

TITLE: SEX OFFENDER REGISTRATION

1. **Policy.** The Department of Correction shall ensure that inmates are identified and processed who meet the criteria regarding registration of sex offenders.

2. **Authority and Reference.**
 - A. Connecticut General Statutes 53-21(a)(2), 53-21(2), 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-86(a)(2), 53a-87(a)(2), 53a-90a, 53a-196a, 53a-196b, 53a-196c, 53a-196d, 53a-196e, 53a-196f, 53a-8, 53a-48, 53a-49, or if intent to sexually violate or abuse the victim 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96, 53a-186, 53a-189a, 54-97, 54-102g, 54-250-54-259, inclusive.

 - B. Repealed Connecticut General Statutes 53a-72, 53a-73, 53a-74, 53a-75, 53a-76, 53a-77, 53a-78, 53a-79, 53a-79a, 53a-80, 53-217, 53-223, 53-238, 53-239, 53-240.

 - C. Administrative Directive 9.3 – Admissions, Transfers and Discharges.

3. **Definitions.** For the purposes stated herein, the following definitions apply:

Conviction. A judgement entered by a court upon a plea of guilty, a plea of nolo contendere or a finding of guilty by a jury or the court.

Criminal offense against a victim who is a minor. Means (A) a violation of subsection (a)(2) of section 53-21, subdivision (2) of subsection (a) of section 53a-70, subdivision (1), (4), (8), (9)(b) or (10) of subsection (a) of section 53a-71, subdivision (2) of subsection (a) of section 53a-72a, subdivision (2) of subsection (a) of section 53a-86 subdivision (2) of subsection (a) of section 53a-87, of section 53a-90a, of section 53a-196a, 53a-196b, 53a-196c, 53a-196d, 53a-196e, or 53a-196f, (B) a violation of section 53a-71 subsection (a), subdivision (9) (a), 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96 or 53a-186, provided the court makes a finding that, at the time of the offense, the victim was under eighteen years of age, (or) (c) a violation of any of the offenses specified in subparagraph (A) or (B) of this subdivision for which a person is criminally liable under section 53a-8, 53a-48 or 53a-49, or (D) a violation of any predecessor statute to any offense specified in subparagraph (A), (B) or (C) of this subdivision the essential elements of which are substantially the same as said offense. Any person who has one or more prior convictions of any criminal offense against a minor or is convicted of 53a-70(a)(2) is required to register for life. This lifetime registration requirement may be noted on the mittimus. For inmates convicted of one of these offenses on or after 10/1/98, a code of "M" or language verifying victim was a minor, may be noted on the mittimus and docketed as such.

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DNA (deoxyribonucleic acid) databank. A registry of identification hereditary characteristics specific to a person that uses an individual's body fluids or material such as blood or epithelial tissue from a buccal swab.

Exemption by Court. The court may exempt from registration any person who has been (1) convicted of a violation of 53a-71 (a) (1) if the court finds that the person was under the age of nineteen years on the date of the offense or (2) convicted of 53a-73a (a) (2) if the court finds that registration is not required for public safety or (3) of subdivision (2) of subsection (a) of section 53a-189a, providing the court finds that registration is not required for public safety. The judgement mittimus shall note such exemption utilizing an "E" or "Exemption". The RT50 shall reflect an exemption with an "E" in the Sexual Registration field. This does not exempt an inmate from DNA collection if they are convicted of a felony. The inmate is required to submit to a collection of a biological sample.

Facility Contact Person. The Counselor Supervisor/Correctional Counselor designated at the facility to coordinate matters related to the Sex Offender Registration Policy.

Identifying factors. Means fingerprints, a photographic image that absolutely matches the inmate, and a description of any other identifying characteristics as may be required by the Commissioner of Public Safety. The Commissioner shall also require a biological sample from the registrant for DNA (deoxyribonucleic acid) analysis, unless such sample has been previously obtained in accordance with section 54-102g. The fingerprint card shall have an inmate name and DOC identification number listed on the card.

