

School Security

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Indiana School Safety Academy
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Sex and Violent Offender Registry

- Based upon Indiana Code and Case Law
- Has undergone revisions and is always being updated
- Classification can be complex and may be influenced by the elements of the crime, the date of conviction, the place of conviction including the state and the relationship between the offender and the victim, including the offender's employment and duties held in relation to the victim and must be determined for each case.
- When considering policy regarding sex offenders always consult your local Sheriff's Office and your Legal Counsel.

Why the need for a policy?

WE HAVE 28 SCHOOLS AND ABOUT 15,000 STUDENTS. THAT EQUATES TO OVER 30,000 ADULTS WHO HAVE A STAKE IN OUR SCHOOLS.

SOME OF THEM ARE REGISTERED SEX OFFENDERS.

Can he be here? What should I do?? Can he be at bus stop?? He's at the Fall Festival.....should I ask him to leave??? Shouldn't there be a STATE LAW??

Sex offender at a school event.

A REAL EVENT FROM 2010

A call from a principal at a school play. She had many parents upset that another parent present was supposedly a sex offender. We had accessed the sex offender's record and photo to determine if he was on the registry. He was but there was really nothing we could do since he had no limits in being on school grounds according to his parole.

<http://www.nsopr.gov/>

Grampa Earl wants to have lunch with Johnny at school.

Status: REGISTRATION PERIOD HAS ENDED

Registration Type: Sex Offender

Offender Type: 10-YEAR NOTIFICATION



09/10/1996

09/10/2006

Age: 78 Sex: Male Race: White Complexion: Medium Height: 5' 08" Weight: 200 lb Eye Color: Blue Hair: Gray or Partially Gray Build: Obese Child exploitation served 1 yr. 6 mos.

Some questions to ponder.

1. Do you know how many sex offenders live in your county?
2. Do you know who takes care of registration of sex offenders in your county Sheriff's office?
3. Do you have a policy restricting sex offenders on your school campus?
4. How will the new state law affect your present policy??
5. Are your local law enforcement officers and SRO's aware of the new laws?

**Residency Restrictions
Sexually Violent Predators (SVP)
and Offenders against Children
(OAC)**



child molest under age 14, child exploitation, child solicitation, child seduction, kidnapping (less than 18) *Cannot Live Within 1000' of school property A Felony IC35-38-1-7.5 IC 35-42-4-11*

Offenders Against Children (OAC) and Sexually Violent Predators (SVP)

CANNOT WORK OR VOLUNTEER ON SCHOOL PROPERTY.

A FELONY

IC 35-42



SEX OFFENDER OR VIOLENT OFFENDER

- Rape Incest Sexual Battery
- Criminal Confinement Sexual Trafficking
- Child Molest Human Trafficking
- Criminal Deviate Conduct
- Vicarious Sexual Gratification
- Murder and Voluntary Manslaughter (Violent Offenders)

Must inform local law enforcement of any change in registry information within 72 hours. Must inform local law enforcement in county that he/she works in or goes to school in or visits for an extended period or in which property is owned.



WHO IS REQUIRED TO REGISTER??

- RAPE
- CHILD MOLEST
- INCEST
- CRIMINAL DEVIATE CONDUCT
- CHILD PORNOGRAPHY
- CRIMINAL CONFINEMENT
- SEXUAL TRAFFICKING
- MURDER
- CHILD EXPLOITATION
- SEXUAL BATTERY
- MORE!!!

LENGTH OF REGISTRATION

<p>LIFE TIME</p> <p>SEXUALLY VIOLENT PREDATOR VICTIM UNDER AGE 12 BODILY INJURY DEATH ETC.</p> <p>Must update the registration 4 times per year. More restrictions</p> <p>Date of Conviction, Prior Registration, Age of the Victim, Crime and Other Elements Effect the Length of Registration</p>	<p>TEN YEAR REGISTER</p> <p>BEGINS: (1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction; (2) is placed in a community transition program; (3) is placed in a community corrections program; (4) is placed on parole; or (5) is placed on probation; for the sex or violent offense requiring registration, whichever occurs last. Must update 1 time per year.</p>
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OFFENDER AGAINST CHILDREN

SEXUALLY VIOLENT PREDATOR

MOLESTING, EXPLOITATION, SOLICITATION, SEDUCTION, KIDNAPPING, CONSPIRACY TO COMMIT AN OFFENSE OF ANY ABOVE.

STATISTICS

- 33% of sexual assaults occur when the victim is between the ages of 12 and 17.⁸
- 82% of all juvenile victims are female.⁹
- Teens 16 to 19 years of age were 3 1/2 times more likely than the general population to be victims of rape, attempted rape, or sexual assault.¹⁰



- Approximately 1 in 7 (13%) youth Internet users received unwanted sexual solicitations.¹³

Residency Requirement

IC 35-42-4-11

To spend more than three nights in a residence or in a particular location in any 30 day period.

Resides within 1000 ft. of a school, youth center or public park.

