

# **Pennsylvania State Police Megan's Law Section**



**2017  
Annual Report**

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 which would be 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 tier 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 attaining our "substantial implementation" designation by the United States Department of Justice (DOJ); to date, one of only 18 states to do so. 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 PSP to maintain its 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,

A handwritten signature in black ink, appearing to read "Robert Evanchick". The signature is written in a cursive, flowing style.

Lieutenant Colonel Robert Evanchick  
Acting Commissioner

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## **INTRODUCTION**

Pennsylvania Megan's Law, 42 Pa. C.S. § 9799, requires that individuals convicted of certain legislatively enumerated offenses register with the Pennsylvania State Police (PSP). After initial registration, these individuals are required to appear at an approved registration site for periodic, scheduled updates. The individuals are required to notify PSP of any changes to their registration information that may occur between scheduled appearances. The information collected is placed into Pennsylvania's Sexual Offender Registry. The PSP Bureau of Records and Identification, Megan's Law Section (MLS), is tasked with administering the sexual offender registry. The MLS not only collects sexual offender information for inclusion in the sexual offender registry, but also disseminates certain sexual offender information to law enforcement agencies and the public. In addition, the MLS monitors and ensures sexual offenders comply with their sexual offender registration requirements.

The following report is intended to provide a broad overview of the sexual offender registry; information on the activities of the PSP; MLS, as it relates to the administration of Pennsylvania's Megan's Law; and statistical information regarding sexual offenders in Pennsylvania.

## **MEGAN'S LAW HISTORY**

Pennsylvania's Megan's Law began under Governor Tom Ridge, when he signed Act 24 into law on October 24, 1995. Act 24 mandated the PSP to create a registry of individuals who were convicted of certain sexually violent offenses and disseminate this information to the public and other law enforcement agencies. This information sharing was intended to inform law enforcement and the public of sexual offenders in their communities, so that proactive efforts could be taken to ensure the safety of all in the community.

The Pennsylvania General Assembly made several amendments to Megan's Law following its inception in 1995. Some of the changes to Megan's Law included an expansion of the information collected from sexual offenders, as well as more severe penalties for those sexual offenders who fail to comply with their sexual offender registration requirements. Other significant changes involved the establishment and subsequent expansion of a public website, making sexual offender information readily available via the internet.

The Sexual Offender Registration and Notification Act (SORNA), was signed into law by President George W. Bush on July 27, 2006. SORNA was designed to unify sexual offender registry laws across all states. His intent was to expand the list of sexual offenses requiring registration, as well as the inclusion of additional information provided by the sexual offenders required to register. SORNA also provided for a more standardized approach to sexual offender registries by individual states, thereby making the sexual offender information more readily available to law enforcement and the public.

The requirements set forth in SORNA caused the Pennsylvania General Assembly to substantially amend Pennsylvania's Megan's Law. Governor Tom Corbett brought Pennsylvania into compliance with the federal requirements when he signed Act 111 into law on December 20, 2011, with an effective date of December 20, 2012.

The new SORNA requirements caused a marked increase in the number of sexual offenders registered in Pennsylvania and the number of visits to registration sites. As a result of this increase, PSP developed a web-based sexual offender registration application. The Pennsylvania Sexual Offender Registry Tool (PA SORT) is used by state, county, and municipal agencies across Pennsylvania to enter and update sexual offender information directly into the sexual offender registry. The implementation of PA SORT not only streamlined the registration process, but also provided a more expedient means of processing the information collected and making it available to law enforcement and the public in a timelier manner.

The PA SORT has proven to be vital to the MLS in administering Megan's Law. Once sexual offender information is input, whether as an initial registration or a verification/update, PA SORT automatically transmits the information to the appropriate personnel within the MLS for review. Once the information is reviewed and approved, PA SORT is updated, and the new information is automatically posted to the public website. Various parameters can be set within PA SORT, which then initiates numerous types of correspondence and alerts to be generated automatically. This assists the MLS personnel in processing offender information and notifications in a timely manner, as well as providing nearly real-time monitoring for non-compliant sexual offenders.

## **SEXUAL OFFENDER REGISTRY**

Calendar year 2017 ended with 22,001 active offenders in the registry. This represents a 7.5 percent increase from 2016, which ended with 20,488 active offenders.

