

## **Appendix H: OPU Sex Offender Registry Unit**

In order to inform sex offenders and other members of the public of its sex offender registration requirements, CSOSA has adopted regulations that exercise and implement the powers and authorities of the Agency under existing Federal and District of Columbia laws. The procedures that follow pertain to the management of the Sex Offender Registry.

Sex offender registration and community notification can promote public safety by facilitating effective law enforcement, enabling members of the public to take direct measures of a lawful nature for the protection of themselves and their families and by reducing the opportunities for registered sex offenders to re-offend. In accordance with the Sex Offender Registry Act of 1999 (SORA), CSOSA is responsible for maintaining and operating the Sex Offender Registry for the District of Columbia. The Registry is located within the CSS Offender Processing Unit (OPU).

These responsibilities also include the calculation of a sex offender's required registration period and any adjustments to that period resulting from registration in another jurisdiction, detention, incarceration, civil commitment or violation of registration requirements which suspend the registration period. CSOSA is also responsible for establishing, updating and maintaining a working electronic data link with the Federal Bureau of Investigation's National Sex Offender Registry and for conveying all pertinent information to the Metropolitan Police Department (MPD). The Sex Offender Registration Unit (SORU) is a special administrative component of the Offender Processing Unit that is responsible for registering offenders convicted of a "registration offense" as that term is defined in the SORA. A sex offender need not be under active CSOSA supervision in order to be required to register under the SORA. The SORU is also responsible for maintaining and updating the information in the Registry. The Sex Offender Supervision Team (SOST) is responsible for the overall supervision of those sex offenders residing in the District of Columbia who are on probation, parole or supervised release. The SOST is also responsible for the monitoring of behavioral compliance with the requirements of the SORA by offenders still under active supervision.

### **Authorities:**

**Statutory Authority:** D.C. Official Code §§ 22-4001 *et seq.* (2001 Edition); 111 Stat. 748, Pub. L. 105-33 § 11233, D.C. Official Code § 24-133(c) (2001 Edition).

### **Regulatory Authority:**

28 C.F.R. Part 811 that incorporates by reference Chapter 4 of Title 6A, District of Columbia Municipal Regulations, Chapter (47 D.C. Reg. 10042 *et seq.*, December 22, 2000); 24 C.F.R. § 5.905 and 24 C.F.R. § 882.518(a)(2) (HUD regulations regarding sex offender eligibility for public housing)

## **1. General Procedures for the Sex Offender Registration Unit (SORU):**

CSOSA is responsible for maintaining the Sex Offender Registry for the District of Columbia. The Agency components with specific responsibilities for this function include the Sex Offender Registration Unit (SORU), Sex Offender Unit (SOU), Community Supervision Officers (CSO) and Supervisory Community Supervision Officers (SCSO).

In response to several widely publicized cases involving children who were tragically victimized by sex offenders, Congress enacted Title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322). That law, also known as the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Wetterling Act), made certain Federal grant funds contingent on the creation by the states of sex offender registration systems. By providing a Federal grant as an incentive, the Wetterling Act encouraged states, the District of Columbia and U.S. territories to establish systems requiring those convicted of certain sex offenses to register their addresses with the authorities upon their return to the community.

Congress subsequently determined that additional protections were required and in 1996 the Wetterling Act was amended with provisions referred to as “Megan’s Law”. Megan’s Law required that state law enforcement agencies release information from sex offender registries that was deemed “necessary to protect the public”. A further amendment in 2000 addressed additional registration and notification requirements relative to enrollment at or employment by institutions of higher education. As a result of these congressional actions, a majority of the states and territories and the District of Columbia have enacted some form of sex offender registration and community notification into law.

In 1997, the District of Columbia enacted the Sex Offender Registration Act of 1996. Due to changed circumstances and implementation difficulties, on July 11, 2000, the District repealed that law and enacted the Sex Offender Registration Act of 1999 (SORA). The new legislation authorized CSOSA to operate the Sex Offender Registry (Registry) and mandated that the Metropolitan Police Department (MPD) perform the community notification function.

### **a. Initial Registration Process:**

i. The SORU shall obtain the necessary preliminary documents that help identify those offenders who must register and the duration of their registration requirement including: the Pre-Sentence Investigation Report (PSI), the Judgment and Commitment Order (J&C) from the sentencing Court and the police report from the releasing authority or correctional institution. The SORU shall screen for offenders with any non-D.C. Code convictions that involve children, pornography or sexual conduct and forward those cases to the Office of the General Counsel (OGC) for a determination of whether the offender’s non-D.C. conviction is

substantially similar to a D.C. registration offense and the appropriate classification (A, B, or C) of an offender, using the forms available from the OGC. The SORU shall create a back-up, hard copy file folder to maintain copies of the relevant external and CSOSA documents including the PSI, police report and J&C Order.

