



Massachusetts
Department of Correction

POLICY

Effective Date	2/26/2025	Responsible Division Deputy Commissioner, Clinical Services and Reentry
Annual Review Date	2/26/2025	

Policy Name

103 DOC 447
SEX OFFENDER IDENTIFICATION

M.G.L. Reference:
M.G.L c. 22C, § 37; M.G.L. c. 6, §§ 178C to 178P; M.G.L. c. 123A, §§ 1, 9, 12, 14, 15.
DOC Policy Reference:
103 DOC 417
ACA/PREA Standards:

Attachments
Yes No

Library
Yes No

Applicability: Staff/Incarcerated Individuals

Public Access
Yes No

Location:
Department's Central Policy File;
Each Institution's Policy File

PURPOSE:
To establish Department of Correction (Department) policy governing the identification of incarcerated individuals who are sex offenders as defined by Massachusetts laws, the entry of data into the Department's Inmate Management System (IMS) and notifications of sex offender release.

RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:
Deputy Commissioner of Clinical Services and Reentry
Assistant Deputy Commissioner of Reentry
Superintendents

CANCELLATION:
103 DOC 447 cancels all previous Department policies, statements, bulletins, directives, orders, notices, rules and/or regulations regarding sex offender identification that are inconsistent with this policy.

SEVERABILITY CLAUSE:
If any part of 103 DOC 447 is, for any reason, held to be in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.

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DEFINITIONS

Department: The Massachusetts Department of Correction.

Inmate Management Systems (IMS): The Department's automated information system that provides processing, storage and retrieval of incarcerated individual related information needed by Department personnel and other authorized users within the criminal justice system.

Institutional Staff: The staff person(s) responsible for the documentation and management of offender criminal history records information.

Potential Sex Threat (PST): For the purposes of this policy, an indicator in IMS that identifies an incarcerated individual who is a sex offender as defined by any statute or is pending review of sex offender status.

Sex Offender under the Colonel of State Police Law (Colonel Law) (M.G.L. c. 22C, § 37): An inmate who:

- (1) is under sentence for a sex offense; or
- (2) is confined in the Bridgewater State Hospital after conviction for a sex offense; or
- (3) was committed to the Bridgewater State Hospital during the pendency of a complaint or indictment for a violation of a sex offense, as set forth below:
 - Assault of an indecent nature (M.G.L. c. 265, § 13A)
 - Indecent assault and battery on a child under 14 (M.G.L. c. 265, § 13B)
 - Aggravated indecent assault and battery on a child under 14 (M.G.L. c. 265, § 13B 1/2);
 - Indecent assault and battery on a child under 14 (repeat offense) (M.G.L. c. 265, § 13B 3/4);
 - Rape (M.G.L. c. 265, § 22);
 - Rape of a child under 16 with force (M.G.L. c. 265, § 22A);
 - Aggravated rape of a child under 16 with force (M.G.L. c. 265, § 22B);
 - Rape of a child under 16 with force (repeat offense) (M.G.L. c. 265, § 22C);
 - Rape and abuse of a child (M.G.L. c. 265, § 23);
 - Aggravated rape and abuse of a child (M.G.L. c. 265, § 23A);
 - Rape and abuse of a child (repeat offense) (M.G.L. c. 265, § 23B);
 - Assault with intent to commit rape (M.G.L. c. 265, § 24);
 - Assault of a child with intent to commit rape (M.G.L. c. 265, § 24B);
 - Open and gross lewdness and lascivious behavior (M.G.L. c. 272, § 16);
 - Incestuous marriage or sexual activities (M.G.L. c. 272, § 17);

- Crimes against nature (M.G.L. c. 272, § 34);
- Unnatural and lascivious acts (M.G.L. c. 272, § 35);
- Lewd, wanton and lascivious speech or behavior (M.G.L. c. 272, §53);
- Indecent Exposure (M.G.L. c. 272, §53).

