



HOLDEN POLICE DEPARTMENT

Standard Operating Procedures

Subject:	Sexual Offender Community Notification	Policy #	O-13
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	<i>Rescinds All Previous Policies Related to This Current Policy</i>		
Issuing Authority:	Chief of Police Eddie Benjamin		

I. PURPOSE:

The purpose of this Standard Operating Procedure is to outline the process by which known sex offenders are to be tracked within the agency's Departments RMS database and how community members will be notified of their presence.

II. POLICY:

It is the policy of the Holden Police Department to comply with the Sex Offender Registration and Notification Acts of 1999, as amended (SORNA of 1999), and of 2013¹ (SORNA of 2013), including the provisions related to public notification of registered sex offenders in the community.²

This agency recognizes the necessity of maintaining the delicate balance between governmental interests, individual rights of the offender, and the public's right to or interest in accessing this type of public information in a free society. To simultaneously address and properly balance these interests and rights requires all members of this agency to adhere to the following guidelines.

Given that this is a statutorily mandated policy, officers must abide by this agency's policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.³

This agency shall forward a copy of this policy to the Maine Criminal Justice Academy.⁴

III. DISCUSSION:

The Sex Offender Registration and Notification Act (SORNA of 2013) applies to persons who commit sex offenses or sexually violent offenses on or after January 1, 2013. The Sex Offender Registration and Notification Act (SORNA) of 1999 applies to persons who are sentenced for a sex offense or sexually violent offense after January 1, 1982, but the offense was committed before January 1, 2013.

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

¹ 34-A M.R.S., chapter 15 (SORNA 1999) & chapter 17 (SORNA 2013)

² 34-A M.R.S. § 11255 (SORNA 1999) & 11304 (SORNA 2013)

³ 25 M.R.S. § 2803-B

⁴ 25 M.R.S. § 2803-B

In this policy, any distinctions between SORNA 1999 and SORNA 2013 will be indicated. If the provisions in the two chapters are identical, no notation will be made, but both citations will be given.

IV. DEFINITIONS:

Another State: (SORNA of 1999) "Another state" means each of the several states except Maine, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.⁵ (SORNA of 2013) "Another state" means each of the several states except Maine, and includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa and the Northern Mariana Islands.⁶

Bureau: (SORNA of 1999) The State Bureau of Identification.⁷ (SORNA of 2013) means the Department of Public Safety, Bureau of State Police, and State Bureau of Identification.⁸

Domicile: The place where a person has that person's established, fixed, permanent or ordinary dwelling place or legal residence to which, whenever the person is absent, the person has the intention of returning. A person may have more than one residence but only one domicile.⁹

Law Enforcement Agency Having Jurisdiction: Means the Chief of police in the municipality where a registrant or an offender expects to be or is domiciled. If the municipality does not have a Chief of police, "law enforcement agency having jurisdiction" means the Sheriff of the county where the municipality is located. "Law enforcement agency having jurisdiction" also means the Chief of Police of the county in an unorganized territory.¹⁰

Lifetime Registrant (SORNA OF 1999): A person who has complied with the initial duty to register under this chapter as an adult convicted and sentenced or a juvenile convicted and sentenced as an adult for a:

- A. Sexually Violent Offense; or
- B. Sex offense when the person has another conviction for or an attempt to commit an offense that includes the essential elements of a sex offense or sexually violent offense. For purposes of this paragraph, "another conviction" means:
 - 1. **Before September 17, 2005:** For persons convicted and sentenced before September 17, 2005, a conviction for an offense for which sentence was imposed before the occurrence of the new offense; and
 - 2. **After September 17, 2005:** For persons convicted and sentenced on or after September 17, 2005, a conviction that occurred at any time. Convictions that occur on the same day may be counted as other offenses for the purposes of classifying a person as a lifetime registrant if:
 - a) There is more than one victim; or
 - b) The convictions are for offenses based on different conduct or arising from different criminal episodes.¹¹

Residence: Means that place or those places, other than a domicile, in which a person may spend time living, residing or dwelling. Proof that an offender has lived in State for 14 days continuously or an aggregate of 30 days within one year gives rise to a permissible inference under Maine Rules of

⁵ 34-A M.R.S. § 11203 (1-C)

⁶ 34-A M.R.S. § 11273(1)

⁷ 34-A M.R.S. § 11203 (1)

⁸ 34-A M.R.S. § 11273 (2)

⁹ 34-A M.R.S. § 11203 (2) (SORNA of 1999); § 11273(5) (SORNA of 2013)

¹⁰ 34-A M.R.S. § 11203 (4) (SORNA of 1999); § 11273(8) (SORNA of 2013)

¹¹ 34-A M.R.S. § 11203 (7)