**ii.** When an offender reports to the SORU, staff shall either create a new file folder or retrieve the offender's existing file and enter into the Registry the required offender information (obtained from the file folder and the offender) including, but not limited to, the following: offender name, date of birth, existing Police Department Identification (PDID) number; District of Columbia Department of Corrections (DCDC) number, Social Security Number, Federal Bureau of Investigation and driver's license numbers, any distinguishing physical features, type of offense, criminal case number, sentencing jurisdiction and release and sentencing dates, vehicle description and tag number.

**iii.** As part of the initial registration, the SORU staff shall fingerprint and photograph the registered offender. The SORU shall provide the offender with a copy of the Sex Offender Registration Form, printed from the Registry, to verify the accuracy of the recorded information.

**iv.** The SORU staff shall review and explain the judicial review procedures to the offender and the legal responsibilities of a sex offender who lives, resides, works or attends school in the District of Columbia (including the requirement to provide: 1) notice of each institution of higher education in the District of Columbia at which the person expects to be or is employed, carries on a vocation or is a student and 2) notice of each change in enrollment or employment status).

The SORU staff shall also provide the offender with a copy of the SORA and all policies and procedures related to the law, including the D.C. and CSOSA sex offender registration regulations. The offender shall be required to sign the Sex Offender Registration Form, thereby acknowledging receipt of the form and copies of the SORA and the D.C. and CSOSA sex offender regulations.

**v.** The SORU shall require an offender who was previously registered with SORU and subsequently incarcerated to re-register.

**vi.** In cases requiring registration in two or more jurisdictions, the SORU staff shall complete and forward the Sex Offender Employment/School Notification Form to the appropriate counterpart in the jurisdiction where the offender works and/or attends school by close of business on the day notification was received.

**vii.** If a sex offender is incapacitated due to physical or mental illness or physical disability (as determined by the SCSO) and therefore is unable to report in person to the SORU for initial registration, the SORU staff shall make arrangements with the primary caregiver to complete the registration process at the offender's residence or place of hospitalization.

**b. Registry Information Verification Process**

**i.** Sex offenders are required by the SORA to verify their personal information in the Registry at specified intervals. Class A offenders are required to verify their information every ninety (90) days for a lifetime. Class B and Class C offenders are required to verify and update their information annually for ten (10) years or for the duration of the parole, probation or supervised release term (whichever is the longer of the two). Class A, B and C offenders are required to provide the SORU with updated information within seventy-two (72) hours of any circumstantial/information change.

**ii.** For sex offenders not required to register for life, the SORU shall make required adjustments to the sex offender's registration period, as appropriate: (1) credits to or suspensions of the registration period are warranted by registration in another jurisdiction, (2) suspension of the registration period when the offender is in a state of detention, incarceration, or civil commitment, (3) suspension of the registration period when the offender has violated the SORA by failing to comply with verification requirements. (See D.C. Official Code § 22-4002 and CSOSA/SORA regulations at 28 C.F.R. § 811.6(b)).

**iii.** The SORU shall be prompted via the Registry database with a message indicating that an offender's file is due for updating and verification. The SORU shall send a verification letter to the offender by mail at least fourteen (14) calendar days prior to the verification deadline.

**iv.** The letter shall instruct the offender to complete the information and provide a left and right thumb print where indicated and mail the form back to the SORU within fourteen (14) calendar days, unless required by the SORU to report in person.

**v.** Should the offender fail to provide the required verification information within the noted time frame, the SORU shall forward the SORA violation notice to MPD. Should an offender under supervision provide false and/or misleading information to the SORU, the SORU shall document the false and/or misleading information, produce an Investigation Request of Alleged Violation Form and submit the form, with attached evidence to MPD with a copy sent to the CSO.

- vi.** Should an offender not under supervision provide false and/or misleading information to the SORU, the SORU staff shall document the false and/or misleading information, produce an Investigation Request of Alleged Violation Form and submit the form, with attached evidence, to MPD. The SORU supervisor shall enter a warning message in the Registry file of offenders known to have provided false and/or misleading information.
- vii.** Offenders shall be required to report in person if any of the following circumstances occur: failure to timely respond with verified information, failure to complete the verification form accurately, completely or truthfully, or other failure to follow instructions for mail-in verification. The verification letter shall also instruct the offender that verification of information may be done in person at the SORU within the time frame noted in the letter. When the offender arrives to complete the verification process, the SORU staff shall require the offender to undergo printing of the left and right thumbs.
- viii.** The SORU shall take any necessary action in response to notification from the SOU of newly released or transferred sex offenders or changes in any sex offender's appearance and/or circumstances, in accordance with information that follows in this Manual section.
- ix.** Verified and updated offender information shall be entered into the Registry upon receipt of a mailed verification letter or by close of business on the day verification in person was completed.