Sex Offender under the Sex Offender Registry Board (SORB) statute (M.G.L. c. 6, § 178C): Any person:

- (1) who has been convicted of or adjudicated as a youthful offender or as a juvenile delinquent by reason of a sex offense listed below; or
- (2) who has been released from incarceration or parole or probation supervision or custody with the Department of Youth Services for such a conviction or adjudication; or
- (3) who has been adjudicated a sexually dangerous person (“SDP”) under M.G.L. c. 123A, § 14; or
- (4) who has been released from civil commitment as an SDP pursuant to M.G.L. c. 123A, § 9,

WHICHEVER LAST OCCURS ON OR AFTER AUGUST 1, 1981:

- Indecent assault and battery on a child under 14 (M.G.L. c. 265, § 13B);
- Aggravated indecent assault and battery on a child under 14 (M.G.L. c. 265, § 13B 1/2);
- Indecent assault and battery on a child under 14 (repeat offense) (M.G.L. c. 265, § 13B 3/4);
- Indecent assault and battery on a person with an intellectual disability (M.G.L. c. 265, § 13F);
- Indecent assault and battery on a person age 14 or over (M.G.L. c. 265, § 13H);
- Rape (M.G.L. c. 265, § 22);
- Rape of a child under 16 with force (M.G.L. c. 265, § 22A);
- Aggravated rape of a child under 16 with force (M.G.L. c. 265, § 22B);
- Rape of a child under 16 with force (repeat offense) (M.G.L. c. 265, § 22C);
- Rape and abuse of a child (M.G.L. c. 265, § 23);
- Aggravated rape and abuse of a child (M.G.L. c. 265, § 23A);
- Rape and abuse of a child (repeat offense)(M.G.L. c. 265, § 23B);
- Assault with intent to commit rape (M.G.L. c. 265, § 24);
- Assault of a child with intent to commit rape (M.G.L. c. 265, § 24B);
- Kidnapping a child (M.G.L. c. 265, § 26);
- Enticing a child under the age of 16 for the purposes of committing a crime (M.G.L. c. 265, § 26C);

- Enticing a child under 18 via electronic communication to engage in prostitution, human trafficking or commercial sexual activity (M.G.L. c. 265, § 26D);
- Trafficking of persons for sexual servitude (M.G.L. c. 265, § 50);
- Second or subsequent violation of human trafficking for sexual servitude (M.G.L. c. 265, § 52);
- Enticing away a person for prostitution or sexual intercourse (M.G.L. c. 272, § 2);
- Drugging persons for sexual intercourse (M.G.L. c. 272, § 3);
- Inducing a minor into prostitution (M.G.L. c. 272, § 4A);
- Living off or sharing earnings of a minor prostitute (M.G.L. c. 272, § 4B);
- Second and subsequent adjudication or conviction for open and gross lewdness and lascivious behavior but excluding a first or single adjudication as a delinquent juvenile before August 1, 1992 (M.G.L. c. 272, § 16);
- Incestuous marriage or intercourse (M.G.L. c. 272, § 17);
- Disseminating to a minor matter harmful to a minor (M.G.L. c. 272, § 28);
- Posing or exhibiting a child in a state of nudity (M.G.L. c. 272, § 29A);
- Dissemination of visual material of a child in a state of nudity (M.G.L. c. 272, § 29B);
- Possession of child pornography (M.G.L. c. 272, § 29C);
- Unnatural and lascivious acts with a child under 16 (M.G.L. c. 272, § 35A);
- Aggravated rape (M.G.L. c. 277, § 39);
- Any attempt to commit a violation of any of the aforementioned sections (M.G.L. c. 274, § 6);
- A like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority.

Sex Offender under the Sexually Dangerous Person (SDP) statute (M.G.L. c. 123A, §§ 1, 12(a)): Any person:

- (1) who has ever been convicted of or adjudicated as a delinquent juvenile or youthful offender by reason of one of the sex offenses listed below regardless of the reason for the current incarceration, confinement or commitment; or
- (2) who has been charged with such an offense but has been found incompetent to stand trial; or
- (3) who has been charged with any offense, is currently incompetent to stand trial and has previously been convicted of or adjudicated as a delinquent juvenile or a youthful offender by reason of a sex offense listed below.

