



MAINE STATE POLICE GENERAL ORDER

M-10

SUBJECT: MAINE STATE POLICE POLICY REGARDING SEX OFFENDER COMMUNITY NOTIFICATION

EFFECTIVE DATE: 08.27.2021

EXPIRATION DATE: 08.27.2028

RECENT HISTORY: AMENDED (08.27.2021); AMENDED (08.01.2020); AMENDED (11.14.2019); TECHNICAL AMENDMENT (SPELLING CORRECTION)(12.04.2013); REVISED (10.08.2013); NEW (06.01.2006); FORMERLY G.O. 2006 MSP 3A

DISTRIBUTION CODE: 2 (MAY BE PUBLICLY DISCLOSED)

APPLICABILITY CODE: S, Z

MLEAP: 7.30

SIGNATURE OF COLONEL:

I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding sex offender community notification.

II. POLICY [MCJA MS 1, 11]

1. In recognition of the importance of community sex offender notification, the policy of the Maine State Police is to comply 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-Ach15sec0.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-Ach17sec0.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.

A. In so doing, the Maine State Police 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 for the safety of the individuals who have a duty to register pursuant to the SORNA 1999 and SORNA 2013.

Note: Because this is a statutorily-mandated policy, officers shall abide by the policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.

III. DEFINITIONS [MCJA MS 2]

1. For the purposes of this General Order, 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-Ach15sec0.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-Ach17sec0.html>).
- Q. State Bureau of Identification. "State Bureau of Identification” (“SBI”) means the Department of Public Safety, Maine State Police, 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.**
2. INFORMATION CONTAINED IN THE APPENDICES OF THIS POLICY
 - A. Appendix 1 of this policy provides a registered sex offender investigative checklist for officers assigned to conduct investigations to verify registrant registration information.
 - B. Appendix 2 of this policy:

1. Summarizes SBI's procedures with respect to registrants and law enforcement agencies;
 2. Summarizes registrants' obligations under the Sex Offender Registration and Notification Acts; and
 3. Summarizes law enforcement involvement in the registration and verification process.
- C. Appendices 3, 4 and 5 of this policy are examples of SBI forms that Maine State Police officers will see if a registrant registers her or his information with the Maine State Police.
- D. Appendix 6 of this policy summarizes the procedures of the Maine Department of Corrections, County jails, and State of Maine mental health institutions when releasing persons required to register under either the SORNA 1999 or the SORNA 2013.

3. EXTENT OF COMMUNITY NOTIFICATION [MCJA MS 3, 5]

- A. When required to do so by either the SORNA 1999 or the SORNA 2013, or both, the Maine State Police 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.
1. For example, community notification of a Lifetime Registrant, a Tier II, or a Tier III Registrant should be made to the community to the greatest extent reasonably possible, using means of notification such as those described below in Section 4.
 - a. The extent of community notification of a Ten-year Registrant or Tier I Registrant should be determined on a case-by-case basis considering factors such as 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. Maine State Police officers 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. Maine State Police officers shall seek guidance from the Office of the District Attorney 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 [MCJA MS 5, 7]

- 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 Maine State Police 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. Maine State Police officers 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 [MCJA MS 5, 6]

- A. The Maine State Police 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 [MCJA MS 9]
 - A. Whenever a Maine State Police officer becomes aware of a violation of either of the Sex Offender Registration and Notification Acts, the officer shall investigate the complaint and notify the Office of the District Attorney of jurisdiction.
 7. OFFICERS ASSIGNED TO CONDUCT INVESTIGATIONS TO VERIFY SEX OFFENDERS' REGISTRATION INFORMATION
 - A. The Colonel, or her or his designee, may assign officers to conduct investigations to verify sex offenders' registration information.
 1. Those officers also shall process the verification form and mail it back to SBI after the form is completed.
 2. Investigating officers should use a checklist such as the one reflected in Appendix 1 and review the information regarding "Frequently Asked Questions" that is included in Appendix 2.
 3. The Colonel, or her or his designee, should notify SBI of the names of each such designated investigating officer. [MCJA MS 3]
 - B. Investigating officers responsible for verifying registrants' information: [MCJA MS 4]
 1. Shall confer with the charging agency for pertinent case history, including any facts alleged in the charging instrument that were proved beyond a reasonable doubt or admitted to by the registrant;
 2. Shall conduct a background investigation on registrants to determine other pertinent facts including, but not limited to, results of NCIC, Triple III, and State of Maine criminal history record checks;
 3. Shall attempt to obtain from registrants current photographs and fingerprints of the registrants whose information the investigating officer is verifying;
 4. Shall contact registrants' probation officers regarding any conditions of release, any risk assessment tool used by the probation officers, and other important investigative information regarding registrants;
 5. Should interview the registrants whose information is being verified;

