

Commonwealth of Pennsylvania  Pennsylvania Parole Board Pennsylvania Department of Corrections	Volume 12 Chapter 4 Procedure 12.4.01.28	Replaces: 3/4/2013
Chapter Title SUPERVISION, REENTRY	Date of Issue 3/16/2020	
Subject SUPERVISION SEXUAL OFFENDER REGISTRATION	Effective Date 3/26/2020 PUBLIC	

I. AUTHORITY

The Chairman of the Pennsylvania Parole Board herein after referred to as 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 (PSP) have the following duty: In consultation with the Department of Corrections and the Pennsylvania Parole Board, 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 reentrants in the Pennsylvania Sexual Offender Registry Tool (SORT).

III. APPLICABILITY

This procedure is applicable to all agency staff.

IV. DEFINITIONS

Refer to Procedure **12.4.01.01, 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 sex offender is staying when away from his/her approved/registered residence for seven 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 not limited to, a homeless shelter or park.

V. POLICY

It is the policy of the agency to ensure reentrants who are subject to sex offender registration comply with their requirement and assist the PSP in maintaining an accurate sex offender registry.

VI. PROCEDURES

At the time of sentencing, the Pennsylvania Court is required to inform a convicted sex offender of his/her duty to register and orders the sex offender to report to the local county authority to complete the sex offender registration. Supervision staff assigned to the Mercer District perform this function for the Mercer and Venango County Courts.

Institutional staff are required to complete or update a sex offender's registration when such inmates 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. Supervision Staff General Responsibilities

1. The initial registration of other states' cases transferred through the Interstate Compact for Adult Offender Supervision (ICAOS).
2. Maintaining supervised reentrants' registration data.
3. Update residential, employment, and student enrollment information.
4. Update registration information through SORT each time a registered reentrant is arrested, recommitted as a violator, or incarcerated.
5. Perform registration verifications as stipulated by reentrants' assigned tier levels.
6. Document the sex offender registration, periodic verifications, and SORT updates in electronic reentrant records (ERR).
7. Ensure reentrants, actively supervised by the agency, register at an agency office or PSP location.

8. Ensure SORT is updated prior to allowing a reentrant to depart for another state following transfer via the ICAOS.

B. Information the Reentrant Needs to Gather

In addition to the reentrant's demographics, residential, employment, and school enrollment information, supervision staff shall direct the reentrant to 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 reentrant within three business days and immediately entered into SORT by supervision staff. This instruction is included in the 'Duty to Inform' document that the reentrant receives upon 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, Instagram, Snapchat, Tagged, Myspace, Pinterest, etc.).
5. Vehicles owned or operated including locations parked or stored.
 - a. Vehicle registration(s) copies.
 - b. 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.

NOTE: Boat/aircraft registration(s) copies

7. Copies of professional license(s); such as real estate, barber, 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, or amputations.
11. Temporary lodging, seven or more calendar days, from the registered address(es).

C. Preliminary Research

The determination regarding sex offender registration is based on the reentrant'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 a reentrant is required to register, supervision shall research the following items listed below.

1. The PSP Megan's Law website or the PA SORT system to determine if the reentrant is currently registered.
2. The PSP Master Name Index (MN) through the Commonwealth Law Enforcement Agency Network (CLEAN) or Justice Network (JNET) CLEAN to determine whether the reentrant 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 are described in Procedure **12.4.01.03, Initial Supervision Requirements**.
 - a. Use the PSP "PA Convicted 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."
 - b. On the PSP MN Index, also verify whether the reentrant's palm prints are on file. If not, supervision staff are responsible to obtain the reentrant's palm prints through LiveScan.
3. Interstate Compact Cases (equivalency determinations)

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

When a reentrant is on supervision for an out-of-state conviction that is similar to one of the *offenses requiring registration* in Pennsylvania, 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, supervision staff shall:

- a. within 48 hours of the reentrant's initial report, supervision staff shall scan/email all pertinent offense information (i.e.: court order and offense details) to **CR, CEN Legal Assistance Center** (ra-cenlegalcenter@pa.gov); and
- b. if Office of the Chief Counsel (OCC) advises that the reentrant must register, supervision staff have three business days from the date of the OCC direction to register the reentrant.

D. Registration Methods

1. SORT

Supervision staff shall capture registration information, reentrant photographs, and digital signatures using the PA 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 reentrant's PA SORT data to the LiveScan device.

2. PSP **SP 4-218, Sexual Offender Registration** form

If/when the SORT application is unavailable, supervision staff shall complete the PSP **SP 4-218**; including signatures.

- a. Send the completed registration form to the PSP Megan's Law Section by fax (717) 346-7168.
- b. Capture the reentrant's digital photographs or retrieve the digital photograph from the agency Photo Manager (Commonwealth Photo Imaging Network [CPIN] system). Email the reentrant's photo(s) in a jpeg format to the PSP Megan's Law Section: ra-pspmeganslawphoto@pa.gov. The below information must be included with the email:
 - (1) reentrant's name;
 - (2) date of birth; and
 - (3) PA State Identification Number (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), supervision staff shall issue the reentrant a **PB-348I, Parole Instruction** advising the date/time for the reentrant to report in person for his/her next required verification. The

reentrant's registration tier level and start date designated by the PSP determines when he/she must next report. Refer to the chart located in **Subsection H. below** and the public PSP Megan's Law website.

