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| <p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Board of Probation and Parole</p> | <p>Volume III Chapter 4</p> <p>4.01.28</p> | <p>Date Revised: New</p> |
| <p>Chapter Title SUPERVISION, REENTRY</p> | <p>Date of Issue 3/4/13</p> | |
| <p>Subject SUPERVISION SEXUAL OFFENDER REGISTRATION</p> | <p>Effective Date 3/18/13 PUBLIC</p> | |

I. AUTHORITY

The chairman of the board is granted the authority to “direct the operations of the board and fulfill the functions established by the act... including organizing, staffing, controlling, directing, and administering the work of the staff.” 61 Pa.C.S. § 6112 (a)(1) & (a)(4).

The Pennsylvania State Police have the following dut[y]: In consultation with the Department of Corrections and the Pennsylvania Board of Probation and Parole, to promulgate guidelines directing State and county correctional facilities and state and county probation and parole offices regarding the completion of information, including the taking of photographs, required by sexual offenders under this subchapter. 42 Pa.C.S. § 9799.32(8).

II. PURPOSE

This procedure describes the duties related to the registration of supervised offenders in the Pennsylvania Sexual Offender Registry Tool (SORT).

III. APPLICABILITY

This procedure is applicable to all staff.

IV. DEFINITIONS

Refer to Procedure 1.01.02 Glossary.

SORNA – Refers to the Sex Offender Registration and Notification Act which is Title 1 of the Federal Adam Walsh Child Protection and Safety Act of 2006.

SORT – Sex Offender Registry Tool. The SORT application is a centralized sex offender management system that is used by the SORNA jurisdictions.

SVP – Sexually Violent Predator. This is a designation made by the sentencing court.

Temporary Lodging – is defined as a specific location, including street address, where a sexual offender is staying when away from the sexual offender’s residence for seven (7) or more calendar days.

Transient – is defined as an individual required to register who does not have a residence but nevertheless resides in Pennsylvania in a temporary habitat or other temporary place of abode or dwelling, including, but limited to a homeless shelter or park.

V. POLICY

It is the policy of the Board to aid the Pennsylvania State Police in maintaining an accurate sex offender registry.

VI. PROCEDURES

At the time of sentencing, the Pennsylvania court is required to inform the offender of his/her duty to register and orders the offender to report to the local county authority to complete the sexual offender registration. Parole supervision staff assigned to the Mercer District perform this function for the Mercer and Venango county courts.

Institutional parole staff are required to complete or update a sexual offender's registration when such offenders are being released on parole or have a special probation/parole supervision obligation to follow incarceration. Additional information is provided further in this procedure.

A. Parole supervision staff general responsibilities:

1. The initial registration of other states cases transferred through the interstate compact; and,
2. Maintaining supervised offenders' registration data; and,
3. Update residential, employment and student enrollment information; and,
4. Update registration information through SORT each time a registered offender is arrested, recommitted as a parole violator or incarcerated; and,
5. Perform registration verifications as stipulated by offenders' assigned tier levels; and,
6. Document the sexual offender registration, periodic verifications and SORT updates in the Record of Interview (PBPP-259).

B. Information the Offender Needs to Gather

In addition to the offender's demographics, residential, employment and school enrollment information, parole supervision staff shall direct the offender that he/she shall provide the below listed information. This information is required for initial registration and periodic verifications. Any changes to this information must be reported by the offender within three (3) business days and immediately entered into SORT by parole supervision staff. This instruction is included in the Duty to Inform that the offender receives upon completion of the initial registration.

1. Driver's license or photo identification card; if applicable. (copy needed)
2. Passport; if applicable. (copy needed)

3. Immigration identification (copy needed) and immigration status; if applicable.
4. Internet identifiers; email address(es), instant messaging address(es), social media identifiers (i.e. Facebook, Twitter, Tagged, MySpace, Pinterest, etc.)
5. Vehicles owned or operated including locations parked or stored.
 - a. Vehicle registration(s) copies

NOTE: Portable campers are recorded under vehicle type: Trailer.
Recreational vehicles (RV) are recorded under vehicle type: Truck.
6. Boats and aircraft owned or operated including locations parked or stored.
 - a. Boat/aircraft registration(s) copies
7. Copies of professional license(s); such as real estate, barber's, etc.
8. Any change in name; including any aliases.
9. Telephone numbers (including landline, cell phone or virtual) this includes but is not limited to obtaining a new phone number, terminating a phone number or otherwise modifying a phone number.
10. Tattoos (new, modified or removed), scars/marks, amputations.
11. Temporary lodging, seven (7) or more calendar days, from the registered address(es).

