



Arkansas Department of Correction

**SEX OFFENDER COMMUNITY
NOTIFICATION ASSESSMENT**

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Governor Asa Hutchinson
State Capitol
Little Rock, AR 72201


Senator Bill Sample
Chair, Arkansas Legislative Council
State Capitol
Little Rock, AR 72201

Representative David L. Branscum
Chair, Arkansas Legislative Council
State Capitol
Little Rock, AR 72201

Dear Governor Hutchinson & Chairpersons:

Pursuant to state law, the Sex Offender Assessment Committee is to report to the Governor and Legislative Council each year a summary of the proceeding, a statement of revenue, expenditures and any additional requested information. I am enclosing a report on the Sex Offender Community Notification Assessment Program (formerly, Sex Offender Screening & Risk Assessment Program) for the fiscal year that ended on June 30, 2015. The committee has no revenue and their expenses are covered by the Arkansas Department of Correction.

Sincerely,



Sheri J. Flynn, MS, LSW
SOCNA Administrator

ARKANSAS DEPARTMENT OF CORRECTION



Arkansas Department of Correction

Sex Offender Community Notification Assessment

Legislative Update FY 2016

Rory Griffin, Deputy Director & Sheri J Flynn, MS, LSW, SOCNA Administrator

7/1/2016

The Sex Offender Community Notification Assessment Program (SOCNA), formerly the Sex Offender Screening & Risk Assessment Program, under the auspices of the Arkansas Department of Correction has been conducting individualized community notification assessments since September 1999. SOCNA came into existence, in part because of the need for consistency in the assessment process and because local law enforcement agencies did not have the time, resources or expertise to conduct individualized assessments. SOCNA continues to monitor and make changes in the process to comply with changes made by the General Assembly, to reduce the length of time for assessments, and refine the individualized assessment process.

SOCNA & SEX OFFENDER MANAGEMENT

SOCNA began conducting assessments in the fall of 1999. As of June 30, 2016, the program has conducted 14021 assessments. Arkansas is committed to conducting an individualized community notification assessment which will provide local law enforcement agencies with accurate information to help community members protect themselves from future victimization. Research has identified factors that appear to impact sexual offense recidivism. Some of those factors are: age of the offender, marital status (whether an offender can maintain age appropriate adult relationships); prior sexual offending, stranger victims, and extra-familial victims. The strongest predictors for sexual offense recidivism were sexual deviance and sexual interest in children. (Hanson & Bussiere, 1998, Vol. 66, No.2) To distinguish offenders more likely to re-offend and provide the public with reliable information, individualized actuarial driven sex offender assessment is the appropriate mechanism for community notification and it assists others working in the field of sex offender management. Assuming that all sex offenders are the same and present the same level of risk would be a disservice to the citizens of Arkansas. There is also the risk of oversaturating the public with information on all sex offenders, which makes it more difficult to recognize the most dangerous offenders.

Arkansas continues to work to build a network of professionals who believe in the “containment” approach to sex offender management. The containment approach places a sex offender at the center of a system of professionals providing assessment, supervision and treatment of sex offenders. The idea is to *contain* the sex offender inside the network of professionals and closely monitor the offender’s behavior. Sex offenders who are assigned higher levels should receive more intense monitoring and supervision. With limited funding

devoted to sex offender management it remains crucial that Arkansas continue to identify those in need of the most resources to protect the public.

Assessment information was originally intended to help local law enforcement agencies determine the appropriate level of community notification; however, a number of other agencies use the information in making decisions regarding offenders. Arkansas Community Correction (ACC) assigns parolees with a community notification Level 3 or 4 to an intensive after care program, and monitors offenders closely. State law also places residency and employment restrictions on Level 3 and 4 sex offenders. The Arkansas Parole Board uses the information when making parole decisions and treatment recommendations. Treatment providers are given assessment information upon request. In addition to conducting community notification, local law enforcement agencies and prosecutors may use the information to help identify suspects when new sex crimes are reported and in making sentencing recommendations. Federal probation officers use the information to manage sex offenders. The Department of Human Services and Arkansas State Police regularly use the information in child maltreatment investigations and decisions regarding child placement.

SOCNA works to train and share information with local law enforcement agencies, prosecutors, judges, probation/parole officers, the Arkansas Parole Board, the Department of Human Services, treatment providers and other entities responsible for the management of sex offenders. SOCNA strives to maintain positive working relationships with all entities working in the sex offender management field. There is a constant exchange of information.

