

MODULE 6

RELATED LEGAL ISSUES

Contents

- Part 1: Introduction
- Part 2: Community Supervision Screen
- Part 3: Failure to Notify Probation of Address Change of Sex Offenders on Probation
- Part 4: Registration of Sex Offenders
- Part 5: Community Notification of Sex Offenders
- Part 6: DNA Data Bank

Part 1: Introduction

Historically, the criminal justice system has managed sex offenders more or less as if they were the same as other offenders. But experiences reported by probation and parole officers nationwide indicate that sex offenders are, in fact, a specific group of offenders in need of special management practices.¹

As information about the nature of sexual offending begins to emerge, traditional methods of managing adult sex offenders in community settings are being replaced in many jurisdictions across the country. New and creative strategies that emphasize individualized case management are being initiated by probation and parole officers. The aim of this new approach is to improve the system-wide management of sex offenders in the community for the purpose of holding the offender consistently accountable for the damage caused by sexual abuse. The ultimate goal is to prevent further victimization.¹

Police officers can play a role in this management. This chapter addresses a variety of legal matters which can help police officers in the investigation of sexual assault cases and the prevention of future assaults. Community Supervision Screen (Part 2), Failure to Notify Probation of Address Change of Sex Offenders on Probation (Part 3), Registration of Sex Offenders (Part 4), and Community Notification of Sex Offenders (Part 5) can all be used by police officers to assist in the effective management of sex offenders. Registration of Sex Offenders (Part 4), and DNA Data Bank (Part 6) are tools that police officers can use in the investigation of sexual assault crimes.

¹English, Kim; Pullen, Suzanne; Jones, Linda; Krauth, Barbara (1996) *Managing Adult Sex Offenders on Probation and Parole: A Containment Approach*.

Part 2: Community Supervision Screen

Trainer's Notes

The Community Supervision Screen (FL17) was developed in conjunction with the State Police COLLECT System to assist the Office of Adult Probation (OAP) in supervising offenders on probation. The screen has two purposes:

- 1) as a means of notifying the police officer in the field of individuals who are on active probation and relevant information concerning those individuals; and
 - 2) to allow the police to communicate to the probation officer any information concerning a police sighting, stopping or arresting of that individual.
- The Community Supervision Screen was adapted using the same format as the Wanted Persons Screen (FL05).
 - Through the screen the police officer may enter an individual's name to determine if they are on probation, conditions of probation, other identifying information and special instructions, i.e. immediate notification to OAP.
 - If immediate action is not required, a free text message (FLAC) is automatically sent to OAP the next day via COLLECT.
 - The Community Supervision Screen will also provide information on individuals on parole and those on release to the Bail Commission.
 - See Appendix 9 for sample printouts of the screen and policies for its use.

Part 3: Failure to Notify Probation of Address Change of Sex Offenders on Probation

- CGS § 53a-32, legislation passed in 1996, allows the probation officer to notify any police officer when in the probation officer's judgement a sexual offender, as defined in CGS § 54-102s (see Appendix 2), has violated the conditions of his probation by failing to notify his probation officer of any change of residence address.
- A draft copy of the notification form to the police is included in Appendix 9. This form is presently under review by the Judicial Department's Legal Services.
- Such notice shall be sufficient warrant for the police officer to arrest the sexual offender and return him to the custody of the court or to any suitable detention facility designated by the court.

