

CUMBERLAND COUNTY DISTRICT ATTORNEY'S OFFICE POLICE FOR LAW ENFORCEMENT – SEX OFFENDER REGISTRY AND NOTIFICATION

I. PURPOSE

1. The purpose is to establish practices under Maine law regarding sex offender community notification.

II. POLICY

1. This policy lays out compliance with the Sex Offender Registration and Notification Act of 1999, as amended ("SORNA 1999" (*see generally* 34-A M.R.S.A. c. 15 at <http://legislature.maine.gov/statutes/34-A/title34-Ach15seco.html>)), and of the Sex Offender Registration and Notification Act of 2013 ("SORNA 2013" (*see generally* 34-A M.R.S.A. c. 17 at <http://legislature.maine.gov/statutes/34-A/title34-Ach17seco.html>)), including the provisions related to public notification of registered sex offenders in the community of those Acts, to the fullest extent those laws are applicable to the agency.
2. The District Attorney's Office recognizes the importance of balancing the interest in ensuring that such notifications and registrations occur so as to ensure for the safety of the public and the interest in ensuring the safety of the individuals who have a duty to register pursuant to the SORNA 1999 and SORNA 2013.

III. DEFINITIONS

1. For the purposes of this Policy, the terms included in this section that do not have a definition provided have the same definition as provided under the SORNA 1999 and SORNA 2013, unless otherwise indicated in the order.
 - A. Another State. With respect to the SORNA 1999, "another state" has the same meaning as provided at 34-A M.R.S.A. § 11203(1-C), and with respect to the SORNA 2013, the term has the same meaning as provided at 34-A M.R.S.A. § 11273(1).
 - B. Domicile. With respect to the SORNA 1999, "domicile" has the same meaning as provided at 34-A M.R.S.A. § 11203(2), and with respect to the SORNA 2013, the word has the same meaning as provided at 34-A M.R.S.A. § 11273(5).
 - C. Law enforcement agency having jurisdiction. With respect to the SORNA 1999, "law enforcement agency having jurisdiction" has the same meaning as provided at 34-A M.R.S.A. § 11203(4), and with respect to the SORNA

- 2013, the term has the same meaning as provided at 34-A M.R.S.A. § 11273(8).
- D. Lifetime Registrant. With respect to the SORNA 1999, “lifetime registrant” has the same meaning as provided at 34-A M.R.S.A. § 11203(8).
- E. MCJA BOT. “MCJA BOT” is the acronym for the Maine Criminal Justice Academy Board of Trustees.
- F. Residence. With respect to the SORNA 1999, “residence” has the same meaning as provided at 34-A M.R.S.A. § 11203(4-D), and with respect to the SORNA 2013, the word has the same meaning as provided at 34-A M.R.S.A. § 11273(12).
- G. Registrant. With respect to the SORNA 1999, “registrant” has the same meaning as provided at 34-A M.R.S.A. § 11203(4-C), and with respect to the SORNA 2013, the word has the same meaning as provided at 34-A M.R.S.A. § 11273(11).
- H. Safe Children Zone. With respect to the SORNA 1999, “safe children zone” has the same meaning as provided at 34-A M.R.S.A. § 11203(1-C), and with respect to the SORNA 2013, the term has the same meaning as provided at 34-A M.R.S.A. § 11273(1).
- I. Sentence. With respect to the SORNA 1999, “sentence” has the same meaning as provided at 34-A M.R.S.A. § 11203(4-B), and with respect to the SORNA 2013, the word has the same meaning as provided at 34-A M.R.S.A. § 11273(13).
- J. Sexual act. "Sexual act" has the same meaning as provided at 17-A M.R.S.A. § 251(1)(C).
- K. Sexual Assault Response Team. “Sexual Assault Response Team” means a group of specially trained members of health care, law enforcement, prosecution, and advocacy that work together to provide health care and advocacy services to victims of sexual assault, while investigating sexual assault cases for the purpose of criminal prosecution. See <https://www.ovcttac.gov/saneguide/glossary-of-key-terms/>
- L. Sexual contact. "Sexual contact" has the same meaning as provided at 17-A M.R.S.A. § 251(1)(D).
- M. Sex offense. With respect to the SORNA 1999, “sex offense” has the same meaning as provided at 34-A M.R.S.A. § 11203(6).
- N. Sex Offender Restricted Zone. "Sex offender restricted zone" has the same meaning as provided at 17-A M.R.S.A. § 261(4); Sexually violent offense. With respect to the SORNA 1999, “sexually violent offense” has the same meaning as at 34-A M.R.S.A. § 11203(7).
- O. SORNA 1999. “SORNA 1999” means the Sex Offender Registration and Notification Act of 1999, as amended (*see generally* 34-A M.R.S.A. c. 15 at <http://legislature.maine.gov/statutes/34-A/title34-Ach15seco.html>).
- P. SORNA 2013. “SORNA 2013” means the Sex Offender Registration and Notification Act of 2013, as amended (*see generally* 34-A M.R.S.A. c. 17 at <http://legislature.maine.gov/statutes/34-A/title34-Ach17seco.html>).
- Q. State Bureau of Identification. "State Bureau of Identification" (“SBI”) means the Department of Public Safety, District Attorney’s Office, State Bureau