- Indecent assault and battery on a child under 14 (M.G.L. c. 265, § 13B);
- Aggravated indecent assault and battery on a child under 14 (M.G.L. c. 265, § 13B 1/2);
- Indecent assault and battery on a child under 14 (repeat offense) (M.G.L. c. 265, § 13B 3/4);
- Indecent assault and battery on a person with an intellectual disability (M.G.L. c. 265, § 13F);
- Indecent assault and battery on a person age 14 or older (M.G.L. c. 265, § 13H);
- Rape (M.G.L. c. 265, § 22);
- Rape of a child under 16 with force (M.G.L. c. 265, § 22A);
- Aggravated rape of a child under 16 with force (M.G.L. c. 265, § 22B);
- Rape of a child under 16 with force (repeat offense) (M.G.L. c. 265, § 22C);
- Rape and abuse of a child under 16 (M.G.L. c. 265, § 23);
- Aggravated rape and abuse of a child (M.G.L. c. 265, § 23A);
- Rape and abuse of a child (repeat offense) (M.G.L. c. 265, § 23B);
- Assault with intent to commit rape (M.G.L. c. 265, § 24);
- Assault on a child with intent to commit rape (M.G.L. c. 265, § 24B);
- Kidnapping a child under the age of 16 with intent to commit a violation of M.G.L. c. 265, § 13B, 13 B 1/2, 13B 3/4, 13F, 13H, 22, 22A, 22B, 22C, 23A, 23B, 24 or 24B (M.G.L. c. 265, § 26);
- Enticing away a person for prostitution or sexual intercourse (M.G.L. c. 272, § 2);
- Drugging persons for sexual intercourse (M.G.L. c. 272, § 3);
- Inducing a person under 18 into prostitution (M.G.L. c. 272, § 4A);
- Living off or sharing earnings of a minor prostitute (M.G.L. c. 272, § 4B);
- Open and gross lewdness and lascivious behavior (M.G.L. c. 272, § 16);
- Incestuous intercourse involving a person under the age of 21 (M.G.L. c. 272, § 17);
- Dissemination or possession with the intent to disseminate to a minor matter harmful to a minor (M.G.L. c. 272, § 28);
- Posing or exhibiting a child in a state of nudity (M.G.L. c. 272, § 29A);
- Dissemination of visual material of a child in a state of nudity or sexual conduct (M.G.L. c. 272, § 29B);
- Purchase or possession of visual material of a child depicted in sexual conduct (M.G.L. c. 272, § 29C);

- Dissemination of visual material of a child in the state of nudity or in sexual conduct (M.G.L. c. 272, § 30D);
- Unnatural and lascivious acts with a child under 16 (M.G.L. c. 272, § 35A);
- Accosting or annoying persons of the opposite sex (M.G.L. c. 272, § 53);
- Lewd, wanton and lascivious speech or behavior (M.G.L. c. 272, § 53);
- An attempt to commit a violation of any of the above-mentioned crimes (M.G.L. c. 274, §6);
- A like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority; or
- Any other offense, the facts of which, under the totality of the circumstances, manifest a sexual motivation or pattern of conduct or series of acts of sexually-motivated offenses.

Sex Offender Unit: The Department unit responsible for coordinating the identification, notifications, and civil commitments of inmates who are sex offenders under the Colonel Law, the SORB statute or the SDP statute.

Sexually Dangerous Person (SDP): Any person adjudicated by a Massachusetts court to be a sexually dangerous person pursuant to M.G.L. c. 123A and civilly committed to the Department's custody for one day to life, whether or not that person is also serving a criminal sentence.

447.02

IDENTIFICATION

- Upon the initial commitment of an incarcerated individual to the Department's custody, institutional staff shall review the incarcerated individual's case record to determine whether or not the incarcerated individual is a sex offender as defined under the Colonel Law, the SORB statute or the SDP statute.
- Incarcerated individuals who were not reviewed upon commitment, and/or for whom verifying data was not previously received, shall be reviewed as soon as possible or, at a minimum, at the next institution classification hearing in accordance with 103 DOC 417, *Criminal History Record Information*.
- Once an incarcerated individual is identified as a sex offender under the Colonel Law, the SORB statute or the SDP statute, institutional staff shall enter all applicable information into IMS as indicated in 103 DOC 447.03, 447.04 and 447.05.

COMMITMENTS ON RECORD - IMS TAB

Commitments on Record include information pertaining to “current” commitments for which a mittimus has been received or information relating to “prior” offenses that have been linked to the “current” offense.

Once a mittimus is received and entered into the Date Computation/Sentence screen of IMS, identified sex offenses will automatically default to the Commitments on Record of the sex offender screen.

When a “Prior” record is linked where a sex offense was previously identified, the sex offense will default to the Commitments on Record of the sex offender screen.