E. Other Initial Registrations

1. Other States Cases – Transferred through the Interstate Compact

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

2. Mercer and Venango Counties

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

F. Duty to Inform

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

G. Instruction to Comply with Registration

During the initial contact with the reentrant, supervision staff shall impose a **PB-348REG, Written Instruction** directing the reentrant to comply with registration requirements. Violation of this written instruction will allow supervision staff to detain the reentrant, pending arrest by PSP, for refusal to comply with registration requirements.

H. Periodic Verification of Sexual Offenders Information

1. Deadline

Registered sex offenders shall appear in person within ten 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

If the registration tier is listed as “U,” PSP has not yet determined the reentrant’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. Supervision staff shall ensure that the following registration information is recorded under the Reentrant Details in Supervisor Controls. See below example:

Registration Type:	Tier level 1, 2, 3, SVP, Transient, or U
Registration Start Date:	07/29/17
Last Updated Date:	01/23/18
Primary Offense:	6318 - UNLAWFUL CONTACT OR COMMUNICATION WITH MINOR

I. Refusal to Register or Failure to Comply

1. Supervision staff shall notify the reentrant that the PSP will be contacted and requested to file criminal charges for failure to register. If the reentrant still refuses to participate in, update, or complete the registration process, supervision staff shall notify the PSP, inform his/her supervisor, and document the activity in ERR.
2. Following review with supervisory staff, supervision staff may charge the reentrant with appropriate technical violations of supervision. For further information regarding required reports and guidance on place of confinement, refer to Procedure **12.4.03.03 Arrest, Detention, and Place of Confinement Criteria**. For sanctioning information, please also refer to Procedure **12.4.01.14, Investigation Violations, Response Sanctions; Arrests and Supervision Responsibilities**.
 - a. For special probation/parole cases, supervision staff shall ensure that applicable arrest reports (**PB-257 series**) are attached to a **PB-331, Transmittal Letter** and forwarded to the sentencing court.

- b. When another state's case refuses to comply with registration requirements, supervision staff shall ensure that the sending state is updated through the Interstate Compact Offender Tracking System (ICOTS).

3. Monthly non-complaint registrant report

The Bureau of Central Services will provide the district directors and interstate services director with a copy of the PSP non-compliant registrant report. Staff shall follow-up with appropriate action and document efforts to bring the reentrant into compliance in ERR.

J. Registered Reentrant is Arrested, Recommitted, or Incarcerated

For purposes of tracking the reentrant's registration period, PSP Megan's Law Section must be notified each time a registered reentrant is arrested and detained in a federal, state, county, or at a parole violator facility. Supervision staff are required to enter the correctional facility data in SORT within three business days of reentrant's detention and/or confirmation of location.

K. Registration Acknowledgment

PSP will send an acknowledgment message through the CLEAN system when an initial registration has been received. Acknowledgment messages are not sent when a reentrant'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 the office is activated daily. Messages transmitted to the SORT terminal through CLEAN are only held in queue for ten calendar days.

2. The PSP Registration Acknowledgment

This is an electronic acknowledgment received through the CLEAN terminal that is sent from the PSP Megan's Law Section advising that the reentrant's registration information has been received.

The PSP Registration acknowledgment is returned to the Originator Number (ORI) where the PA SORT registration was completed or updated. A copy of this acknowledgment is printed and shall be filed in ERR with appropriate notes also made to include the date that the PSP registration acknowledgment was received and filed.

NOTE: Agency does not need to acknowledge receipt of a registration acknowledgment message.

3. CLEAN Administrative Messages

File 14, ORDERS AND ADMINISTRATIVE MESSAGES are printed and retained by all CLEAN terminals for 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 reentrant's LiveScan fingerprints and palm images have been processed.

L. Registered Homeless Reentrants and Transient Workers

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

1. Homeless Reentrants

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

2. Transient Workers

If a reentrant 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 a reentrant's maximum expiration date of sentence, supervision staff shall update the SORT supervision information. Once a reentrant is no longer responsible to the agency, he/she will report to a PSP registration site for mandated updates.

N. International Travel

When a reentrant has gained the necessary permission for international travel as outlined in Procedure **12.4.01.27, Travel Permission**, the reentrant 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 reentrant shall provide the following information to PSP:

1. dates of travel, including date of return to the United States;
2. destination(s); and
3. 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 agency staff or reentrants and may, therefore, be released to the public.
- B.** This procedure is to be distributed to all agency 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. Agency Policies

12.4.01.01
12.4.01.03
12.4.01.27
12.4.03.03

C. American Correctional Association – None

D. Management Directives – None

E. Report of the Reentry Policy Council – None