5407, Subsection (f)1, 2 and 3, or have been designated as a non-compliant high-risk sex offender (13 VSA § 5411d), you must continue to comply with the requirements listed above for life.

I understand this requirement. _____

Failure to comply with any of the requirements indicated above is grounds for a warrant to be issued for your arrest. If you are convicted of failing to comply with the law, you could be imprisoned for not more than two (2) years and/or fined not more than \$1000. A second or subsequent offense could result in a sentence of imprisonment of not more than three (3) years and/or a fine of not more than \$5000.

I understand the penalty of failing to comply with these requirements. _____
Registrant's Initials

I have read and understand the above requirements of the Vermont Sex Offender Registry.

REGISTRANT'S NAME (PRINT)

REGISTRANT'S SIGNATURE

DATE

WITNESS NAME (PRINT)

WITNESS SIGNATURE

DATE

CHECK HERE IF REGISTRANT REFUSED TO INITIAL OR SIGN THIS NOTIFICATION: _____

Cc: Sex Offender file, sex offender

Revised 5.06.10

ATTACHMENT 1b. - SAMPLE

VERMONT SEX OFFENDER REGISTRY
NOTIFICATION OF REQUIREMENT TO REGISTER
Registrants Convicted In a State or Jurisdiction Other Than Vermont

13 VSA, Chapter 167, Subchapter 3 established the Vermont Sex Offender Registry. The crime(s) you have been convicted of require(s) you to register with the Vermont Sex Offender Registry located at:



Vermont Criminal Information Center (VCIC)
Department of Public Safety
103 South Main Street
Waterbury, Vermont 05671-2101
802-241-5400



1. Name:

Form line for Name with labels Last, First, Middle

2. Date of Birth: 3. Sex: 4. Race: 5. SS#:

6. Height: 7. Weight: 8. Eye Color: 9. Hair Color:

10. Current Home (911) Address:

Form line for Home Address with labels Number, Street, City, State, Zip

YOU MUST PROVIDE THE MAILING ADDRESS EVEN IF IT IS THE SAME AS THE PHYSICAL ADDRESS.

11. Current Mailing Address:

Form line for Mailing Address with labels Number, Street/PO Box, Apt/Unit #, City, State, Zip

12. Telephone #:

13. Are there persons under the age of 18 living with you? Yes: No:

14. Current Employer:

Form line for Employer's Address

15. Post - Secondary School (college):

Form line for Post-Secondary School

School Address:

16. Conviction Information: *****YOU MUST PROVIDE THE AGE OF THE VICTIM(S).*****

Docket #	Date of Conviction	Offense	Sentence	Age/Gender of Victim

17. Any victims under 13 yrs old? Yes: _____ No: _____

18. Fingerprints/Photographs: Attached: _____ or Previously Submitted On: _____ By: _____
Agency

By law you must comply with the following requirements:
*** Registrant's Initials signify understanding of each requirement***

Registrant's Initials:

1. You must notify the Registry within (three) 3 days of any change of address, employment information, or any enrollment in any post-secondary educational institution for as long as you are being supervised by the Vermont Dept of Corrections. **I understand this requirement.** _____

2. If your employer requires you to work or volunteer at a college campus, you must provide the name of the post-secondary educational institution to the Registry. If you become employed or you attend a post-secondary educational institution in another state, while residing in Vermont, you must register with that state.
I understand this requirement. _____

3. If there is anyone in your residence under 18, or if someone under 18 moves into your residence, you must notify the Registry within three (3) days.
I understand this requirement. _____

4. If you intend to move to another state, you must notify VCIC about your change of address within three (3) days.

You must contact the local law enforcement agency in the new state immediately to comply with their registry laws.