Part 4: Registration of Sex Offenders

Trainer's Notes

Connecticut recently enacted legislation (CGS § 54-102r and P.A. 97-183) which requires that certain sex offenders be registered with the local police in the community into which they move, upon being released on parole or probation. CGS § 54-102r and § 52-102s contain the procedures and requirements for registration of persons convicted of sex crimes with the chief of police in their town of residence and the obligations of such persons to report when their residence address has changed. This applies to the following:

- Persons to be released from the supervision of the Office of Adult Probation.
- Persons to be released from a correctional facility in the state by the Board of Parole or by the Department of Corrections.
- Persons to be conditionally released by the Psychiatric Security and Review Board pursuant to CGS § 17a-588.
- Persons to be released to probation, or from a correctional facility, from any other state or jurisdiction who establishes residence in this state within ten years after his probation or sentence termination date.
- Registration is to take place five days prior to such releases or not later than five days after establishing residency in this state.
- It should be noted that disclosure of information pursuant to CGS § 54-102r was previously prohibited unless deemed necessary by the Chief of Police (or resident state trooper) to protect a specific person. As of October 1, 1997, pursuant to P.A. 97-183, the prohibition on disclosure of registration information is eliminated and copies of offender's registration forms are available under freedom of information law.

Part 5: Community Notification of Sex Offenders

Connecticut is among many states which have passed a version of community notification of sex offenders, sometimes called "Megan's Law."

Connecticut General Statute § 54-102s allows probation and parole to disclose any information concerning the parolee or probationer to any person when such disclosure is deemed appropriate. As a result, the Office of Adult Probation has drafted a policy to notify the community concerning certain sex offenders. The policy will be included in this manual upon its completion.

Police departments may receive calls from concerned community members regarding sex offenders living, or suspected of living, in their community. For information about personal safety or how to speak to their children about safety, police officers can refer callers to the local sexual assault crisis service (see Module 4 for numbers). If community members have questions about a person who is on probation for a sex offense, police officers can call or refer the call to their local probation office.

Part 6: Connecticut DNA Data Bank

Trainer's Notes

- In 1994, the Connecticut legislature passed a convicted sex offender DNA data bank law (CGS § 54-102). This statute specified the Connecticut State Police Forensic Science Laboratory as the site for DNA analysis of blood samples taken from convicted sex offenders and storage of the DNA data bank profiles.
- DNA (deoxyribonucleic acid) is a molecule found in chromosomes within the nucleus of each cell in the human body which carries the body's genetic information of an individual. Except for identical twins, the DNA found in each individual is unique. There are many forensic uses of DNA analysis, including comparison of the results of DNA analyses to establish or negate a link between a suspect and biological evidence found at a crime scene.
- Material suitable for DNA analysis (e.g. body tissue or fluids) is left at approximately thirty percent of all crime scenes. In cases of sexual assault, the DNA of a suspect may be isolated when spermatozoa are identified in samples from the victim. However, DNA results alone cannot identify a suspect; the DNA data bank facilitates comparison of DNA evidence left at a crime scene or from victim's samples with possible suspects, if none are identified by traditional investigative methods.
- Since December, 1994, more than 1,500 blood samples have been collected from convicted sex offenders and submitted to the Forensic Science Laboratory. DNA scientists have extracted these blood samples and filed DNA profile information in the DNA data bank.
- In August, 1996, the Laboratory initiated a program to search all no-suspect sexual assault cases against the DNA data bank. Since that time there have been successful "hits" of the data bank; suspects were identified through comparison of the DNA profiles in the data bank with those profiles of DNA from unsolved rape cases. These comparisons formed the basis of probable cause necessary to obtain a search warrant requiring the suspect to provide a fresh sample to compare with the biological evidence.
- Requests to search the Connecticut DNA data bank must be made in writing to the director of the Forensic Science Laboratory, as outlined in the DNA data bank statute. Regulations for the collection, documentation, and analysis of data bank samples and search of the DNA data bank profiles have been adopted in accordance with CGS § 54-102j and are included in Appendix 9.
- The FBI has implemented the first phase of a national DNA data bank, the Combined DNA Index System ("CODIS"). The CODIS system will allow for the deposit of DNA profiles in a central location, which can then be searched by network member laboratories. In order to maintain the integrity of the system, specific standards for admission into the data bank have been established by the FBI. The Connecticut State Police Forensic Science Laboratory has met the FBI's CODIS criteria and, as a subscribing laboratory, will be able to search records generated by laboratories from around the country.