During 2017, the MLS received 2,447 new sexual offender registrations. A Legal Assistant reviews each new registration for completeness and accuracy, and determines, based on the offense committed, if the sexual offender is in fact required to register. When it is determined an offender is required to register, the appropriate Tier assignment is designated. Tier assignments are based on the offense committed and are determined by statute. The offender information is then activated in PA SORT and the appropriate information is posted to the public website. Should a new registration be submitted for an offender, and it is determined that the individual is not required to register, correspondence is sent to them indicating such. Of the 2,447 new registrations received in 2017, MLS staff determined that 2,321 offenders were required to register, and 126 were not.

Registered sexual offenders who are not incarcerated are required to appear at a registration site at pre-determined times throughout the year. The duration of the

registration requirement and the frequency of these appearances is dependent upon the Tier level/classification of the offender. Tier 1 offenders are required to register for 15 years and Tier 2 offenders for 25 years. Tier 3 offenders, offenders determined by the courts to be a sexually violent predator (SVP) or sexually violent delinquent child (SVDC), for crimes committed as a juvenile, are required to register for life. The chart below reflects the number of offenders in each category. Of the total 22,001 registered offenders, 13,957, or 63.44 percent of the registry, are required to register for life. There is a small number of transient offenders (those without fixed addresses) who are required to register monthly, regardless of Tier assignment. There are currently 242 active transient offenders in the registry. A registered offender who is incarcerated is considered an active offender and is designated as such on the public website. Updates are only required if the offender is transferred to a different correctional facility or upon the release of the offender from custody.

### Active Offenders by Tier and Classification

Classification Level	Active Offender Count	Percentage of Active Registry	Number of Required Verification Visits per Year
Tier 1	4,361	19.82%	1
Tier 2	3,683	16.74%	2
Tier 3	11,784	53.56%	4
SVP	2,116	9.62%	4
SVDC	57	0.26%	4
<b>Total</b>	<b>22,001</b>	<b>100%</b>	

The pre-determined registration verification times for an offender are based on the date the offender initially registered and the mandated frequency of the verifications. When the required appearance time nears, the MLS mails a reminder notification to the offender. The correspondence indicates the period in which an offender must register to remain in compliance, as well as a list of 142 approved registration sites, including 80 PSP Stations, 51 county-level sites, and 11 municipal police departments. Each of these registration sites can access the PA SORT application. There were 47,979 such letters mailed by the MLS during 2017.

In addition to these scheduled verification appearances, registered offenders are required, by law, to report any changes in their information to the PSP within three business days of the change. These updates typically involve the registered offender appearing at one of the approved registration sites and providing the new information.

Each time a registered offender arrives for a mandated appearance or to report a change, the information is transmitted to the MLS via PA SORT. The MLS staff reviews each verification and update submitted for accuracy. Once vetted, any changes are posted to

the public website and disseminated to law enforcement, as appropriate. The MLS staff processed 71,617 offender verifications and updates in 2017.

Any time an offender reports a change of address, whether it be residential, employment, or school, the MLS notifies either the local PSP Station or municipal police department with jurisdiction at the location. A total of 22,514 of these notifications were made during 2017. In addition to notifying law enforcement of the offender's new address, the MLS also notifies the agency with jurisdiction when an offender reports that they no longer reside at a particular address, have terminated employment, or are no longer a student. There were 21,284 such notifications made in 2017. These notifications are intended to allow local PSP Stations and municipal police departments to remain informed of sexual offenders who reside, work, or attend school within their respective jurisdictions.

When an SVP or SVDC initially registers or reports a change of address, the MLS prepares a community notification packet in addition to notifying law enforcement. The MLS sent 604 community notification packets in 2017. These packets consist of an instructional letter and court documents for law enforcement reference, as well as 100 or more Community Notification Flyers. The community notification packets are sent to the local PSP Station or municipal police department with jurisdiction over the area of the address. Upon receipt of the packet, the local PSP Station or municipal police department conducts a community notification campaign by distributing the flyers to the following, as mandated by law:

- 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 of each private or parochial school, if located 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 Megan's Law also requires that notification is made to the victim of any SVP or SVDC when the offender registers or reports a change of address by the Pennsylvania Office of Victim Advocate (OVA). The OVA is better able to meet the needs

of the victims with their resources and expertise in victim advocacy. Since 1995, the OVA has represented crime victims by protecting and advancing their rights and assisting with victim services. The OVA notified 2,692 victims of a change of address, employment, or school for a SVP or SVDC during 2017.

In addition to the change of address notifications, the OVA offers victims the ability to register to receive other related services. Victims can request notifications for an offender in the event of a parole processing, state correctional inmate status changes and custody changes. In 2017, 3,474 victims were registered for these additional notifications, resulting in 4,212 notifications being sent. The OVA also processed 238 pieces of correspondence received from victims.

