

Pennsylvania State Police

Megan's Law Section

Annual Report

2016



I am pleased to present the Pennsylvania State Police (PSP) Megan's Law Section Annual Report. Megan's Law was first enacted in Pennsylvania with the signing of Act 24, by Governor Tom Ridge, on October 24, 1995. Since that time, the law has been amended several times; culminating with the signing of Act 111, by Governor Tom Corbett, on December 20, 2011.

With Act 111, significant effort was expended by the legislature to craft a statute compliant with provisions mandated by the Federal Sexual Offender Registration and Notification Act (SORNA). Act 111 expanded the number of offenses requiring registration and implemented a tiered classification system in which length of registration and frequency of verification is predicated upon the determined tier.

Beyond more stringent registration requirements, PSP embraced the mandate to improve the efficacy of the registration process. The Pennsylvania Sexual Offender Registration Tool (PA SORT) was developed to allow those entities tasked with performing registrations an electronic conduit for submission, replacing a largely antiquated, labor intensive paper process. Through funding provided by the Pennsylvania Commission on Crime and Delinquency (PCCD), equipment to support sexual offender registrations was made available to county probation departments and other designated registration sites statewide (including each PSP field installation with the exception of our Turnpike stations).

Partnering with the Administrative Office of the Pennsylvania Courts (AOPC) and Pennsylvania Justice Network (JNET), PSP established a unique audit process to ensure every offender convicted of a predicate offense is appropriately registered. PSP receives a quarterly report of convictions and compares these with actual registrations, identifying omissions which heretofore would likely have gone undetected.

These efforts led to Pennsylvania being designated by the United States Department of Justice (DOJ) as one of seventeen states to have substantially implemented SORNA requirements. Subsequent to achieving this milestone, PSP continues to evaluate and improve every aspect of sexual offender management unabated. In 2014, a Compliance Unit was established within the Megan's Law Section which is responsible to coordinate and conduct random compliance checks. This initiative is credited, in part, with a non-compliance rate consistently under two percent; and allowing us to maintain our substantial implementation status during annual DOJ reviews.

Ensuring victims of sexual violence receive required notifications of offender status and have access to support services is, likewise, a priority for PSP. An inimitable collaboration engaged Office of Victims Advocate (OVA) in the notification process – a task they are best situated to perform.

We continue to work tirelessly to fulfill our public safety mission and believe sexual offender management is a vital aspect of our strategy to do so. Thank you for your interest in this topic of importance to the citizens of the Commonwealth we so proudly serve.

Sincerely,



Colonel Tyree C. Blocker
Commissioner

TABLE OF CONTENTS

INTRODUCTION1

BACKGROUND1

**SEXUAL OFFENDER REGISTRY
INFORMATION AND DUTIES OF THE MEGAN’S LAW SECTION2**

MEGAN’S LAW PUBLIC WEBSITE4

ENFORCEMENT ACTIVITY.....5

COURT DECISIONS AND NEW LEGISLATION7

CONCLUSION.....8

INTRODUCTION

This report provides statistics and information on the activities of the Pennsylvania State Police (PSP), Bureau of Records and Identification, Megan's Law Section (MLS), for calendar year 2016, as it relates to Pennsylvania's Megan's Law, 42 Pa.C.S. § 9799.

Pennsylvania's Megan's Law requires individuals convicted of legislatively enumerated sexual offenses to register with the PSP and update and verify their information periodically at approved registration sites. The information is placed into Pennsylvania's sexual offender registry which is administered by the PSP, MLS. The role of the MLS is threefold; to collect sexual offender information for inclusion into the sexual offender registry, disseminate the information to law enforcement and the public, and ensure sexual offenders comply with their sexual offender registration requirements.

BACKGROUND

On October 24, 1995, Governor Tom Ridge signed Act 24 into law creating Pennsylvania's Megan's Law. Act 24 required the PSP to create a registry of individuals convicted of sexually violent offenses and disseminate necessary information about sexual offenders to the public and law enforcement. With this information, law enforcement and the public could develop constructive plans to ensure the safety of the community from victimization by sexual offenders.

Since the inception of Megan's Law, the Pennsylvania General Assembly has amended Megan's Law several times. These amendments expanded the amount of information the PSP collects for the sexual offender registry, harshened penalties for sexual offenders who fail to comply with their sexual offender registration requirements, and significantly expanded a public website listing sexual offender information.