Institutional staff shall ensure that the Register as a Sex Offender, the DA Review and the Notify Colonel fields reflect appropriate notification status and that all “prior” information has linked properly.

A. Potential Sex Threat:

1. The Potential Sex Threat for all sex offenses under the SORB statute (M.G.L. c. 6, § 178C) will default to SEX ASSAULT.
2. The Potential Sex Threat for (a) open and gross lewdness and lascivious behavior (M.G.L. c. 272, § 16); (b) accosting or annoying persons of the opposite sex (M.G.L. c. 272, § 53); and (c) lewd, wanton and lascivious speech or behavior (M.G.L. c. 272, § 53) shall be entered as SEX ASSAULT.

Institutional staff shall enter the disposition and source.

Institutional staff shall ensure that the Offense City/State/Conviction Date/Court and Arresting Agency defaults from the source screen in IMS. When requested/supporting data has not yet been received/reviewed, the Review for Sex Offender Identification Complete shall be “Partial.”

B. Colonel Law: Institutional staff shall also input any missing data and ensure the record is complete for the Notify Colonel screen.

C. SORB:

1. In cases when a sex offender’s duty to register with the SORB has been relieved by (1) court order, (2) by statute in accordance with M.G.L. c. 6, § 178G, or (3) by the SORB, the Sex Offender Unit shall remove the Register as a Sex Offender notification and document the reason for the change in the Criminal Records/Identify Sex Offenders/Other Information comment section, stating the

reason/source for removal, the Department of Correction staff member's name and the date that the information was received.

2. In cases when all custody, commitment as an SDP, parole or probation (whichever last occurred) ended prior to August 1, 1981, Sex Offender Unit staff shall remove the Register as a Sex Offender notification and document the information for the change in the Criminal Records/Identify Sex Offenders/Other Information comment section, stating the reason/source for removal, the Department of Correction staff member's name and the date that the information was received.
3. When an incarcerated individual is convicted of Kidnapping under M.G.L. c. 265, § 26, and the official version has been received, institutional staff shall review the official version and all relevant information as available and in the possession of the Department, including but not limited to, the entire six-part folder, mittimus, Board of Probation (BOP) record(s), Criminal Justice Information Systems (CJIS) record(s), official police report(s), and grand jury minutes to ascertain whether the victim was under the age of sixteen (16).
 - a. If the victim was not under the age of sixteen (16), the crime does not qualify for SORB registration; and Sex Offender Unit staff shall remove the Register as a Sex Offender notification. Institutional staff shall document the reason for the change in the Criminal Records/Identify Sex Offenders/Other Information comment section with Department of Correction staff member's name and the date of review.
 - b. If the victim was under the age of sixteen (16), the crime qualifies for SORB registration, and institutional staff shall ensure Register as a Sex Offender remains marked. Potential Sex Threat remains Sex Assault.

D. SDP:

1. Sex Offender Unit staff shall enter data in the DA Review screen.
2. Kidnapping a child under the age of sixteen (16) with intent to commit a violation of M.G.L. c. 265, § 13B, 13 B 1/2, 13B 3/4, 13F, 13H, 22, 22A, 22B, 22C, 23A, 23B, 24 or 24B (M.G.L. c. 265, § 26): If the incarcerated individual is convicted of kidnapping a child under the age of sixteen (16), institutional staff shall review all relevant information as available and in the possession of the Department, including but not limited to, the entire six-part folder,

mittimus, BOP record(s), CJIS record(s), official police report(s) and grand jury minutes to determine if the kidnapping was committed with the intent to commit one (1) of the sex offenses listed in the above statutes. If so, Sex Offender Unit staff shall so indicate in the DA Review tab. If not, institutional staff shall remove the DA Review tab. Institutional staff shall document the reason for the change in the Criminal Records/Identify Sex Offenders/Other Information comment section with Department of Correction staff and the date of review.