C. Preliminary Research

The determination regarding sexual offender registration is based on the offender's current supervision offense(s). A list of *offenses requiring registration* is identified as such in the Board's Violent/Sexual Crimes Chart. When it is determined that an offender is required to register, parole supervision shall research:

1. The PSP Megan's Law website or the PA SORT system to determine if the offender is currently registered; and,
2. The PSP Master Name Index (MN) through CLEAN or JNET CLEAN to determine whether the offender has a processed DNA sample on file. If not, a DNA sample must be collected as part of the registration process. The Pennsylvania State Police DNA Laboratory Guidelines for DNA Submissions is described in Procedure 4.01.03 Initial Supervision Requirements.

NOTE: Use the PSP "Offender Buccal DNA Collection Kit." The lower left-hand corner of the kit contains the identification number CMP-075-01 and the return address is "Forensic DNA Division."

- a. On the PSP Master Name Index (MN), also verify whether the offender's palm prints are on file. If not, parole supervision staff are responsible to obtain the offender's palm prints through LiveScan.
3. Interstate Compact Cases (equivalency determinations)

When an offender is required to register in the sending state, he/she is also required to register in Pennsylvania.

When an offender is on supervision for an out-of-state conviction that is similar to one of the *offenses requiring registration* in Pennsylvania, parole supervision staff shall research the SORT offense dropdown for the sending state's offense. If the offense does not appear on the tiering list or in the SORT offense dropdown, parole supervision staff shall:

- a. Scan/email all pertinent offense information (i.e.: court order and offense details) to the [PM, Legal Resource Account](#).
 - b. This request must be sent to the Office of Chief Counsel (OCC) within forty-eight hours (48) of the offender's initial report to PBPP.
 - c. If Office of the Chief Counsel advises that the offender must register, parole supervision staff have three (3) business days from the date of the OCC direction to register the offender.
4. If parole supervision staff have additional questions regarding offender registration, send an email to [PM, Sex Offender Registration 12/20/12](#).

D. Registration methods

1. SORT

Parole supervision staff shall capture registration information, offender photographs and digital signatures using the PA Sex Offender Registry Tool (SORT). Photographs are only required for initial registration and for the required periodic verifications.

Upon completion of the PA SORT data entry, a registration number will be provided and printed on the registration report. This registration number is needed to populate the offender's PA SORT data to the LiveScan device.

2. PSP Sexual Offender Registration form (SP 4-218)

If/when the SORT application is unavailable, parole supervision staff shall complete the PSP Sexual Offender Registration form (SP 4-218); including signatures.

- a. Send the completed registration form to the PSP Megan's Law Section by fax (717) 346-7168; and,
- b. Capture the offender's digital photographs or retrieve the digital photograph from the PBPP Photo Manager (CPIN system). Email the offender photo(s) in a jpeg format to the PSP Megan's Law Section: ra-ppmeganslawphoto@pa.gov. The below information must be included with the email:
 - 1) Offender's name; and,
 - 2) Date of Birth; and,
 - 3) PA SID (if available).

- c. Mail the completed registration form with ORIGINAL signatures to:

Pennsylvania State Police
Megan's Law Section
1800 Elmerton Avenue
Harrisburg, PA 17110

3. LiveScan Equipment Scenarios

Reference Appendix A, PSP SORT and LiveScan scenarios.

4. Upon completion of the registration (initial, periodic or update), parole supervision staff shall issue the offender a Parole Instruction (PBPP-348I) advising the date/time for the offender to report in person for his/her next required verification. The offender's registration tier level and start date designated by the PSP determines when he/she must next report. Refer to the chart located in Section H Periodic Verification of Sexual Offenders Information and the public PSP Megan's Law website.

