

Report by the Sex Offender Registry Board To The House and Senate Committees on Ways and Means, Pursuant To FY2020 General Appropriation Act of 2019



Submitted by: The Sex Offender Registry Board

Legislative Mandate

This report by the Sex Offender Registry Board (SORB) to the House and Senate Committees on Ways and Means is submitted pursuant to the Fiscal Year 2020 General Appropriation Act, Chapter 41 of the Acts of 2019, which reads as follows:

8000-0125 For the operation of the sex offender registry including, but not limited to, the costs of maintaining a computerized registry system and the classification of persons subject to the registry; provided, that the registration fee paid by convicted sex offenders under section 178Q of chapter 6 of the General Laws shall be retained and expended by the sex offender registry board; *and provided further, that the sex offender registry shall submit a report to the house and senate committees on ways and means not later than December 13, 2019 outlining: (i) utilization of data-sharing agreements with state agencies to find addresses of offenders that are out of compliance; (ii) plans to establish new data-sharing agreements with other executive branch agencies; and (iii) detailed plans to improve overall data collection and registry maintenance to enhance public safety . . . (emphasis added).*

SORB continues to make advancements in the utilization and expansion of data-sharing

agreements with state agencies to identify offenders who are out of compliance with their registration obligations. SORB remains dedicated to the enhancement of public safety through collaboration with law enforcement, continued improvements in data collection and technological advancements ensuring the accuracy of registry information.

A. Utilization of data-sharing agreements with state agencies to find addresses of offenders that are out of compliance.

SORB has data sharing agreements designed to identify offenders that are out of compliance with their registration obligations with the following state agencies: the Registry of Motor Vehicles (RMV), the Department of Children and Families (DCF), the Department of Early Education and Care (EEC), the Department of Revenue (DOR), the Department of Transitional Assistance (DTA), the Department of Public Health (DPH), and the Department of Public Utilities (DPU). Each agreement is summarized below:

1) Registry of Motor Vehicles (RMV)

By statute (G.L. c. 90, § 22) the RMV suspends licenses and registration renewals for offenders in violation of their registration obligation. SORB Registration staff have access to state RMV records for the purpose of locating offenders in violation. SORB also provides data directly to the RMV to verify that school bus drivers are not registered offenders.

2) Department of Children and Families (DCF)

SORB receives an average of about 450 offenderrelated phone inquiries annually from DCF personnel. SORB personnel verify an offender's address at the time of each phone call. In addition, SORB receives monthly reports from DCF on all offender-related investigations conducted by DCF.

This report contains offender address information for verification purposes.

3) Department of Early Education and Care (EEC)

In 2019, pursuant to an amendment to SORB's enabling statute, specifically, G.L. c. 6, § 178K(2)(a), EEC was granted access to sex offender registry information for all sex offenders including Level 1 offenders. EEC now electronically receives a continuous data feed of sex offender registry information for all sex offenders address information electronically. Offender address information is verified in the event an offender is identified in that process.

4) Department of Revenue (DOR)

SORB utilizes information from the DOR for the purpose of verifying indigency for offenders who qualify for appointment of counsel during the SORB classification process, and to cross check addresses for offenders who are in violation of their registration obligation.

5) Department of Transitional Assistance (DTA)

Using data provided by SORB, DTA notifies offenders receiving assistance if they are in violation of their duty to register on a weekly basis. In addition, SORB staff has access to DTA's Beacon system. Address discrepancies are reported to relevant local police departments to perform address audits.

6) Department of Public Health (DPH)

On a quarterly basis, SORB receives Massachusetts Death Index information from the DPH. This information is matched with SORB's offender database. SORB is also now finalizing plans with DPH to automatically receive an electronic report on a monthly basis.

7) Department of Public Utilities (DPU)

In 2016, legislation passed requiring DPU to conduct comprehensive background checks for individuals licensed and employed by transportation network companies (G.L. Chapter 159A ½, § 4). Through technology developed by Department of Criminal Justice Information Services (DCJIS), sex offender registry information is shared electronically with DPU as part of their required background checks for individuals licensed and employed by transportation network companies.

B. Plans to establish formal data-sharing agreements with other executive branch agencies and the Wompanoag Tribe of Aquinnah.

SORB plans to establish ISA's with the Department of Housing and Community Development and the Division of Public Licensure, and an MOU with the Wompanoag Tribe of Aquinnah.

1) The Department of Housing and Community Development (DHCD)

In 2019 SORB and DHCD had a series of discussions and meetings about DHCD's need to conduct address checks for offenders in connection with the shelter housing they provide. A formal, non-financial ISA will be established between SORB and DHCD in 2020 for that purpose and will encompass the reciprocal sharing of information which may assist in the unknown addresses and location of offenders.

2) The Division of Professional Licensure (DPL)

For several years, DPL has obtained information on registered sex offenders through SORB's Electronic Sex Offender Request for Information process (ESORI) without a formal agreement. In 2020, a formal, non-financial ISA will be established between SORB and DPL to provide DPL with sex

offender data matches who have or are seeking licensure with DPL.

3) The Wompanoag Tribe of Aquinnah

Recently, in collaboration with our federal partners and in furtherance of compliance with the Sex Offender Registry Notification Act (SORNA) SORB has begun the process of meetings for purpose of entering into a memorandum of understanding (MOU) with the Wompanoag Tribe of Aquinnah (located on Martha's Vineyard). The Aquinnah Wompanoag's have maintained their sovereignty and right to maintain their own registry but need the technical assistance of the Board to ensure that their offender information is shared properly in the Commonwealth and nationally. While the Aquinnah Wompanoag's are not an executive branch agency, the proper access to and sharing of their Sex Offender Registry information is vital and will improve overall data collection and registry maintenance to enhance public safety.