ELECTRONIC SHARING OF INFORMATION

Successful sex offender management requires that each entity involved have access to the same information and maintain open communication with one another. SOCNA was involved in the development of an electronic sex offender management system (eSOMA)

which provides immediate access to a wealth of information regarding sex offenders to law enforcement agencies using eSOMA. Officers may use the system to access other criminal history information on any sex offender ever incarcerated in the Arkansas Department of Correction or supervised by the Department of Community Correction. Local law enforcement agencies may also use eOMIS to submit invoices for inmates housed in county jails. SOCNA continues to encourage sex offender management partners to use this system to instantly access the information on sex offenders assessed by SOCNA. The flow of information between SOCNA, DCC, local law enforcement, federal probation, US Marshall's Service and other sex offender management entities remains vital to sex offender management.

The Arkansas Crime Information Center (ACIC) developed an electronic registration system, CENSOR. CENSOR and eSOMA share information electronically in an effort to ensure that ACIC and SOCNA receive registration and assessment information, as quickly as possible.

FEDERAL LAWS REGARDING SEX OFFENDERS

Since the passage of the Adam Walsh Act (AWA) in 2006, Arkansas has chosen not to come into substantial compliance with the law. There are multiple concerns among those involved in sex offender management in Arkansas, across the United States and internationally with regard to AWA. Those concerns include: monetary cost; possible impact on the victims of sexual assault; placing juvenile sex offenders on a public website; the impact on good sex offender management and the ability of sex offenders to be able to lead pro-social lives: maintain steady employment, a stable residence and meet the supervision requirements & attend sex offender treatment.

In a 2010 article published in the Criminal Justice Policy Review, Harris & Lobanov-Rostovsky noted:

In the years since passing the Sex Offender Registration And Notification Act (SORNA) the increasing federal role has generated concern within some covered jurisdictions and among practitioners over issues such as the perceived undermining of judicial autonomy, the variance between the law and emerging “best practices,” unfunded federal mandates, and perceived threats to the viability of state-based sex offender management efforts. Moreover, although registration and notification systems have generally been validated by the courts, several jurisdictions have encountered significant legal obstacles to implementing key SORNA provisions. (Harris & Lobanov-Rostovsky, 2010)

As mentioned, substantial compliance with AWA would require juveniles who are adjudicated delinquent of sexual offenses to be placed on a public website.

One problem with the Walsh Act is that community notification and lifetime registration applies to youths convicted of sex crimes as long as they’re over 14... The fragile minds of juveniles might not be able to cope with the pressures of community notification and appearing in online sex offender registries...We are at a very high suicide rate for juveniles...We don’t want to push them over the edge. A 2014 study by the Illinois Juvenile Justice Commission found that most juveniles convicted of a sexual offense were not motivated by ‘deviant sexual arousal or a focused intent to harm others,’ which would indicate a risk of future sexual offenses. Youths usually commit sexual crimes due to developmental or social issues, or because they were abused themselves. Most juveniles respond well to therapy, the report said, so they will not become adult sex offenders. (Juhl, 2015)

Nevada was one of the first states to pass the Walsh Act, Segerblom said, adding that the Legislature rushed to comply with federal guidelines out of

fear of losing criminal justice grants. But the cost to implement it — estimated at \$4 million in 2009 — far exceeds the less than \$200,000 Nevada would have lost. To Segerblom's knowledge, the state never has received federal funds to help with implementation of the Walsh Act... Segerblom said that the current law unnecessarily "lumps everyone together" and burdens local law enforcement agencies. Nine years after the federal Walsh Act passed, most states have rejected it. Only 17 states have enacted it, and the count might include other states, like Nevada, where the law was approved but not fully enforced because of lawsuits. 'We had a really good sex offender law before the Adam Walsh Act, Segerblom said. Sometimes you just need to say, I'm sorry. A bad law is a bad law.' (Juhl, 2015)

SOCNA's adult assessment process for Arkansas far surpasses what is mandated in AWA, and it allows the Juvenile Court Judges discretion to determine which juveniles need to be placed on a public website. AWA assigns Tiers I through III based on the title of the sex offense conviction. Often the final title of the conviction does not adequately describe what the sex offender did that led to the conviction. Many offenders are charged with multiple counts of a much higher offense and plea to a lower offense. This is often necessary because sexual offenses are very difficult to prove and lengthy trials can do more harm to victims who would rather put the offense behind them and begin to heal.

