



**TENNESSEE BUREAU OF INVESTIGATION
TENNESSEE FUSION CENTER
SEX OFFENDER REGISTRY
STANDARD OPERATING PROCEDURES**



Incarcerated Offender Registration

PURPOSE: The purpose of the procedure is to define the necessary guidelines for incarcerating facilities (prisons and jails) to comply with T.C.A. 40-39-203(b)(3) when housing a convicted sex offender that must be registered on the Tennessee Sex Offender Registry (SOR).

Related TCA Codes:

40-39-203(b)(3). Offender registration -- Registration forms -- Contents.

(3) Notwithstanding subdivisions (b)(1) and (2), an offender who is incarcerated in this state in a local, state or federal jail or a private penal institution and who has not registered pursuant to § 40-39-212(a) or any other provision of law shall, by August 1, 2011, be required to report in person, register, complete and sign a TBI registration form, under penalty of perjury, pursuant to § 39-16-702(b)(3), as follows:

- (A) If incarcerated in a state, federal or private penal facility, with the warden or the warden's designee; or*
- (B) If incarcerated in a local jail, with the sheriff or the sheriff's designee.*

PROCEDURAL PROCESS:

- I. T.C.A. 40-39-203(b)(3) mandates the registration of all currently incarcerated sex offenders, with convictions or circumstances meeting the criteria for registration in Tennessee, by August 1, 2011.
- II. Newly incarcerated sex offenders with convictions or circumstances meeting the criteria for registration in Tennessee, must be registered within 48 hours of incarceration in prison or at a local jail. Following the Sex Offender Law standard, the 48 hour period may exclude weekends and holidays.
- III. If the offender is not currently listed on the Tennessee Sex Offender Registry upon entry into the incarcerating facility, the incarcerating facility shall perform an initial registration in the SOR Database on the offender, listing the offender's status as "Inactive-Incarcerated". All pertinent SOR Standard Operating Procedures shall be followed regarding initial registration, including completing an offender instructions form, current photograph, fingerprints, and DNA.

Standard operating procedures are located on the Sex Offender Registry web site for Law Enforcement:



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<http://www.tbi.tn.gov/> .

Click on “Law Enforcement Only”

User name: lawenforcement

Password: Tennessee1

Click on the “TN Sex Offender Registry”

Click on “SOR Standard Operating Procedures”

Although incarcerated offenders are not required to be entered as sex offenders in NCIC, the incarcerating facility shall obtain a copy of the court judgment(s) of the qualifying sex offense conviction(s) and forward the judgment(s) to the TBI Sex Offender Registry Unit.

- IV. If the incarcerated offender is already registered on the Tennessee Sex Offender Registry upon entry into the incarcerating facility, the incarcerating facility shall, within 48 hours of incarceration, perform an information update on the SOR Database for the offender. The agency should change the offender’s status to “Inactive-Incarcerated” and shall list the address of the agency as the primary place of residence in **Section B** of the SOR Database. If the offender is incarcerated in the Department of Corrections, the agency shall list the address as “Tennessee Department of Corrections”. The agency to be notified in **Section B** should remain as the agency the offender reported to just before he/she went to jail/prison. This will give the prior registering agency notification the offender is now incarcerated. If the offender remains incarcerated for an extended period of time (one year or longer), the agency the offender reported to just before he/she went to jail/prison has the option to perform an information update on the offender and change the agency to be notified in **Section B** to the incarcerating facility. The agency to be notified for all prisons is “Tennessee Department of Corrections”. If a local jail is housing a TDOC inmate, the address for the offender shall be the address of the jail where the offender is being housed. The agency to be notified should be TDOC and it should be noted in the comment section that the local jail is housing the offender for TDOC. The local jail is then responsible for giving this information to their TAC for updates.

The incarcerating facility shall also ensure there is a current photograph of the offender on the SOR Database and the offender has DNA on file with TBI.

- V. Within 48 hours prior to release from incarceration, the incarcerating facility shall perform an information update in the SOR Database on the offender, update all pertinent information, and ensure there is a current photograph of the offender. The agency to be notified in **Section B** shall be changed to the registering agency where the offender will report once he/she is released. An offender instructions form must also be completed within 48 hours prior to release from incarceration and sent to the TBI SOR Unit.



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- VI. In cases where a convicted sexual offender is arrested (for any crime) and taken to a local jail solely for booking and making bail, or the offender is serving a sentence of 48 hours or less, the local jail shall first determine if the offender is already registered in the SOR Database. If the offender is not registered, then the local jail shall follow step III and V above.

If the offender is found to be already registered in the Tennessee SOR Database, the local jail shall determine if the offender's registration information is current. If the information is current **and** the offender is incarcerated 48 hours or less, no action is necessary by the local jail. If the information is not current, an Information Update shall be performed in the SOR Database prior to the offender's release. The incarcerating facility shall update all necessary information and list the agency to be notified in **Section B** as the registering agency where the offender will report once he/she is released. An offender instructions form shall be completed and forwarded to the TBI SOR Unit.

Example:

A person with a prior conviction of sexual battery is brought to a local jail on Saturday afternoon on a charge of "Driving on a Suspended Driver's License". The convicted sex offender is only in jail for booking and is preparing to be released within 30 minutes of entering the jail.

Prior to the offender's release, jail staff should first determine if the offender is already registered. If the offender is already registered, then step VI should be followed prior to the offender's release. If the offender is not registered, then step III and V should be followed prior to the offender's release.

- VII. Incarcerating facilities have the following options available to determine if any offender requires registration prior to being released:
1. The incarcerating facility's own internal records management system (*T.C.A. 40-39-204(e) mandates that an offender required to register who becomes reincarcerated shall immediately report the offender's status as a sexual offender or violent sexual offender to the facility where the offender is incarcerated or detained.*)
 2. NCIC
 3. The Tennessee Sex Offender Registry Database or the TBI Public Sex Offender Registry Website (<http://www.tbi.tn.gov/>)
 4. The TOMIS Database
 5. The National Sex Offender Public Website (<http://nsopw.gov/>)
- VIII. In cases where a sexual offender is supervised by the Tennessee Board of Probation and Parole (BOPP) and the offender becomes incarcerated, BOPP should perform



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an information update in **Section G** of the SOR Database, “Parole/Probation Officer Information”, and use the release from supervision option and indicate the date the offender left supervision (revocation date). This will delete Section G for Parole/Probation Officer Information. It will show release due to expiration of sentence by default. The only way to show the probation/parole was revoked is to go in at the end and enter comments. Please add as much information as possible in the "comments" section to explain this.