E. Other Initial Registrations

1. Other States Cases – Transferred through the interstate compact

Within three (3) business days of arrival in Pennsylvania, parole supervision staff shall complete the initial registration for other states' offenders whose instant offense(s) meet the Pennsylvania statutory guidelines for SORT or if the offender is required to register in another jurisdiction.

2. Mercer and Venango Counties

Within 48 hours of sentencing, parole supervision staff shall complete the initial registration in SORT for offenders sentenced in the Mercer and Venango Counties Court of Common Pleas.

F. Duty to Inform

After capturing the required digital signatures in SORT, parole supervision staff shall print a copy of the PSP Sexual Offender Registration report. A copy of the completed registration is given to the offender and serves as PBPP's notice to the offender of his/her duty to update and maintain the PSP registration. A copy of this document does not need to be placed in the FOCF.

G. Parole Instruction (PBPP-348 REG)

During the initial contact with the offender, parole supervision staff shall impose a written instruction (PBPP-348REG) directing the offender to comply with registration requirements. Violation of this written instruction will allow parole supervision staff to detain the offender, pending arrest by PSP, for refusal to comply with registration requirements.

H. Periodic Verification of Sexual Offenders Information

1. Deadline

Registered offenders shall appear in person within ten (10) calendar days before the PSP designated verification date to verify their registration information and provide updated photographs. The below schedule is based on the registered offense and the associated registration tier:

| <u>Registration Tier:</u> | <u>Periodic Verification:</u> |
|---------------------------|-------------------------------|
| 1 | Annually |
| 2 | Semi-Annually |
| 3 | Quarterly |
| SVP | Quarterly |
| Transient | Monthly |

- a. If the registration tier is listed as “U”, PSP has not yet determined the offender’s tier level. Offenders with an undetermined tier level are required to verify their registration quarterly.

2. Pennsylvania State Police Megan’s Law Website

www.pameganslaw.state.pa.us

Registration details are viewable on PSP’s public Megan’s Law website. Parole supervision staff shall ensure that the following registration information is recorded under the Offender Details in Supervisor Controls. See below example:

Registration Type : Tier level 1, 2, 3, SVP, Transient or U
Registration Start Date : 07/29/09
Last Updated Date : 01/23/13
Primary Offense : [6318](#) - UNLAWFUL CONTACT OR COMMUNICATION WITH MINOR

I. Refusal to Register or Failure to Comply

- 1. Parole supervision staff shall notify the offender that the PA State Police will be contacted and requested to arrest him/her for failure to register. If the offender still refuses to participate in, update or complete the registration process, notify the Pennsylvania State Police.
- 2. Parole supervision staff shall charge the offender with appropriate technical violations of parole/probation. For further information regarding required reports and guidance on place of confinement, refer to procedures 4.03.03 Arrest, Detention and Place of Confinement Criteria and 4.03.10 Arrests and Supervision Responsibilities.
 - a. For special probation cases, parole supervision staff shall ensure that applicable arrest reports (PBPP-257 series) are attached to a Transmittal Letter (PBPP-331) and forwarded to the sentencing court.

- b. When another state's case refuses to comply with registration requirements, parole supervision shall ensure that an Offender Violation Report is prepared and submitted through ICOTS.

3. Monthly non-complaint registrant report

The Bureau of Reentry Director will provide the district directors with a copy of the PSP non-complaint registrant report. Parole supervision staff shall follow-up with appropriate action and document efforts to bring the offender into compliance in the Record of Interview (PBPP-259).

- J. Registered offender is arrested, recommitted or incarcerated

For purposes of tolling the offender's registration period, PSP Megan's Law Section must be notified each time a registered offender is arrested and detained in a federal, state, county or at a parole violator facility. Parole supervision staff is required to enter the correctional facility data in SORT within three (3) business days.

- K. Registration Acknowledgement

PSP will send an acknowledgement message through the CLEAN system when an initial registration has been received. Acknowledgement messages are not sent when an offender's information is updated or a periodical verification is completed.

