

<p style="text-align: center;">POLICY OF STATE OF DELAWARE DEPARTMENT OF CORRECTION</p>	<p style="text-align: center;">POLICY NUMBER 3.7</p>	<p style="text-align: center;">PAGE NUMBER 1 of 3</p>
<p>CHAPTER: 3 PROGRAMS AND SERVICES</p>	<p>RELATED ACA STANDARDS: 2-C0-1F-07; 4-4102</p>	
<p>APPROVED BY THE COMMISSIONER AND EFFECTIVE THIS DATE:</p>		
<p>APPROVED FOR PUBLIC RELEASE</p>		

 6/29/15

I. AUTHORITY: 11 *Del. C.* §4120, §4121, §4122, §4336

II. PURPOSE: To establish a procedure for the registration of sex offenders.

III. APPLICABILITY: All Department of Correction (DOC) employees, volunteers, persons or organizations conducting business with the Department, as well as all offenders under the custody or supervision of the Bureau of Prisons and Bureau of Community Corrections.

IV. DEFINITIONS:

Sex Offender: A sex offender is defined as any person who is or has been convicted of any offense(s) specified in 11 *Delaware Code* §4120 and §4121.

Victim: The person, organization (neighborhood or homeowners' associations), partnership, business, corporation, agency or governmental entity identified as the victim of a crime in a police report, a criminal complaint or warrant, an indictment or information or other charging instrument. Victim includes a parent, guardian or custodian of a victim who is unable to meaningfully understand or participate in the legal process due to physical, psychological or mental impairment. Victim includes the following relations of a deceased victim if the relation is not the defendant, co-defendant, or conspirator: spouse, adult child or stepchild, parent or sibling.

DELJIS: Delaware Justice Information System, the organization that maintains the database of registered sex offenders.

Risk Assessment Tier: Following the sentencing of a person convicted or adjudicated delinquent for any offense described in paragraph (a)(4)e. of 11 *Del. C.* §4121 or following a finding by the sentencing court that the person has violated the terms of that person's own probation or parole as set forth in (a)(4)f of 11 *Del. C.* §4121, the sentencing court shall assign the defendant to the Risk Assessment Tier applicable for the originally charged offense. The Office of the Attorney General will make a Tier recommendation to the sentencing authority for any person sentenced prior to the implementation of 11 *Del. C.* §4121. The Risk Assessment Tiers indicate the following risk levels: 3 - High Risk, 2 - Moderate Risk and 1 - Low Risk.

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V. POLICY: Every eligible sex offender shall be registered by the Department of Correction prior to the sex offender's release from incarceration.

VI. PROCEDURES: Upon registration, the sex offender registration system shall provide electronic notice to the Attorney General's Office, the Chief Law Enforcement Officer of the jurisdiction which made the original arrest, the Chief Law Enforcement Officer where the offender intends to reside and to the Superintendent of the State Police, of the release from incarceration of any person convicted of any sexual offense as specified previously under the definition of a sex offender (Attachment 1).

Central Offender Records shall monitor all notices received from DELJIS to ensure that the Department is complying with the law, that all documents are completed within the required timeframes, and to provide assistance to Departmental employees involved in this process. All sex offender registration processes shall begin no more than 90 days, nor less than 45 days, prior to the offender's anticipated release date from a Level V or Level IV facility, discharge or parole. DELJIS will assist the DOC by sending electronic notices to the Central Offender Records Unit, alerting that the sex offender needs to be registered. The notices will begin at 120 days prior to the offender's anticipated release date. Central Offender Records will forward these notifications to designated liaisons at the facility where the respective offender is housed.

This registration process shall be required whenever the offender is released from a Level V facility to any Level IV facility, or the street, and again for Level IV offenders when the offender is released from the Level IV facility to the community.

Any sex offender who is required by law to re-register, who is serving a sentence under the jurisdiction of the DOC at Level II, Level III or Level IV at the time of such re-registration, may re-register with the agency supervising that sex offender's sentence within 3 business days of the change of address.

VII. PROCESS:

- A. All sex offenders are registered no more than 90 days, nor less than 45 days prior to their release date.
- B. The Sex Offender Address Verification Form (Attachment 2) will be completed at the facility upon receipt of the 90 day notification being received.
- C. Level V offenders that have a Level IV institutional sentence to follow their Level V sentence will be registered using the community residence information provided by the offender. No community verification will be completed at this time by Probation and Parole.
- D. Level V and Level IV institutional offenders, that have a period of supervision to follow their incarceration, will be registered using the community residence information provided by the offender. The community verification form will be completed and approved by Probation and Parole.