On July 27, 2006, President George W. Bush signed into law the Sexual Offender Registration and Notification Act (SORNA). The intent of the new law was to close gaps in states' sexual offender registry laws, provide additional information on a wider range of sexual offenders, make the information more readily available to the public and law enforcement, and offer a degree of standardization among each state's sexual offender registry. As a result, the Pennsylvania General Assembly significantly re-wrote Pennsylvania's sexual offender statute in order to comply with the new federal requirements found in SORNA. The result was Act 111, which Governor Tom Corbett signed into law on December 20, 2011, with an effective date of one year (December 20, 2012).

Because of the significant changes to Pennsylvania's Megan's Law and the anticipated increase in offender visits to sexual offender registration sites, the PSP developed a new web-based sexual offender registration application called the Pennsylvania Sexual Offender Registry Tool (PA SORT). This web-based application is used by a variety of state, county, and municipal agencies to directly enter/update offender information into

the sexual offender registry, almost completely eliminating the paper forms previously mailed to the MLS. The implementation of PA SORT allowed for a significantly reduced time between an offender's compulsory visit and the point at which the information is provided to law enforcement and the public.

SEXUAL OFFENDER REGISTRY INFORMATION

During 2016, the MLS received 2,533 new sexual offender registrations. Each new registration received is reviewed by a Legal Assistant to ensure that the offender is required to register. The appropriate completeness of registration and Tier assignment is then confirmed or edited as necessary. Of the 2,533 new submissions, the MLS staff determined 2,414 offenders required registration and 119 did not. This increased the number of registered sexual offenders to 20,488 active offenders and 11,563 inactive offenders, for a total of 32,051 offenders. This represents an 8.3 percent increase in the number of offenders in the registry for 2016.

Once registered, sexual offenders who are not incarcerated are required to report to a registration site up to four times per year to verify their information. The frequency of visits depends on the offender's classification level (see below chart). The yellow-shaded offenders are required to register for life and must verify their information four times per year. These 13,955 offenders represent 68.1 percent of the registry (Note: A small number of transient offenders, currently numbering 246, are required to verify their information monthly).

Tier Breakdown of Active Offenders

Classification Level	Offender Count (Active Status)	% of Active Registry	Number of Required Verification Visits per Year
Tier 1	3,635	17.75%	1
Tier 2	2,898	14.14%	2
Tier 3	12,034	58.74%	4
SVP	1,867	9.11%	4
SVDC	54	0.26%	4
Total	20,488	100%	

When the time comes for a sexual offender to verify their information, the MLS mails a reminder letter to the offender. In 2016, the section mailed 47,541 such letters which included a listing of 143 publicly accessible registration sites. These registration sites, each equipped to access the PA SORT application, include 80 PSP Stations, 51 county-level sites, and 11 municipal police departments.

In addition to the verification requirement, sexual offenders are also required, by law, to report a change in their information to the PSP within three business days. This is normally accomplished by the offender visiting a registration site. The MLS staff reviews these offender updates and verification visits for accuracy before the information is posted on the public website and disseminated to law enforcement. In 2016, the MLS processed 72,172 offender updates and verifications.

When an offender reports a new residential address, a new employment location, or enrolls as a student, the MLS notifies the municipal police department or local PSP Stations which has jurisdiction at the location. In 2016, the MLS sent 23,369 such notifications. The MLS staff also notifies the municipal police department or local PSP Station that has jurisdiction at a location when an offender reports they no longer reside at a residence, terminated an employment location, or stopped attending school. In 2016, the MLS sent 21,449 such notifications. Both types of notifications allow local police, or the local PSP Station, to remain informed on sexual offenders in their jurisdictions.

When one of the 1,867 sexually violent predators (SVP) or 54 sexually violent delinquent children (SVDC) registers or reports a new residential address, the MLS prepares a community notification packet which consists of an instructional letter, court documents, and 100 or more Community Notification Flyers. The section staff sends the packet to the municipal police department or local PSP Station which has jurisdiction at the address. In 2016, the MLS prepared 672 packets. Upon receiving the packet, the local PSP Station or municipal police department then distributes the flyers to the following entities:

- Neighbors of the SVP or SVDC.
- The director of the county children and youth services agency where the SVP or SVDC resides.
- The superintendent of the school district and the equivalent head of each private and parochial school in the municipality where the SVP or SVDC resides.
- The superintendent of the neighboring school district and the equivalent head for each private and parochial school (within a one-mile radius of where the SVP or SVDC resides).
- Each certified day care center, licensed preschool program, and registered family day-care home in the municipality where the SVP or SVDC resides.

- The president of each college, university, or community college within 1,000 feet of where the SVP or SVDC resides.

