

# Truro Police Department

## SEX OFFENDER REGISTRATION AND DISSEMINATION POLICY

*Policy Number: ADM-1.06*

*REFERENCE:*

*Effective Date: June 1, 2000*

*Revised Date: Sept 15, 2005*

*Accreditation Standards:*

*Mass. Gen. Law: Chap. 239 Sec. 178 C-O*

*Other: Entire policy revised September 15, 2005*

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### **BACKGROUND**

The Truro Police Department works in concert with the Cape Cod Sex Offender Compliance Committee (CapeCSOCC), Sex Offender Registry Board (SORB), community organizations and other law enforcement agencies to alert and protect citizens from sexual predators.

Police departments are required by M.G.L. c.6, s.178K and by 803 CMR 1.33 to develop a Notification Plan for notifying community organizations and individuals who are likely to encounter a sex offender. Departments must be prepared to respond to inquiries from eligible adults about the criminal record and presence of convicted sex offenders in their town.

The Notification Plan will determine the appropriateness of any inquiry, develop responses to proper inquiries and provide for the required notices to community organizations and individuals.

The Sexual Offender Registry Act further requires police departments to fingerprint, photograph and maintain a database on all sex offenders who comply with the law by registering with the police in the city or town in which they live.

**POLICY**

It is the policy of The Truro Police Department to act in accordance with the provisions of M.G.L. c.6, s.178 C-P, which established a Sex Offender Registry.

Those members of the public entitled to information about convicted sex offenders living and/or working in Truro will receive that information in a timely and orderly fashion, consistent with the guidelines established by SORB.

**The Records Division Supervisor is responsible for registering sex offenders and releasing sex offender information to the public.**

All employees of *the Truro Police Department* are encouraged to inform community members and organizations of their ability to obtain information regarding registered sexual offenders living and/or working within the *Truro*.

**REGISTRATION REQUIREMENTS**

Per M.G.L. c.6, s.178, persons are required to register as sex offenders if they live or work in the Commonwealth and were:

- Convicted on or after August 1, 1981
- Adjudicated a delinquent juvenile on or after August 1, 1981
- Adjudicated a youthful offender on or after August 1, 1981
- Released from incarceration on or after August 1, 1981
- Released from parole or probation supervision on or after August 1, 1981
- Released from the Department of Youth Services on or after August 1, 1981
- Adjudicated a sexually dangerous person on or after August 1, 1981
- Released from civil commitment on or after August 1, 1981

For one or more of the following crimes:

- Indecent assault and battery on a child under 14
- Indecent assault and battery on a mentally retarded person
- Indecent assault and battery on a person age 14 or over
- Rape
- Rape of a child under 16 with force
- Rape and abuse of a child
- Assault with intent to commit rape
- Assault of a child with intent to commit rape
- Kidnapping of a child
- Enticing away a person for prostitution or sexual intercourse
- Drugging persons for sexual intercourse
- Inducing a minor into prostitution
- Living off or sharing earnings of a minor prostitute

- Second and subsequent convictions for open and gross lewdness and lascivious behavior, but excluding a first or single adjudication as a delinquent juvenile before August 1, 1992
- Incestuous marriage or intercourse
- Disseminating to a minor matter harmful to a minor
- Posing or exhibiting a child in a state of nudity
- Dissemination of visual material of a child in a state of nudity or
- Dissemination of visual material of a child in a state of nudity or sexual conduct
- Possession of child pornography
- Unnatural and lascivious acts with a child under 16
- Aggravated rape, or
- Any attempt to commit a violation of any of the aforementioned sections pursuant to section 6 of said chapter 274 or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority.

### **REGISTRATION GUIDELINES**

A sex offender, as defined in M.G.L. c.6, s.178C, who has been convicted or adjudicated for a sex offense (also defined in M.G.L. c.6, s.178C) shall register with SORB by mail on a form provided by the Board.

Certain governmental agencies (i.e. SORB, D.O.C., parole boards, probation depts. and the courts) shall notify the offender in writing of his/her obligation to register with their local police department. The offender must then acknowledge that he/she has been notified and make the appropriate registration within two days of the operative event.

Failure to register or verify information may be grounds for revocation of probation or parole. Sex offenders may be prosecuted for violating the law if they knowingly fail to register, fail to verify registration information, fail to provide notice of change of address or place of employment, or provide false information.