3. Sex Intent Reviews: Crimes, for which data is available after diligent efforts, regardless of the jurisdiction or date, require a review for sexual intent under the SDP statute (M.G.L. c. 123A, §§ 1, 12(a)). Crimes against the person (M.G.L. c. 265), including but not limited to wanton or reckless behavior creating a risk of serious bodily injury or sexual abuse to a child (M.G.L. c. 265, § 13L), assault or assault and battery (M.G.L. c. 265, § 13A), warrant particular attention. Institutional staff shall review all relevant information as available and in the possession of the Department, including but not limited to, the entire six-part folder, mittimus, BOP record(s), CJIS record(s), official police report(s) and grand jury minutes for all current and prior crimes.
 - a. If sexual intent is possible, the institutional staff shall notify the Sex Offender Unit by email. If sexual intent is confirmed, the Sex Offender Unit will enter the Potential Sex Threat as “Sex Intent” and enter the DA Review. The Sex Offender Unit staff person shall also include a notation in the comment section, indicating the basis of the determination of the Sex Intent.
 - b. If it is determined that there is no sexual intent, the Sex Offender Unit will update the Potential Sex Threat to “Cleared” and remove the DA Review notification.

447.04

OTHER MASSACHUSETTS CONVICTIONS - IMS TAB

Other Massachusetts Convictions include any Massachusetts conviction where the incarcerated individual was not committed to Department’s custody (e.g., Probation, House of Correction, Department of Youth Services, Delinquent Suspended, Delinquent Committed, Guilty Filed, Victim Witness Fee, Fine Paid, Community Service, etc.).

- A. When institutional staff determines that the incarcerated individual has a sex offense, as defined under the Colonel Law, the SORB statute, or the SDP statute, on record and the commitment was not to the Department’s custody, institutional staff shall enter all information in the Criminal

Records/Identify Sex Offender/Other MA Convictions screen. Institutional staff shall enter the following information:

1. “Prior” shall be checked when the crime being entered is a prior commitment. Institutional staff shall not check “Prior” if a current crime is being entered;
 2. Docket number(s);
 3. Sentence unit and sentence number when entering multiple crimes;
 4. Chapter and Section of the M.G.L. or jurisdiction where the crime(s) occurred;
 5. Title of offense as used in the M.G.L. or jurisdiction where the crime(s) occurred;
 6. Date of offense;
 7. Sentence term;
 8. Offense City;
 9. Offense State;
 10. Date Convicted;
 11. Disposition;
 12. Court;
 13. Arresting Agency;
 14. Source (of information);
 15. Notification fields: The following entries shall be made if the incarcerated individual is a sex offender under the SORB statute, the SDP statute or the Colonel Law:
 - a. Register as Sex Offender
 - b. DA Review
 - c. Notify Colonel.
- B. If the review is complete and all information has been received and reviewed, institutional staff shall mark “Yes” in the Review for Sex Offender Identification Complete on the Criminal Records/Identify Sex Offenders/Other Information tab in IMS. Institutional staff shall select the present date and click the username box to select the institutional staff person’s name. Institutional staff shall enter the following notation in the comments section: “All convictions, six-part folder, grand jury minutes, official police report(s), and board of probation/CJIS record(s) were reviewed in accordance with Chapter 66 of the Acts of 2004 for sexual intent.” A notation shall also reflect the findings of the review as “None found” or “DA review” followed by the institutional staff person’s initials.
- C. When requested or when supporting data has not yet been received/reviewed, the Review for Sex Offender Identification Complete shall be entered as “Partial.”

OTHER JURISDICTIONS - IMS TAB

Other Jurisdictions include any convictions for a sex offense, as defined by the SORB statute or the SDP statute, in a jurisdiction outside the Commonwealth of Massachusetts.

- A. When institutional staff determine that the incarcerated individual has a sex offense as defined under the Colonel Law, the SORB statute, or the SDP statute, on record and the sex offense was committed outside the Commonwealth of Massachusetts, institutional staff shall enter all information in the Criminal Records/Identify Sex Offenders/Other Jurisdictions screen of IMS.
1. “Prior” shall be checked when the crime being entered is a prior commitment. Institutional staff shall not check “Prior” if a current crime is being entered.
 2. Arresting Agency
 3. State
 4. Source
 5. Docket number
 6. Statutory Reference
 7. Date of Offense
 8. Offense – institutional staff shall enter the Massachusetts crime most closely related to the offense.
 9. Offense City/State
 10. Sentence Term
 11. Potential Sex Threat should be entered as “Sex Assault”
 12. Date Convicted
 13. Disposition
 14. Court
 15. Notification fields:
 - a. Register as Sex Offender
 - b. DA Review.
- B. Once the review is complete, institutional staff shall mark “Yes” in the Review for Sex Offender Identification Complete on the Criminal Records/Identify Sex Offenders/Other Information tab in IMS. Institutional staff shall select the present date and click the username box to select the institutional staff person’s name. Institutional staff shall enter the following notation in the comments section: “All convictions, six-part folder, grand jury minutes, official police report(s), and board of probation/CJIS record(s), as available and in the possession of the Department, were reviewed in accordance with Chapter 66 of the Acts of 2004 for sexual intent.” A notation shall also reflect the findings of the review as “None found” or “DA review,” followed by the institutional staff person’s initials.