Pennsylvania's Megan's Law also requires the local PSP Station or municipal police department to notify victims of an SVP or SVDC when such an offender registers or reports a new or terminated residential, employment, or school address. However; in early 2015, the PSP and the Pennsylvania Office of Victim Advocate (OVA) formed a partnership which transferred victim notification responsibilities to the OVA. The OVA is dedicated to representing, protecting, and advancing the individual and collective rights and interests of crime victims since 1995, and possesses the resources and expertise to better meet the needs of these victims. During 2016, the OVA notified 4,352 victims of an SVP or SVDC address, employment, or school change.

The OVA also offers additional services to victims of SVPs and SVDCs. During 2016, 1,531 such victims have registered with the OVA to receive additional notifications. As a result, the OVA has sent 3,101 notices of parole processes, inmate status changes in state correctional institutions, and automated custody notifications. The OVA also processed 414 pieces of information from victims, i.e., updated victim registration forms, input to parole processes, etc.

When an offender notifies the PSP of a new residential, employment, or school address in another state, the MLS notifies the managers of that state's sexual offender registry. Prior to 2015, this was accomplished by mailing a notice to the other state; however, technological improvements to PA SORT have allowed the MLS staff to send a relocation notice to the new state via the SORNA Exchange Portal. This results in an immediate notice for the new state, allowing for greater assurance that the offender will continue to be registered in their new location. In 2016, the MLS sent 814 relocation notices using the newly enhanced process.

As previously noted, the MLS sends notices to the local PSP Station or municipal police department which has jurisdiction when an offender terminates a residential, employment, or school address. These notices are statutorily required and have been sent for approximately ten years. Starting on June 22, 2015, the MLS also began notifying the local PSP Station or municipal police department with jurisdiction when an offender finishes his required period of registration, becomes deceased, or is removed from the registry for legal reasons. In 2016, the MLS sent 299 notices.

The MLS is also the point of contact for the public and law enforcement community due to the expertise of its staff. In 2016, the MLS handled 27,009 incoming phone calls and placed 4,268 outgoing phone calls.

MEGAN'S LAW PUBLIC WEBSITE

In addition to the web-based application for law enforcement, the PSP maintains a website where the public may obtain general information about Megan's Law and specific information about each sexual offender. In 2016, there were approximately three million

visitors to the public website and approximately 105 million page hits. The website includes useful features which allow a user to search the sexual offender registry in a variety of ways, including an innovative mapping tool identifying sexual offender addresses in relation to location. Users can also create an account on the public website to track specific offenders and receive email notifications when the tracked offender's status changes or when the offender adds/terminates a residential, employment, or school address. Users can also use their account to register addresses in order to receive email alerts when any offender adds or terminates a residential, employment, or school address within a user-designated radius of the address. In 2016, there were 27,287 accounts on the website which generated just under four million email notifications.

ENFORCEMENT ACTIVITY

The PSP MLS is committed to ensuring sexual offenders comply with their sexual offender registration requirements. A high compliance rate results in more accurate information being provided to law enforcement and the public website. The MLS employs a number of methodologies to achieve a compliance rate of 98.1 percent, among the highest in the nation.

The MLS learns an offender has fallen out of compliance several different ways:

- The PA SORT application automatically identifies offenders who fail to report for their required verification check. When this occurs, PA SORT sends a letter requesting a criminal investigation to the municipal police department or local PSP Station with jurisdiction. In 2016, the MLS sent 1,653 investigative requests for missed offender verifications.
- Users of the Megan's Law public website are able to send a tip about an offender to the MLS by using the Submit a Tip button under each offender's photo. Justifiable tips are forwarded to state and local police for investigation.
- The public also submits tips or calls the MLS when they learn an offender is not residing, working, or attending school at the address posted on the Megan's Law public website. The staff then forwards the information to state and local police for investigation. In 2016, The MLS sent 2,058 investigative requests stemming from website and phone tips from the public.

When the local PSP Station or municipal police department investigates suspected offender non-compliance, criminal charges often follow. In 2016, the PSP and municipal police departments filed felony criminal charges against 828 offenders for Failure to Comply with Registration Requirements, 18 Pa.C.S. § 4915.1.

After an offender is arrested, the MLS staff copies the offender's registration file, often hundreds of pages long, and sends it to the investigating officer or one of the 137 PSP Megan's Law Field Liaisons for court testimony. Field Liaisons are PSP Troopers located

throughout the state who are routinely called upon for their expertise in Megan's Law. Often they testify as the custodian of records during preliminary hearings and common pleas court trials. In 2016, the MLS produced and sent 653 certified court packets to investigating officers and Field Liaisons.

