



OREGON YOUTH AUTHORITY
Policy Statement
Part II – Youth Services (Facilities)



Subject:

Sex Offender Registration and Reporting [Facilities]

Section – Policy Number:

F: Justice – 2.2

Supersedes:

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II-F-2.2 (03/07)
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10/14/2014

Related Standards and References:

- ORS [181.592 through 181.607](#) (Sex Offender Registration)
- [OYA policy](#): I-E-2.1 (Public Records Requests)
 I-E-2.3 (Requests for Offender Records, Reports, and Other Materials)
- Forms: Oregon State Police form #126 (rev. 5/2006 or later)
[YA 9506 - Brochure](#) (Sex Offender Registration & Relief from Registration)

Related Procedures:

- None

Policy Owner:

Treatment Services Director

Approved:

Colette S. Peters, Director

I. PURPOSE:

This policy provides guidelines for OYA staff regarding sex offender registration requirements in OYA facilities. Relief from sex offender registration is also addressed.

II. POLICY DEFINITIONS:

Address: The actual, physical location where an offender resides.

Attends: Enrollment on a full-time or part-time basis in an institution of higher education.

Enrollment: This includes on-line or distance learning classes as long as the youth offender is enrolled for credit in any institution of higher education, such as universities, colleges, community colleges, and vocational training programs.

Institution of higher education: A public or private educational institution that provides a program of post-secondary education.

Youth Offender: A person in the legal and physical custody of OYA, either in an OYA facility or placed in the community under supervision.

DOC Offender: A person in the legal custody of the Department of Corrections and the physical custody of OYA in an OYA facility.

Sex offender required to report: A person who:

- Has been convicted of a sex crime, as defined by ORS 181.594;
- Has been found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute a felony sex crime;
- Is paroled to or otherwise placed in this state after having been found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that would constitute a felony sex crime if committed in this state by an adult; or
- Has been found guilty except for insanity of a felony sex crime.

Sex crime: Includes the following offenses:

- Rape, sodomy, or unlawful sexual penetration in any degree;
- Sexual abuse in any degree (DOC offenders);
- Sexual abuse in the first or second degree (youth offenders);
- Incest;
- Using a child in a display of sexually explicit conduct;
- Encouraging child sexual abuse in any degree (DOC offenders);
- Encouraging child sexual abuse in the first or second degree (youth offenders);
- Online sexual corruption of a child in the first or second degree;
- Transporting child pornography into the state;
- Paying for viewing a child's sexually explicit conduct;
- Compelling or promoting prostitution;
- Kidnapping in the first degree;
- Contributing to the sexual delinquency of a minor;
- Sexual assault of an animal;
- Sexual misconduct if the offender is at least 18 years of age (for DOC offenders);
- Possession of materials depicting sexually explicit conduct of a child in the first degree;
- Kidnapping in the second degree if the victim was under 18 years of age, except by a parent or by a person found to be within the jurisdiction of the juvenile court;
- Burglary, when committed with intent to commit any of the offenses listed above;
- Any attempt to commit any of the offenses listed above;
- Public or private indecency if previously convicted of a sex crime (for DOC offenders).

Vocation: Training or volunteer work that takes place at an institution of higher education.

Work: Full-time or part-time employment either directly by the institution or by any contractor of work for the institution. This includes working concessions for sporting or special events, landscape maintenance, painting, construction etc.

NOTE: "Registration" is used as a general purpose term in this policy to describe the elements of sex offender registration and *reporting* requirements described in Oregon laws.

III. **POLICY:**

Oregon laws require sex offenders under supervision to report to their supervising agency so the agency may complete sex offender registration. This includes the initial registration process, the annual duty to report, and under specific circumstances when the offender has a duty to report (e.g. change of address, working at an institution of higher learning, leaving Oregon to reside in another state).

IV. **GENERAL STANDARDS:**

A. Documentation for Youth Offenders and DOC Offenders

1. When completing the sex offender registration process, staff will use the Oregon State Police (OSP) form #126 (revised 05/2006 or later).
2. Each time a change is noted and registration materials processed, staff will ensure that the youth offender or DOC offender signs the form and receives a copy. The front and back of OSP Form # 126 must be signed by the youth offender or DOC offender.
3. A current photograph of the youth offender or DOC offender must be submitted with the initial registration.

An updated photograph of a youth offender in a transition/camp facility must be submitted with the youth offender's annual registration.

4. If a youth offender does not have a SID number, staff will ensure that a fingerprint card is obtained and completed, including adjudication and disposition information. The fingerprint card must be attached to OSP form #126 when it is submitted.
5. Proof of registration must be maintained in the youth offender's or DOC offender's case file.

B. Registration Process for **Youth Offenders**

1. Staff will complete and distribute copies of the OSP form #126 as follows:

- a) Original first page with youth offender signature and current photograph to Central Office;

The form must be mailed to Central Office by the next work day.