Evidence, Rule 303, that the person has established a residence for registration requirements imposed in this chapter.¹²

Registrant: (SORNA of 1999) means a 10-year registrant or a lifetime registrant or, when appropriate, both a 10-year registrant and a lifetime registrant.¹³ (SORNA of 2013) means a Tier I registrant, Tier II registrant or Tier III registrant.¹⁴

Safe Children Zone: On or within 1000 feet of the real property comprising a public or private elementary or secondary school or on or within 1,000 feet of the real property comprising a day care center licensed under 22 M.R.S.A. § 8301-A. ¹⁵

Sentence: (SORNA of 1999) in addition to any punishment alternatives, includes an involuntary commitment under Title 15, section 103, or similar statute from another jurisdiction, following a verdict of not criminally responsible because of mental disease or defect or similar verdict in another jurisdiction.¹⁶ (SORNA of 2013) in addition to any punishment alternatives, includes an involuntary commitment under Title 15, section 103, or similar statute from another jurisdiction, following a verdict of not criminally responsible because of insanity or similar verdict in another jurisdiction.¹⁷

Sexual Act: Means.

- A. Any act between two persons involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other.
- B. Any act between a person and an animal being used by another person that involves direct physical contact between the genitals of one and the mouth, or anus of the other, or direct physical contact between the genitals of one and the genitals of the other, or.
- C. Any act involving direct physical contact between the genitals or anus of one and an instrument or device manipulated by another person when that act is done to arouse or gratifying sexual desire or to cause bodily injury or offensive physical contact. A sexual act may be proved without allegation or proof of penetration.¹⁸

Sexual Contact: Any touching of the genitals or anus, directly or through clothing, other than as would constitute a sexual act, for the purpose of arousing or gratifying sexual desire or to cause bodily injury or offensive physical contact.¹⁹

Sex Offense:

- A. **Sex Offense: (SORNA OF 1999):** "Sex offense" means a conviction for one of the following offenses or an attempt or solicitation of one of the following offenses if the victim was less than 18 years of age at the time of the criminal conduct:
 1. A violation under former Title 17, §2922; former Title 17, §2923; former Title 17, § 2924; Title 17-A, § 253, subsection 2, paragraph E, F, G, H, I or J; Title 17-A, § 254; former Title 17-A, §255, subsection 1, paragraph A, E, F, G, I or J; former Title 17-A, §255, subsection 1, paragraph B or D if the crime was not elevated a class under former Title 17-A, §255, subsection 3; Title 17-A, §255-A,

¹² 34-A M.R.S. § 11203(4-D) (SORNA of 1999); § 11273(12) (SORNA of 2013)

¹³ 34-A M.R.S. § 11203(4-C)

¹⁴ 34-A M.R.S. § 11273(11)

¹⁵ 17-A M.R.S.A. § 251 (1)(F)

¹⁶ 34-A M.R.S. § 11203(4-B)

¹⁷ 34-A M.R.S. § 11273(13)

¹⁸ 17-A M.R.S.A. § 251(1) (C)

¹⁹ 17-A M.R.S.A. § 251(1)(D)

subsection 1, paragraph A, B, C, F-2, G, I, J, K, L, M, N, Q, R, S or T; Title 17-A, §256; Title 17-A, §258; Title 17-A, §259; Title 17-A, §282; Title 17-A, §283; Title 17-A, §284; Title 17-A, §301, subsection 1, paragraph A, subparagraph (3), unless the actor is a parent of the victim; Title 17-A, §511, subsection 1, paragraph D; Title 17-A, §556; Title 17-A, §852, subsection 1, paragraph B; or Title 17-A, §855;

The violation in another jurisdiction that includes the essential elements of an offense listed in paragraph B; or

2. A conviction for a military, tribal or federal offense requiring registration under:
 - a) The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act, Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, as amended.
 - or**
 - b) The Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248.

B. Sex Offense; after October 1, 2011: For persons convicted and sentenced on or after October 1, 2011, "sex offense" means, in addition to the offenses listed in subsection 6, a conviction for one of the following offenses or an attempt or solicitation of one of the following offenses, without regard to the age of the victim:

1. Title 17-A, §253, subsection 2, paragraphs J, 1-9 Sex Offender Community Notification Page 5 of 2K and L and Title 17-A, §255-A, subsection 1, paragraphs C, G, Q, R, R-1, R-2, W, and X.
2. A violation in another jurisdiction that includes the essential elements of an offense listed in paragraph A; or
3. A conviction for a military, tribal or federal offense requiring registration under:
 - a) The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act, Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, as amended.
 - or**
 - b) The Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248.