**c. Sex Offender Relocation Process**

- i.** When an offender notifies the SORU that s/he has received approval to relocate to another jurisdiction, the SORU shall require the offender to complete, sign and date a verification of information form no later than three (3) business days prior to the date of the actual relocation.
- ii.** The SORU shall instruct the offender that s/he is required to register as a sex offender with the proper authorities in the relocation jurisdiction.
- iii.** The SORU shall update the offender information in the Registry, indicating the relocation address and jurisdiction and the inactive status of the registration by close of business on the day notification was received. The signed verification form shall be placed in the appropriate inactive file cabinet. MPD shall be notified of the offender's inactive status.
- iv.** The SORU shall complete and forward the Sex Offender Relocation Form to the appropriate law enforcement counterpart in the designated relocation jurisdiction by close of business on the day notification was received.

**d. Judicial Review and Registry Maintenance**

**i.** In instances where the offender has given immediate notice of intent to seek review of the CSOSA determination of the offender's classification for purposes of registration or notification, the SORU shall ensure that initial registration information is entered into the Registry as pending. If the Superior Court of the District of Columbia (Court) rules in favor of the offender or CSOSA concedes that the offender's claim has merit prior to a judicial determination, the SORU shall purge the registration information from the Registry. If the offender gives immediate notice of intent to seek review but fails to file a motion in the Court within thirty calendar days from the date on which the offender was informed of the CSOSA determination, the SORU shall proceed with finalizing the registration information into the Registry.

**ii.** In instances where the offender has not given immediate notice of intent to seek review of the CSOSA determination of the offender's classification for purposes of registration or notification, but has instead sought review for good cause by filing a motion in the Court within three (3) years of the date on which the offender was informed of the aforementioned determination, the SORU shall ensure that registration information is purged from the Registry if the Court rules in favor of the offender or CSOSA concedes that the offender's claim has merit prior to a judicial determination.

**e. Sex Offender Supervision Team (SOST) Responsibilities**

**i.** At the time of the offender's initial office visit at the SOU, the CSO shall explain the conditions of supervision, to include sex offender registration, if applicable, and the obligation to comply with the law.

**ii.** If the SORU does not indicate that an offender has registered, the CSO shall verify through the SORU whether the offender has such a requirement. Once it is determined that an offender is required, but has failed to register, the CSO shall then instruct the offender to do so no later than the next business day and instruct the offender to provide the CSO with verification that same day of registering.

**iii.** The SORU shall notify the CSO if an offender has failed to maintain compliance with registry requirements. The CSO shall then instruct the offender to update the information at the SORU no later than the next business day and the offender will provide the CSO with verification of the update that same day.

iv. The CSO has the authority to sanction an offender for non-compliance with the SORA in accordance with the CSOSA graduated sanctions continuum. Non-compliance shall include, but not be limited to, the following circumstances:

- ❑ Failure to respond to a verification letter sent to him/her by the SORU within the stated timeframe;
- ❑ Failure to follow CSO instructions to report changes in address, school, employment, vehicle or physical appearance to the SORU;
- ❑ Failure to follow the CSO instructions to register as a sex offender in another jurisdiction where such is required;
- ❑ Intentionally providing false or misleading information to the SORU.
- ❑ The CSO shall work in coordination with the SORU to verify quarterly that the information in the Registry is accurate for all offenders on his/her caseload.
- ❑ The CSO shall remind the offenders of their responsibility to report any significant changes in home address, school, employment, vehicle or physical appearance to the SORU within 72 hours of the significant change, as instructed by the CSO in the initial office visit at the SOU.
- ❑ The CSO shall also notify the SORU, via email, of all significant changes in physical appearance, relocations, issued warrants, revocations, incarcerations, terminations and any instructions given to the offender on the same day that the information is received or becomes known.
- ❑ The CSO shall respond to requests from the SORU and/or MPD for clarification or updates of offender Registry information within one business day of the receipt of the initial request. The CSO shall forward to MPD all phone calls, faxes and letters from employers, citizens or criminal justice agencies requesting information pertaining to a registered sex offender.
- ❑ The CSO shall refer all requests from public housing authorities concerning sex offender eligibility for public housing (specifically whether a sex offender has a lifetime registration requirement) to the SORU.

**f. Interstate Compact Unit**

i. D.C. Code offenders under the supervision of the Interstate Compact Unit (ICU) who have been convicted of one or more D.C. Code registration offenses and live, reside, work and/or attend school outside of the District of Columbia shall be instructed to register as sex offenders in their jurisdiction of residence.

ii. Offenders under the supervision of the ICU who have been convicted of one or more offenses substantially similar to the D.C. registration offenses and live, reside, work and/or attend school in the District of Columbia shall be instructed by the ICU CSO to report to the SORU within three (3) business days of initial contact with the Interstate investigative CSO. The assigned CSO shall notify the SORU of any offender who they require to report to that unit. The offender must complete the registration process prior to the acceptance of the supervision transfer to the District of Columbia.

iii. The ICU investigation team (team) shall forward the following vital information to the SORU on all registration qualified sex offenders under the team's authority, if available: PSI, J&C Order, police report, parole order, current address and place of employment and/or school and vehicle information.