6. Should obtain and verify registrants' work locations, supervisor names, names of friends (as well as their current addresses, and telephone numbers), names of family members (as well as their current addresses and telephone numbers), and any other relevant information;
7. Shall verify the addresses and telephone numbers of family and friends and correct any discrepancies;
8. Shall create an investigative file on each registrant;
9. Shall prepare a report for the Colonel, or her or his designee, summarizing investigative findings.

8. DUTY OF ALL MAINE STATE POLICE OFFICERS TO VERIFY INFORMATION

A. Generally, Maine State Police officers assigned by the Colonel, or her or his designee, to investigate, ascertain, and verify registrants' registration information will be the officers who verify the information on the verification form.

1. If, however, no officer who has been assigned to conduct a verification investigation is available to do so, a Maine State Police officer shall be appointed to do so.

9. REGISTRATION AND VERIFICATION GENERALLY **MLEAP 7.30**; [MCJA MS 4, 7, 8]

A. Verification of registrant information must occur as follows:

1. On Ten-Year and Tier I Registrants: Every twelve (12) months;
2. On Tier II Registrants: Every six (6) months; and
3. On Lifetime and Tier III Registrants: Every three (3) months.

B. The registrant should have obtained the verification form from SBI and brought it to the Maine State Police Troop of jurisdiction in those instances in which the Maine State Police is responsible for verifying registrant information.

C. To the extent the Maine State Police is required to do so by law, the agency shall verify the information and complete the verification form, including obtaining from the registrant a current photograph of the registrant and her or his forefinger prints.

1. Maine State Police officers should obtain a full set of fingerprints and a current photograph for agency records.
2. Registrants are responsible for providing the photographs of themselves.

- D. The completed verification form, photograph, and a twenty-five-dollar (\$25) fee, when required, must be sent to SBI.
- E. The law requires a registrant from any other state to notify SBI if the registrant becomes domiciled, employed, or attends school in the State of Maine.
 - 1. When SBI receives notification of such, SBI shall notify law enforcement agencies with jurisdiction over such registrants in in the same manner that SBI notifies agencies with regard to registrants convicted and sentenced in the State of Maine.
- F. Maine State Police officers 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.
- G. Maine State Police officers shall treat out-of-state sex offenders who are required to register in the same manner as sex offenders from Maine.
- H. Maine State Police officers 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 [MCJA MS 10]

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

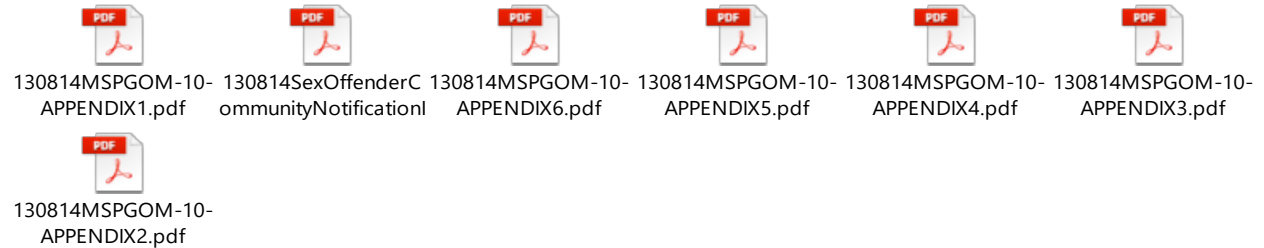
11. IMMUNITY FROM LIABILITY

- 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.

APPENDICES

1. APPENDIX 1
2. APPENDIX 2
3. APPENDIX 3
4. APPENDIX 4
5. APPENDIX 5
6. APPENDIX 6
7. A Guide for Communities, Organizations and Schools about Community Notification of Sex Offenders



NOTICE

THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.