C. Sex offense; after October 1, 2012: For persons convicted and sentenced on or after October 1, 2012, "sex offense" means, in addition to the offenses listed in subsections 6 and 6-A:

1. A conviction for an offense under Title 17-A, §259-A or for an attempt or conspiracy to commit an offense under Title 17-A, §259-A.
2. A violation in another jurisdiction that includes the essential elements of an offense listed under Title 17-A, §259-A; or
3. A conviction for a military, tribal or federal offense requiring registration under:
 - a) The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act, Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, as amended.
 - or**
 - b) The Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248.²⁰

²⁰ 34-A M.R.S. §§ 11203(6), (6-A), (6-B)

Sex Offender Restricted Zone: Means the real property comprising a public or private elementary or middle school; the real property comprising a child care center, a child care facility, a day care operated by a family child care provider, a nursery school or a small child care facility as defined under Title 22, section 8301-A; or an athletic field, park, playground, recreational facility, youth camp licensed under Title 22, section 2495 or another place where children are the primary users.²¹

Sexual Assault Response Team (SART): Response team organized through Maine sexual assault support centers to promote a multidisciplinary collaboration and to create and maintain an effective victim-centered response to sexual violence. This team includes, but is not limited to, representatives from law enforcement agencies, District Attorneys' Offices, medical personnel, and Maine sexual assault support centers.

Sexually Violent Offense (SORNA OF 1999): Means:

- A. A conviction for one of the offenses or for an attempt to commit one of the offenses under former Title 17-A, §252; under Title 17-A, §253, subsection 1; Title 17-A, §253, subsection 2, paragraph A, B, C or D; former Title 17-A, §255, subsection 1, paragraph C or H; former Title 17-A, §255, subsection 1, paragraph B or D, if the crime was elevated a class under former Title 17-A, §255, subsection 3; Title 17-A, §255-A, subsection 1, paragraph D, E, E-1, F, F-1, H, O or P; or
- B. A conviction for an offense or for an attempt to commit an offense of the law in another jurisdiction that includes the essential elements of an offense listed above.
- C. A conviction for a military, tribal or federal offense requiring registration pursuant to:
 - 1. The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act, Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, as amended; or
 - 2. The Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248.²²

Ten-year Registrant: A person who has complied with the initial duty to register as an adult convicted and sentenced or a juvenile convicted and sentenced as an adult of a sex offense.²³

Tier I offense (SORNA of 2013): Means a conviction for a Class E or Class D crime under the following or for an attempt, solicitation or conspiracy to commit a Class E, Class D or Class C crime under the following if the victim was less than 18 years of age at the time of the criminal conduct unless otherwise specified:

- A. Title 17-A, chapter 11 including the following:
 - 1. Title 17-A, §255-A, subsection 1, paragraph C, regardless of the age of the victim
 - 2. Title 17-A, §255-A, subsection 1, paragraph F-2, regardless of the age of the victim.
 - 3. Title 17-A, §255-A, subsection 1, paragraph G, regardless of the age of the victim.
 - 4. Title 17-A, §255-A, subsection 1, paragraph Q, regardless of the age of the victim.
 - 5. Title 17-A, §255-A, subsection 1, paragraph W, regardless of the age of the victim.
 - 6. Title 17-A, §255-A, subsection 1, paragraph X, regardless of the age of the victim.
- B. Title 17-A, chapter 12.

²¹ 17-A M.R.S. § 261(4)

²² 34-A M.R.S. § 11203(7)

²³ 34-A M.R.S.A. § 11203(5)

- C. Title 17-A, §511, subsection 1, paragraph D, regardless of the age of the victim.
- D. Title 17-A, §556, subsection 1, paragraph A, regardless of the age of the victim.
- E. Title 17-A, §855, subsection 1, paragraph A, A military, a tribal or federal offense requiring registration under the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151.

If under another jurisdiction's sex offender registration statute, the registration period is a period of up to 10 years or if the sex offender was not required to register in that other jurisdiction, but the crime includes the essential elements of an offense included in this subsection, the crime is a Tier I offense.

“Tier I offense” does not include unlawful sexual contact under Title 17-A, section 255-A, subsection 1, paragraph U or unlawful sexual touching under Title 17-A, section 260.²⁴

Tier II offense (SORNA of 2013): Means a conviction for a Class C crime under the following, or for an attempt, solicitation or conspiracy to commit a Class B crime under the following, if the victim was less than 18 years of age at the time of the criminal conduct unless otherwise specified:

- A. Title 17-A, chapter 11 including the following:
 - 1. Title 17-A, §253, subsection 2, paragraph J, if the victim had attained 18 years of age at the time of the offense.
 - 2. Title 17-A, §253, subsection 2, paragraph K, regardless of the age of the victim.
 - 3. Title 17-A, §253, subsection 2, paragraph L, regardless of the age of the victim.
 - 4. Title 17-A, §255-A, subsection 1, paragraph J, regardless of the age of the victim.
 - 5. Title 17-A, §255-A, subsection 1, paragraph R-1, regardless of the age of the victim.
 - 6. Title 17-A, §255-A, subsection 1, paragraph R-2, regardless of the age of the victim.
 - 7. Title 17-A, section 258, subsection 1-A, if the victim had not attained 12 years of age.
- B. Title 17-A, chapter 12.
- C. Title 17-A, §855, subsection 1, paragraph B.
- D. A military, tribal or federal offense requiring registration under the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151.