I understand this requirement. _____

- 5. Within ten (10) days of your birth date, you will receive a form from VCIC verifying your current physical and mailing address, current employment information, and any enrollment in any post-secondary educational institution. You must complete the form and return it to VCIC within ten (10) days. **I understand this requirement.** _____
- 6. If your information is posted on the Internet, you must provide a new photograph every year at the time of your Address Verification requirement. **I understand this requirement.** _____
- 7. If you have been designated as a Violent Sexual Predator, you must verify your address every 90 days with the Registry. **I understand this requirement.** _____
- 8. If you become Homeless, you must contact the Registry on a daily basis with your exact location. **I understand this requirement.** _____
- 9. You must continue to comply with the requirements listed above for ten (10) years from the date you are discharged from supervision from the Department of Corrections. If you have been designated a Sexually Violent Predator, a Sexual Recidivist, or have been convicted of a Sexually Violent Crime as described in 13 VSA Chapter 167, § 5407, Subsection (f), 1, 2 and 3; have been designated as a non-compliant high-risk sex offender (13 VSA § 5411d); or if you are convicted of a subsequent registerable offense while residing in the state of Vermont, you must continue to comply with the requirements listed above for life. **I understand this requirement.** _____

Failure to comply with any of the requirements indicated above is grounds for a warrant to be issued for your arrest. If you are convicted of failing to comply with the law, you could be imprisoned for not more than two (2) years and/or fined not more than \$1000. A second or subsequent offense could result in a sentence of imprisonment of not more than three (3) years and/or a fine of not more than \$5000.

I understand the penalty of failing to comply with these requirements. _____
 Registrant's Initials

I have read and understand the above requirements of the Vermont Sex Offender Registry.

REGISTRANT'S NAME (PRINT)	REGISTRANT'S SIGNATURE	DATE
WITNESS NAME (PRINT)	WITNESS SIGNATURE	DATE

CHECK HERE IF REGISTRANT REFUSED TO INITIAL OR SIGN THIS NOTIFICATION: _____

Cc: Sex Offender file, sex offender

ATTACHMENT 2 – SAMPLE

VERMONT SEX OFFENDER REGISTRY
CHANGE OF ADDRESS * EMPLOYMENT * EDUCATION FORM

(For registrants currently under supervision of the VT DOC)

This form is to be sent immediately to:

Vermont Criminal Information Center, Department of Public Safety
103 South Main Street, Waterbury, VT 05671-2101
802-241-5400

*****Registrants must report any change to information below to their PO within 24 hours of the change. DOC staff must report the change to VCIC within 24 hours of receipt of the change from the registrant.*****

Please be sure to fill out the entire form.

DATE _____

1. Registrant's Name: _____

2. Date of Birth: _____ 3. SS #: _____

4. Home Address: _____
Number Street City Zip

Physical address MUST include Street Number.

5. Mailing Address: _____
(YOU MUST PROVIDE THE MAILING ADDRESS EVEN IF IT IS THE SAME AS THE PHYSICAL ADDRESS.)

6. ***** a. SEX OFFENDER HAS BEEN RE-INCARCERATED Date _____ *****
(Circle a. or b. if applicable)

*****b. HAS BEEN RELEASED FROM INCARCERATION Date _____ *****

7. Registrant's Phone Number: _____

8. Is anyone under 18 yrs old living with you? Yes _____ No _____

EMPLOYER / EMPLOYMENT INFORMATION

9. Employer Name: _____ 10. Employer Phone: _____

11. Employer Address: _____

POST-SECONDARY EDUCATION INSTITUTION

12. School or College Attending: _____

13. School/College Address: _____

Supervising PO/Caseworker: _____ DOC Field Office/Facility: _____

Registrant's Signature: _____

ATTACHMENT 3 – SAMPLE

**VERMONT SEX OFFENDER REGISTRY
CHANGE OF TREATMENT * SUPERVISION STATUS FORM**

This form is to be sent immediately to:

**Vermont Criminal Information Center
Department of Public Safety
103 South Main Street
Waterbury, VT 05671-2101
802-241-5400**

Date: _____

1. Registrant's Name: _____

2. Date of Birth: _____ 3. SS #: _____

4. Home Address: _____
Number Street City Zip

5. Mailing Address: _____

(YOU MUST PROVIDE THE MAILING ADDRESS EVEN IF IT IS THE SAME AS THE PHYSICAL ADDRESS.)