Nonviolent sexual offense. Means a violation of section 53a-73a or of section 53a-189 subsection (a), subdivision (2). Additionally, a violation of either of these offenses for which a person is criminally liable under section 53a-8, 53a-48 or 53a-49 is also included. For inmates convicted on or after 7/1/99, a code of "N" may be noted on the mittimus and docketed as such.

Release to the Community. The release of an inmate from the legal custody of the Department of Correction to include any discretionary release programs.

RT50 screen for DNA Sample update:

- **DNA eligible Y, N, R, or P.** If the inmate meets the criteria for a biological sample, then the entry would be "Y" for yes. If the inmate does not meet the criteria for a biological sample, the entry would be "N" for no. If the inmate refuses, the entry would be "R" for refusal. If the inmate had a sample collected by Probation, the RT50 will reflect a "P".
- **Swab** means collected. The actual date the sample was taken by the Health Services Unit. This date is on the blue copy of the DNA Submission Form.

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Sex Offender. A person convicted of offenses reflected in Section 2 and Section 9 of this policy.

Sex Offender as Imposed by the Court. Those convicted and found by the court to have been committed for sexual purposes. For inmates convicted of one of these offenses on or after 10/1/98, a code of "P" or language verifying the offense was committed for sexual purposes, may be noted on the judgement mittimus and docketed as such.

Sex Offender Registration. The Department of Correction is responsible for gathering information pertaining to those inmates who meet the criteria in Connecticut General Statute Sections 54-102g and 54-250 et seq. and forwarding that information to the Department of Public Safety-Sex Offender Registry Unit (DPS-SORU).

Sex Offender Registration Checklist. A Department of Correction form that is used as a guide in tracking the Sex Offender Registration processes.

DNA logbook (Biological Sample). A permanent hardbound volume maintained at each facility with pre-numbered pages used to record the DNA biological sample collection of sex offenders and felons in sequential order by date, to include inmate name and number, etc. (See sample attached.)

Sex Offender Registration logbook (Release to Community). A permanent hardbound volume maintained at each facility with pre-numbered pages used to record the community release of sex offenders in sequential order by date, to include inmate name and number, etc. (See sample attached.)

Sexually violent offense. A violation of section 53a-70, except subdivision (2) of subsection (a) of said section, 53a-70a, 53a-70b, 53a-71, except subdivision (1), (4) or (8) of subsection (a) of said section, 53a-72a, except subdivision (2) of subsection (a) of said section, 53a-72b, or of section 53a-92 or 53a-92a of the general statutes, provided the court makes a finding that the offense was committed with intent to sexually violate or abuse the victim, (B) a violation of any of the offenses specified in subparagraph (A) of this subdivision for which a person is criminally liable under 53a-8, 53a-48, or 53a-49, or (C) a violation of any predecessor statute to any of the offenses specified in subparagraph (A) or (B) of this subdivision the essential elements of which are substantially the same as said offense. For inmates convicted of one of these offenses on or after 10/1/98, a code of "V" or language verifying the offense was a sexually violent offense, may be noted on the mittimus and docketed as such.

4. **Sex Offender Biological Sample Collection.** All inmates who meet the following criteria are required to submit to a biological sample collection for the purposes of Sex Offender Registration.

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- A. Criteria.** An inmate who is convicted of one or more of the following:
1. Criminal Offense against a Minor or a Nonviolent Sexual Offense - refer to The Registration of Sexual Offenders Index.
 2. Sexually Violent Offense - refer to the Registration of Sexual Offenders Index.
 3. Any conviction that the court finds was committed for sexual purposes.
 4. A violation of any of the offenses specified in The Registration of Sexual Offenders Index for which an inmate is criminally liable under section 53a-8, 53a-48 or 53a-49.
 5. The court may exempt any person convicted of:
 1. 53a-71 (a) (1) if the person was under nineteen years of age at the time of the offense.
 2. 53a-73a (a) (2).
 3. 53a-189a (a) (2).

Inmates convicted under Youthful Offender statutes 54-76b or 54-76d as either a stand-alone conviction or attached to a registrable statute will not be subjected to DNA collection or Sex Offender Registration unless specifically directed by the court.