If pursuant to another jurisdiction's sex offender registration statute, the registration period is a period of more than 10 years but less than 26 years or if the sex offender was not required to register in that other jurisdiction, but the crime includes the essential elements of an offense included in this subsection, the crime is a Tier II offense.

“Tier II offense” does not include unlawful sexual contact under Title 17-A, section 255-A, subsection 1, paragraph V or unlawful sexual touching under Title 17-A, section 260.²⁵

Tier III offense (SORNA of 2013): Means a conviction for a Class B or Class A crime under the following or for an attempt, solicitation or conspiracy to commit a Class A crime under the following:

- A. Title 17-A, chapter 11.

²⁴ 34-A M.R.S. § 11273(14)

²⁵ 34-A M.R.S. § 11273(15)

- B. Title 17-A, chapter 12.
- C. Title 17-A, §301, subsection 1, paragraph A, subparagraph (3).
- D. Title 17-A, §852, subsection 1.
- E. A military, tribal or federal offense requiring registration under the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151.

If under another jurisdiction's sex offender registration statute, the registration period is more than 25 years or if the sex offender was not required to register in that other jurisdiction, but the crime includes the essential elements of an offense included in this subsection, the crime is a Tier III offense.²⁶

Tier I registrant (SORNA of 2013): Means a person who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult for a Tier I offense.²⁷

Tier II registrant (SORNA of 2013): Means a person who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult for a Tier II offense.²⁸

Tier III registrant (SORNA of 2013): Means a person who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult for a Tier III offense or as provided for under section 11285, subsection 7.²⁹

Verification Form: Means a form provided by the Bureau for convicted sex offenders in one of the following categories:

- A. Verification for a person sentenced on or after September 18, 1999.
- B. Verification for a person sentenced on or after January 1, 1982 and prior to September 18, 1999, who is a 10-year registrant.
- C. Verification for a person sentenced on or after January 1, 1982, and before September 18, 1999, who is a lifetime registrant.

V. PROCEDURES:

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Upon notification from the State Bureau of Identification (SBI) or the Department of Probation and Parole that an individual meeting the criteria of the Sex Offender Registration Act, is currently living, residing, employed, or attending school within our jurisdiction, the following procedure will be followed:

- A. When received, the notification shall be forwarded to the Chief of Police or his designee.
- B. Upon receiving the notification, the Chief of Police or his designee will determine if the individual has been entered in the agency's Department RMS database.
- C. If the individual has already been entered, the Chief of Police or his designee will verify and/or update the information in the entry.
- D. If the individual has not been previously entered, the Chief of Police or his designee shall:
- E.
 - 1. Collect the following information:
 - a) name; age (date of birth).
 - b) physical description.
 - c) current home address.
 - d) current work address.

²⁶ 34-A M.R.S. § 11273(16)

²⁷ 34-A M.R.S. § 11273(17)

²⁸ 34-A M.R.S. § 11273(18)

²⁹ 34-A M.R.S. § 11273(19)

- F. The Chief of Police or his designee will enter the above information into the Department's RMS database, assign a new case number and conduct an initial review and risk assessment.

VI. Initial Review & Risk Assessment:

A. Chief or his designee Responsibility:

When an offender has a domicile, residence, employment, or attends school in the jurisdiction of the Holden Police Department, the Chief or his designee shall perform the following initial review and risk assessment.

1. The Chief or his designee shall contact the Sex Offender Registry to determine compliance level.
2. The Chief or his designee shall confer with the charging agency for pertinent case history, including any facts alleged in the charging instrument that was proved or admitted and obtain a copy of the police report.
3. The Chief or his designee shall conduct a background investigation on the registrant to determine other pertinent facts including, but not limited to, results of NCIC, Triple III, and SBI checks.
4. The Chief or his designee shall contact the registrant's probation officer (if applicable) regarding any conditions of release and/or other important investigative information regarding the registrant.
5. The Chief or his designee shall interview the registrant.
6. The Chief or his designee shall obtain and verify work locations, names of family members with current addresses and telephone numbers, any other residences, education enrollment, photograph of the exterior of the residence and any other relevant information.
7. The Chief or his designee shall verify the addresses and telephone numbers of family friends with the initial information and correct any discrepancies.
8. The Chief or his designee shall search for schools, daycares, parks, and other public locations nearby the registrant's address.
9. The Chief or his designee shall perform a Department of Corrections' Sex Offender Assessment (*Static-99 Coding Form*) – **(Appendix 1)**.
10. The Chief or his designee shall prepare a report summarizing the investigative findings.

