



**SUBJECT:** Michigan Sex Offenders

**TO:** Members of the Department

This Order establishes department policy and member responsibilities for the following:

<b><u>Section 36.1</u> SEX OFFENDER REGISTRATION</b>	2
<u>36.1.1.</u> Initial Entry of Sex Offenders	2
<u>36.1.2.</u> Entry of Reported Registration Changes	2
<u>36.1.3.</u> Address Verification of Sex Offender Records	2
<u>36.1.4.</u> Sex Offender Registration Fees	2
<u>36.1.5.</u> Canceling a Sex Offender Registration Record	3
<b><u>Section 36.2</u> SEX OFFENDER REGISTRATION ENFORCEMENT</b>	3
<u>36.2.1</u> Statewide Sex Offender Enforcement Coordinator (SSOEC)—Sergeant	3
<u>36.2.2.</u> Regional Sex Offender Enforcement Coordinators	4
<u>36.2.3.</u> Sex Offender Compliance Checks	5
<u>36.2.4.</u> Investigating Suspected SORA Violations	5
<u>36.2.5.</u> Incident/Arrest Reporting and Warrant Entry Codes	5
<b><u>Section 36.3</u> DISSEMINATION OF SEX OFFENDER REGISTRY INFORMATION</b>	6
<u>36.3.1.</u> Media Inquires	6
<u>36.3.2.</u> Citizen Inquiries	6
<b><u>Section 36.4</u> FEDERAL AUDITS</b>	6
<b><u>Section 36.5</u> SEX MOTIVATED CRIME REPORTS</b>	7
<b><u>Section 36.6</u> RESOURCES</b>	8
<b><u>Section 36.7</u> REVISION RESPONSIBILITY</b>	8

## 36.1 SEX OFFENDER REGISTRATION

[MCL 28.728](#) designates the department as the state repository for all sex offender registration records. The Michigan [Sex Offenders Registration Act \(SORA\), Public Act 295 of 1994](#), specifies the duties and responsibilities of criminal justice agencies and individuals required to be registered as a sex offender.

### 36.1.1. INITIAL ENTRY OF SEX OFFENDERS

- A. [MCL 28.723](#) states that when an individual is convicted of a listed offense defined in [MCL 28.722](#), the individual must register as a sex offender in the state of Michigan. [MCL 28.727](#) specifies the information that must be obtained or provided for registration purposes.
- B. Members shall process the original registration of an individual required to register in Michigan who visits the post during regular business hours. These changes shall be immediately submitted electronically in the sex offender registry database.
- C. Members shall provide the registrant with the applicable documentation reflecting the acceptance of the completed registration.

### 36.1.2. ENTRY OF REPORTED REGISTRATION CHANGES

- A. [MCL 28.724a](#) and [MCL 28.725](#) both specify information a registrant must report and the time frame in which it must be reported to a law enforcement agency.
- B. Members shall process all changes reported by a registrant who visits the post during regular business hours. These changes shall be immediately submitted electronically in the sex offender registry database.
- C. Members shall provide the registrant with the applicable documentation reflecting the acceptance of the reported changes.

### 36.1.3. ADDRESS VERIFICATION OF SEX OFFENDER RECORDS

- A. [MCL 28.725a](#) requires a registrant who is not incarcerated to verify his/her address with a law enforcement agency and prescribes the time frame in which the verification must be completed.
- B. Members shall verify the address of any registrant who visits the post during regular business hours. These changes shall be immediately submitted electronically in the sex offender registry database.
- C. Members shall provide the registrant with the applicable documentation reflecting the acceptance of the address verification.
- D. Members shall not refuse to process the address verification solely based on the lack of a Michigan driver's license and/or Michigan personal identification card. Verification should proceed if the member is able to verify the identity of the individual, regardless of his/her inability to pay an applicable registration fee.

### 36.1.4. SEX OFFENDER REGISTRATION FEES

- A. [MCL 28.727](#) requires a registrant to pay a registration fee, which is due and payable at the registrant's original registration.