Level 1 offenders have to verify their registration information annually on a Form 1 card. There is no requirement for in-person registration at the police department for Level 1 offenders.

Level 2, Level 3 and Level 3+ offenders must register, with the Police Department in the town they live in, within two days of notification from SORB. In addition, they are required to verify their registration information annually (on the anniversary of their date of birth) at the Police Department.

Homeless Level 2 & 3 offenders and all Level 3+ offenders must verify their information in person at the Police Department every ninety days.

All Level 2, Level 3 and Level 3+ offenders must report changes of address in either home or work via US mail to SORB ten days prior to a move.

Upon verifying registration data or giving notice of a change of address or intended change of address, the sex offender shall provide independent written verification of the address at which he is registered or, if changing an address, will be registered.

### **REGISTRATION PROCEDURES**

Sex offenders required to register at the Truro Police Department will be directed to the Administrative Assistant on Monday – Friday during normal business hours. No unauthorized employees shall register an offender or accept any change of address information from him/her.

The Administrative Assistant shall guide the offender through the process of registration. After completion of Level 2, Level 3 and Level 3+ registration they shall:

1. Conduct a WMS query on the sex offender
2. Enter the offender in the Sex Offender Registry (SX)
3. Enter the offender into the Department's IMC Registration Program
4. Photograph and fingerprint the offender (three digital image photographs and two sets of prints).

The Administrative Assistant will forward this information to SORB.

### **PUBLIC INFORMATION**

Information about a sex offender is available to the public only if the offender has a duty to register and he/she has been classified by SORB as a Level 2, Level 3 or Level 3+ offender.

The Truro Police Department is required to disseminate Sex Offender Registry Information (SORI) upon request to a person who:

- Is 18 years of age or older
- Appears in person at the police station and presents proper identification
- States that he/she requests SORI for his/her own protection, the protection of a child under the age of 18, or for the protection of another person for whom said inquirer has responsibility, care and custody, and
- Completes and signs a record of inquiry on the proscribed form.

Information regarding sex offenders is available Monday – Friday during normal business hours from the Administrative Assistant.

### **NOTIFICATION GUIDELINES**

The following guidelines will be followed regarding public notification for the different levels of sex offenders.

**LEVEL 1 – LOW RISK OF RE-OFFENSE**

Level 1 offender information shall not be made available to the public.

This information, as well as the registration information contained in the sex offender registry database, is available to the Department solely for law enforcement purposes. There is no community notification or dissemination.

Level 1 sex offenders are not required to be photographed or fingerprinted.

**LEVEL 2 – MODERATE RISK OF RE-OFFENSE**

Information about these offenders will only be available to members of the public who request it. There will be no community notification.

**LEVEL 3 & LEVEL 3+ (HIGH RISK OF RE-OFFENSE)**

The Administrative Assistant or a designated alternate shall disseminate posters of Level 3 and Level 3+ offenders to organizations in the Town that are likely to encounter these offenders, and who wish to receive this information, in accordance with SORB guidelines.

For a Level 3 or Level 3+ offender:

- Community notification must include, but not be limited to, publication of the information in local newspapers and/or public announcements via local cable television.
- Community notification fliers must be posted in town hall, libraries, and similar publicly accessible areas.
- Notification must be made to all schools in the town.
- Information about the offender must be available to members of the public who request it. The department will post all Level 3 and Level 3+ offenders on our website.

**SEX OFFENDER UPDATES**

SORB may release offender information to *Police Departments* at any time via telephone, fax, mail and/or CJIS message. It is essential that any such information be forwarded to the Administrative Assistant immediately.

**RIGHT OF ARREST**

M.G.L. c.6, s.178P states “whenever a police officer has probable cause to believe that a sex offender has failed to comply with the registration requirements of sections 178C to 178P, such officer shall have the right to arrest such sex offender without a warrant and keep such sex offender in custody”.

Such circumstances include a sex offender who knowingly:

- Fails to register (c.6, s. 178H)
- Fails to verify registration information (c.6, s. 178H)
- Fails to provide notice of a change of address (c.6, s. 178H), or
- Provides false information (c.6, s. 178H).

A CJIS check of a sex offender that produces a SORB status code of “V” (violator) is probable cause for arrest.

The Administrative Assistant will verify that a sex offender has registered with SORB.