Central Office staff will keep a copy of the form and submit the original to OSP. A registry will be kept to document the date the form was sent to OSP.

- b) Copy to the youth offender;
- c) Copy to the youth offender's case file; and
- d) Copy to the youth offender's juvenile parole/probation officer (JPPO).

2. Registration for **youth offenders** will be completed in the following circumstances:

- a) Within 10 days of a youth offender's address change

- (1) An address change includes a youth offender's initial intake and exit from a secure youth correctional facility (YCF).

Transition/camp facilities are not considered secure youth correctional facilities for registration purposes. Therefore, a new registration form must be completed when a youth offender moves to a transition or camp facility.

- (2) Youth offenders committed to YCFs or juvenile detention facilities for parole or probation violations must register if their term of confinement is greater than 10 days.

- b) Youth offender birthdays

- (1) Youth offenders in transition/camps must register annually, within 10 days of each birthday, regardless of the previous registration date.

A current photograph must be submitted with the annual registration form.

- (2) Youth offenders in YCFs **are not** required to register on an annual basis. However, youth offenders may still be required to complete registration for specific circumstances described in this policy [see c) and d) in this section].

- c) Youth offenders in YCFs or transition/camps who attend or carry on a vocation at an institution of higher education must register.
 - (1) Within 10 days of the first day the youth offender begins attending or engaging in a vocation at an institution of higher education, the youth offender must register.
 - (2) This requirement applies to youth offenders engaging in distance learning or web-based educational opportunities at institutions of higher education.
 - (3) Each facility will collaborate with the facility's school to establish a procedure to identify offenders attending or carrying on a vocation at an institution of higher education for the purpose of completing sex offender registration.
- d) Youth offenders who work at an institution of higher education.

Youth offenders who work at an institution of higher education, whether employed by the school or company that provides a service for the school, must register within 10 days after completing 14 days of employment within a 12-month period.

C. Registration Process for **DOC Offenders**

1. Staff will complete and distribute copies of OSP form #126 as follows:
 - a) Original first page with offender signature and current photograph to the OSP Sex Offender Registration Unit (address provided on form);
 - b) Copy to the DOC offender; and
 - c) Copy to the DOC offender's case file.
2. Registration for DOC offenders will be completed in the following circumstances:
 - a) DOC offender address change;
 - (1) When a DOC offender is transferred from an OYA facility to a DOC facility, registration must occur 10 days prior to the transfer.

- (2) When DOC offenders leave OYA custody for community residence, staff will notify the offender that he/she is required to report within 10 days of release to the supervising agency, if under supervision; or to OSP, if being discharged.
- b) DOC offenders who attend or carry on a vocation (i.e. training, volunteer work) at an institution of higher education;
- (1) DOC offenders in YCFs or transition/camps who attend or carry on a vocation at an institution of higher education must register.
 - (2) Within 10 days of the first day the DOC offender begins attending or engaging in a vocation at an institution of higher education, the offender must register.
 - (3) This requirement applies to offenders engaging in distance learning or web-based educational opportunities at institutions of higher education.
 - (4) Each facility will collaborate with the facility's school to establish a procedure to identify offenders attending or carrying on a vocation at an institution of higher education for the purpose of completing sex offender registration.
- c) DOC offenders who work at an institution of higher education, whether employed by the school or a company that provides a service for the school, must register within 10 days after completing 14 days of employment within a 12-month period.

D. Relief from registration

1. Staff will provide information available to assist youth offenders and DOC offenders in understanding the process by which they may petition the court for relief from registration pursuant to OYA policy and Oregon laws.
2. Staff will refer offenders to YA 9506 (Sex Offender Registration & Relief from Registration brochure) for specific information regarding relief from registration.
3. Youth Offenders
 - a) A youth offender who has been found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute a class C

felony sex crime may apply for relief from registration no sooner than 30 days **before** termination of jurisdiction.

b) A youth offender who has been found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute a class A or B felony sex crime may apply for relief from registration no sooner than two years **after** termination of jurisdiction.

4. OYA will cooperate with attorneys, concerned agencies, and the court to carry out the agency's duties and roles in the relief from registration process. This includes providing necessary information, records, and documentation to the parties and the court in relief from registration matters.

5. OYA staff must avoid providing opinions, drawing conclusions from the information provided, or making recommendations whether an offender has met the relief from registration requirements or if the offender should be granted relief from registration.

E. Requests for youth offender and DOC offender information

1. Staff must comply with public information policy and local protocols when responding to public information requests (see OYA policy I-E-2.3).

2. Staff must refer other requests for sex offender information to Treatment Services, Central Office.

V. LOCAL OPERATING PROTOCOL REQUIRED: NO