B. Department of Corrections' Sex Offender Assessment Guideline:

1. As provided in the Department of Corrections' Sex Offender Assessment Guideline, and based upon the risk assessment scores determined by the Static - 99 Coding Form **(Appendix 1)** sex offenders will be classified as follows:
 - Individuals receiving 6 points, or more are considered **High Risk.**
 - Individuals receiving 4 or 5 points are considered **Moderate/High Risk.**
 - Individuals receiving 2 or 3 points are considered **Moderate/Low Risk.**
 - Individuals receiving 0 or 1 point are considered a **Low Risk.**
2. Questions regarding risk assessment shall be referred to the Maine Department of Corrections.³⁰

³⁰ 34-A M.R.S.A. Sec. 11144

3. The Chief or his designee shall use a checklist such as the one reflected in **(Appendix 2)**.

C. Administrative Review:

Upon reviewing and approving the initial risk assessment investigative file, the following shall occur.

1. The Chief of Police or his designee shall ensure that the sex offender's information has been established in the Department's RMS database.
2. The Chief of Police or his designee will complete an Administrative Review/Recommendations form **(Appendix 3)** and suggest a recommended course of action.
3. The Chief of Police or his designee shall submit the Administrative Review/Recommendations form with a copy of the investigative file to the Chief of Police via the chain of command.
4. The Chief of Police or their designee will determine whether further community notification is warranted.
5. If community notification is warranted beyond the offender's posting on the Sex Offender Registration website, the Chief of Police or his designee causes a notification letter to be sent to the registrant. The letter informs the offender of the agency's position and intentions of conducting notification.
6. The letter affords the registrant an opportunity to meet with the Chief of Police or designee to discuss the case.
7. A copy of all the above documents shall be attached to the electronic case file in the Departments RMS Database. Also a paper file will be kept in the Chief or his designee's file cabinet designated "Sexual Offenders."

VII. Community Notification:

A. The Extent Of Notification:

1. The Chief of Police or his designee may notify community members of registrants in the community, including those in Safe Children Zones, as well as notification to the appropriate Sexual Assault Support Centers. The extent of notification is based on the nature of the registrant's conviction. It is also based on the agency's investigative findings related to the nature of the conviction, which includes the elements of the offense(s) for which the registrant was convicted, and any facts alleged in the charging instrument(s) (including, but not limited to, the age of the victim) that were proved beyond a reasonable doubt or admitted by the registrant.
2. The Chief of Police or designee should coordinate the community notification with each surrounding jurisdiction in which the registrant resides, works, or attends school or college. The Chief of Police or designee shall seek guidance from the local District Attorney's Office for any violation of the Sex Offender Registration and Notification Act or the rules adopted under the Act.

B. Means of Notification:

The following methods of notification, which are not intended to be all-inclusive, should be considered as a means of notifying the community.

1. News media, e.g., newspaper, television, radio, social media accounts.
2. Informational leaflets that provide general information about registered sex offenders in the community, e.g., "Guide for Community Notification of Sex Offenders" **(Appendix 4)**.
3. Personal notification, such as door-to-door notification in Safe Children Zones.

4. Notification in the form of public postings at the designated community locations.
5. Community forum, which should include Sexual Assault Support Centers, law enforcement, probation officer, the District Attorney's Office, and sex offender treatment providers.
6. Any other means of notification deemed appropriate by the Chief of Police for the particular circumstances to ensure public safety.
7. Only SBI may maintain a sex offender registry on the Internet for purposes of public access. Law enforcement agencies may maintain their sex offender registries for internal use only by those agencies and may provide a link to the Bureau's Internet sex offender registry.³¹ The bureau's sex offender registry on the Internet is at www.informe.org/sor. The agency may also wish to provide a link on its website to the Maine Coalition Against Sexual Assault (MECASA) at www.mecasa.org.
8. Officers who encounter citizens desiring further information regarding a registrant should direct them to call the Chief of Police or his designee or visit this agency during regular business hours.

C. **Contents of Notification:**

The Chief of Police or designee may notify the community of public information regarding a registrant living, attending school, or working in the community.