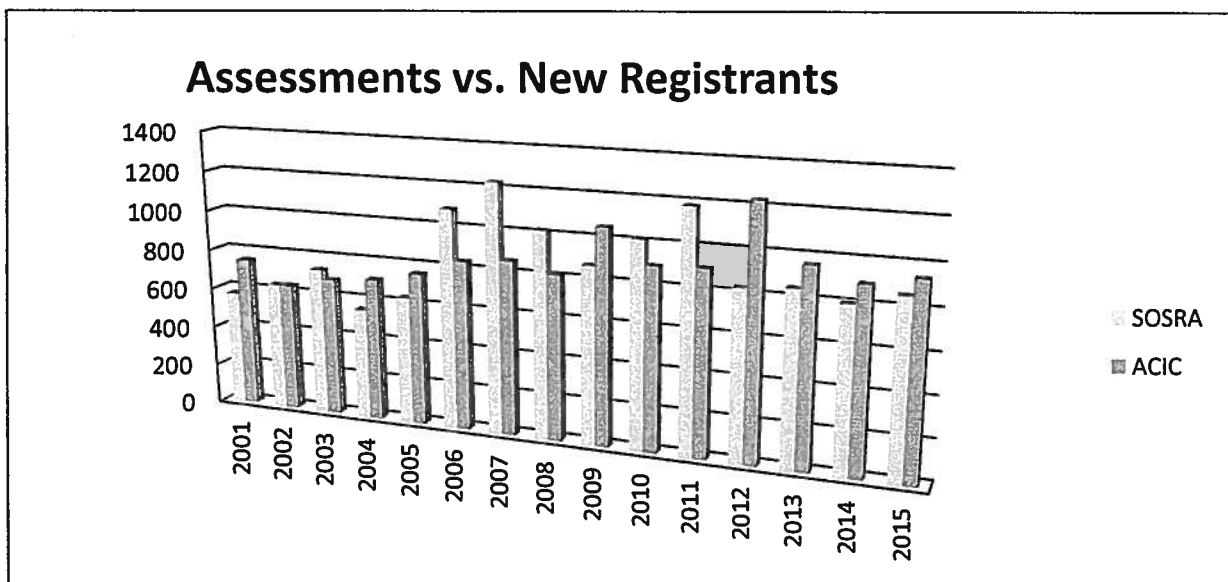
SOCNA's assessment involves an extensive search for historical documentation on any sex offense charge, allegation or conviction; documentation of any violent offense; relevant research-derived actuarial instruments; a face to face interview with the sex offender and can include truth verification as to whether there may be undisclosed victims. SOCNA's multifaceted assessment often uncovers victims for whom an offender has never been

caught and other sexually deviant interests or activities that impact public safety. Arkansas' assessment process is considered by professionals in the field to be among the best in the United States.

AWA was adopted, at least in part, because many states did not have sex offender assessment and community notification programs. The law was meant to bring some uniformity and to help track sex offenders across state lines; however, it creates tiers based solely upon the title of a conviction which would be less effective than the system Arkansas already has.