of Identification, and with respect to the SORNA 1999, SBI is the “Bureau” as defined at 34-A M.R.S.A. § 11203(1), and with respect to the SORNA 2013, SBI is the “Bureau” as defined at 34-A M.R.S.A. § 11273(2).

R. Ten-year Registrant. With respect to the SORNA 1999, “ten-year registrant” has the same meaning as provided at 34-A M.R.S.A. § 11203(5).

S. Tier I offense. With respect to the SORNA 2013, “Tier I offense” has the same meaning as provided at 34-A M.R.S.A. § 11273(14).

T. Tier II offense. With respect to the SORNA 2013, “Tier II offense” has the same meaning as provided at 34-A M.R.S.A. § 11273(15).

U. Tier III offense. With respect to the SORNA 2013, “Tier III offense” has the same meaning as provided at 34-A M.R.S.A. § 11273(16).

V. Tier I registrant. With respect to the SORNA 2013, “Tier I registrant” has the same meaning as provided at 34-A M.R.S.A. § 11273(17).

W. Tier II registrant. With respect to the SORNA 2013, “Tier II registrant” has the same meaning as provided at 34-A M.R.S.A. § 11273(18).

X. Tier III registrant. With respect to the SORNA 2013, “Tier III registrant” has the same meaning as provided at 34-A M.R.S.A. § 11273(19).

Y. Verification form. "Verification form" means a form provided by the State Bureau of Identification for convicted sex offenders in one of the following categories:

1. Verification for a person sentenced on or after September 18, 1999;
2. Verification for a person sentenced on or after January 1, 1982 and prior to September 18, 1999 who is a ten-year registrant;
3. Verification for a person sentenced on or after January 1, 1982 and prior to September 18, 1999 who is a lifetime registrant;
4. Verification for a person required to register in another jurisdiction.

IV. PROCEDURE

1. APPLICATION OF SORNA 2013 AND SORNA 1999

A. **SORNA 2013** applies to persons who committed or commit sex offenses or sexually violent offenses on or after January 1, 2013.

B. **SORNA 1999** applies to persons who were **sentenced** for a sex offense or sexually violent offense after January 1, 1982, but the offense was **committed before** January 1, 2013.

C. **The controlling date between SORNA 1999 and SORNA 2013 is the date that the underlying crime was committed – not the date of sentence.**

3. EXTENT OF COMMUNITY NOTIFICATION

- A. When required to do so by either the SORNA 1999 or the SORNA 2013, or both, the District Attorney's Office Law Enforcement Officers (DA's LEOs) shall notify community members of registrants in the community, including, but not limited to, those in Safe Children Zones and Sex Offender Restricted Zones, as well as make notification to appropriate Sexual Assault Support Centers.
- B. The extent of community notification is based on the nature of the registrant's conviction and whether the person is required to register as a Lifetime Registrant, a Ten-Year Registrant, or a Tier I, Tier II, or Tier III Registrant.
- C. The extent of community notification also is based on the agency's investigative findings related to the nature of the conviction, which includes the elements of each registerable offense for which the registrant was convicted and any facts alleged in the relevant charging instrument (including, but not limited to, the age of the victim) that were proved beyond a reasonable doubt or admitted to by the registrant.
- D. District Attorney's Office Law Enforcement Officers (DA's LEOs) should coordinate community notification with law enforcement agencies of the jurisdictions in which the registrant resides, works (if applicable), and attends school (if applicable).
- E. DA's LEOs shall seek guidance from the law enforcement agency of jurisdiction for any known or suspected violation of either of the Sex Offender Registration and Notification Acts, or rules adopted pursuant to those Acts.

