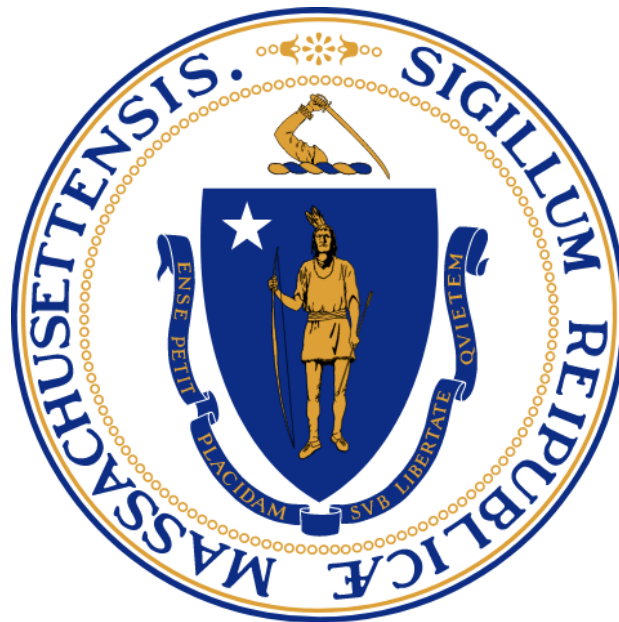


**REPORT BY THE SEX OFFENDER REGISTRY BOARD  
TO HOUSE AND SENATE WAYS AND MEANS COMMITTEES  
PURSUANT TO FY2024 GENERAL APPROPRIATION ACT  
CH. 28, ACTS OF 2023**



**Executive Office of Public Safety and Security  
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Boston, Massachusetts 02108**

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 2024 General Appropriation Act, Chapter 28 of the Acts of 2023, 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, 2023, 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 Executive Office of Housing and Livable Communities (EOHLC).

SORB proactively seeks new address information for offenders who are in violation of their duty to register. SORB also compares information received from other state agencies, even where the offender is not in violation, to identify any discrepancies with addresses reported to SORB. When SORB receives information about a potential address for an offender other than what we have on file from any agency discussed within this report, we notify the relevant local police department. The local police department then performs an address audit to determine the true whereabouts of the offender. The primary goal of an address audit is to bring the offender into compliance and ensure accurate information is contained in the registry. Alternatively, where appropriate, the local police may pursue criminal charges for failure to register. SORB updates the registry with addresses received from other state agencies only after the police verify the true

whereabouts of an offender, as there is no guarantee another agency's address is any more accurate than that reported to SORB by an offender absent such verification.

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; data is shared with the RMV monthly for this purpose. In addition, 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. Additionally, SORB receives monthly reports from DCF on investigations conducted by DCF. This report contains offender address information and SORB compares this information against addresses on file to ensure accuracy of the registry.

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, utilizing the same Background Records Check (BRC) technology built for DPU's access. SORB's offender address information is verified against EEC's information 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. While SORB has shared information with DOR by request since approximately 2018, on September 28, 2023,

SORB and DOR entered into a formal Data Use License Agreement (DULA) to start sharing information electronically and are working to fully implement this data exchange. This move streamlines data sharing between the agencies ensuring more efficient access to any information pertaining to sex offenders who are in violation. Once fully implemented, these automated checks will be conducted monthly.

#### 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 monthly. Additionally, SORB registration and program services staff has access to address information in DTA's internal client database, the Beacon System, to verify offender addresses, ensure accuracy of the registry and verify indigency. DTA provides an automated address report for all offenders in violation monthly. This report is reviewed by registration staff and new information is provided to law enforcement to try to locate and verify actual addresses for these offenders. 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)

SORB receives Massachusetts Death Index information from the DPH monthly through an automatic electronic report. This information is matched with SORB's offender database and ensures timely removal of deceased offenders from the registry.

Thirteen licensure boards transitioned from DOL to DPH in September of 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 that transitioned from DOL to DPH and SORB. A more comprehensive ISA to cover all of DPH will be formalized in the 2024 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. 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. Anytime DOL receives a match when conducting an ESORI check, SORB compares that DOL's information against the registry to check the address. Although several licensure boards transitioned to DPH in the fall of 2022, the existing ISA between DOL and SORB ensures continued information sharing between SORB and the remainder of the agency.

#### 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), known as Background Records Check (BRC), 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 Executive Office of Housing and Livable Communities (EOHLC, formerly Department of Housing and Community Development)

In 2019, SORB and EOHLC had a series of discussions and meetings about EOHLC'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 EOHLC 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.