**g. Freedom of Information Act/Privacy Act**

Sex offender registration information is maintained in the Registry for possible release and dissemination by MPD. Staff shall refer inquiries concerning CSOSA policies, procedures or questions regarding routine uses of the Registry to the CSOSA FOIA Office.

**h. Notification**

MPD is responsible for making all notifications, including notification to law enforcement agencies having jurisdiction at institutions of higher education at which the offender may be employed, carries on a vocation or is a student. The SORU is responsible for providing sex offender registration information to public housing authorities who seek it to establish eligibility for public housing pursuant to 24 C.F.R. § 5.905(a). Once the SORU staff are satisfied that the person making the inquiry is a bona fide representative of a housing authority with a legitimate official need for the information, the SORU staff may confirm or deny the existence of a lifetime registration requirement, but may not provide any additional information. The only time when the SORU may provide a housing authority with the same limited information about a non-D.C. Code lifetime registration requirement is when the sex offender is required to register in the District of Columbia on the basis of a non-D.C. Code offense conviction.

**i. Sex Offender Registration Regulations**

28 C.F.R. PART 811 – Sex Offender Registration Sections:

811.1 Purpose and scope; relation to District of Columbia regulations.

811.2 Applicability.

811.3 Notice of obligation to register.

811.4 Determination of the obligation to register and the length of registration.

- 811.5 Commencement of the obligation to register.
- 811.6 Duration of the obligation to register.
- 811.7 Initial registration.
- 811.8 Review of determination to register.
- 811.9 Periodic verification of registration information.
- 811.10 Changes in registration information.
- 811.11 Compliance.
- 811.12 Penalties.
- 811.13 Notices and appearances.
- 811.14 Definitions.

**Appendix A to Part 811 – Listing of Sex Offender Registration Offenses by Class  
Authority: 5 U.S.C. 301; Pub. L. 105-33, 111 Stat. 251; Pub. L. 106-113, sec. 166(a),  
113 Stat. 1530.**

**§ 811.1 Purpose and scope; relation to District of Columbia regulations.**

(a) In accordance with its sex offender registration functions authorized by section 166(a) of the Consolidated Appropriations Act, 2000 (Pub. L. 106-113, sec. 166(a), 113 Stat. 1530; D.C. Official Code § 24-133(c)(5)) and as further authorized by the Sex Offender Registration Act of 1999 (“the Act,” D.C. Law 13-137, D.C. Official Code §§ 22-4001 et seq.), the Court Services and Offender Supervision Agency for the District of Columbia (“CSOSA”) operates and maintains the sex offender registry for the District of Columbia. The regulations in this part set forth procedures and requirements relating to registration, verification, and changes in information for sex offenders who live, reside, work or attend school in the District of Columbia.

(b) Chapter 4 of Title 6A, District of Columbia Municipal Regulations (DCMR) (47 D.C. Reg. 10042 et seq., December 22, 2000), contains regulations issued by the government of the District of Columbia for the sex offender registration system in the District of Columbia (“District of Columbia regulations”). Chapter 4 of Title 6A (December 22, 2000) is incorporated by reference in this part with the approval of the Director of the Federal Register in accordance with Court Services and Offender Supervision Agency for the District of Columbia Policy Statement No. 4006, Effective date: 10/31/2003 with 5 U.S.C. 552(a) and 1 C.F.R. part 51. Title 6A, Chapter 4 of Title 6A, DCMR is available for inspection at the Office of the Federal Register, 800 N. Capitol Street, NW., Suite 700, Washington, DC. Copies of Chapter 4 of Title 6A may be obtained from the District of Columbia’s Office of Documents and Administrative Issuances, 441 4<sup>th</sup> Street, NW., Room 520S, Washington, DC 20001. CSOSA has adopted all powers and authorities that the District of Columbia regulations authorize CSOSA to exercise, and has adopted all procedures and requirements that the District of Columbia regulations state that CSOSA shall adopt or carry out, including but not limited to all such powers, authorities, procedures and requirements relating to registration, verification and changes in information.

### **§ 811.2 Applicability.**

(a) Sex offender registration requirements apply to all persons who live, reside, work or attend school in the District of Columbia, and who:

- (1) Committed a registration offense on or after July 11, 2000;
- (2) Committed a registration offense at any time and were in custody or under supervision on or after July 11, 2000;
- (3) Were required to register under the law of the District of Columbia as was in effect on July 10, 2000; or
- (4) Committed a registration offense at any time in another jurisdiction and, within the registration period (see §§ 811.5 and 811.6), entered the District of Columbia to live, reside, work or attend school.

