

Subject:
Disclosure of Registered Sex Offender(s)

Policy Number:
2190

Date Adopted: 8/08

Revised:12/23

BRTC Sex Offender and Notification Policy

Purpose

The Arkansas Sex and Child Offender Registration Act found in Ark. Code Ann. § 12-12-901 et seq., also known as “Megan’s Law”, is the community notification law that allows law enforcement to communicate with the public when a sexual offender is in their area. In compliance with applicable law and for the safety of the BRTC community, when BRTC receives such notification, a subsequent notification may be delivered to the BRTC community when permitted.

The purpose of this policy is to provide timely and appropriate notification, in compliance with state and federal law, regarding registered sex offenders on any Black River Technical College (BRTC) campus. Specific details of any notification will be determined on a case-by-case basis as described herein. In addition, this policy is designed to implement provisions of Ark. Code Ann. § 12-12-913(g)(1)(4) which requires the board of trustees of an institution of higher education to adopt a written policy regarding the distribution to students of information regarding a sex offender in accordance with established guidelines and in compliance with state and federal law.

Authority

The highest-ranking BRTC police officer or their designee, or the local law enforcement agency having jurisdiction, will serve as the point of contact for the receipt of information concerning registered sex offenders who are employed by or attend BRTC. The authority to request and require such information can be found in the following statutes:

Ark. Code Ann. § 12-12-913(b) – provides that “local law enforcement agencies having jurisdiction shall disclose, in accordance with guidelines promulgated by the [Arkansas] Sex Offenders Assessment Committee, relevant and necessary information regarding offenders to the public when the disclosure is relevant and necessary for public protection.”

Ark. Code Ann. § 12-12-913(e)(1) – states that the law enforcement agency “shall make a good faith effort to conceal the identity of the victim or victims of the sex offender’s offense.”

Ark. Code Ann. § 12-12-913(j-k) – provides that certain information regarding particular categories of offenders shall be public, and that such information shall be provided on the State of Arkansas’ Internet home page by the Arkansas Crime Information Center (ACIC).

Ark. Code Ann. § 12-12-913(g)(1)(2) – requires that the Arkansas Higher Education Coordinating Board of the Department of Higher Education to promulgate guidelines for

the disclosure of information regarding registered sex offenders when such information is released to an institution of higher education by a local law enforcement agency having jurisdiction, and requires institutions of higher education to adopt a written policy in accordance with such guidelines.

Ark. Code Ann. § 12-12-913(g)(1)(4) – requires the board of directors of an institution of higher education to adopt a written policy regarding the distribution to students of information regarding a sex offender in accordance with those guidelines.

Ark. Code Ann. § 5-14-128 – makes it unlawful for a Level III or Level IV registered sex offender to reside within 2,000 feet of property on which any public or private elementary or secondary school or daycare facility is located. All college-affiliated residential facilities on the college campus fall within this restriction.

Procedures for BRTC Concerning Sex Offenders

In consultation with appropriate law enforcement agencies, BRTC police officers shall have primary responsibility for preparing and carrying out a notification plan that is appropriate with regard to specific registered sex offenders enrolled in, attending, or employed by BRTC.

Human Resources (for matters involving employees) or the Director of Student Development (for matters involving students) shall be notified whenever any BRTC official receives notice of any student or employee enrolled in, attending, or employed by BRTC who has been designated a Level III or Level IV offender. In compliance with state law, a person who has been designated a Level III or Level IV sex offender while enrolled in, attending, or employed by BRTC will be reviewed promptly by appropriate officials to determine their eligibility to maintain their status as a student or employee.

Sex Offender Notification Committee

The highest-ranking BRTC police officer or their designee, or the Vice President for Finance and Administration, will conduct a meeting, when necessary, for the purpose of developing guidelines and practices concerning notification procedures and in determining the extent and method of notification that may be appropriate with regard to specific offenders in compliance with state and federal law and consistent with the educational purpose of the college. The Sex Offender Notification Committee will consist of the following officials:

- Chair – Highest-ranking BRTC police officer or their designee, or the chief law enforcement officer of the local law enforcement agency having jurisdiction.
- Vice President for Finance and Administration (Co-Chair in absence of a BRTC police officer)
- Vice President for Student Affairs (Co-Chair if sex offender is a student)
- Representative from Human Resources (Co-Chair if sex offender is an employee)
- Representative from the Office of Admissions
- Director of Student Development
- One additional administrative representative from any of: Academics, Title IX, or Student Success

The Sex Offender Notification Committee will prepare a written notification plan taking into consideration the provisions of Ark. Code Ann. § 12-12-901, et seq., and the guidelines established by the Arkansas Sex Offender Assessment Committee, specific needs of the campus, and other relevant information as may be determined by law enforcement and/or campus officials. The written notification plan shall include the names of those participating in the plan, and the date the plan was completed. A sex offender notification letter and sheet will all be prepared for each offender. In the event there is concern with the notification plan from either law enforcement or campus non-law enforcement officials, after consultation with appropriate legal counsel, final authority for the plan rests with the appropriate Chair of the Committee.

Notification Determination and Retention of Information

Determinations regarding notifications will be made by the highest-ranking BRTC police officer, or chief law enforcement officer of the local law enforcement agency having jurisdiction, in consultation with the Sex Offender Notification Committee, law enforcement, and other appropriate campus officials on a case-by-case basis and shall be guided by the offender's risk assessment level* in accordance with guidelines established by the Arkansas Sex Offender Assessment Committee. Consistent with state guidelines, the notification plan should include who will be notified, who participated in preparation of the plan, the approval of the highest-ranking BRTC police officer or chief law enforcement officer of the local law enforcement agency having jurisdiction, and the date the plan was made. Furthermore, the plan should include a sex offender notification letter and sex offender notification sheet.