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) Outreach to other Executive Branch Agencies

In 2024, SORB plans to conduct outreach to other state agencies who either may benefit from more streamlined access to SORB's data, or who may possess their own data that could assist SORB in locating offenders currently in violation. Plans for outreach include the Department of Elementary and Secondary Education, the Department of Mental Health, MassHealth, the Department of Unemployment Assistance, and the Executive Office of Veteran's Services.

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 and has no powers of arrest or direct supervision of sex offenders, 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 is a focus on investing in and continually improving SORB's

relationships with law enforcement. A strong relationship between SORB and law enforcement is the most effective way to ensure registration compliance and a thorough investigation 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. In 2023, SORB hosted a mix of in-person and virtual trainings. As listed below, eleven trainings were conducted in 2023:

- January 2023: 3 in-person trainings and WebEx virtual training with 18 law enforcement partners representing 13 jurisdictions;
- February 2023, WebEx virtual training with 9 law enforcement partners representing 8 jurisdictions;
- March 2023: WebEx virtual training with 15 law enforcement partners representing 10 jurisdictions;
- May 2023: 1 in-person training and WebEx virtual training with 11 law enforcement partners representing 9 jurisdictions;
- June 2023: WebEx virtual training with 12 law enforcement partners representing 8 jurisdictions;
- July 2023: WebEx virtual training with 9 law enforcement partners representing 5 jurisdictions;
- August 2023: WebEx virtual training with 10 law enforcement partners representing 7 jurisdictions;
- September 2023: WebEx virtual training with 12 law enforcement partners representing 12 jurisdictions;
- October 2023: 1 in-person training and WebEx virtual training with 11 law enforcement partners representing 10 jurisdictions; and
- December 2023: WebEx virtual training scheduled.

SORB routinely works with municipal police departments to share updated information stemming from law enforcement activities within respective jurisdictions. SORB also works collaboratively with other state law enforcement and criminal justice agencies including the Department of Correction, the Parole Board, the Department of Probation and every Sheriff's Department. SORB 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. SORB communicates regularly with the Massachusetts Treatment Center regarding projected review and trial dates for committed offenders. 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 2023, SORB became a member of the New England State Police Information Network (NESPIN), the New England chapter of the Regional Information Sharing System (RISS). As a federally funded non-profit, NESPIN provides additional resources to SORB at a nominal cost. NESPIN provides the SORB registration and classification staff access to a variety of databases as well as intelligence analysts to aid in locating offenders who are in violation as well as assist in locating police reports and other substantive information needed to classify offenders.

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.

In 2019, SORB 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 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 program also funds regular address verification checks to confirm offenders remain in compliance.

The first pilot program was conducted by the Boston Police Department (BPD) in 2017 and enhanced BPD's ability to concentrate on address verifications and investigations of offenders in violation.

Since 2017, the program has continued to expand and for the 2023 grant cycle, fifteen police departments were awarded grants. AVP requires participating police departments to meet regularly to update SORB on the program's progress and to develop and share best practices. New additions to the AVP this year are Braintree Police Department, Bridgewater Police Department, Massachusetts State Police, and Worcester Police Department. This year VFAS will receive the funding earmarked for the Massachusetts State Police as a part of our renewed collaboration.

To date, nineteen 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, Braintree Police Department, Bridgewater Police Department, Brockton Police Department, Chicopee Police Department, Fall River Police Department, Haverhill Police Department, Lawrence Police Department, Lowell Police Department, Mansfield Police Department, Massachusetts State Police, New Bedford Police Department, Pembroke Police Department, Quincy Police Department, Randolph Police Department, Southbridge Police Department, Wakefield Police Department, Walpole Police Department, and the Worcester Police Department.

### 3) Agency Improvements

In 2023, SORB will utilize federal grant funding to complete an enhancement to the Electronic Sex Offender Registry Information (ESORI) portal. This system, launched in 2021, provides electronic access to individuals and organizations conducting SORI checks for any lawful purpose. The ESORI portal provides information on any finally classified level 2 or 3 offender as permitted by G.L. c. 6 section 178I. The upgrade will collect data for use by SORB on individuals processed through the ESORI portal and identify offenders run even where a match may not be legally provided to the ESORI portal user. The data collected for SORB's use will include all hits for level 2 and 3 offenders as well as those who are unclassified, classified as level 1, and offenders who are in violation or who have reported to us that they have moved out of state. SORB will then work with law enforcement partners to pursue any investigative leads generated by such checks, such as new leads for the actual whereabouts of offenders in violation.

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.