- B. [MCL 28.725a](#) requires a registrant who is not incarcerated to pay an annual registration fee. MCL 28.725a states that the annual registration fee is due and payable at the registrant's first reporting month of a year in which he or she is required to verify his or her address. The annual registration fee may be prepaid for future years and does not apply to registrants initially required to register after January 1, 2019.
- C. Members shall attempt to collect any due and payable registration fee at a registrant's address verification or original registration.
- D. Members shall collect all fee payments in accordance with Official Order No. 8. "SOR Fees" shall be written in the "Received Other" section of the ADM-027 and the receipts shall list the particular post's SIGMA Template.
- E. [MCL 28.725b](#) prescribes a 90-day waiver of the original and annual registration fee for a registrant who claims to be indigent if the burden of indigence is proven by the registrant to the satisfaction of the member. The definition of indigence can be found in [MCL 28.722](#).
- F. [MCL 28.729\(4\)](#) provides that willfully refusing or failing to pay a registration fee within 90 days from the date a registrant is required to report is punishable as 90-day misdemeanor. However, SORA does not expressly require an individual to pay a fee at any time other than upon initial registration and/or the individual's first reporting month of a registration year, as summarized above.
- G. Members shall also record the determination of indigent or the fee payment electronically in the sex offender registry database.

#### 36.1.5. CANCELING A SEX OFFENDER REGISTRATION RECORD

- A. Members notified of a registrant's death shall upload proof of death, to include a death certificate, law enforcement agency report, Social Security Death Index report, or Michigan Secretary of State death record, and contact the Sex Offender Registry Unit to cancel the registrant's sex offender registry record.
- B. Members shall not accept as proof of death any unofficial source documentation, including but not limited to, an obituary, newspaper article, and/or letter from the deceased's family.
- C. Members who receive a court order on a Petition to Discontinue Sex Offender Registration shall immediately forward the court order to the Sex Offender Registry Unit for processing. If the Sex Offender Registry Unit receives a court order that is unclear or incomplete, the court order shall be forwarded to the Executive Resources Section for review and a determination.

### 36.2 SEX OFFENDER REGISTRATION ENFORCEMENT

#### 36.2.1. STATEWIDE SEX OFFENDER ENFORCEMENT COORDINATOR (SSOEC) – Sergeant

- A. The statewide Sex Offender Coordinator functions as the supervisor for the regional Sex Offender Coordinators. In addition to these duties, the SSOEC is responsible for the following:
  - (1) Supervise Sex Offender Registry Enforcement Regional Coordinators.
  - (2) Liaison with the U.S. Marshal's Sex Offender Investigations branch.
  - (3) Monitor the MSP SOR Most Wanted website.

- (4) Oversight of statewide enforcement initiatives.
- (5) Provide SOR enforcement trainings to the field.
- (6) Resolve enforcement related questions.
- (7) Investigate long term SOR absconders.
- (8) Investigate international travel SOR violations.
- (9) Provide guidance to the Emergency Support Team on SOR enforcement.

#### 36.2.2. REGIONAL SEX OFFENDER ENFORCEMENT COORDINATORS

- A. Regional Sex Offender Enforcement Coordinators (RSOEC) function as the regional law enforcement contact and are responsible for coordinating regional compliance checks in their assigned region. In addition, the RSOEC is responsible for the following:
- (1) Serve as point of contact for the Emergency Support Team.
  - (2) Coordinate regional and statewide sweeps, including an annual residence check initiative.
  - (3) Oversight and involvement in all statewide initiatives related to sex offender enforcement.
  - (4) Investigate long term absconders/fugitives and Michigan's most wanted sex offenders.
  - (5) Investigate international travel violations.
  - (6) Work cooperatively with the U.S. Marshal Service, including enforcement on tribal lands (RSOECs are cross-deputized as U.S. Marshals).
  - (7) Serve as point of contact for other State of Michigan agencies.
  - (8) Attend task force meetings.
  - (9) Provide on-going training and guidance as needed.
  - (10) Draft press releases related to sex offender enforcement activities.
  - (11) Assist the Michigan Department of Corrections with probation/parole sweeps involving registered sex offenders.
  - (12) Function as the liaison between the Sex Offender Registry Unit and post personnel.
  - (13) Provide training and guidance to law enforcement officers in the field on investigative tools and enforcement methods.
  - (14) Investigate and arrest noncompliant sex offenders.
- B. Enlisted members shall collaborate with local law enforcement agencies for coordination of noncompliant sweeps and random residence checks.
- C. Registrants to be targeted in noncompliant sweeps shall include, but are not limited to:

- (1) Absconders (registrants whose whereabouts are currently unknown) with priority given to:
  - a. Prisoners recently released from incarceration who have not reported a current address.
  - b. Registrants from another state, country, or tribe who have not properly registered.
  - c. Absconders who could not be located during a previous sweep.
- (2) Offenders who fail to verify their address.
- (3) Random residence checks.

#### 36.2.3. SEX OFFENDER COMPLIANCE CHECKS

- A. Enlisted members shall collaborate with local law enforcement agencies for coordination of compliance checks.
- B. Compliance checks are intended to encourage voluntary compliance with Michigan's SORA.
- C. If an enlisted member determines a registrant is no longer residing at the registered address and the time in which the information was required to be reported to law enforcement has lapsed, the enlisted member shall initiate an investigation for possible SORA violations.

#### 36.2.4. INVESTIGATING SUSPECTED SORA VIOLATIONS

- A. [MCL 28.728a](#) requires a law enforcement agency responsible for registering, verifying, or updating registration information to investigate the registrant when the registrant fails to register or to update registration information, as required in SORA.
- B. Upon notification from any source that a sex offender has failed to comply with SORA reporting requirements, an enlisted member shall initiate an investigation for possible SORA violations.
- C. [MCL 28.729](#) defines each of the registration violations, maximum penalties, fines, as well as the prosecution venue.
- D. If a registrant from another state, country, or tribe fails to properly register in the state of Michigan, the enlisted member may contact the U.S. Marshal Service for possible violation of [Title I of the Adam Walsh Child Protection and Safety Act of 2006 Public Law 109-248](#).
- E. Certified sex offender registration records can be obtained from the Sex Offender Registry Unit by completing the Request for Certified Documents form, RI-019.

#### 36.2.5. INCIDENT/ARREST REPORTING AND WARRANT ENTRY CODES

- A. Incidents involving SORA violations are carried under File Class 5000 using the following arrest codes:
  - (1) 5089 Failure to Register

- (2) 5090 Failure to Comply with Reporting Duties (including Failure to Change Address, Failure to Verify Address, Failure to Report Campus Status, Failure to Pay Sex Offender Registry Fees, and Failure to Maintain Current Identification)
- (3) 5091 Failure to Sign Registration (Sex Offender Registry Forms)
- (4) 5092 Student Safety Zone Violation (Residing, Working or Loitering)

B. Warrant entries in Law Enforcement Information Network (LEIN) for Sex Offender Registry violations require the use of 5000 UCR codes.

### **36.3 DISSEMINATION OF SEX OFFENDER REGISTRY INFORMATION**

#### **36.3.1. MEDIA INQUIRIES**

- A. Inquiries from the media shall be directed to the department's Internet homepage located at <http://www.michigan.gov/msp> to review the "Sex Offender Registry Legislation Summary" documents.
- B. The Public Affairs Section shall be consulted before interviews are granted to the media.
- C. Upon the conclusion of a sweep, the sweep coordinator shall draft and submit a news release announcing the results of the sweep to the Public Affairs Section for dissemination.
- D. District and/or work site commanders are encouraged to announce their local results using a news release template available from the sweep coordinator. Local results should be withheld until the statewide news release is disseminated from Public Affairs.
- E. See Official Order No. 20 for additional information on the release of information to the news media.

#### **36.3.2. CITIZEN INQUIRIES**

- A. Inquiries from citizens for public sex offender information may be directed to the following website which is found on the department's Internet homepage:  
<http://www.michigan.gov/msp>
  - (1) Citizens wishing to obtain a list of sex offenders in their area should be directed to visit the [Michigan Public Sex Offender Registry](#) website.
  - (2) Citizens requesting criminal history information on specific registered sex offenders should be referred to the Internet Criminal History Access Tool (ICHAT) website.
- B. Sex Offender Registration Information is exempt from Freedom of Information Act inquiries under [MCL 28.730](#).