1. Daily CLEAN terminal activation

The parole supervisor/designee must ensure that one of the PA SORT terminals in your office is activated daily. Messages transmitted to the SORT terminal through CLEAN are only held in queue for ten (10) calendar days. Reference appendix B, Retrieving Messages from PortalXL.

2. The PSP Registration Acknowledgement

This is an electronic acknowledgement received through the CLEAN terminal that is sent from the PSP Megan's Law Section advising that the offender's registration information has been received. Reference appendix C, PSP Registration Acknowledgement samples.

The PSP Registration acknowledgement is returned to the ORI where the PA SORT registration was completed or updated. A copy of this acknowledgement is printed and shall be filed in the Field Offender Case Folder and parole supervision staff shall make a note in the offender's Record of Interview (PBPP-259) of the date that the PSP registration acknowledgement was received and filed.

NOTE: PBPP does not need to acknowledge receipt of a registration acknowledgement message.

3. CLEAN Administrative Messages

File 14, ORDERS AND ADMINISTRATIVE MESSAGES are printed and retained by all CLEAN terminals for twelve (12) calendar months and then

destroyed. This retention folder is maintained chronologically. At the end of the twelfth month the first month's messages should be removed from the file and destroyed. This folder must be available if/when PSP schedules a CLEAN terminal audit.

4. JNET notification (LiveScan acknowledgement)

The JNET notification message is a PSP acknowledgment that the offender's LiveScan fingerprints and palm images have been processed.

L. Registered Homeless Offenders and Transient Workers

Homeless offenders are required to comply with PA sex offender registration requirements as are offenders without fixed employment locations.

1. Homeless Offenders

A homeless offender is required to provide information regarding his/her temporary habitat or other temporary place of abode or dwelling, including, but not limited to, a homeless shelter or park. Additionally, a homeless offender shall provide a list of places that they frequent (i.e.: where they eat, habitually spend time at, planned destinations, etc.) and receive mail, including a post office box.

If/when a homeless offender changes or adds to the places he/she previously reported as frequenting during a monthly period, the offender shall list these places when registering as a transient during the next monthly periodic verification.

2. Transient Workers

If an offender is not employed at a fixed workplace, he/she shall provide information regarding general travel routes and the general area(s) where he/she works. Examples include but are not limited to long-haul truckers, day laborers, temporary workers, and contractors.

M. Supervision max date changes

When there is an extension to or early termination of an offender's maximum expiration date of sentence, parole supervision staff shall update the SORT supervision information. Once an offender is no longer responsible to the PA Board of Probation and Parole, he/she will report to a PSP registration site for mandated updates.

N. International Travel

When an offender has gained the necessary permission for international travel as outlined in procedure 4.01.27 Travel Permission, the offender is required to appear in person at an approved PSP registration site no less than 21 calendar days in advance of traveling outside of the United States. The offender shall provide the following information to PSP:

- a. Dates of travel, including date of return to the United States; and,

- b. Destination(s); and,
- c. Temporary lodging.

VII. SUSPENSION DURING AN EMERGENCY

This procedure may be suspended during an emergency at the sole discretion of the Chairman.

VIII. RIGHTS UNDER THIS PROCEDURE

This procedure creates no rights under law.

IX. RELEASE OF INFORMATION AND DISTRIBUTION OF PROCEDURE

- A. This procedure does not contain information that impacts the security of Board staff or parolees and may therefore be released to the public.
- B. This procedure is to be distributed to all Board staff.

X. CROSS REFERENCES

A. Statutes

1. Federal

P.L. 109-248 of 2006

2. State

18 Pa.C.S. § 4915.1
42 Pa.C.S. § 9799.12
42 Pa.C.S. § 9799.13
42 Pa.C.S. § 9799.16(d)
42 Pa.C.S. § 9799.19
42 Pa.C.S. § 9799.20
42 Pa.C.S. § 9799.22(d)
42 Pa.C.S. § 9799.29
42 Pa.C.S. § 9799.31(6)
42 Pa.C.S. § 9799.32(8)
42 Pa.C.S. § 9799.33

B. PBPP Policies

4.01.03 4.01.27
4.03.03 4.03.10

C. American Correctional Association

D. Management Directives - none

E. Report of the Reentry Policy Council - none