The following information may be obtained from the Bureau website and may be given to the public regarding:

1. **Ten year or lifetime registrant (SORNA 1999):**

- a) The registrant's name, date of birth and photograph.
- b) The registrant's city or town of domicile and residence.
- c) The registrant's place of employment and college or school being attended, if applicable, and corresponding address and location.
- d) The statutory citation and name of the offense for which the registrant was convicted.
- e) The registrant's designation as a 10-year registrant or a lifetime registrant.³²
- f) A Guide for Community Notification of Sex Offenders. (See Appendix 4)

2. **Tier I, Tier II, or Tier III registrant (SORNA 2013):**

- a) The registrant's name, aliases and the date of birth and a current photograph.
- b) The registrant's city or town of domicile and residence.
- c) The registrant's place of employment and college or school being attended, if applicable, and corresponding mailing address and physical location.
- d) The statutory citation and name of the offense for which the registrant was convicted.
- e) Whether the registrant is a Tier I registrant, a Tier II registrant or a Tier III registrant.
- f) Verification requirements and date of last verification.
- g) The registrant's address and its location on a map.³³

³¹ 34-A M.R.S.A. § 11221(11)

³² 34-A M.R.S.A. § 11221(9)(A)

³³ 34-A M.R.S.A. § 11281(7)(A)

- h) A Guide for Community Notification of Sex Offenders. (See Appendix 4.)

D. **Notification of Registrant by Officer:**

1. Officers of this agency who become aware of a person who has been convicted of a sex offense or sexually violent offense in this state or another state and who is now domiciled, employed, residing, or attending school or college in this State shall notify the Chief or his designee to determine if the person is required to register. The Chief or his designee has different forms for initial registration for persons convicted out of state. Once registered, verification forms for persons convicted in and out of state are the same. All officers are required to treat out-of-state sex offenders who are required to register in the same manner as sex offenders originating from the State of Maine.
2. Officers are encouraged to contact the Chief or his designee if they have any questions regarding any registrant, any provision about the requirements of the Sex Offender Registration and Notification Act or want to obtain a copy of any of the forms regarding this Act.

VIII. Violations of the Sex Offender Registration and Notification Act: Whenever an officer of this agency becomes aware of a violation of the Sex Offender Registration and Notification Act, the officer shall investigate the complaint and notify the local District Attorney's Office for possible prosecution.

IX. Holden Police Department Annual Registrants Verification:

The Holden Police Department shall be required to verify the information and complete the Verification Form including verifying a current photograph and obtaining forefinger prints of the registrant. The completed verification form, photograph, and a \$25 fee for annual registrants must be sent back to SBI by this agency.

X. Immunity from Liability:

The Sex Offender Registration and Notification Act include the following immunity provision: 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. The immunity provided under this section applies to the release of relevant information to other officials or employees or to the public. ³⁴

³⁴ 34-A M.R.S.A. § 11252

Appendix #1

Registered Sex Offender	Incident#		
Question	Risk Factor	Coding	Score
1	What was the age of the offender when released	<input type="checkbox"/> Over 25 <input type="checkbox"/> 18-25	0 1
2	Has the offender ever lived with an intimate partner for at least 2 years?	<input type="checkbox"/> No <input type="checkbox"/> Yes	1 0
3	Does the offender's criminal record show a separate conviction(s) for a non-sexual violent offense that was entered <u>at the same</u> time he was convicted of the sexual offense?	<input type="checkbox"/> No <input type="checkbox"/> Yes	0 1
4	Does the offender's criminal record show a separate conviction(s) for non-sexual violent offense <u>prior</u> to the conviction for the sexual offense?	<input type="checkbox"/> No <input type="checkbox"/> Yes	0 1
5	Does the offender's criminal record show charges or convictions for other sexual offenses prior to the sexual offense? <i>Note: A conviction counts as a charge and conviction. Example: the score is 3 if the offender has 4 prior charges and 1 prior conviction.</i>	Charges Convictions <input type="checkbox"/> None <input type="checkbox"/> None <input type="checkbox"/> 1-2 <input type="checkbox"/> 1 <input type="checkbox"/> 3-5 <input type="checkbox"/> 2-3 <input type="checkbox"/> 6+ <input type="checkbox"/> 4+	0 1 2 3
6	Does the offender's criminal record show 4 or more separate sentencing events prior to the sexual offense?	<input type="checkbox"/> 3 or less <input type="checkbox"/> 4 or more	0 1
7	Does the offender's criminal record show a separate conviction(s) for a non-contact sexual offense?	<input type="checkbox"/> No <input type="checkbox"/> Yes	0 1
<i>Victim questions (8, 9, & 10) – The scoring relates to sexual offenses where the victims were children or non-consenting adults, and is based on all available credible information, including self-report, victim accounts, and collateral contacts.</i>			
8	Are there sexual offense victims outside of the offender's immediate family?	<input type="checkbox"/> No <input type="checkbox"/> Yes	0 1
9	Are there sexual offense victims who were strangers at the time of the offense?	<input type="checkbox"/> No <input type="checkbox"/> Yes	0 1
10	Are there sexual offense victims who were male?	<input type="checkbox"/> No <input type="checkbox"/> Yes	0 1
Total Score			
Score	Risk Category		
0,1	Low		
2,3	Moderate – Low		
4,5	Moderate – High		
6	High		

