
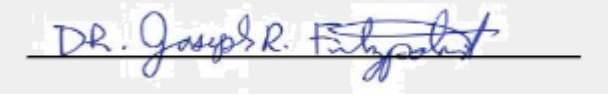


POLICY TITLE: ADULT SEX OFFENDER REGISTRATION AND NOTIFICATION POLICY NUMBER: 6.2 CHAPTER 6: VICTIM SERVICES		PAGE 1 OF 8
 STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner 		PROFESSIONAL STANDARDS: See Section VII
EFFECTIVE DATE: December 3, 1993	LATEST REVISION: November 1, 2017	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A., Chapters 15 and 17.

II. APPLICABILITY

Adult Correctional Facilities and Adult Community Corrections

III. POLICY

To help ensure the safety of the public and comply with the requirements of Maine law, all Chief Administrative Officers of adult correctional facilities and Regional Correctional Administrators for adult community corrections shall maintain practices to notify all sex offenders in the custody or under the supervision of the Department of Corrections who are required to register with the Department of Public Safety, State Bureau of Identification, of their legal obligations.

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V. ATTACHMENTS

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- Attachment B: Notices of Duty to Register (B.1, B.2 and B.3)

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- Attachment E: Notices of Duty to Register for Sex Offenders Convicted and Sentenced in Other Jurisdictions (E.1, E.2 and E.3)

VI. PROCEDURES

Procedure A: Sex Offender Registration, General

1. If a sex offender in the custody or under the supervision of the Department has committed one or more offense(s) listed in the Sex Offender Registry Identification Chart (Attachment A), appropriate Department staff shall review the date(s) of commission of the offense(s), the sentencing date(s), and any qualifying factors listed in the chart and determine whether the offender is required to register, and, if so, under what registry and for how long.
2. For offenders who were sentenced for an applicable sex offense on or after January 1, 1982 and committed the offense prior to January 1, 2013, the law is set out in Title 34-A, Chapter 15 (sections 11201 – 11256) and these offenders are referred to as “1999 Registrants.”
3. For offenders who committed an applicable sex offense on or after January 1, 2013, the law is set out in Title 34-A, Chapter 17 (sections 11271 – 11304) and these offenders are referred to as “2013 Registrants.”
4. If a sex offender has committed both 1999 registry offense(s) and 2013 registry offense(s), Department staff shall follow the requirements of the 2013 registry law.
5. The Chief Administrative Officer, or designee, of each correctional facility shall ensure that reception/intake practices are in place to identify all prisoners required to register with the State Bureau of Identification. Such practices shall include, at a minimum, examination of judgment and commitment papers, charging instruments, and Attachment A.
6. The Chief Administrative Officer, or designee, of each correctional facility shall ensure that release/discharge practices are in place to provide prisoners so identified with written notice of their duty to register with the State Bureau of Identification.
7. The Chief Administrative Officer, or designee, of each correctional facility shall ensure that release/discharge practices are in place for classification staff to provide sex offender notification, in writing, to the State Bureau of Identification for those prisoners identified as required to register.
8. The Regional Correctional Administrator, or designee, for each adult community corrections region shall ensure that intake practices are in place to identify all

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offenders under community supervision required to register with the State Bureau of Identification. Such practices shall include, at a minimum, examination of judgment and commitment papers, charging instruments, and Attachment A.

9. The Regional Correctional Administrator, or designee, for each adult community corrections region shall ensure that intake practices are in place to provide offenders under community supervision so identified with written notice of their duty to register with the State Bureau of Identification (unless they have already been so notified by Department facility staff).
10. The Regional Correctional Administrator, or designee, for each adult community corrections region shall ensure that intake practices are in place for probation staff to provide sex offender notification, in writing, to the State Bureau of Identification for those offenders under community supervision identified as required to register who have been released from a county jail or have been placed on probation without having served a sentence of institutional confinement.
11. If Department staff have any questions regarding registry requirements for a specific offender, such as which registry an offender is required to register under (1999 or 2013); the length of time for which an offender is required to register (10 years, 25 years or lifetime); whether a particular sex offense conviction from another jurisdiction requires registration in Maine; etc., staff shall consult with the Supervisor of the Sex Offender Registry in the State Bureau of Identification.
12. If Department staff still have questions regarding registry requirements for a specific offender or have other questions about the implementation of this policy, staff shall consult with the Department's representative in the Attorney General's Office.

Procedure B: Prisoners Required to Register

1. For every prisoner required to register as a sex offender, within (90) days prior to release, a trained staff person approved by the Department shall complete the approved Department risk assessment instrument. A copy of the completed instrument shall be placed in the prisoner's Administrative Record and Case Management Record and the results recorded in CORIS.
2. For every prisoner required to register as a sex offender, at least thirty (30) days prior to release/discharge, the classification staff assigned to the housing unit or facility shall explain the requirement to register in accordance with the law and the requirement to report any change of address. The classification staff shall provide the prisoner with the applicable Notice of Duty to Register (Attachment B.1, B.2 or B.3) and the applicable Initial Registration form (Attachment C.1 or C.2) and ensure that the prisoner signs both forms and that the Initial

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Registration form is completed to the extent possible. This shall be documented in CORIS.