(b) “Committed a registration offense” means that a person was found guilty or found not guilty by reason of insanity of a registration offense or was determined to be a sexual psychopath. Registration offenses are defined in section 2(8) of the Sex Offender Registration Act of 1999 (D.C. Official Code § 22-4001(8)), subject to the exceptions in section 17(b) of that Act (D.C. Official Code § 22-4016) and are listed descriptively in the Appendix to Part 811 (which also provides information on registration and notification classes). Any future revision to the statutory provisions designating registration offenses will be effective notwithstanding the timing of any conforming revision of these regulations, including the Appendix.

### **§ 811.3 Notice of obligation to register.**

(a) Sex offenders may be notified of their obligation to register under various provisions of law. See sections 4, 6 and 8 of the Sex Offender Registration Act of 1999 (D.C. Official Code §§ 22-4003, 4005, 4007) (relating to notice by the District of Columbia Superior Court, Department of Corrections or CSOSA); 18 U.S.C. § 4042(c) (relating to notice by Federal Bureau of Prisons and probation offices); 18 U.S.C. §§ 3563(a)(8), 3583(d), 4209(a) (inclusion of registration requirements as conditions of release under federal law); 42 U.S.C. § 14071(b)(1) (notice under federal law standards for state sex offender registration programs).

(b) In some cases, sex offenders may not be notified of their obligation to register. Lack of notice does not excuse a failure to register because sex offenders have an independent obligation to register. Persons who have been convicted or found not guilty by reason of insanity of a sex offense or who have been determined to be a sexual psychopath should report to CSOSA in order to ascertain whether they are required to register.

### **§ 811.4 Determination of the obligation to register and the length of registration.**

(a) If the Superior Court finds that a person committed a registration offense, the Superior Court enters an order certifying that the person is a sex offender and that the person is subject to registration for a prescribed period of time (see § 811.6).

(b) If a Court order has not been entered certifying that a person is a sex offender and that the person is subject to registration for a prescribed period of time, CSOSA makes those determinations. CSOSA also determines the notification classification if the Court has not done so. Facts on which the CSOSA determination may be based include:

- (1) The offense or offenses of conviction (or finding of not guilty by reason of insanity) or a determination that the person is a sexual psychopath;

- (2) For certain offenses, facts that may not be apparent on the face of the conviction (or finding of not guilty by reason of insanity), such as:
  - (i) The age of the victim;
  - (ii) Whether force was involved; or
  - (iii) Whether the offense involved an undercover law enforcement officer who was believed to be an adult;
- (3) Prior criminal history;
- (4) For an offense committed in or prosecuted under the law of another jurisdiction, whether the offense involved conduct that was the same as or substantially similar to a District of Columbia registration offense; and
- (5) The amount of time that has elapsed as computed under § 811.6.

**§ 811.5 Commencement of the obligation to register.**

(a) A sex offender's obligation to register starts when the sex offender is found guilty or not guilty by reason of insanity of a registration offense or is determined to be a sexual psychopath. However, CSOSA may suspend registration requirements during any period of time in which a sex offender is detained, incarcerated, confined, civilly committed or hospitalized in a secure facility.

(b) A sex offender must register if the sex offender is placed on probation, parole, supervised release, or convalescent leave, is conditionally or unconditionally released from a secure facility, is granted unaccompanied grounds privileges or other unaccompanied leave, absconds or escapes, is otherwise not detained, incarcerated, confined, civilly committed, or hospitalized in a secure facility, or enters the District of Columbia from another jurisdiction to live, reside, work, or attend school. Registration shall be effectuated as provided in §. 811.7 and may be carried out prior to the occurrence of a circumstance described in this paragraph, including the release of or granting of leave to a sex offender.

**§ 811.6 Duration of the obligation to register.**

(a) Lifetime registration. The registration period for a sex offender who is required to register for life shall end upon the sex offender's death.

(b) Term of years registration.

(1) The registration period for any other sex offender shall end upon the expiration of the sex offender's probation, parole, supervised release, conditional release, or convalescent leave, or ten years after the sex offender is placed on probation, parole, supervised release, conditional release, or convalescent leave, or is unconditionally released from a correctional facility, prison, hospital or other place of confinement, whichever is latest.

(2) In computing ten years, CSOSA will not count:

(i) Any time wherein the sex offender failed to register or otherwise failed to comply with requirements of the Act or any procedures, requirements, rules, or regulations promulgated under the Act, including CSOSA regulations and the District of Columbia regulations;

- (ii) Any time in which a sex offender is detained, incarcerated, confined, civilly committed, or hospitalized in a mental health facility; and
- (iii) Any time in which a sex offender was registered prior to a revocation of probation, parole, supervised release, conditional release, or convalescent leave.

(3) In computing ten years, CSOSA will count any time in which a sex offender was registered in another jurisdiction unless that time is not counted because of a circumstance set forth in paragraph (b)(2) of this section.

(c) Reversal, vacation, or pardon. A person's obligation to register terminates if the person's conviction, finding of not guilty by reason of insanity, or finding that the person is a sexual psychopath is reversed or vacated, or if the person has been pardoned for the offense on the ground of innocence, and the person has committed no other offenses for which registration is required.