Appendix #2

Registered Sex Offender: _____ OF # _____
Mailing Address: _____
Work Address: _____
Physical Address: _____
Work Telephone#: _____ Home Telephone#: _____
Cell Telephone#: _____

- 1. 10 Year Registrant
- 2. Lifetime Registrant
- 3. Registrant is an adult or juvenile convicted as an adult
- 4. Possesses Sex Offender Registry Verification Form
- 5. Contact SBI if Registrant doesn't have a Sex Offender Registration verification form
- 6. Is Registrant required to complete a 90 day verification form
- 7. Contact charging agency/officer for background information:
- 8. Contact Sex Offenders Probation Officer for Probation Conditions:
- 9. Request SBI/NCIC III:
- 10. Interview Registrant:
- 11. Obtain current photograph
- 12. Obtain a set of fingerprints
- 13. Verify registrants address & telephone number by contacting family members, friend(s) and employer(s)
- 14. Establish a periodic reporting method for the registrant
- 15. Summary report for Chief of Police
- 16. Produce a Neighborhood notification information sheet
- 17. Form a registrant neighborhood notification plan
- 18. Add registrant to agency's computer database
- 19. Establish an agency file for the registrant
- 20. Advise Sexual Assault Crisis Support Center

Note _____

Investigator Name: _____ Date: _____

Appendix #3

<u>Registered Sex Offender</u>		<u>OF #</u>
<u>Home Address</u>	<u>Work Address</u>	
<u>Category of Registrant:</u> <u>Lifetime</u> <u>10yr</u> <u>Tier I</u> <u>Tier II</u> <u>Tier III</u>		
SUMMARY		
RECOMMENDATIONS		
COMMUNICATION NOTIFICATION		
News Media __ Describe Community Forum __ Describe Door to Door __ Describe Public Postings __ Describe Informational Leaflet __ Describe Other __ Describe Sex Offender Registry Website __		
RECOMMENDATIONS		
Submitted By:	Date:	
Chief of Police:	Date:	
Comments:		

WHO ARE THE PERPETRATORS OF CHILD SEXUAL ABUSE?

- Studies on who commits child sexual abuse vary in their findings, but the most common finding is that the majority of sexual offenders against children are not strangers but family members or someone the child knows.
- Research further shows that men are most often perpetrators, although there are cases in which women are also offenders.
- Despite a common myth, homosexual men are not more likely to sexually abuse children.

WHAT SHOULD WE TELL OUR CHILDREN IN THE COMMUNITY ABOUT THIS SEX OFFENDER WHO HAS MOVED INTO OUR NEIGHBORHOOD?

- Open communication between parents and children are vital components of personal safety. As a parent or other responsible adult who has become aware of the presence of a convicted sex offender, your first decision will be whether or not to tell the child of the sex offender and if so, what to tell the child.
- It is best not to share scary details about a specific case or offender. Rather, let your child know that the offender has hurt someone before and should be avoided. Tell your children to let you or another trusted adult know immediately if the offender approaches them or their friends. Keep information general, as this may protect them not only against the known offender but others who may try to harm them as well. In other words, it is most helpful if you talk about basic safety in general terms and about situations or actions rather than certain individuals.

NOW THAT THE COMMUNITY KNOWS THAT A SEX OFFENDER LIVES IN THE NEIGHBORHOOD, WHAT SHOULD WE DO DIFFERENTLY TO PROTECT OUR CHILDREN AND OURSELVES?

- Although it is alarming to be notified that a sex offender is living in your neighborhood, knowing of a specific offender generally does not assure safety. In fact, there are thousands of sex offenders living in Maine today and you may already be living near one of them. It is best to practice general safety strategies ALL THE TIME and learn to recognize potentially dangerous situations to protect yourself.

- While the new community notification law allows law enforcement to tell you about some sex offenders, this is not a guarantee of safety from sex offenses. It is important to know that sex offenders cannot be identified by looks, race, gender, or occupation. A sex offender can be anyone, so precautions need to be taken at all times. Open communication between parents and children are vital components of safety. Review safety tips, and be aware of common lures.
- Remember that community notification is not about chasing sex offenders out of our neighborhoods. Be attentive and report any violations or suspicious behavior the offender is engaged in, but DO NOT threaten, intimidate, or harass the offender. An offender who is put in a stressful state is more likely to relapse.