3. The classification staff shall inform the prisoner of the requirement to pay the fee designated on the Initial Registration form. The classification staff shall request the prisoner to complete a money transfer of \$25.00 payable to “Treasurer, State of Maine” if the prisoner has sufficient funds in the prisoner’s trust account to cover the fee. The staff shall not require the completion of a money transfer but merely check the appropriate fee box or boxes.
4. The classification staff shall ensure that a photograph of the prisoner is taken and entered into CORIS at the time the prisoner is provided the forms. The photograph must have been taken not more than six (6) months prior to release/discharge.
5. If the prisoner refuses to sign the forms or provide any of the information required on the Initial Registration form, the designated classification staff shall inform the prisoner that the law requires that the Notice of Duty to Register be signed prior to the prisoner leaving the facility and that the Department requires the Initial Registration form to be signed and completed prior to leaving the facility.
6. If the prisoner continues to refuse to sign the forms or provide any of the information required on the Initial Registration form, the prisoner shall be written up for a disciplinary offense, unless the prisoner does not have all the information necessary to complete the Initial Registration form. If the prisoner is being released to supervision in the community, the Regional Correctional Administrator, or designee, shall also be notified of the refusal. Any refusal by the prisoner shall be noted by the classification staff directly on the form(s).
7. A prisoner who is required to register as a sex offender and who has been approved for the supervised community confinement program shall not be transferred to the program unless both forms are signed and all the information necessary to complete the Initial Registration form is provided.
8. A copy of the Notice of Duty to Register (whether signed or with the refusal to sign noted) shall be placed in the prisoner’s Administrative Record and Case Management Record and a copy given to the prisoner.
9. A copy of the Initial Registration form (whether completed and signed or with the refusal to do so noted) shall be placed in the prisoner’s Administrative Record and Case Management Record and a copy given to the prisoner.
10. The designated classification staff shall provide the original Initial Registration form, along with the original Notice of Duty to Register, to the State Bureau of Identification at least fifteen (15) days prior to the prisoner’s discharge, release to probation or supervised release for sex offenders, or transfer to supervised

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community confinement. The designated classification staff shall ensure that the photograph, a set of fingerprints, and the completed risk assessment instrument are available to the State Bureau of Identification via access to CORIS and AFIS.

11. For a prisoner being released to probation or supervised release for sex offenders or transferred to supervised community confinement, the designated classification staff shall at the same time provide a copy of the Initial Registration form to the appropriate Regional Correctional Administrator, or designee, for inclusion in the offender's community supervision record.
12. If a prisoner's appearance has substantially changed since the photograph that was taken at the time the prisoner was provided the forms, the designated classification staff shall ensure a new photograph is taken and entered into CORIS prior to the prisoner's release/discharge.

Procedure C: Offenders under Community Supervision Required to Register

1. For every offender under community supervision required to register as a sex offender who has been released from a county jail or has been placed on probation without having served a sentence of institutional confinement, a trained staff person approved by the Department shall complete the approved Department risk assessment instrument, in accordance with Department Adult Community Corrections Policy 9.7, Sex Offender Management. A copy of the completed instrument shall be placed in the offender's community supervision record and the results recorded in CORIS.
2. For every offender under community supervision required to register as a sex offender who has been released from a county jail or has been placed on probation without having served a sentence of institutional confinement, at the first meeting with the offender, the probation officer or probation officer assistant shall explain the requirement to register in accordance with the law and the requirement to report any change of address. The probation officer or probation officer assistant shall provide the offender with the applicable Notice of Duty to Register (Attachment B.1, B.2 or B.3). This shall be documented in CORIS.
3. If the offender has not completed an Initial Registration form for all applicable sex offenses, the probation officer or probation officer assistant shall provide the offender with the applicable Initial Registration form (Attachment C.1 or C.2) and ensure that the offender signs the forms and the Initial Registration form is completed and accurate. This shall be documented in CORIS.
4. The probation officer or probation officer assistant shall ensure that a photograph of the offender is taken and entered into CORIS at the time the offender is provided the form(s). If an offender refuses to sign the forms or provide any of the information required on the Initial Registration form, the

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probation officer or probation officer assistant shall inform the offender that the law requires that the forms be signed and the information be provided.