- C. When requested or when supporting data has not yet been received/reviewed, the Review for Sex Offender Identification Complete shall be “Partial.”

447.06 **OTHER INFORMATION - IMS TAB**

Institutional staff shall enter the number of victims upon receipt of the official version(s).

447.07 **POLICE NOTIFY - IMS TAB**

Sex Offender Unit staff shall specify the manner and type of notification made to the local police department of the incarcerated individual’s release address.

447.08 **DISTRICT ATTORNEY REVIEW - IMS TAB**

- A. DOC to DA Notification: The Sex Offender Unit shall enter all notifications made to the District Attorney, including initial SDP referral and all subsequent notifications made regarding discharge date changes. The Sex Offender Unit shall enter this data in the Criminal Records/Identify Sex Offenders/DA Review tab on IMS.
- B. DA to DOC Notification: The Sex Offender Unit shall enter the District Attorney’s (or the Attorney General’s) decision regarding the filing of an SDP commitment petition as follows:
 - 1. “Yes” – District Attorney (or Attorney General) is filing a petition for SDP commitment.
 - 2. “No” – District Attorney (or Attorney General) is not filing a petition for SDP commitment.

447.09 **NOTIFICATION TO THE ATTORNEY GENERAL AND DISTRICT ATTORNEY**

- A. Six (6) months prior to the release of an incarcerated individual who is subject to potential civil commitment pursuant to the SDP statute (M.G.L. c. 123A), the Sex Offender Unit shall provide written/electronic notice to the Attorney General and the sentencing District Attorney.
- B. The Sex Offender Site Coordinator at Bridgewater State Hospital (BSH) shall notify the Sex Offender Unit upon the commitment of a patient/offender under the provisions of M.G.L. c. 123, §§ 7, 8, 15, 16 or 18 who has a prior adjudication or conviction of a sex offense as defined under the SDP statute. The Sex Offender Unit shall provide written notice as soon as practicable to the Attorney General and the sentencing District Attorney.

- C. If the sex offense conviction or adjudication was out of state, the Sex Offender Unit shall provide written/electronic notice to the Attorney General, the sentencing District Attorney for the current commitment, and the District Attorney in the county where the correctional institution to which the incarcerated individual is housed.
- D. Electronic notification to the Attorney General shall consist of the Sex Offender Release Information Form and a current photo. Electronic notification to the District Attorney shall consist of the Sex Offender Release Information Form, the most recent classification report, and a current photo.

447.10

NOTIFICATION TO THE SEX OFFENDER REGISTRY BOARD

- A. The DOC shall provide SORB staff access to IMS and Document Management for the purpose of determining anticipated future residence, any anticipated secondary addresses, offense history, documentation of any treatment received for a mental abnormality, the official version of any sex offenses, the mittimus, any prior incarceration history, and the projected maximum release date and the earliest possible release date for the incarcerated individual (M.G.L. c. 6, § 178E). The Sex Offender Unit shall also notify the SORB of the Department institution in which the incarcerated individual is housed and periodically update the SORB thereafter (M.G.L. c. 6, § 178E).
- B. Institutional staff shall inform incarcerated individuals required to register with the SORB of the following:
 - 1. They must complete the Incarcerated Sex Offender Registration Form, acknowledging the duty to register in the Commonwealth of Massachusetts and in any state where they reside, are employed, carry on a vocation or are students.
 - 2. They must verify registration information.
 - 3. They must give notice of a change of address or intended change of address within the Commonwealth of Massachusetts or in another state.

Institutional staff shall also inform such incarcerated individuals of the penalties for failing to comply with the requirements of the Sex Offender Registry statute and for giving false information.