5. **Facility Responsibilities.** A Correctional Counselor shall review any inmate that is admitted to a facility to determine if the inmate meets the criteria in Section 4 and Section 9. If the inmate does not meet the criteria for Sex Offender Registration, the Correctional Counselor shall ensure that the RT50 screen is updated with an “N”. If an inmate meets the criteria, the following procedure will be utilized:
- A. Identification.** Identification shall be determined by reviewing the RT50 screen for past blood draws, swab collections, judgement mittimuses, prior criminal history (i.e. prior judgement mittimuses, rap sheets, or out of state sex offender registration). Once identified as needing Sex Offender Registration, the Correctional Counselor shall refer the file to the Facility Contact Person who shall ensure the following:
1. Update the RT50 screen with a “Y”.

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2. The Sex Offender Checklist shall be initiated and placed on top of Section 3 in the master file. When using a two-section pre-trial file, place the Sex Offender Registration Checklist on top of Section 1. A copy of the Judgement mittimus that requires the inmate to register should be included under the checklist. All other related Sex Offender Registration documents shall be placed under the Sex Offender Registration Checklist. In the event the person has been exempt from biological sample collection/registration, this shall be noted on the Sex Offender Checklist by circling an “E”.
3. A DNA Advisement/Refusal Form is completed, signed by the inmate and witnessed by the Facility Contact Person. The Facility Contact Person shall give a copy to the inmate. The original DNA Advisement/Refusal Form shall be placed in Section 3 of the master file.
4. Process the DNA Submission Form: Complete Section I of the DNA Submission Form. The Facility Contact Person will coordinate with the Records Specialist to process the DNA Submission Form. The white copy shall be placed in section four of the master file underneath the Victim Notification Card. When using a two-section pre-trial file, place the copy on top of section one. The inmate shall not transfer until the blue copy of the DNA Felony Submission Form is returned.
5. The Records Specialist or Facility Contact Person shall maintain a DNA Collection logbook.
6. The blue copy DNA Submission Form and label for the collection kit shall be delivered to the Health Services Unit.
7. The Health Services Unit shall complete Section II of the DNA Submission Form. The Health Services Unit shall follow existing procedures pertaining to the DNA Collection and delivery of such sample to the DPS forensic lab.
8. The Health Services Unit shall ensure that the completed DNA Submission Form is delivered back to the Records Specialist or Contact Person.
9. The Records Specialist or Contact Person shall update the RT50 screen to reflect the date of DNA sample collection.
10. The Records Specialist or Contact Person shall remove and destroy the white copy and place the blue copy of the DNA Submission Form in section four of the master file and notify the Facility Contact Person.
11. The Facility Contact Person shall update the Sex Offender Registration Checklist.

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12. In the event the inmate refuses to cooperate with the biological sample collection, the Health Services Unit shall fill out the DNA Refusal Form and notify the Facility Contact Person. The Facility Contact Person shall notify the Records Specialist who will update the RT50 with an "R" and then proceed to section 8 of this policy for further direction.

6. **Bond Out/Release from Court Procedure:** In the event the required biological sample was not collected prior to the inmate being released on bond or released from court, the Facility Contact Person shall notify the DPS-SORU telephonically and inform them that the DNA Collection process was not completed. A similar notation shall be placed on the Sex Offender Registration Checklist in Section IA.

In the event the inmate is released from court without the Sex Offender Registration process being completed, the Facility Contact Person shall notify the DPS-SORU telephonically.

7. **Changes in Conviction.** The Correctional Counselor shall be aware that during the period of incarceration changes in judgement mittimus may occur; for example, a sentence modification may result in the need to purge the biological sample or it may change when the release to the community registration should occur. The Records Specialist shall notify the Correctional Counselor if there is a change in conviction. If a DNA sample collection needs to be purged, the Correctional Counselor shall notify the Facility Contact Person who shall notify the Central Office Health Services Unit Contact Person via the Purge Form. The Sex Offender Registration Checklist and the RT50 screen shall be updated once authorized by Central Office Health Services Unit Contact Person.