WHAT ARE WE AS CITIZENS PROHIBITED FROM DOING?

- Experts believe sex offenders are less likely to re-offend if they live and work in an environment free of harassment. Any actions taken against the individual named in the notification, including vandalism of property, verbal or written threats of harm, or physical violence against this person, his or her family, or employer, will result in arrest and prosecution of criminal acts.



AVAILABLE RESOURCES TO COMMUNITIES

Assistance and support are available to those communities in which a convicted sex offender has been or will soon be released. Among the forms of available assistance are:

FACILITATION OF COMMUNITY FORUMS
Multi-disciplinary panels are available to facilitate community meetings as a means to present sensitive information to the public. Typically, such meetings include an overview of the community notification laws and practices. Misinformation is countered and fears and concerns are addressed. Actions that citizens can take to enhance the safety of their community is emphasized. These panels generally consist of individuals from varied backgrounds which

may include representatives from law enforcement, social services, clergy, and mental health, probation, sex offender treatment providers, and sexual assault advocates. For more information, call your local sexual assault support center.

CONSULTATION

Speakers and consultants from your local sexual assault support center in collaboration with law enforcement and other service providers are available to schools, churches, and other community organizations to help use notification as an opportunity to educate their communities.

This brochure was based on a brochure created by the Cumberland County Child Abuse and Neglect Council/Youth Alternatives.

WHAT IS "COMMUNITY NOTIFICATION"?

- Community notification refers to laws that require local law enforcement to disclose to the public relevant information about certain convicted sex offenders upon their release from prison, work release, or another secure facility. Such information may include the sex offender's address, past crimes, description of offense for which the offender was convicted, physical description and/or photograph, and conditions of release.
- Community notification laws are different from sex offender registration laws, which simply require convicted sex offenders who are living in the community to notify the police of where they are living.

HOW AND WHEN ARE COMMUNITIES NOTIFIED?

- In Maine, notification of community members, as well as the extent of that notification, is determined by the law enforcement agency serving the particular community. The agency must notify those members of a community determined appropriate to ensure public safety. While there are minimum standards for law enforcement policies regarding such notification, to some extent jurisdictions in Maine may establish their own notification practices. Therefore, there may be variations of community notification practices from one geographic area to the next.

WHY AREN'T COMMUNITIES INFORMED OF ALL SEX OFFENDERS WHO ARE RELEASED FROM PRISON?

- The intent of the community notification law is that the community receives information that is RELEVANT and NECESSARY to enhance its safety. Not all sex offenders pose a risk to all residents and knowing about every convicted sex offender does not necessarily enhance safety.

WHY ARE CONVICTED SEX OFFENDERS ALLOWED TO LIVE IN OUR COMMUNITY?

- When sex offenders (or any person who has been convicted of a crime) have served their time in prison, they are free to live and work where they choose. Though this may be frustrating, it is a protection of constitutional rights. At the same time, though, some sex offenders may have some restrictions imposed if they are still under supervision, such as probation.

RESOURCES AND TELEPHONE NUMBERS

To report a crime against a child, contact your local police department.

To report suspected child abuse within a family, contact the Department of Health and Human Services at 1-800-452-1999.

To get help and assistance, contact your local sexual assault support center's statewide, 24-hour, confidential support line at 1-800-871-7741.

To view the registered sex offenders living in Maine visit the State of Maine Sex Offender Registry: <http://www.informe.org/sor/>

Information contained in this brochure is designed to enhance public safety and awareness. However, no law can guarantee the protection of our children. There is no substitute for common safety precautions.

A Guide for Communities, Organizations and Schools about Community Notification of Sex Offenders

CONTACT YOUR LOCAL SEXUAL ASSAULT SUPPORT CENTER FOR MORE INFORMATION

Statewide, 24-hour, confidential sexual assault support line
1-800-871-7741
TTY: 1-888-458-5599
For a link to one of Maine's sexual assault support centers go to:
www.mecasa.org

A Guide for Communities, Organizations and Schools about Community Notification of Sex Offenders

Information in this brochure is designed for:
State and local leaders, Citizens and Community Organizations.

Knowledge that a convicted sex offender has moved into your neighborhood can be a frightening and overwhelming experience. It can also bring on an intense reaction from parents, neighbors, schools, and organizations in the community.

SOME OF THE MOST OFTEN ASKED QUESTIONS INCLUDE:

- What does this mean?
- How can this happen?
- What do we tell our children?
- How do we support our community and calm people's fears?
- What are the roles and responsibilities of parents, communities, and schools?
- What are the limits of community notification laws?
- What resources are available to help me learn more about the notification process?

This brochure will address many of these questions and concerns. It will also provide suggestions on enhancing the safety of the community as well as information on prevention of child sexual abuse.

