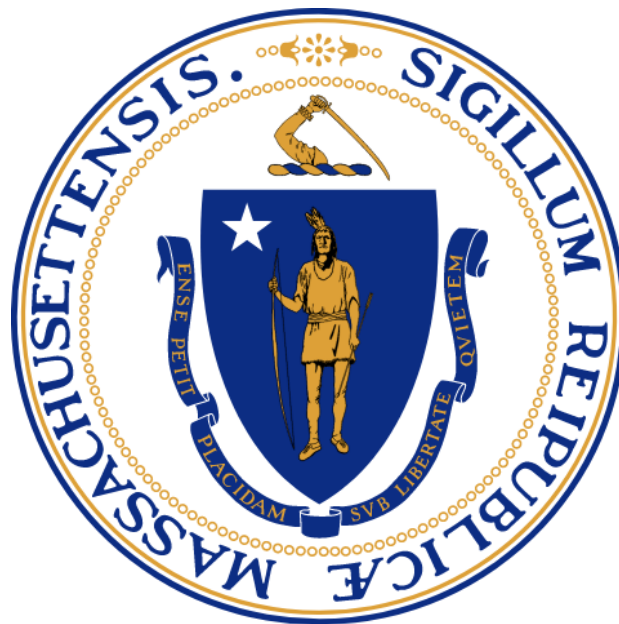


**REPORT BY THE SEX OFFENDER REGISTRY BOARD
TO HOUSE AND SENATE WAYS AND MEANS COMMITTEES
PURSUANT TO FY2023 GENERAL APPROPRIATION ACT
CH. 126, ACTS OF 2022**



December 12, 2022

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 2023 General Appropriation Act, Chapter 126 of the Acts of 2022, 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 not later than December 15, 2022, the sex offender registry shall submit a report to the house and senate committees on ways and means 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 has implemented data sharing agreements in recent years with numerous 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), the Division of Occupational Licensure (DOL), the Department of Public Utilities (DPU) and the Department of Housing and Community Development (DHCD).

Each agreement is summarized below:

1) Registry of Motor Vehicles (RMV)

By statute (M.G.L. c. 90, § 22) the RMV suspends licenses and registration renewals for offenders in violation of their registration obligation. The SORB Registration staff, who are responsible for monitoring and managing offenders in violation, have access to state RMV records for the purpose of locating offenders in violation and notifying them of their obligations. SORB also provides data directly to the RMV who review school bus driver applicants to ensure they pass a Sex Offender Registry Information (SORI) check. Pursuant to M.G.L. 90 §8A, the RMV is prohibited from granting a school bus license to a sex offender. However, the law only

currently grants the RMV access to information on offenders classified as a level 2 or 3. M.G.L. c. 6 §178K(2)(a). As such the RMV currently has no access to information on offenders who have been classified as a Level 1, or who have yet to be classified.

2) Department of Children and Families (DCF)

SORB receives an average of about 450 offender-related phone inquiries annually from DCF personnel on offender related investigations. SORB personnel verify an offender's address at the time of each phone call. In addition, SORB receives monthly reports from DCF on 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, Section 178K(2)(a) of Chapter 6, EEC was granted access to sex offender registry information for all sex offenders including Level 1 offenders for purposes of conducting Sex Offender Registry Information Requests (SORI) on potential childcare providers. 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. SORB and DOR have started formalizing an ISA to ensure continued and streamlined information sharing on sex offenders who are in violation.

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 registration staff has access to address information in DTA's internal client database, the Beacon System, to verify offender addresses; discrepancies are reported to relevant local police departments to perform address audits. SORB Program Services staff can access financial information in the database to assist in processing requests for indigency.

6) The 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 of this information monthly.

Thirteen licensure boards began transitioning from DOL to DPH in September, 2022 under the Acts of 2021, Chapter 39 “An Act Reorganizing Certain Licensing Agencies of the Executive Department.” In September of 2022, a formal non-financial ISA was established between DPH and SORB to ensure continued information sharing between the boards transitioned from DOL to DPH and SORB. A more comprehensive ISA to cover all of DPH will be formalized in the 2023 calendar year.

7) The Division of Occupational Licensure (f/k/a Division of Professional Licensure) (DOL)

Since 2014, DOL has obtained information on registered sex offenders through SORB’s Electronic Sex Offender Request for Information process (ESORI) as a part of their background check process when issuing professional licenses. DOL will continue to do so utilizing the new upgraded ESORI system went live in August 2021. In June of 2020, a formal non-financial ISA was established between DOL and SORB to formalize information sharing that will further SORB’s goal of identifying unknown addresses and locations of offenders. As established in The Acts of 2021, Chapter 39 “An Act Reorganizing Certain Licensing Agencies of the Executive Department,” several licensure boards have transitioned or will transition from DOL to organization under Department of Public Health in the fall of 2022. As such, a new ISA agreement governing information sharing between SORB and DPH will be executed to govern these boards that were formerly under DOL. The existing ISA between DOL and SORB will ensure continued information sharing between the agencies.

8) 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, Section 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. Pursuant to M.G.L. c. 159A1/2, § 4(c), DPU is required to set suitability standards for drivers. According to 220 C.M.R. 274.21, the suitability standard disqualifies any applicant who is presently required to register as a sex offender. However, similar to the RMV, the Sex Offender Registry law only currently grants the Department of Public Utilities access information on offenders classified as a level 2 or 3. M.G.L. c. 6, § 178K(2)(a). As such, DPU currently has no access to information on offenders who have been classified as a Level 1 offender, or who have yet to be classified.