*When the risk assessment is not available or has not yet been completed, a review of all available information will occur, which may include consultation with an appropriate professional, and notification may be made on the basis of the available information pending the assignment of a risk assessment level by state officials.

A written summary of campus guidelines and the notification plan for each offender will be maintained by the highest ranking BRTC police officer, or the chief law enforcement officer of the local law enforcement agency having jurisdiction. The record should also indicate the dates of notification.

When it is determined that a notification should be made, the highest ranking BRTC police officer or the chief law enforcement officer of the local law enforcement agency having jurisdiction will have the discretion to make the determination as to which employees within BRTC should be informed of the notification. This determination must be made within the context of the following definition:

“The official should share the notice with any person who in the course of their employment or assignment is regularly in a position to observe unauthorized persons on or near the property of the notified school.”

Sex Offender Classification (Ark. Code Ann. § 12-12-901 et seq.) and Public Information

Level I: Usually these are individuals with no prior history of sexual acting out and no strong antisocial tendencies or sexual compulsions or other psychological factors impairing judgment.

Level I offenders are considered to be low-risk offenders and not dangerous to the community at large. No notification of students and/or parents is permitted. For low-risk offenders, only

law enforcement agencies and adult members of the household where the offender resides, Department of Children and Family Services of the Department of Human Services for juvenile offenders, and victims or guardians of victims for adult offenders should be notified.

Level II: Usually these are individuals with limited or circumscribed prior history of sexual acting out and/or only mild antisocial or predatory tendencies that increase the general level of risk they pose.

Level II offenders are considered to be moderate risk. Law enforcement has the discretion whether to notify schools. If schools are notified on this level, the information is intended to assist staff members in the protection of their charges, not to provide notification to the community at large. For moderate-risk offenders, law enforcement agencies, adult members of the household, and organizations that serve individuals likely to be victimized by the offender should be notified. It is **not permissible** to notify members of parent-teacher organizations, organizations using school facilities, other schools, parents or guardians of student, press, or students. If an organization using school facilities requests information regarding a Level II offender, they should be directed to the area law enforcement that issued the notice. If members of the press contact BRTC, they may be informed about the procedures that have been put in place and other general topics. No one may reveal the name or any other specifics regarding the offender to the press. No one should confirm or deny to the press whether notice as to any particular offender has been disseminated.

Level III: These are individuals with histories of repeat sexual offending and/or strong antisocial, violent or predatory personality characteristics. Sexual compulsions are likely to be present, but may be kept under control when relapse prevention plans are followed and treatment is continued.

Level III offenders are considered to be high risk. Law enforcement will notify schools if appropriate, according to the offender's profile. Parents and/or students are not automatically notified. If schools are notified on this level, the information is intended to assist staff members in the protection of their charges. However, law enforcement may ask schools to assist in notifying students and parents, as members of the community at large. For high-risk offenders, law enforcement agencies, adult members of the household, and organizations that serve individuals likely to encounter the offender should be notified unless doing so would cause harm to the victim(s).

Level IV: These are individuals with impaired judgment or control who have sexual or violent compulsions that they lack the ability to control. This may be due to pedophilia or other disorder of sexual attraction, mental illness or personality disorder that distorts thinking or otherwise interferes with behavioral control.

Level IV offenders are considered to be sexually violent predators. Law enforcement will notify schools, according to the offender's profile. Again, parents and/or students are not automatically notified. If schools are notified on this level, the information is intended to assist staff members in the protection of their charges. However, law enforcement may ask schools to assist in notifying students and parents as members of the community at large. Notification of members of the general public in the vicinity of where the offender lives, travels and works should be done.

In the case of a Level III or Level IV notification, area law enforcement notification may include the students in the school and, when applicable and within law enforcement's discretion, notice

will be given to the parents or guardians of those students. The determination as to the appropriate method to use in the dissemination of the notice must be reached through cooperation with area law enforcement. Age appropriate discussion may be held in the classroom explaining the potential danger to the students, but they should not be provided with copies of the law enforcement notice. School meetings may be held to provide parents, guardians, teaching staff and administrative staff with information and support. Copies of the notice should not be posted on school bulletin boards, and copies of the notice should be kept in a secure place accessible to teachers and staff, but not accessible to students or members of the community at large.

Procedures for Sex Offenders

Nothing in these guidelines is intended to preclude a sex offender registrant from attending school as a student. However, the same procedures for notification apply to students are sex offender registrants.

Nothing in these guidelines is intended to preclude a sex offender registrant who is the parent or guardian of a child enrolled in a school from entering school property for dropping off the child at school or for any other activity which is appropriate for a parent or guardian. However, please note that in some cases, judicial restraining orders or conditions of probation or parole may limit such activities by sex offender registrants who are parents.

Any person who is required to register as a sex offender in Arkansas shall provide notice as required under state law. The offender is required to report such information concerning their enrollment or employment with the College and to make this information available promptly to the highest-ranking BRTC police officer or their designee, or the chief law enforcement officer of the local law enforcement agency having jurisdiction.

Students and employees who are required to register as a sex offender in Arkansas and who fail to do so will be subject to immediate arrest and exclusion from BRTC.