8. **Inmate Refusal of a Biological Sample Collection.** An inmate shall satisfy the conditions of the biological sample collection guidelines set forth in this policy prior to release from the custody of the Department of Correction. Should an inmate refuse DNA collection, the Correctional Hospital Nursing Supervisor or designee shall have the inmate sign the DNA Refusal Form and notify the Unit Administrator. The Health Services Unit shall forward the DNA Refusal Form to the Facility Contact Person. The DNA Refusal Form shall be placed in Section 3 of the master file. The Unit Administrator shall direct the Facility Contact Person to meet with the inmate to review the DNA collection procedure and ensure the inmate has correct information regarding the purpose of the biological sample collection and the requirements of the law. The Facility Contact Person shall advise the inmate that upon any further refusal, the Department of Correction shall make a request to the Office of the Attorney General to pursue a court order authorizing compulsory taking of a biological sample. The Facility Contact Person shall advise the inmate that subsequent refusals will result in the inmate being subject to arrest for a class D felony. A note of this meeting shall be entered on the Sex Offender Registration Checklist located in Section 3 of the master file. After this counseling session, if the

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inmate consents to the DNA collection, the Unit Administrator and Correctional Hospital Nursing Supervisor shall be notified and the inmate scheduled for a biological sample collection on the next regularly scheduled laboratory day. If the inmate continues to refuse, the Facility Contact Person shall contact the Director of Offender Classification and Population Management. The Office of the Attorney General shall be contacted for further direction.

9. **Registration of Sex Offender for Release to the Community.** A Records Specialist shall, during the 45-day end of sentence discharge review, notify the Facility Contact Person of the name of the inmate required to register. A Records Specialist shall also notify the Facility Contact Person if an inmate is being released to a discretionary release program.

A. **Criteria.** Any inmate who has been convicted of one or more of the following listed offenses and is being released into the community on the sentence imposed for that conviction or convictions. A sentence for violation of probation relates back to the original sex offense conviction.

1. Criminal Offense against a Minor or a Nonviolent Sexual Offense - refer to The Registration of Sexual Offenders Index.
2. Sexually Violent Offense - refer to The Registration of Sexual Offenders Index.
3. Any felony conviction that the court finds was committed for sexual purposes.
4. A violation of any of the offenses specified in The Registration of Sexual Offenders Index for which an inmate is criminally liable under section 53a-8, 53a-48 or 53a-49.
5. The court may exempt any person convicted of:
 1. 53a-71(a)(1). If the person was under the age of 19 years old at the date of the offense.
 2. 53a-73a(a)(2)
 3. 53a-189a(a)(2)

Inmates convicted under Youthful Offender Status 54-76b or 54-76d as either a stand-alone conviction or in combination with a registrable statute as listed on the Registration of Sexual Offenders Index will not be subject to DNA collection or sex offender registration unless specified with language from the court, detailed on the judgement mittimus.

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B. Criteria. Any inmate who was convicted of one of the following listed offenses and was released into the community on the sentence imposed for that conviction or convictions on or after October 1, 1998. A sentence for violation of probation relates back to the original sex offense conviction.

1. Criminal Offense against a Minor or a Nonviolent Sexual Offense-refer to The Registration of Sexual Offenders Index.
2. Sexually Violent Offense-refer to the Registration of Sexual Offenders Index.
3. Any felony conviction that the court finds was committed for sexual purposes.
4. A violation of any of the offenses specified in The Registration of Sexual Offenders Index for which an inmate is criminally liable under section 53a-8, 53a-48, or 5a-49.
5. The court may exempt any person convicted of:
 1. 53a-71 (a) (1) if the person was under nineteen years of age at the time of the offense.
 2. 53a-73a(a)(2).
 3. 53A-189a(a)(2)

Inmates convicted under Youthful offender statutes 54-76b or 54-76d as either a stand-alone conviction or attached to a registrable statute as listed on The Registration of Sexual Offenders Index will not be subject to DNA collection or sex offender registration unless specified with language from the court and detailed on the judgement mittimus.

C. Criteria. Any inmate who was convicted of a sexually violent offense and was released into the community on or after October 1, 1988. A sentence for violation of probation relates back to the original sex offense conviction.