6. Registrant's Phone Number: _____

7. Is anyone under 18 years old living with you? Yes: _____ No: _____

TREATMENT STATUS

8. Completed _____ Continuing* _____ Non-Compliant** _____ (Check one.)

SUPERVISION STATUS

9. Parole/Furlough Date of Expiration: _____

10. Probation Closed Date: _____

11. Sentence "Maxed Out": _____

Registrant's Signature: _____

***Provide Registrant with Certification of Compliance with DOC-recommended Treatment**

**** Attach DOC-Recommended Treatment Compliance & Non-Compliance Checklist to this Form**

ATTACHMENT 4 – SAMPLE

DOC-RECOMMENDED TREATMENT COMPLIANCE AND NON-COMPLIANCE CHECKLIST

Offender Name: _____ DOB: _____

Conviction (Index Sex Offense) and Date of Conviction: _____

Supervising PO or Caseworker: _____ Date: _____

Offender is Incarcerated:

In Compliance

_____ Offender completed facility treatment and will be entering community-based treatment when released.

_____ Offender will be entering community-based treatment when released.

Not in Compliance

_____ Offender entered, but withdrew from DOC-recommended treatment.

_____ Offender entered, but was terminated from DOC-recommended treatment.

_____ Offender refused DOC-recommended treatment.

Offender is under Community Supervision:

In Compliance

_____ Offender has completed DOC-recommended treatment.

_____ Offender is in compliance with DOC-recommended treatment.

Not in Compliance

_____ Offender is NOT in compliance with DOC-recommended treatment.

Cc: Sex Offender file

Revised 5.06.10

ATTACHMENT 5 – SAMPLE

SEX OFFENDER NOTICE OF NON-COMPLIANCE LETTER

(DOC letterhead)

Date:

Re: Notice of Non-Compliance with DOC-Recommended Treatment

Dear Mr. XXXX:

Pursuant to 13 V.S.A. § 5411a(a), the Department of Corrections is required, for purposes of the Sex Offender Internet Registry, to determine if a sex offender is not in compliance with DOC-recommended treatment. Those sex offenders determined by the Department of Corrections to not be in compliance will be identified on the Sex Offender Internet Registry.

You have been found to be in non-compliance because:

_____ You refused DOC-recommended treatment.

_____ You entered DOC-recommended treatment, but withdrew prior to completion.

_____ You entered DOC-recommended treatment, but were terminated unsuccessfully.

If you are under supervision, you can come into compliance by successfully participating in a DOC-recommended treatment program for a minimum of twelve (12) consecutive months. To remain in compliance, you must then successfully complete the recommended program.

OR

If you are no longer under supervision, you can come into compliance by successfully completing a DOC-recommended treatment program. Upon completion, you must submit a letter of completion from your treatment provider to the Sex Offender Review Committee, 50 Cherry Street, Suite 101, Burlington, VT 05401. Only when the Sex Offender Review Committee has determined that you have successfully completed treatment will you be considered in compliance for purposes of the Sex Offender Internet Registry.

Pursuant to 13 V.S.A. § 5411a(a), you have the opportunity to appeal this determination to Superior Court.

Sincerely,

Probation Officer/Caseworker

(Delete the paragraph above that is not relevant to this offender.)

Cc: Sex offender file

Revised 5.06.10

ATTACHMENT 6 - SAMPLE

CERTIFICATION OF COMPLIANCE WITH DOC-RECOMMENDED TREATMENT

Dear Vermont Crime Information Center:

This letter is to certify that I:

_____ (print your name and date of birth)

entered sex offender treatment on _____ (date)

with _____ (name of treatment provider.)

Below is the signature of my treatment provider certifying that I am currently in good standing in their program.

_____ Treatment Provider (print name)

_____ Telephone

_____ Treatment Provider (signature)

_____ Date

My signature below indicates my permission for Vermont Crime Information Center staff to contact my treatment provider to verify my compliance in their sex offender treatment program as of this date.

_____ Offender Signature

_____ Date

**** This form must be completed every month by you starting from the date of your parole or furlough expiration. It must be sent prior to the 1 month deadline to: Vermont Criminal Information Center (VCIC), 103 South Main Street, Waterbury, VT 05671-2101. If VCIC does not receive this completed form every month, you will be placed on the Internet Registry as being in non-compliance with treatment. You must submit this form every month until your treatment provider writes a letter to the Sex Offender Review Committee stating that you have completed treatment & the Committee accepts it. I understand my above responsibility.**

Sex Offender Signature: _____

Caseworker/PO Signature: _____

Date: _____

**ATTACHMENT 7 – SAMPLE
VERMONT DEPARTMENT OF CORRECTIONS
LAW ENFORCEMENT NOTIFICATION: DESIGNATED HIGH RISK
SEX OFFENDER RELEASE FORM**

(Insert Current Photos of Sex Offender, side and front.)