(d) Termination of obligation to register in the District of Columbia under other circumstances. A sex offender's obligation to register in the District of Columbia terminates if the sex offender no longer lives, resides, works or attends school in the District of Columbia. However, the obligation to register in the District of Columbia resumes if the sex offender re-enters the District of Columbia within the registration period to live, reside, work or attend school.

#### **§ 811.7 Initial registration.**

(a) Duties of sex offender.

(1) A sex offender must notify CSOSA within 3 days of the occurrence of any circumstance described in § 811.5(b), including but not limited to being sentenced to probation, being released (including any escape or abscondance) from incarceration or confinement, or entering the District of Columbia to live, reside, work, or attend school.

(2) A sex offender must meet with a responsible officer or official, as directed by CSOSA, for the purpose of registration, and must cooperate in such a meeting, including:

- (i) Providing any information required for registration and cooperating in photographing and fingerprinting;
- (ii) Reviewing information obtained by CSOSA pursuant to paragraph (b) of this section as CSOSA directs and either attesting to its accuracy or setting forth in writing, under penalties of perjury, the exact portion or portions that are not accurate; and
- (iii) Acknowledging receipt of information concerning the sex offender's duties under the Act, including reading (or, if the sex offender cannot read, listening to a reading of) and signing form or forms stating that these duties have been explained to the sex offender.

(3) In case of disagreement with the CSOSA determination that the person must register or with the CSOSA determination of the person's classification for purposes of registration or notification, the person must follow the review procedures set forth in § 811.8.

(b) Duties of CSOSA.

(1) CSOSA shall obtain information relating to the sex offender for the purpose of registration including:

- (i) Name(s) and alias(es);
- (ii) Date of birth;
- (iii) Physical description such as sex, race, height, weight, eye color, hair color, tattoos, scars or other marks or characteristics;
- (iv) Social Security, PDID, DCDC and FBI numbers;
- (v) Driver's license number and make, model, color and license plate number of any motor vehicle(s) the sex offender owns;
- (vi) A photograph and set of fingerprints;
- (vii) Current and/or anticipated home, school, work addresses and telephone number(s); and
- (viii) other information that may assist CSOSA or the Metropolitan Police Department in locating the sex offender.

(2) CSOSA shall also obtain a detailed description of the offense(s) on the basis of which a sex offender is required to register, the Pre-Sentence report(s), the victim impact statement(s), the date(s) of conviction and any sentence(s) imposed, the sex offender's criminal record and a detailed description of any relevant offense or offenses, pertinent statutes and case law in other jurisdictions, and any other information it deems useful in order to determine a sex offender's obligation to register, term of registration and notification classification, to verify the accuracy of the information provided, to assist other jurisdictions' sex offender registration agencies and authorities, or to assist the Metropolitan Police Department in its law enforcement functions.

(3) CSOSA shall inform a sex offender of the sex offender's duty to:

- (i) Comply with the requirements set forth in this section for initial registration;
- (ii) Periodically verify the addresses at which the sex offender lives, resides, works, and/or attends school, and other information, as provided in § 811.9;
- (iii) Report any change of address and any other changes in registration information (including changes in appearance), as provided in §. 811.10;
- (iv) Notify CSOSA if the sex offender is moving to another jurisdiction or works or attends school in another jurisdiction and to register in any such jurisdiction; and
- (v) Comply with the requirements of the Act and any procedures, requirements, rules or regulations promulgated under the Act, including CSOSA regulations and the District of Columbia regulations.

(4) CSOSA shall inform the sex offender of the penalties for failure to comply with the sex offender's duties.

(5) If the Superior Court has not entered an order certifying that a person is a sex offender, CSOSA shall inform the person that, if the person disagrees with the CSOSA determination that the person must register or the CSOSA determination

of the person's classification for purposes of registration or notification, then the person must follow the review procedures set forth in § 811.8. CSOSA shall provide the person with the appropriate form to notify CSOSA of the intent to seek such review.

**§ 811.8 Review of determination to register.**

(a) If a person, other than a person who has been certified as a sex offender by the Court, disagrees with the CSOSA determination that the person is subject to registration or with the determination of the person's classification for purposes of registration or notification, the person may seek judicial review of the determination, subject to the limitations of section 5(a)(1) of the Act (D.C. Official Code § 22-4004(a)(1)), by:

(1) Immediately providing CSOSA with a notice of intent to seek review upon being informed of the determination; and

(2) Within 30 calendar days of the date on which the person is informed of the CSOSA determination, filing a motion in the Superior Court setting forth the disputed facts and attaching any documents or affidavits upon which the person intends to rely.

(b) A person who fails to comply with paragraph (a) of this section may seek review of the CSOSA determination only in conformity with the limitations of section 5(a)(1) of the Act (D.C. Official Code § 22-4004(a)(1)) and for good cause shown and to prevent manifest injustice by filing a motion in the Court within three years of the date on which the person is informed of the CSOSA determination.