### **36.4 FEDERAL AUDITS**

The federal government audits each state's Sex Offender Registry compliance every three years. In addition, the State Auditor General's Office conducts periodic reviews of the state's Sex Offender Registry compliance.

- A. The Sex Offender Registry Unit shall serve as the central repository for the sex offender registry records for all state and federal audits.

- B. The Sex Offender Registry Unit may conduct periodic audits of each post area to ensure they are complying with state and federal mandates.

### 36.5 SEX MOTIVATED CRIME REPORTS

- A. The Michigan Intelligence Operations Center (MIOC) shall maintain a centralized file to record and correlate information about sexually motivated crimes and shall aid in the investigation, identification, and apprehension of individuals involved in these crimes.
- B. When there is evidence of a sexually motivated crime, regardless of whether or not a suspect has been developed, this information must be submitted for inclusion in the Sex Motivated Crime Report File.
- (1) The sexually motivated crime information must be completed to the fullest extent possible with emphasis on a short narrative description of the crime ("see attached narrative" is not an adequate summary), regardless of whether or not the offender has been identified or the age of the offender.  
  
This will automatically result in a search of the database for similar unsolved crimes.
  - (2) Sexually motivated crime information must be submitted when any crime is believed to have been sexually motivated. [MCL 28.247](#) specifically requires reporting of sex offenses in certain instances, but does not forbid submission in any instance when an officer may feel it is appropriate.
  - (3) Photographs of arrested persons shall be taken according to Official Order No. 56. A photograph of the subject shall be provided upon submission of sexually motivated crime information.
  - (4) Because of its confidentiality, machine copies of the Sex Motivated Crime Report, DD-079, shall not be produced or retained at the work site.
  - (5) It shall be noted in the narrative section of the incident report that the sexually motivated crime report has been submitted.
  - (6) A report should not ordinarily be submitted for crimes committed within correctional facilities. Due to the artificial setting in which those crimes occur, the information is of little value in determining future criminal patterns. However, unusual or exceptional circumstances may warrant submission for crimes originating within correctional settings.

- C. [MCL 28.247](#) provides that:

"The reports shall be available for examination only by the attorney general, any prosecuting attorney, any court of record, the director of the state police, county sheriffs, and the chief executive officer of the police department of any city, village, or township and their authorized officers. The reports shall be held confidential except for official use."

- D. Any person or agency authorized by this statute may obtain information from this file according to the following guidelines:

- (1) Name Check Only.

Requests for name checks of individuals in the file shall include the name and date of birth of the person. Requests may be made by electronic mail, telephone or facsimile.

(2) Computer Searches.

- a. The Sex Motivated Crime Report file is maintained on computer.
- b. A computer search of this file can be made when the identity of a suspect is unknown. A computer search may be requested by electronic mail, telephone, or facsimile. The search will require as much information as possible describing the unknown offender, vehicles, modus operandi, and a brief synopsis. A copy of the report of the crime shall also be included, if requested.
- c. The names, identifying information, photographs if available, and originating agency case number of persons who most closely match the offender shall be sent to the requester by the MIOC.

**36.6 RESOURCES**

The Sex Offender Registry Unit and the Sex Offender Registry Enforcement Unit shall develop training regarding proper sex offender registration and enforcement procedures. The Michigan Intelligence Operations Center (MIOC) shall develop training regarding submission of Sex Motivated Crime Reports. Additional resources include the Sex Offender Registry Training Manual and the System Use Training Manual can be obtained by contacting the Sex Offender Registry Unit.

**36.7 REVISION RESPONSIBILITY**

Responsibility for continuous review and revision of this Order lies within the Intelligence and Technology Bureau (Criminal Justice Information Center and Intelligence Operations Division) and Field Operations Bureau (Special Operations Division), in cooperation with the Office of Professional Development.

DIRECTOR