Today’s date:

Offender Name:

DOB:

Hair Color:

Weight:

Height:

Race:

Eye Color:

Complexion:

Place of Birth:

Sex:

Citizenship:

Marital status:

Release Date:

Offense(s):

Docket #(s):

Sentence:

Sentence Date:

Supervision Status:

Furlough

Probation/Parole

Served Maximum Sentence and will no longer be under DOC supervision

Proposed Residence:

Family Contact:

For More Information Please Call:

- *(Insert local office contact.)*

Internet Posting: www.dps.state.vt.us

**VERMONT DEPARTMENT OF CORRECTIONS
LAW ENFORCEMENT NOTIFICATION: DESIGNATED HIGH RISK
SEX OFFENDER RELEASE FORM**

****CONFIDENTIAL: FOR LAW ENFORCEMENT & CITY/TOWN OFFICIALS ONLY****

Offender's Name:

DOB:

P&P Office:

The Vermont Department of Corrections is providing this summary of information about _____
(sex offender's name)
to law enforcement agencies to assist them in preparing for his release on _____ from incarceration to a
(date)
location in _____. Some of this information is protected by confidentiality laws, and the further
(town)
dissemination of such information should not be done without advice from appropriate legal counsel.

Summary of Current Offense:

Prior Convictions with Brief Summary:

Offense Patterns:

Minimum Release Date:

Maximum Release Date:

Supervision History:

Programming History:

Risk to Re-Offend:

Compared to other incarcerated sex offenders, *(insert name)*'s risk to commit another sexual offense is considered to be in the *(insert risk level from VTPSA scores)*, and his risk for general criminal recidivism is considered to be in the *(insert risk level from LSI-R score)*. Based on his past history and self-report, if he were to sexually re-offend, his most likely victims would be *(insert his preferences, including age, gender, relationship, grooming patterns)*.

ATTACHMENT 8 - SAMPLE

**VERMONT DEPARTMENT OF CORRECTIONS
LAW ENFORCEMENT NOTIFICATION: STANDARD SEX OFFENDER
RELEASE FORM**

CONFIDENTIAL: FOR LAW ENFORCEMENT AND CITY/TOWN OFFICIALS ONLY

To: *(specific police agency)*

From: *(specific staff, phone # and office)*

Date:

This is to inform you of the release of sex offender _____
(Print name)
from _____ to community supervision.

DOB:

Address:

Summary of current offense: *(Very brief overview, couple of sentences)*

Risk to Reoffend: *(Sex offender risk level, potential victim(s), and circumstances)*

(Insert Current Photos of Sex Offender, side and front, at the bottom here.)

ATTACHMENT 9 - SAMPLE**VERMONT DEPARTMENT OF CORRECTIONS
NOTICE FORM REGARDING NON-COMPLIANT DESIGNATED HIGH-RISK
SEX OFFENDERS**

You have been designated a non-compliant high-risk sex offender, per statute. You have been convicted of at least one of the following sexual offenses:

- lewd & lascivious conduct with a child;
- sexual assault;
- aggregated sexual assault;
- an attempt to commit any of the above; or
- a comparable offense in another jurisdiction of the United States.

As a non-compliant high-risk sex offender as designated by the Vermont Department of Corrections, it is necessary that you understand what is required of you before being released into the community and out of the custody of the Department. Pursuant to 13 V.S.A. § 5411d, as a non-compliant high-risk sex offender, you must:

- (1) Report to the Department of Public Safety (“DPS”) or your local police department as follows:
 - (a) In person, within fifteen (15) business days from the date of release from the Department’s supervision, and every 30 days thereafter;
 - (b) Prior to any change of address, unless the change of address is unanticipated; then you must report within one (1) business day of the change of address;
 - (c) Prior to enrollment in or separation from any post-secondary educational institution, unless the change in school status is unanticipated; then you must report within one (1) business day of the change; and
 - (d) Within one (1) business day of any change of employment.
- (2) In addition to the Registry information already required (i.e., your name, date of birth, physical description, address, Social Security number, fingerprints, current photograph, current employment, and name and address of post-secondary education in which you are enrolled,) you must also provide DPS with the make, model, color, registration, and license plate number of any vehicle you operate, **prior** to operation.
- (3) Have your digital photograph updated annually (once a year), which will be arranged by DPS. Once you are requested by the DPS to report to have your photograph taken for the Internet Registry, you must reply to the request within 30 business days.
- (4) Allow the DPS to conduct periodic unannounced Registry compliance checks on you to verify the accuracy of Registry information. DPS may arrange to have these checks performed by local law enforcement as well.