- C. Eight (8) calendar days prior to the release of an incarcerated individual required to register with the SORB, institutional staff shall ensure that the incarcerated individual completes and signs the Incarcerated Sex Offender

Registration Form. In the event of a refusal to complete and sign the form, the incarcerated individual shall be informed that they will not be released from custody until they complete and sign the Incarcerated Sex Offender Registration Form pursuant to M.G.L. Chapter 6, § 178E. If the incarcerated individual continues to refuse to complete and sign the Incarcerated Sex Offender Registration Form, institutional staff shall complete a written incident report on IMS. The Superintendent, or designee, of the institution shall notify the Assistant Deputy Commissioner of Reentry.

- D. Institutional staff shall ensure that the Incarcerated Sex Offender Registration Form is electronically sent to the SORB no later than eight (8) calendar days prior to the incarcerated individual's release from custody. The original form shall be mailed to the SORB. If the release is under circumstances where it is not possible to provide the notification to the SORB eight (8) days prior to release, notification shall be made as soon as possible upon learning of the incarcerated individual's release.
- E. Upon release of any incarcerated individual required to register with the SORB, the Sex Offender Unit shall provide written notification, which may be made by electronic means, to the SORB including the Sex Offender Release Information Form generated from IMS.
- F. Upon the release of an incarcerated individual required to register with the SORB, the Sex Offender Unit staff shall document the transmission of the notification to the SORB on the Preparation/Notification External Notification tab in IMS.

447.11

NOTIFICATION TO THE COLONEL OF THE STATE POLICE

- A. All notifications required to be made to the Colonel of the State Police under M.G.L. c. 22C, § 37, shall be made by the Sex Offender Unit, in writing, no less than seven (7) calendar days before the scheduled release, discharge on parole, or otherwise, of the incarcerated individual. The written notification may be transmitted by electronic means. If the incarcerated individual is being released or discharged under circumstances when it is not possible to give written notice seven (7) calendar days in advance, written notification shall be made as soon as possible upon learning of the incarcerated individual's release.
- B. The written notification shall include the Sex Offender Release Notification Form and a current photo.
- C. The Sex Offender Unit staff shall document the notification made to the Colonel of the State Police on the Release/Process Release/Preparation/Notification External Notification tab in IMS.

447.12

NOTIFICATION TO THE CHIEF OF POLICE

- A. The Sex Offender Unit shall, upon the release of any incarcerated individual identified as a sex offender under the Colonel Law, the SORB statute, or the SDP statute, notify the Chief of Police of the city/town to which the incarcerated individual is releasing. The notification shall consist of the Sex Offender Release Information Form and a current photo of the incarcerated individual.

- B. Upon the completion of notifications to the Chief of Police or designee, the Sex Offender Unit staff shall document the notification on the Criminal Records/Identify Sex Offender/Police Notify as follows:
 - 1. Police Notified
 - 2. Police Department (name)
 - 3. Date
 - 4. Rank
 - 5. Police Contact (name)
 - 6. Notification Method
 - 7. Comments: If the notification is made by telephone, the Sex Offender Unit staff person making the notification shall enter the name of the person to whom the notification was made and indicate the means in which the written material was provided, *i.e.*, electronic mail or facsimile.
 - 8. Entered By

- C. Upon the completion of notification to the Chief of Police, the Sex Offender Unit staff shall document the transmission of the notification on the Release/Process Release/Preparation/Notification External Notification tab in IMS.

447.13

NOTIFICATION TO THE CHIEF PROBATION OFFICER

- A. If the incarcerated individual has probation that commences upon or continues after their release from incarceration, the Sex Offender Unit shall provide written notification of the incarcerated individual's release to the Chief Probation Officer or designee. Notification shall consist of the Sex Offender Release Information Form and a current photo of the incarcerated individual.

- B. Upon the completion of notification, the Sex Offender Unit staff shall document the notification made on the Release/Process Release/Preparation/Notification External Notification tab in IMS.

447.14

EMERGENCIES

Whenever, in the opinion of the Commissioner or designee, an emergency exists which requires suspension of all or part of this policy, the Commissioner or designee may authorize such suspension. Whenever, in the opinion of the Superintendent of a state correctional institution, an emergency exists within that institution, which requires suspension of all or part of this policy, the Superintendent may authorize such suspension, provided, that any suspension lasting more than forty-eight (48) hours shall be approved by the Commissioner.