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- E. Level V or Level IV institutional offenders, with no supervision to follow their incarceration, will be registered using the community residence information provided by the offender. The residence does not need to be verified by Probation and Parole.
- F. When an offender is convicted of any crime requiring registration, and is released by the court to Level IV Home Confinement or to a period of probation at Level III or less, the court obtains the registration information.
- G. The assigned Probation and Parole Officer will ensure that all sex offenders under supervision have been registered.
- H. Once the registration has been completed, DELJIS will automatically send notification to DOC, the Attorney General's Office, the Superintendent of the State Police, the Law Enforcement agency having jurisdiction over the offender's intended address and the Law Enforcement agency that made the original arrest.

LISTING OF SEX OFFENDER CRITERIA OFFENSES

TITLE SECTION	CHARGE
DE110763	Sexual Harassment Upon Motion of the State
DE110765	Indecent Exposure 1st
DE110766	Incest
DE110767	Unlawful Sexual Contact 3rd
DE110768	Unlawful Sexual Contact 2nd
DE110769	Unlawful Sexual Contact 1st
DE110770	Rape 4th Degree
DE110771	Rape 3rd Degree
DE110772	Rape 2nd Degree
DE110773	Rape 1st Degree
DE110774	Sexual Extortion
DE110775	Bestiality
DE110776	Continuous Sexual Abuse of a Child
DE110777	Dangerous Crime Against a Child
DE110777A	Sex Offender Unlawful Sexual Conduct Against a Child
DE110778	Sexual Abuse of a Child by a person of trust, authority or supervision 1st
DE110778A	Sexual Abuse of a Child by a person of trust, authority or supervision 2nd
DE110780	Female Genital Mutilation
DE110783 (4) (6)	Kidnapping 2nd
DE110783A (4) (6)	Kidnapping 1st
DE110787 (b)(2)	Trafficking of Persons and Involuntary Servitude
DE111100	Dealing in Children
DE111108	Sexual Exploitation of a child
DE111109	Unlawful Deal in Child Pornography
DE111111	Possession of Child Pornography
DE111112	Sexual offender who resides or loiters School Zone
DE111112A	Sexual Solicitation of a Child
DE111335(a)(6)	Violation of Privacy Filming
DE111335(a)(7)	Violation of Privacy Filming
DE111352(2)	Prostitution 2nd Degree
DE111353(2)	Prostitution 1st Degree
DE111361(b)	Obscenity Victim under 18

DE110764 Indecent Exposure 2nd under 11 Del. C. § 4121(4)(g) – Any person convicted after June 27, 1994, of a violation of § 764 of this title if the person had previously been convicted of the same offense or any other offense set forth in this paragraph, and the previous conviction occurred within 5 years of the date of the conviction for the current offense.

Former DE 11 770-772 Unlawful Sexual Penetration in the third, second and first degrees were repealed 9/9/1998.

Former DE 11 773-775 Unlawful Sexual Intercourse in the third, second and first degrees were repealed 9/9/1998.

Attempts of any of the above offenses are valid as well.

SEX OFFENDER ADDRESS VERIFICATION

To: CENTRAL OFFENDER RECORDS - FAX (302) 857-5488

Date: _____

From: _____ Facility: _____

Fax: _____

INMATE: _____

SBI: _____

1. Have you contacted the host and verified you are welcome to stay at the residence? Yes No
2. If your victim was under the age of 16; you are not permitted to reside within 500 feet of a school. Is there a school located within 500 feet of your proposed residence? Yes No
3. If your victim was under the age of 18; you will not be permitted to live with children (including your own); unless approved by the probation officer or judge. Are there any children other than your own biological children living in the residence? Yes No
4. As a sex offender listed on the public website; you are not permitted to reside in Section 8 subsidized housing. Is your proposed residence subsidized housing? Yes No
5. You are not permitted to live with your victim. Does your victim live at the proposed residences? Yes No

Proposed Resident Addresses

Primary Host Name			Relationship to offender		
Address		City	State	Zip	Apt.#
Host Phone	Cell Phone		Work Phone		

Alternate Host			Relationship to offender		
Address		City	State	Zip	Apt.#
Host Phone	Cell Phone		Work Phone		

Alternate Host			Relationship to offender		
Address		City	State	Zip	Apt.#
Host Phone	Cell Phone		Work Phone		

Notes

I have read and answered the above questions. The information I provided is truthful to the best of my knowledge.

Offender signature

Date