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D. The Facility Contact Person shall ensure the following:

1. A separate logbook is maintained on all release to community registration actions.
2. The Sex Offender Registry-Registration Form and the Sex Offender Advisement of Registration Requirement Form are completed. Attached to these forms shall be a full set of current fingerprints and two current photographs that absolutely match the inmate. If the offender has previously registered, no new fingerprints are required.
3. The original Sex Offender Registry-Registration Form, the original Sex Offender Advisement of Registration Requirements Form, judgement mittimus that requires the inmate to register, a current set of fingerprints and two current photographs shall be sent to the DPS-SORU. The documents must be sent by certified mail not less than 10 and no more than 30 days prior to the inmate's scheduled release date.
4. A copy of the Sex Offender Advisement of Registration Requirement Form shall be given to the inmate.
5. A copy of the Sex Offender Registry-Registration Form, a copy of the Sex Offender Advisement of Registration Requirement Form, and the receipt for certified mail shall be placed in Section 3 of the master file. The receipt for certified mail shall be stapled to the Sex Offender Registry-Registration Form.
6. Place the Facility Contact Person's name and address on the return receipt (green card). The inmate's name and number shall be placed on the back of the return receipt bottom corner. When received, the certified mail return receipt shall be placed in Section 3 of the master file and stapled to the Sex Offender Registry-Registration Form. If the inmate is transferred during this process, the return receipt shall be forwarded to the Facility Contact Person where the inmate is incarcerated.
7. If the return receipt has not been received within ten business days, the Facility Contact Person shall contact the Department of Public Safety – Sex Offender Registry.
8. Update the Sex Offender Registration Checklist and the Sex Offender Registration LogBook.

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10. **Inmate Refusal of Sex Offender Release to Community Registration.** The Facility Contact Person shall determine if an inmate is being released to a discretionary release program or end of sentence.
If the inmate refuses to complete the Sex Offender Registration process when being released to a discretionary release program, the Facility Contact Person shall notify the Director of OCPM whom will contact the discretionary release authority to cancel the discretionary release.
If the inmate refuses to complete the Sex Offender Registration process when being discharged to end of sentence, the Facility Contact Person will meet with the offender and advise the offender of the ramifications of the refusal. If the offender continues to refuse, the Sex Offender Registry-Registration Refusal Form will be completed and forwarded with the Sex Offender Registry-Registration Form and the Sex Offender Advisement Form to the Director of OCPM. The Director of OCPM will subsequently notify and request an arrest affidavit from the Department of Public Safety. The Facility Contact Person shall place copies of those forms and the Sexual Offender Refusal Form in Section 3 of the master file and updates the Sex Offender Registration Checklist.

11. **Homelessness.** An inmate required to register as a sex offender without a current or intended address must a complete a DPS Statement of Homelessness form. A copy shall be placed in section 3 of the master file.

12. **Readmission.** Upon readmission, the Correctional Counselor shall review the discharge section of the master file for the previous Sex Offender Checklist and create a new Sex Offender Registration Checklist. The blue DNA Databank Submission Form shall remain in Section 4 of the master file. (A biological sample is only required to be taken once). The new Sex Offender Registration Checklist, a copy of the judgement mittimus and the previously signed DNA Advisement /Refusal Form will be placed in section 3. The Correctional Counselor shall make a copy of these documents and forward them to the Facility Contact Person. All previous forms, with the exception of the DNA Advisement/Refusal Form shall remain in the Discharge Section of the master file.

13. **Reports and Monitoring.** To provide assistance in implementing departmental policy concerning sex offender registration, the Department of Correction MIS Unit shall generate a report that lists each inmate in that facility who meets the criteria for sex offender registration and shall submit such report to the Facility Contact Person on a monthly basis. The MIS Unit shall also provide a report that lists each inmate in that facility who meets the criteria for sex offender registration and is within 120 days of release and shall submit such report to the Facility Contact Person on a monthly basis. The MIS Unit shall maintain copies of the reports sent to each facility. The Sex Offender Registration process shall be monitored periodically by staff of the Offender Classification & Population Management Unit, the Health Services Unit and the MIS Unit. Updates and facility personnel changes along with their telephone and fax numbers should be forwarded to the Director of OCPM for list updating.

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