**§ 811.9 Periodic verification of registration information.**

(a) Sex offenders who are required to register for life must verify registration information quarterly pursuant to the procedures set forth in paragraph (d) of this section.

(b) All other sex offenders must verify registration information annually pursuant to the procedures set forth in paragraph (d) of this section.

(c) Quarterly or annually, as appropriate, CSOSA will mail a verification form to the home address of the sex offender.

(d) The sex offender must correct any information on the form that is inaccurate or out of date and must sign, thumb-print and return the form to CSOSA no later than 14 calendar days after the date on which CSOSA placed it in the mail. The sex offender has the option of returning the form by mail or in person unless:

(1) The sex offender is also on probation, parole, or supervised release or otherwise must report to CSOSA, and CSOSA directs the sex offender to verify the registration information in person;

(2) CSOSA directs the sex offender to appear in person because the sex offender has previously failed to submit a timely verification or submitted an incomplete or inaccurate verification; or

(3) CSOSA directs the sex offender to appear in person for the purpose of taking a new photograph documenting a significant change in physical appearance or updating a photograph that is five or more years old.

**§ 811.10 Changes in registration information.**

(a) The following events require the sex offender to provide official notification:

(1) A sex offender must notify CSOSA if the sex offender:

(i) Ceases to live or reside at the registered address or moves to a different address;

(ii) Leaves a job or obtains a new job, or leaves a school or enrolls in a new school; or

(iii) Ceases to own or becomes an owner of any motor vehicle.

(2) A sex offender must notify CSOSA if there is a significant change in the sex offender's appearance and report as directed for the purpose of having a new photograph taken. Any question regarding whether a change in physical appearance is significant is to be referred to CSOSA for determination.

(3) A sex offender must notify CSOSA if the sex offender is moving to another jurisdiction or if the sex offender works or attends school in another jurisdiction and must register in any such jurisdiction.

(b) Notice of the changes described in paragraph (a) of this section must be in writing and must be provided prior to the change if feasible and in any event within three days of the change. Notices of change in address or place of work or school attendance must include new address, location and phone number information. Notice relating to ownership of a motor vehicle must include the make, model, color and license plate number of the vehicle.

**§ 811.11 Compliance.**

(a) A sex offender may be excused from strict compliance with the time limits set forth in these regulations if the sex offender notifies CSOSA in advance of circumstances that will interfere with compliance and makes alternative arrangements to satisfy the requirements or, in the case of an emergency, notifies CSOSA as soon as the sex offender is able to do so.

(b) CSOSA may direct that a sex offender meet with a responsible officer or official for the purpose of securing compliance or discussing non-compliance with any requirements of the Act or any procedures, requirements, rules or regulations promulgated under the Act including these regulations and the District of Columbia regulations.

**§ 811.12 Penalties.**

A violation of the requirements of the Act or any procedures, requirements, rules, or regulations promulgated under the Act, including these regulations and the District of Columbia regulations, may result in criminal prosecution under section 16 of the Act (D.C. Official Code § 22-4015), revocation of probation, parole, supervised release or conditional release and extension of the registration period under § 811.6(b)(2).

**§ 811.13 Notices and appearances.**

Unless otherwise directed by the Court or CSOSA:

(a) Notices or reports that are required to be submitted in writing should be sent to:

Sex Offender Registration Unit

Court Services and Offender Supervision Agency

300 Indiana Avenue, NW.

Washington, DC 20001

(b) A person who is required to report in person should go to:

Sex Offender Supervision Office  
Court Services and Offender Supervision Agency  
Room 2002  
300 Indiana Avenue, NW.  
Washington, DC 20001

**§ 811.14 Definitions.**

(a) The terms “attends school,” “Court,” “in custody or under supervision,” “sex offender,” and “works” shall have the same meaning as set forth in Section 2 of the Sex Offender Registration Act of 1999 (D.C. Official Code § 22-4001).

(b) The term “the Act” means the Sex Offender Registration Act of 1999 (D.C. Official Code § 22-4001 et seq.).

(c) The term “days” means business days unless otherwise specified.

(d) In relation to a motor vehicle, the term “owns” includes both sole ownership and co-ownership and the term “owner” includes both sole owners and co-owners.

**j. Listing of Sex Offender Registration Offense by Class**

**Class A Offenders -- All lifetime registrants**

*(D.C. Official Code §§ 22-4001(6), 4002(b), 4011(b)(2)(A))*

1. Class A includes offenders who have been convicted or found not guilty by reason of insanity of:

- (a) First degree sexual abuse;
- (b) Second degree sexual abuse;
- (c) Rape;
- (d) Forcible sodomy;
- (e) First degree child sexual abuse committed against a child under 12;
- (f) Carnal knowledge (statutory rape) committed against a child under 12;
- (g) Sodomy committed against a child under 12;
- (h) Murder committed before, during, or after engaging in or attempting to engage in a sexual act or contact or rape;
- (i) Manslaughter committed before, during, or after engaging in or attempting to engage in a sexual act or contact or rape;
- (j) Attempting to commit any of the foregoing offenses;
- (k) Conspiring to commit any of the foregoing offenses, or
- (l) Assault with intent to commit any of the foregoing offenses.