Resides within one mile of the victim.

Level 6 Felony

Applies to sexually violent predators or "offender against children"

- Child molesting, exploitation, solicitation, seduction, kidnapping.....

•NOT ALL SEX OFFENDERS FALL UNDER THIS RESIDENCY REQUIREMENT.

- FAILURE TO REGISTER IS LEVEL 6 FELONY

NOT UNDER RESIDENCY??

- Sexual Misconduct with a minor may not fall under the residency requirement.
- Individual may still have restrictions due to parole, probation or other court control.
- Date of crime and age of offender and victim may impact the residency requirement.....

New Law for Schools
I.C. 35-42-4-14

Is now a criminal offense to be on school property.
Does not apply to all sex offenders.
Is a level 6 felony as opposed to "criminal trespass"
Applies to "Serious Sex Offenders", NO JOXE
Brought about by voting in schools

SERIOUS SEX OFFENDER
STATUS

Serious Sex Offender is an offender deemed to be a sexually violent predator or found guilty of: Child molesting, Child exploitation, possession of child pornography, vicarious sexual gratification, performing sexual conduct in the presence of a minor, child solicitation, child seduction, sexual misconduct with a minor, conspiracy or an attempt to commit an offense (molest and exploitation), an offense in another jurisdiction that is substantially similar to an offense described above.

GRANDPARENT DAYS. EMERGENCY CONTACT CARD
GRANDPARENTS DOB EXEMPTION TO A S
MEDICAL RECORDS FOR A LEGITIMATE EDUCATION
FOOTBALL GAME FOR INTEREST AT ATHLETE SON?
TRANSPORTATION FOR HIS/HER CHILD?
LUNCH WITH DAUGHTER
FATHER-SON BREAKFAST
FATHER-DAUGHTER DANCES CASE CONFERENCE

OMISSIONS FROM THE LAW

Sexual Battery
 Sex Trafficking
 Promoting Prostitution
 Incest
 Sex Offender Internet Offense
 Sex Offender Registry Offense
 Criminal Confinement

ALL MUST BE CONVICTIONS. CASES WHERE AN OFFENDER IS ARRESTED FOR MOLESTATION BUT THEN CONVICTED OF SEX BATTERY MAY NOT MAKE THE INDIVIDUAL A "SERIOUS SEXUAL OFFENDER"

Vigo Schools Policy

The Board of School Trustees declares that no registered sex offender may come on the property of the Vigo County School Corporation school except as otherwise provided in this policy and as required by State and Federal law. If an administrator becomes aware that a sex offender is on school property, the administrator/designee shall direct the sex offender to leave the area immediately, except under limited circumstances as directed below. A registered sex offender may not attend school functions that are held on school property. The Board of School Trustees authorizes a VCSC administrator to request the assistance of the appropriate law enforcement authorities to secure the removal of any registered sex offender from the school property. Violations of this policy may subject a person to prosecution of the crime of criminal trespass. In addition, a person who is a "serious sex offender" as defined in IC 35-42-4-14 may be arrested and prosecuted for a Level 6 felony for unlawful entry.

Limited circumstances may occur when a registered sex offender has either a right or a legitimate educational need to come upon school property, in such a case, prior to entering school property, the registered sex offender must contact the Director of Student Services to establish a written Individual Access and Child Protection Plan ("IACPP"). An IACPP will be established by discussion with the Director of Student Services or his/her designee and the administrator of the school property in question. The plan and approval will be in writing with signatures of the involved parties. Only after there is an approved written IACPP may the registered sex offender who is not a "serious sex offender" enter school property.

Limited Circumstances: not available to a "serious sex offender".

EXEMPTION ONLY AVAILABLE TO OFFENDER NOT ON SERIOUS SEX OFFENDER STATUS
 VIGO COUNTY SCHOOL CORPORATION
 Individual Access Child Protection Plan

Your name _____ date of this request _____
 Date of Birth _____ Phone # _____
 Address _____ name of school/teacher _____
 Have you lived in any other state? _____ name the state(s) and dates: _____
 My request is for (description of event) _____

Date of event _____ place of event _____
 time of event _____
 name of child (ren) with whom you are involved? _____ your relationship? _____

A signature area denotes that the offender gives his/her permission for VCSC administration to access his/her court records to decide on this request.



THE BOOK OF JAMES

Det. First Sgt. Frank Shahadey will discuss a case that continues to take shape in Vigo County. The offender had several step children in our schools. He requested an exemption to attend events.

COVERED BY THE LAW??

- RL was convicted in the military and has an Illinois equivalent of Disseminating Harmful Materials to a Minor (not an offense requiring registration in Indiana). He said the incident involved the victim claiming he sent a picture of his "junk" to her. Victim was 14. He is required to register as he was required to in the jurisdiction he was in before coming to Indiana. He is on the registry so he is subject so he is subject to the VCSC Policy but is not a Serious Sex Offender. If not for the policy VCSC could not restrict his access.