ASSESSMENTS VS. REGISTERED OFFENDERS

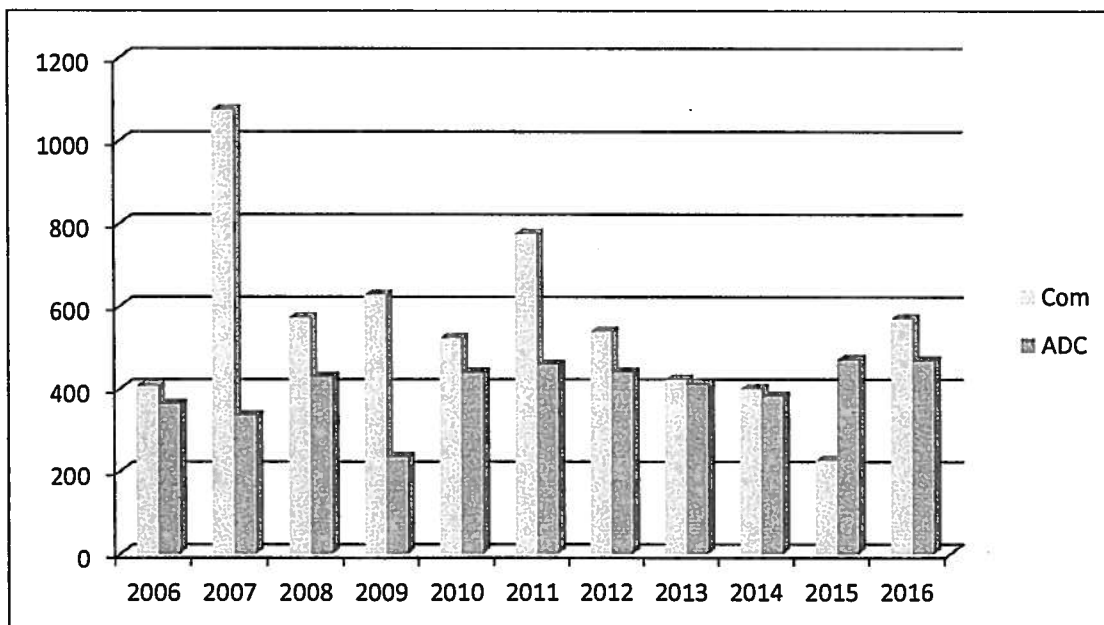
Below is the number of assessments completed by SOCNA per *calendar year* versus the number of newly registered sex offenders documented by the Arkansas Crime Information Center (ACIC). *



* ADC began to register sex offenders as they entered ADC, in order to accurately reflect the location of all offenders increasing the number of offenders registered; however, there is no backlog of offenders as the inmates are being assessed prior to release.

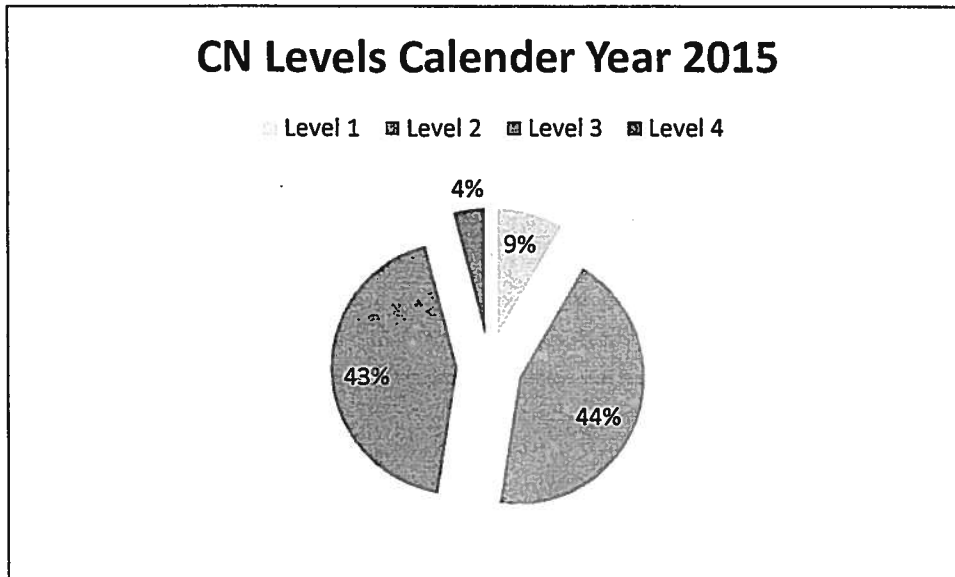
Community vs. ADC Assessments Per Fiscal Year 2016

SOCNA must balance the number of assessments conducted on sex offenders currently living within communities, with the number of inmates about to be released from prison. SOCNA has made huge strides in assessing inmates prior to the inmate going before the Arkansas Parole Board. Commissioners have indicated they find the sex offender assessment helpful in their decision making, as the assessments are so thorough. The information listed below reflects the number assessments of sex offenders living in communities versus the number of assessment on inmates nearing release from prison per fiscal year.. SOCNA works to keep up with newly registered sex offender assessments and it is rare for an offender to be released from ADC without an assessment.



Community Notifications Levels:

The following graph indicates the Community Notification Levels assigned by SOCNA through 2015. Please keep in mind that the number of Default Level 3's (offenders who refuse to fully cooperate with SOCNA despite being informed that noncooperation is chargeable as a felony offense) are included in the total number of Level 3's.



Contact Information

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