If an offender reports any change of address involving another state for residence, employment, or school to the PSP, the MLS makes notification to the administrator of the affected state's sexual offender registry. This relocation notification is made via the SORNA Exchange Portal, a nationwide network linking the various states sexual offender registries. The MLS staff initiates this notification through the PA SORT program. This immediate notice to the new state ensures a greater probability that the offender will continue to comply with registration requirements upon relocation. There were 932 relocation notices sent to other states in 2017.

Although not required by statute, in 2015, the MLS began notifying local PSP Stations or municipal police departments with jurisdiction when a registered sexual offender finishes the required registration period, is deceased, or is otherwise removed from the registry for legal reasons. There were 310 such notices sent in 2017.

The MLS serves as the central repository of registered sexual offenders in Pennsylvania. The MLS staff are excellent sources of information and guidance, and serve as a point of contact for the law enforcement community and the public. The MLS staff fielded 33,642 incoming telephone calls during 2017 and made 3,209 outgoing telephone calls.

### **MEGAN'S LAW PUBLIC WEBSITE**

The PSP also maintains a website that is available to the public. This website is separate from the PA SORT system, which can only be accessed by law enforcement. The public website has a vast amount of information concerning Megan's Law, including information on state and federal statutes, links to other states' registries, and certain information concerning active registered offenders. The offender database can be searched in a variety of ways and includes a mapping tool which can identify sexual offender addresses within parameters set by the user. Users of the website have the option of creating an account, which will allow them to receive updates regarding specific offenders. This tool provides email notifications to the user when the selected offender has a change in registration status or when the offender makes any change to a residential, employment, or school address. Users also have the option of registering their address to receive



email alerts when any offender adds or terminates a residential, employment, or school address within a user designated radius of the registered address. In 2017, there were approximately 2.835 million visitors to the public website, which resulted in approximately 473.37 million-page hits. Accounts established by users totaled 32,875, generating approximately 3.64 million email notifications to individual user accounts.

## **ENFORCEMENT ACTIVITY**

Sexual offender compliance to registration requirements is essential to ensuring public safety and awareness. A high compliance rate results in the most accurate information being available to both law enforcement agencies and the public. Pennsylvania has consistently maintained one of the highest compliance rates in the country, continuing that trend, with a compliance rate of 97.8 percent in 2017.

The MLS uses several strategies to maintain these standards. These strategies include internal monitoring, proactive enforcement, information sharing between law enforcement agencies, and following up on tips received from the public.

When an offender is suspected to be non-compliant, the MLS sends a request for investigation to the local PSP Station or municipal police department with jurisdiction. When the investigation results in criminal charges, the non-compliant offenders face felony charges for Failure to Comply with Registration Requirements, 18 Pa. C.S. §4915.1.

Some examples of compliance monitoring by the MLS include:

- The PA SORT application automatically identifies an offender who fails to report for their scheduled verification check. When this occurs, the PA SORT system self-generates a request for investigation letter that is sent to the local PSP Station or municipal police department with jurisdiction. In 2017, 1,860 investigation requests were generated within the PA SORT system.
- Users of the Megan's Law public website have the ability to submit tips via the website. On each offender profile, there is a "Submit a Tip" button that allows the user to provide relevant information directly to the MLS.
- The public can also submit tips to the MLS by telephone if it is believed the offender is not residing, employed, or attending school at the address posted to the Megan's Law public website.

As a result of the tips received from the public, 1,811 requests for investigations were initiated in 2017. Should the investigation reveal the offender is in fact out of compliance, these requests for investigation, based on public tips, can lead to an offender facing criminal charges for failing to comply with their registration requirement. There were 2,409 tips received from the public during 2017.

As these cases flow through the judicial system, the MLS staff is often required to copy the offender's registration file, which in some cases are several hundred pages of information. These file copies, or court packets, are then forwarded to the requestor (e.g., investigating officer, prosecuting district attorney, or one of the 119 PSP Megan's Law Field Liaisons) for use in court testimony. The Field Liaisons are PSP Troopers throughout the Commonwealth who have received specialized training and are routinely called upon for their expertise in Megan's Law. They offer testimony during preliminary hearings as well as common pleas court trials. In 2017, 487 of these court packets were produced and sent by the MLS.