5. If the offender continues to refuse to sign the forms or provide any of the information required on the Initial Registration form, the probation officer shall immediately notify local law enforcement and, with the permission of the prosecuting attorney, shall file a motion to revoke probation or supervised release for sex offenders. Any refusal by the offender shall be noted by the probation officer or probation officer assistant directly on the form(s).
6. A copy of the Notice of Duty to Register (whether signed or with the refusal to sign noted) shall be placed in the offender's community supervision record and a copy given to the offender.
7. A copy of the Initial Registration form (whether completed and signed or with the refusal to do so noted) shall be placed in the offender's community supervision record and a copy given to the offender.
8. The probation officer or probation officer assistant shall provide the original Initial Registration form, along with the original Notice of Duty to Register, to the State Bureau of Identification within three (3) days of the first meeting with the offender. The probation officer or probation officer assistant shall ensure that the photograph and the completed risk assessment instrument are available to the State Bureau of Identification via access to CORIS.
9. The probation officer or probation officer assistant shall direct the offender to report to local law enforcement and submit to fingerprints and the probation officer or probation officer assistant shall follow-up with local law enforcement to ensure compliance.
10. For every offender under community supervision required to register as a sex offender who has been released from a Department facility and for whom the Initial Registration form provided by the facility is not complete or no longer accurate, at the first meeting with the offender, the probation officer shall ensure that the Initial Registration form is completed and accurate. This shall be documented in CORIS.
11. If the offender refuses to provide any of the information required to complete the form, the probation officer shall inform the offender that the law requires that the information be provided. If the offender continues to refuse, the probation officer shall immediately notify local law enforcement and, with the permission of the prosecuting attorney, file a motion to revoke probation or supervised release for sex offenders. Any refusal by the offender shall be noted by the probation officer directly on the form.
12. If the form from the facility is not complete or no longer accurate, then a copy of the updated Initial Registration form (whether completed and signed or with the

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refusal to do so noted) shall be placed in the offender's community supervision record, a copy given to the offender, and the original provided to the State Bureau of Identification within three (3) days of the first meeting with the offender.

13. When a probation officer becomes aware that any offender under supervision who is a registrant with the State Bureau of Identification has failed to verify registration information with local law enforcement as required, the probation officer shall advise the sex offender of the obligation to provide verification.
14. If the offender fails to verify after being advised of the requirement, the probation officer shall immediately notify local law enforcement and, with the permission of the prosecuting attorney, file a motion to revoke probation or supervised release for sex offenders.

Procedure D: Sex Offender Change of Information

1. When a probation officer becomes aware that an offender under supervision who is a registrant with the State Bureau of Identification has changed any of his or her home addresses, including physical location of the domicile or other residence or mailing address, or place of employment or college or school, the probation officer shall advise the sex offender of the obligation to notify the State Bureau of Identification of the change, within five (5) days for 1999 Registrants and within three (3) days for 2013 Registrants.
2. The probation officer shall also advise the sex offender of the obligation to notify the law enforcement agency having jurisdiction within twenty-four (24) hours and shall provide the offender with the applicable Notice of Change of Information Report (Attachment D.1 or D.2).
3. The probation officer shall obtain the new home address or the new name and address of the offender's place of employment or college or school, whichever is applicable. This shall be documented in CORIS.
4. If the probation officer becomes aware that the offender has failed to notify the State Bureau of Identification or the local law enforcement agency as required after being advised of the requirement, the probation officer shall immediately notify local law enforcement and, with the permission of the prosecuting attorney, file a motion to revoke probation or supervised release for sex offenders.

Procedure E: Offenders With a Sex Offense with a Sex Offense Conviction From Another Jurisdiction

1. If an offender in the custody or under the supervision of the Department is required to register as a sex offender due to a sex offense conviction from

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another jurisdiction (including an out-of-state conviction or a military, federal, or tribal conviction), facility classification staff or probation staff, as applicable, shall follow the above procedures, except as modified below.

1. An offender who is required to register due to a sex offense conviction from another jurisdiction shall be provided with the applicable Notice of Duty to Register for Sex Offenders Convicted and Sentenced in Other Jurisdictions (Attachment E.1, E.2 or E.3). The Initial Registration and Notice of Duty to Report Change of Information forms are the same as for offenders with Maine sex offense convictions required to register with the applicable registry.
2. If an offender who is being supervised in the community pursuant to the Interstate Compact for Adult Offender Supervision refuses to sign the forms as required or to provide any of the information required, after being warned that the law requires that the forms be signed and the information be provided, the probation officer shall immediately notify local law enforcement and send a notice of violation to the sending jurisdiction and recommend the offender be returned there.

Procedure F: Minimum Contact Standards

1. The Associate Commissioner for Adult Services, or designee, shall ensure that the State Bureau of Identification and any other requesting law enforcement agency has an up to date copy of the Department of Corrections minimum contact standards applicable to the supervision of sex offenders in the community.

VII. PROFESSIONAL STANDARDS

None

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