C. Detailed plans to improve overall data collection and registry maintenance to enhance public safety.

1) State data collection and registry maintenance

As SORB is not a law enforcement entity with no powers of arrest or direct supervision, the agency relies upon law enforcement partners to verify compliance and accuracy of information within the SORB database. A comprehensive plan to improve overall data collection and registry maintenance to enhance public safety must include law enforcement. A central tenet of that strategy to improve public safety is that SORB's collaboration with law enforcement most effectively ensures registration compliance and tracking locations of offenders in violation. SORB conducts monthly trainings with law enforcement agencies pertinent to ensuring compliance with registration and the most up to date and accurate address information. With a

larger training facility at SORB's new office in Billerica, SORB expanded its in-house training efforts to a larger audience of local law enforcement partners in 2019. These are some highlights from SORB's past training efforts in 2019:

- Conducted monthly police department trainings from January 2019 to December 2019. Trainings were attended by approximately 232 officers from more than 75 different law enforcement jurisdictions.
- Trained more than 150 new Massachusetts State Police (MSP) cadets on February 5, 2019.
- Held training and workshop with the Probation Department, attended by 33 probation officers, in June 2019.
- Held two-day enforcement training and workshop with the Department of Correction in October 2019. Event was attended by approximately 250 police and probation officers representing more than 100 local law enforcement jurisdictions.

SORB routinely works with municipal police departments to share updated information stemming from law enforcement activities within respective jurisdictions. SORB also interacts with other state law enforcement and criminal justice agencies including the Massachusetts Parole Board and Department of Probation. SORB also receives monthly reports of offenders in custody of the Department of Correction and weekly reports from respective Sheriffs' Departments in order to track offender release dates. These activities result in timely and accurate information on offenders upon their release from custody.

2) Federal data collection and registry maintenance

SORB interacts with the U.S. Marshal's Service and U.S. Immigration and Customs Enforcement to locate offenders in violation of their registration requirements and enforce compliance with those obligations. SORB also collaborates with federal authorities pursuant to SORNA. The Address Verification Program discussed below is a part of that collaboration with the federal authorities under Sections 114 and 121 of the Adam Walsh Act.

SORB has secured and allocated SORNA funds to continue the contract with Thomson Reuters to utilize their CLEAR database and application. CLEAR provides SORB with access to a web-based platform with a centralized interface of public records, publicly available information and proprietary records. CLEAR has enhanced the efficiency of SORB operations to locate offenders in violation and assist police departments in locating offenders. SORB has also allocated SORNA funds for 12 mobile fingerprint identification solution devices. These devices have been assigned to the Violent Fugitive Apprehension Section of the Massachusetts State Police to help verify the identities of sex offenders suspected to be in violation of their registration duties and subject to arrest. Mobile fingerprint devices can be used in the field to assist in streamlining the verification process when VFAS seeks to locate offenders in violation of their registration obligation. The ability to obtain fingerprint data in the field helps law enforcement bring sex offenders into compliance and ensures that the information in SORB's database remains as accurate as possible. In 2020, CLEAR software will continue to be utilized.

In September 2017 SORB was awarded \$304,512 from the Adam Walsh Act grant program and allocated those funds to implement an electronic file database for offender registration files. SORB has contracted with two third party vendors who have developed and customized software to maintain

electronic registration files. These files can be quickly updated and shared with law enforcement partners as improvements to interagency information sharing.

Through the provision of SORNA funding, SORB began an Address Verification Program (AVP) in 2017 in conjunction with local law enforcement. AVP is an offender tracking and location program whereby offenders in violation of their registration obligation are identified, investigated, and brought into compliance. By immediately updating changes in offender information that is accessible to law enforcement, the SORNA program increases public safety for Massachusetts communities.

The first pilot program was conducted by the Boston Police Department (BPD) from April 4, 2017 to October 18, 2017. The AVP program enhanced the BPD's ability to concentrate on address verifications and investigations of offenders in violation. This was accomplished through police overtime duties reimbursed through SORB and funded by federal funds obtained by SORB. From May 2018 to March 2019, the AVP was again conducted by the BPD and expanded to also include the Randolph Police Department.

From July 2019 to the present, the AVP was further expanded to include seven police departments. These include the Abington, Billerica, Boston, Quincy, Randolph, Wakefield, and Walpole Police Departments. To date, these departments have reported the following achievements.

- 591 audits
- 34 arrests
- 45 warrant applications for offenders in violation
- 3 summonses
- 85 offenders voluntarily brought into compliance

AVP requires participating police departments to meet regularly to update SORB on the program's progress and to develop and share best practices. SORNA funding will allow SORB to continue the AVP until at least March 2020. AVP will be expanded further in Fiscal Year 2020 with federal funds in hand.

In the upcoming year, SORB will continue to utilize ISA agreements with state agencies to find addresses for offenders in violation of their registration obligations. SORB will analyze the 2019-2020 AVP Program to extract instructive benchmarks and best practices to further enhance operational effectiveness. SORB will also remain steadfast in its ongoing collaboration with our law enforcement partners and executive branch agencies to improve overall data collection and registry maintenance to enhance public safety.