Investigations are also initiated under a provision of Title 23 of the Pennsylvania Consolidated Statutes. In the latter part of 2013, legislation was passed by the General Assembly and signed into law by Governor Tom Corbett. Act 108 of 2013 became effective December 31, 2014. Act 108 amended the definition of child abuse to include the act of intentionally, knowingly, or recklessly leaving a child unsupervised with certain sexual offenders. If such information is brought to the attention of MLS staff, the local PSP Station or municipal police department with jurisdiction is notified and requested to take immediate action in verifying the safety and well-being of the child in question. The MLS staff also notifies the Pennsylvania Department of Human Services for further appropriate action. There were 197 such notifications made by MLS staff in 2017.

The MLS also engages in proactive enforcement efforts to verify and ensure compliance by offenders. Compliance audits are routinely conducted at pre-selected locations throughout the Commonwealth. These audits are coordinated and conducted by Troopers from the MLS, along with local PSP Troopers and municipal police officers. During these audits, law enforcement officers proceed to the address(es) reported by the offender. While verifying that the reported information is correct, additional information reported by the offender is also verified. These compliance checks reveal offenders who are non-compliant, serving as a deterrent to offenders falling out of compliance in the future. The number of law enforcement personnel involved in the sweeps also create a police presence in the community. During these audits in 2017, 2,236 offender addresses were checked, finding 219 non-compliant offenders.

2017 compliance audits were conducted in the following counties:

Cambria	Jefferson	McKean	York
Centre	Lackawanna	Monroe	
Clearfield	Lebanon	Northampton	
Delaware	Luzerne	Schuylkill	

In addition to these audits, local PSP Stations and municipal police departments also conduct routine checks on offenders. Some of these checks are initiated as a result of an automated weekly report generated by the MLS. The report contains a list of non-compliant and absconded offenders and is forwarded, via email, to law enforcement agencies throughout Pennsylvania. The reports are searchable and customizable by the agency receiving them, allowing those agencies to sort the information to better meet their needs. In 2017, the MLS sent copies of these reports to 332 recipients.

When a sexual offender is sentenced following conviction, each county's probation office is responsible for the initial registration of the offender, as required by Pennsylvania's Megan's Law. On occasion and for various reasons, an offender may not be registered upon sentencing. If this occurs, the MLS is not aware of the offender who is in need of registration. To better ensure that all offenders required to register have done so, PSP partners with the Administrative Office of Pennsylvania Courts (AOPC). On a quarterly basis, the AOPC sends a report to the MLS containing a list of offenders who were sentenced for sexual offenses and require registration. The MLS staff compares the list provided by the AOPC to the sexual offender registry in order to identify any offenders who have not yet registered, as required. If an offender is identified, MLS staff contacts the appropriate county probation office to provide notification of the potential oversight. While not a mandate of Megan's Law, this pro-active internal audit process provides for a significant step in ensuring offenders do not errantly go unregistered.

### **COURT DECISIONS & NEW LEGISLATION**

On July 19, 2017, the Pennsylvania Supreme Court decided the case of Commonwealth v. Muniz, No. 47 MAP 2016. The court ruled that the current law, as implemented under the SORNA guidelines, was unconstitutional when applied to a sex offender who committed their offense prior to the law's enactment. This ruling meant that the registration requirements of SORNA could not be imposed on an offender who did not have a prior requirement to register or who had less stringent reporting requirements. Approximately 17,000 sex offenders on the registry were affected by the court's ruling.

Attorneys for the Commonwealth filed an appeal of the Pennsylvania Supreme Court decision with the United States Supreme Court. The appeal allowed for a stay of the

Pennsylvania court decision. As of the end of calendar year 2017, no decision from the United States Supreme Court was issued.

Meanwhile, legislation was introduced in the Pennsylvania House of Representatives to amend Pennsylvania's current statute. HB 1952 sought to address the ex post facto portion of the current law. The legislation includes the addition of a new Subchapter I of 42 Pa. C. S. Chapter 97, and specifically addresses those individuals who committed their offense prior to the enactment of the SORNA provisions. As of the end of calendar year 2017, HB 1952 continued to move through the legislature.

As we await the result of the current legal challenge in the judicial system or the enactment of new legislation by the Pennsylvania General Assembly, the PSP, MLS, anticipates change as we move into 2018. The PSP remains committed to ensuring the promotion of public safety while acting within the parameters set forth in the applicable statutes.

## **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 PSP, MLS, strives to provide timely and accurate information concerning sexual offenders to both law enforcement and the public.

The data provided in this report allows the efficacy with which PSP is meeting our mandate to be objectively evaluated. As a result of these periodic evaluations, the Commonwealth of Pennsylvania has been identified by the U.S. Department of Justice as being one of only 18 states substantially compliant with SORNA requirements.