2. Class A also includes offenders who:

- (a) In two or more trials or plea proceedings, have been convicted or found not guilty by reason of insanity of a felony registration offense or any registration offense against a minor. (Recidivism).
- (b) In a single trial or plea proceeding, have been convicted or found not guilty by reason of insanity of registration offenses

against two or more victims where each offense is a felony or committed against a minor. (Multiple victims).

(c) Have been determined to be sexual psychopaths.

3. Class A also includes offenders who have been convicted or found not guilty by reason of insanity under the law of another jurisdiction of offenses that involved conduct that is the same as or substantially similar to that above.

### **Class B Offenders -- "Ten Year" Registrants**

*(Other offenses against minors, wards, patients, or clients)*

*(D.C. Official Code §§ 22-4001(8), 4002(a), 4011(b)(2)(B))*

1. Class B includes offenders who are not included in Class A and have been convicted or found not guilty by reasons of insanity of any of the following crimes **against a minor** (that is, a person under the age of 18):

- (a) Third degree sexual abuse;
- (b) Fourth degree sexual abuse;
- (c) Misdemeanor sexual abuse;
- (d) First degree child sexual abuse;
- (e) Second degree child sexual abuse;
- (f) Carnal knowledge (statutory rape);
- (g) Sodomy committed against a minor;
- (h) Indecent acts on a child;
- (i) Enticing a child;
- (j) Lewd, indecent or obscene acts;
- (k) Sexual performance using a minor;
- (l) Incest;
- (m) Obscenity;
- (n) Prostitution/Pandering;
- (o) Assault (unwanted sexual touching);
- (p) Threatening to commit a sexual offense;
- (q) First or second degree burglary with intent to commit sex offense;
- (r) Kidnapping (does not require a sexual purpose);
- (s) Assault with intent to commit any of the foregoing offenses;
- (t) Attempting to commit any of the foregoing offenses;
- (u) Conspiring to commit any of the foregoing offenses, or
- (v) Any offense against a minor for which the offender agreed in a plea agreement to be subject to sex offender registration requirements.

2. Class B also includes offenders who are not included in Class A and have been convicted or found not guilty by reason of insanity of any of the following crimes regardless of the age of the victim:

- (a) First degree sexual abuse of a ward or resident of a hospital, treatment facility or other institution.
- (b) Second degree sexual abuse of a ward or resident of a hospital, treatment facility or other institution.

- (c) First degree sexual abuse of a patient or client;
  - (d) Second degree sexual abuse of a patient of client.
3. Class B also includes offenders who are not included in Class A and have been convicted or found not guilty by reason of insanity under the law of another jurisdiction of offenses that involved conduct that is the same as or substantially similar to that above.

### **Class C Offenders -- "Ten Year" Registrants**

*(Other offenses against adult victims)*

*(D.C. Official Code §§ 22-4001(8), 4002(a), 4011(b)(2)(C))*

1. Class C includes offenders who are not included in Class A or Class B and have committed any of the following crimes **against an adult** (that is, a person 18 years of age or older):
- (a) Third degree sexual abuse;
  - (b) Fourth degree sexual abuse;
  - (c) First or second degree burglary w/ intent to commit sex offense;
  - (d) Kidnapping w/ intent to commit sex offense;
  - (e) Threatening to commit a sexual offense (felony);
  - (f) Assault with intent to commit any of the foregoing offenses;
  - (g) Attempting to commit any of the foregoing offenses;
  - (h) Conspiring to commit any of the foregoing offenses, or
  - (i) Any offense for which the offender agreed in a plea agreement to be subject to sex offender registration requirements.
2. Class C also includes offenders who are not included in Class A or Class B and have been convicted or found not guilty by reason of insanity under the law of another jurisdiction of offenses that involved conduct that is the same as or substantially similar to that above.

### **k. Exceptions**

*(D.C. Official Code § 22-4016(b))*

The following do not constitute registration offenses:

1. Any sexual offense between consenting adults or an attempt, conspiracy or solicitation to commit such an offense, except for offenses to which consent is not a defense as provided in Section 218 of the Anti-Sexual Abuse Act of 1994 (D.C. Official Code § 22-3017).
2. Any misdemeanor offense that involved a person's sexual touching or attempted or solicited sexual touching of an undercover law enforcement officer where the person believed that the officer was an adult.
3. Any misdemeanor offense committed against an adult, **except** where the offender agrees in a plea agreement to be subject to sex offender registration requirements.