4. MEANS OF COMMUNITY NOTIFICATION

- A. The following methods of notification – which are not intended to be exclusive – should be considered as a means of notifying the community:
 - 1. News media, e.g., newspaper, television, or radio;
 - 2. Informational leaflets that provide general information about registered sex offenders in the community, e.g., *A Guide for Communities, Organizations and Schools about Community Notification of Sex Offenders* (attached);
 - 3. Personal notification, such as door-to-door notification in Safe Children Zones and Sex Offender Restricted Zones;
 - 4. Notification in the form of public postings at the barracks of the Troop of jurisdiction and other designated community locations;
 - 5. Community forums, which, if held, should include, when possible, representatives of Sexual Assault Support Centers, law

enforcement, the Department of Corrections, the Office of the District Attorney of jurisdiction, and sex offender treatment providers;

6. Any other means of notification deemed appropriate by the District Attorney's Office to ensure public safety.

B. By law, only SBI may maintain the official Maine Sex Offender Registry on the Internet for purposes of public access.

1. Law enforcement agencies may maintain their own sex offender registries for internal use only by those agencies, except in narrow circumstances.
2. DA's LEOs who encounter individuals wanting further information regarding a registrant should direct them to call or visit the barracks of the Maine State Police Troop of jurisdiction during regular business hours, or contact or visit SBI.

5. CONTENT OF NOTIFICATION

A. The DA's LEOs may notify any community of public information regarding a registrant, including, but not limited to, any registrant living, attending school, or working (including volunteering) in the community.

B. The following information may be obtained from SBI's website and may be disclosed to the public regarding an individual required to register pursuant to **SORNA 1999**:

1. The duration of time that the individual is required to register as a sex offender;
2. The individual's name, date of birth, and photograph;
3. The individual's municipality of domicile and residence;
4. The individual's place of employment (including volunteer work), if applicable, and, if applicable, school being attended, and the corresponding address and location of those locations;
5. The statutory citation and name of each registerable offense for which the individual was convicted;
6. The individual's designation as a ten-year registrant or a lifetime registrant.

C. The following information regarding individuals required to register pursuant to **SORNA 2013** may be obtained from SBI's website and may be disclosed to the public regarding an individual required to register pursuant to **SORNA 2013**:

1. The individual's name, aliases, date of birth, and a current photograph;

2. The individual's municipality of domicile and residence;
3. The individual's place of employment (including volunteer work), if applicable, and, if applicable, school being attended, and the corresponding address and location of those locations;

4. The statutory citation and name of each registerable offense for which the individual was convicted;
5. Whether the individual is a Tier I registrant, a Tier II registrant, or a Tier III registrant;
6. The individual's verification requirements and the date of her or his most recent verification;
7. The individual's residential address and residence location on a map.

6. VIOLATIONS OF THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACTS

- A. Whenever a DA's Office LEO becomes aware of a violation of either of the Sex Offender Registration and Notification Acts, the officer shall investigate the complaint and notify the law enforcement agency of jurisdiction.
- B. DA's LEOs who become aware of an individual who was convicted of a sex offense or sexually violent offense in another state and who is now domiciled, employed, residing, or attending school in the State of Maine shall promptly notify SBI to determine if the individual is required to register.
 1. SBI has different forms for initial registration for individuals convicted of a registerable offense in another state.
 2. Once an individual is registered with SBI, the in-person verification forms for individuals convicted in the State of Maine and for those convicted in another state, are the same.
- C. DA's LEOs shall treat out-of-state sex offenders who are required to register in the same manner as sex offenders from Maine.
- D. DA's Office LEOs are encouraged to contact SBI if they have any questions regarding a registrant or any provision of either of the Sex Offender Registration and Notification Acts, or want to obtain a copy of any of the forms relating to the Acts.

10. PROVISION OF THIS POLICY TO THE MCJA, SBI

A. A copy of this policy, and any updates thereto, shall be provided to the MCJA BOT and to SBI.

11. IMMUNITY FROM LIABILITY

A. Both the SORNA 1999 and SORNA 2013 include the following immunity provisions:

1. Neither the failure to perform the requirements of this chapter nor compliance with this chapter subjects any state, municipal or county official or employee to liability in a civil action.
2. The immunity provided under this section applies to the release of relevant information to other officials or employees or to the public.

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