***** It is important that you understand that if you violate any of these requirements, you shall be imprisoned for a **maximum term of life**. A sentence may be suspended in whole or in part, or you may be eligible for parole or release on conditional re-entry or furlough, provided you are subject to electronic monitoring using an active global position system, in addition to the Department’s intensive supervision.

***** Also, in any criminal proceeding for violating any of the Registry requirements for non-compliant high-risk sex offenders, you shall be prohibited from challenging your status as a non-compliant high-risk sex offender.

***** Further, you may petition the District Court to be relieved from heightened Registry requirements once every five (5) years from the date of designation (per 13 V.S.A. § 5411d (f)(1). However, you will have the burden of proving by a preponderance of the evidence that you:

- (1) No longer qualify as a high-risk offender as defined by 13 V.S.A. § 5401 and the rules adopted by the Department in accordance with 13 V.S.A. § 5411b; and
- (2) Have complied with and completed DOC-recommended treatment as provided by the Department’s administrative directives/policies.

I have read and received a copy of this notice form. I also understand that, as a non-compliant high-risk sex offender, in addition to the Sex Offender Internet Registry requirements, I must comply with the requirements described above. If I violate any of the requirements described above, I risk being imprisoned for a maximum term of life.

Offender Printed Name

Offender Signature

Date

Witness Printed Name

Witness Signature

Date

**ATTACHMENT 10 – SAMPLE
SEX OFFENDER REVIEW COMMITTEE REFERRAL FORM
HIGH RISK CHECKLIST**

Offender Name: _____ DOB: _____

Offender Address _____

Conviction (Index Sexual Offense) _____ Date of Conviction _____

If currently incarcerated, include the following: Min. Release Date: _____ Max. Release Date: _____

Supervising PO or Caseworker: _____ Date of Referral: _____

High Risk Criteria: Refer **ONLY** sex offenders who have committed a qualifying offense and have any of the following characteristics. Please note: If you are referring a female sex offender, statutory rapist, possession of child pornography-only offender, or a juvenile sex offender (under age 18 when the sex offense was committed), fill in #2 only.

- 1) Static-99R score = 6 or higher: ____ (Check what is appropriate.)

OR

- 2) Current or past sexual or non-sexual convictions involving any of the following (check all that apply):

- | <i>Current</i> | <i>Past (Include documentation, affidavit, or PSI)</i> |
|----------------|---|
| a. ____ | ____ Use of a deadly weapon |
| b. ____ | ____ Conviction for kidnapping |
| c. ____ | ____ Sexual sadism; i.e., torture, mutilation, burning, bondage |
| d. ____ | ____ Death or serious bodily injury to the victim requiring hospitalization |

Override and Under-ride Recommendations

Indicate whether you are recommending an increase or decrease in risk level. If yes to either, briefly explain your reasons and check all that apply.

- a. Recommend increasing risk status: ____ YES ____ NO

____ Pattern of predatory sexual offending. “Predatory” means an act directed at a stranger, or a person with whom a relationship has been established or promoted for the primary purpose of victimization. “Pattern” means having two or more sexual offense victims and typically, one or more prior sex offense convictions. (Include documentation.)

____ Continued failure to cooperate with DOC supervision (Include documentation. See below.)

____ Recent threats or expressions of intent to commit additional offenses (Include documentation.)

- b. Recommend decreasing risk status: ____ YES ____ NO

____ Disability prevents access to potential victims (Explain and provide documentation.)

____ Long-term pattern of cooperation while under DOC supervision (Include documentation.)

Documentation

Include with this referral form **ALL** of the following available documents:

- ____ Current Record Check (MUST include most recent conviction and disposition)
- ____ Static-99R Scoring Sheet
- ____ Affidavit/s of Current Sex Offense/s
- ____ Affidavit/s of Prior Sexually-related Offenses (both convicted and dismissed charges)
- ____ Pre-sentence Investigation Report and/or Psychosexual Evaluation
- ____ Other. Please list any other documents sent.

Cc: Sex Offender File

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