9) 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 was established between SORB and DHCD on January 17, 2020 for this purpose and encompasses the reciprocal sharing of information which may assist in the identification of unknown addresses and locations of offenders.

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

1) The Department of Developmental Services (DDS)

In December of 2020, legislation passed granting DDS access to Level 1 offender information pursuant to G.L. c. 6, § 178K(2)(a) to assist DDS in making informed decisions regarding their clients. SORB has since begun conversations with DDS about entering into an ISA to facilitate the sharing of information between our agencies.

2) The Wampanoag Tribe of Gay Head (Aquinnah)

The Wampanoag Tribe of Gay Head (Aquinnah) has maintained its sovereignty and right to maintain its own registry. The Tribe is now a member of the U.S. Department of Justice's Tribal Access Program for National Crime Information. This allows the Tribe to enter sex offender information into the national registry and National Crime Information Systems. SORB has contacted the Tribe to see if they wish to establish a formal information exchange.

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.

To accomplish this, SORB conducts monthly trainings with law enforcement agencies pertinent to ensuring compliance with registration and providing the most up to date and accurate address information, though these were less frequent during the height of the pandemic. SORB resumed its monthly law enforcement trainings in 2021. In 2022, SORB hosted a mix of in-person and virtual trainings. As listed below, eleven trainings were conducted in 2022:

- January 2022: WebEx virtual training with 13 law enforcement partners representing 10 jurisdictions;
- February 2022, WebEx virtual training with 9 law enforcement partners representing 8 jurisdictions;
- March 2022: WebEx virtual training with 53 law enforcement partners representing 27 jurisdictions;
- March 2022; in-person training with 1 law enforcement partner representing 1 jurisdiction;
- May 2022: WebEx virtual training with 26 law enforcement partners representing 20 jurisdictions;

- June 2022: WebEx virtual training with 9 law enforcement partners representing 9 jurisdictions;
- July 2022: WebEx virtual training with 12 law enforcement partners representing 9 jurisdictions;
- July 2022: in-person training with 4 law enforcement partners representing 1 jurisdiction;
- September 2022: WebEx virtual training with 9 law enforcement partners representing 7 jurisdictions;
- October 2022: WebEx virtual training with 29 law enforcement partners representing 18 jurisdictions; and
- December 2022: WebEx virtual training with 14 law enforcement partners registered representing 19 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 Sheriff's Departments to track offender release dates. These activities ensure SORB has the most up to date information regarding offenders to ensure accurate and timely classifications prior to their release from custody.

2) Federal data collection and registry maintenance

SORB interacts with the U.S. Marshal's Service and the 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 the Adam Walsh Act, Sections 114 and 121.

In 2020, SORB began a partnership with the National Center for Missing and Exploited Children (NCMEC), Sex Offender Tracking Team (SOTT) technical assistance program to assist in locating offenders in violation. SOTT Analysts working for NCMEC provide the following types of technical assistance:

- Conduct searches for noncompliant sex offenders through public record databases, online open-source sites and other internal and external systems.
- Provide comprehensive analytical support to assist law enforcement efforts to locate noncompliant sex offenders.
- Produce timelines of offenders' histories, including places of residence, employment, and travel.
- Examine data regarding attempted abductions, online child sexual exploitation and child abductions for potential links with noncompliant sex offenders.

SOTT is a no cost service provided by NCMEC, replacing the CLEAR database application previously provided by Thomson Reuters at a cost to SORB which provided the same types of information.

SORB has also allocated SORNA funds for mobile 12 fingerprint identification solution devices. These devices have been assigned to the Violent Fugitive Apprehension Section (VFAS) 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. 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 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 in conjunction with local law enforcement began an Address Verification Program (AVP) in 2017. AVP is an offender tracking and location program whereby unregistered offenders and offenders in violation are identified, investigated, and brought into compliance to increase public safety for Massachusetts communities, and to enhance SORNA compliance by immediately updating changes in offender information to law enforcement, all other jurisdictions and the public.

The first pilot program was conducted by the Boston Police Department (BPD) from April 4, 2017 to October 18, 2017. The AVP 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 federal funds obtained by SORB. From May 16, 2018 to March 2019, the AVP was again conducted by the BPD and expanded to also include the Randolph Police Department.

As a result of the COVID-19 pandemic, the AVP was put on hold in 2020 due to concerns for the safety of officers conducting in-person address checks. With the availability of vaccinations and other implemented safety measures, SORB resumed the AVP with law enforcement partners with a new grant cycle in the Spring of 2021. Twelve police departments, many of whom had not participated in AVP previously, applied and were ultimately awarded grants in June 2021.

AVP requires participating police departments to meet regularly to update SORB on the program's progress and to develop and share best practices. SORB received SORNA funding in 2022 to continue the AVP program through June 2023. For this cycle, 14 police departments were awarded grants. New additions to the AVP are New Bedford Police Department and Pembroke Police Department.

To date, fifteen departments have participated in the AVP in the past or are part of the current grant cycle: Abington Police Department, Billerica Police Department, Boston Police Department, Brockton Police Department, Chicopee Police Department, Fall River Police Department, Haverhill Police Department, Lawrence Police Department, Lowell Police Department, Mansfield Police Department, New Bedford Police Department, Pembroke Police

Department, Quincy Police Department, Randolph Police Department, Southbridge Police Department, Wakefield Police Department, and the Walpole Police Department.

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 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.