The Pennsylvania General Assembly significantly amended Title 23 of the Pennsylvania Consolidated Statutes as it pertains to child protective services in late 2013. The resulting legislation, Act 108 of 2013, was signed by Governor Tom Corbett and went into effect on December 31, 2014. One change of Act 108 was to amend the definition of child abuse to include the act of intentionally, knowingly or recklessly leaving a child unsupervised with certain sexual offenders. Now, when the MLS learns of such a situation, staff notifies the local PSP Station or municipal police department with jurisdiction to take immediate action in determining the safety and well-being of the child in question. Staff simultaneously notifies the Pennsylvania Department of Human Services. In 2016, the MLS handled 208 of these situations.

The MLS takes a number of proactive steps to ensure offenders comply with their registration requirements. One way this is accomplished is by performing compliance sweeps. Megan's Law Troopers, local PSP Troopers, and municipal police officers run these sweeps by arriving at an offender's associated address(es) and verifying a veracity of information reported by the offender. This reveals a non-compliant offender and also serves as a deterrent to offenders falling out of compliance in the future while creating an impression of police omnipresence in the community. In 2016, there were 26 compliance sweeps conducted in areas located in the following Counties:

Adams	Fayette	Montour
Bedford	Franklin	Northampton
Berks	Fulton	Northumberland
Bradford	Indiana	Perry
Chester	Juniata	Susquehanna
Columbia	Lancaster	Union
Crawford	Lehigh	Venango
Dauphin	Lycoming	Warren
Erie	Mifflin	Westmoreland

During these sweeps, compliance teams checked 3,549 addresses and uncovered 92 non-compliant offenders for investigation. In addition, routine checks are conducted on offenders by locally stationed Troopers and municipal police officers. The MLS also emails an automated weekly report of non-compliant and absconded offenders to law enforcement agencies throughout Pennsylvania. These customized reports allow law enforcement agencies to obtain a listing for non-compliant and absconded offenders in their county only, for several counties, or for the entire state. In 2016, the MLS sent 19,136 reports.

Pennsylvania's Megan's Law requires each county's probation office to register new sexual offenders at the time they are sentenced for their offense. In order to ensure all

offenders register, the PSP formed a partnership with the Administrative Office of Pennsylvania Courts (AOPC). Quarterly, the AOPC sends a report of individuals sentenced for a sexually violent offense to the MLS. Staff then compares the AOPC list to the sexual offender registry in order to identify which individuals have not yet been registered. When this occurs, a Trooper from the MLS contacts the applicable county probation office to notify them of the potential oversight. This pro-active audit process, while not legislatively mandated, is a significant step in ensuring offenders do not errantly go unregistered.

COURT DECISIONS & NEW LEGISLATION

On August 15, 2016, the Pennsylvania Supreme Court decided the case A.S. v. Pennsylvania State Police No. 24 MAP 2014. The ruling clarified language in Pennsylvania’s Megan’s Law statute which requires lifetime registration for offenders convicted of multiple sexual offenses. Immediately after the court decision, the MLS identified 5,992 Tier 3 offenders who could potentially be affected by the ruling. During the remainder of 2016, the MLS completed the review of the conviction information for 3,205 of these offenders and determined the following:

Results of the Review	Number of Offenders
Offenders removed from the registry	16
Offenders whose tier was reduced from Tier 3 (lifetime registration) to Tier 2 or Tier 1	1,080
Offenders who remained a Tier 3 offender	2,109
Total number of offenders reviewed	3,205

On July 7, 2016, The Commonwealth Court of Pennsylvania decided the case Tommy Lee Jackson v. Commonwealth of Pennsylvania No. 388 M.D. 2014. The ruling clarified language regarding the length of registration for certain offenders who were convicted outside of Pennsylvania. As a result, the MLS identified 219 offenders who could potentially be affected by the ruling. During the remainder of 2016, the MLS completed the review of 137 of these offenders and determined the following (The remaining reviews are pending acquisition of documents from other states or the review of counsel).

Results of the Review	Number of Offenders
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Offenders removed from registry	16
Offenders whose registration end date was changed	22
Offenders with no change	99
Total number of offenders reviewed	137

CONCLUSION

Pennsylvania's Megan's Law was created to allow law enforcement and the public to be aware of sexual offenders in their community. The data provided in this report allows the efficacy with which PSP is meeting our mandate to be objectively evaluated. As a result of such an evaluation, the Commonwealth of Pennsylvania has been identified by the United States Department of Justice as being one of seventeen states substantially compliant with SORNA requirements.