ANOTHER COMPLEX ISSUE

- Sex Offender committed the offenses that placed him on the registry in 1988. The registry didn't exist until 1994 and he was placed on the registry upon release from prison on an unrelated offense. He petitioned his local court for relief from the registry arguing registration was *ex post facto* punishment as it was not a possible sanction when he committed his crimes. He was successful in that argument and was removed. He is not on the registry now. He still has a sex crime conviction but cannot be required to register based upon it. VCSC policy restricts only those who are on the registry. Will the new State law restrict this offender? No, the definition includes that the person is required to register as a sex offender under IC 11-8-8.
- Cases are currently being heard that will impact aspects of the registry – Stay Tuned.

Sex Offenders near YOU!

Contact your local sheriff and ask who works with the sex offender registry. Get to know your local parole officer in charge of sex offenders.

Go to websites to locate sex offenders:

www.nsopr.gov , <http://sheriffalerts.com>
www.icrimewatch.net/indiana, www.indianasheriffs.org (Note: Some sites may contain historical data that is no longer accurate)

Google Sex Offender Registry or Sex Offender Registry Indiana Register for Email Alerts!!

Notify schools in your district to search for and make a list of those offenders living in their school district.

Thank you for listening. Contact me if you have questions or need help in developing your own policy:

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Vigo County School Corporation
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Special Thanks to Charles Rubright of Bose, McKinney and Evans for helping to craft this policy.

REGISTERED SEX OFFENDERS

Recognizing that the safety and welfare of students is of paramount importance, the Vigo County School Board of School Trustees hereby declares that, except in limited circumstances as defined below, the Vigo County School Corporation ("**VCSC**") will not permit registered sex offenders to be on school VCSC property.

This policy shall apply only when principals or designees are aware that the person in question is on or has been on the Sex Offender Registry.

The provisions of this policy prohibiting a registered sex offender from coming on school property shall not apply in the event that a sex offender's name has been expunged from the Registry.

SCHOOLS OFF LIMITS

The Board of School Trustees prohibits a registered sex offender on the property of the Vigo County School Corporation School except as otherwise provided in this policy and as required by State and Federal law. If an administrator becomes aware that a sex offender is on school property, the administrator or designee shall direct the sex offender to leave the property immediately, except under limited circumstances as set out in this policy. A registered sex offender may not attend school functions that are held on school property. The Board of School Trustees authorizes a VCSC administrator to request the assistance of the appropriate law enforcement authorities to secure the removal of any registered sex offender from the school property. Violations of this policy may subject a person to prosecution of the crime of criminal trespass or of unlawful entry by a serious sex offender.

A student who is on the sex offender registry may be assigned alternative education, as deemed appropriate by school officials and consistent with State and Federal laws.

Limited Circumstances:

Limited circumstances may occur when a registered sex offender has either a right or a legitimate educational need to come upon school property. In such a case, prior to entering school property, the registered sex offender must contact the Director of Student Services to establish a written Individual Access and Child Protection Plan ("IACPP"). An IACPP will be established by discussion with the Director of Student Services or his/her designee and the administrator of the school property in question. The plan and approval will be in writing with signatures of the involved parties. Only after there is an approved written IACPP may the registered sex offender who is not a "serious sex offender" enter school property and may only do so within the provisions of the IACPP. In the case of an emergency situation involving the welfare of a child, a person

who is on the sex offender registry, and who is not a “serious sex offender”, may be invited to school for that particular purpose under monitoring established for that event by the administrator of the school site and with contact with the Student Services Director or designee.

Definitions:

Registered Sex Offender: as used in this policy, is one whose name appears on the State or National Database for sex offenders. It also includes those who have previously been on the public registry and whose offense has NOT been expunged by a court of law.

Serious Sex Offender: is a registered sex offender and found to be a sexually violent predator or guilty of: child molesting), child exploitation, possession of child pornography, vicarious sexual gratification, performing sexual conduct in the presence of a minor, child solicitation, child seduction, sexual misconduct with a minor, conspiracy or an attempt to commit an offense (molest and exploitation), an offense in another jurisdiction that is substantially similar to an offense described above.

School Property: all property owned or rented by the Vigo County School Corporation where instruction takes place or student performances *or activities* are held. Meetings held under the “open door” law are exempted from this policy. However, the offender must inform the administrator of his/her presence upon entry so as to allow for additional supervision. *Extra-curricular events* are considered being held on school property when the VCSC or any school of the VCSC has a rental agreement with the owner of such property.

School Functions: all performances and events where students are present and applies when such function is held on property owned by VCSC or property rented by VCSC.

Administrator: a V.C.S.C. employee assigned to an administrative function for the School Corporation.

First Reading:

Second Reading:

Third Reading:

ORIGINAL ADOPTION DATE: MARCH 24, 2009

LEGAL REFERENCE: IC 35-42-4-14

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LEGAL REFERENCE: IC 35-42-4-14, “Duty to Protect”