


<b>NORTHAMPTON POLICE DEPARTMENT</b>		
<b>Administration &amp; Operations Manual</b>		
<b>Policy: Sex Offender Registration</b>		<b>AOM: S-207</b>
Massachusetts Police Accreditation Standards Referenced:		Issuing Authority <hr/> John D. Cartledge Chief of Police
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**I. Introductory Discussion**

This directive identifies departmental procedures relative to the registration of convicted Sex Offenders and Child Offenders as required by M.G.L. C. 6, §178. Additionally, this directive establishes policy relative to the release of records and information regarding convicted sex offenders.

**II. Definitions**

- A. Sex Offender:  
Individuals, adult or juvenile, convicted/adjudicated delinquent for a sex offense or released from custody, parole, or probation for a sex offense on or after August 1, 1981.

B. Levels of Classification:

Under M.G.L. C. 6, § 178, the Sex Offender Registry Board (SORB) classifies sex offenders according to the degree of dangerousness they pose to the public and the likelihood for re-offense. The three levels of classification are as follows;

1. Level I “low risk”\*
2. Level II “moderate risk”
3. Level III “high risk”

Those not yet classified are Level 0 or unclassified. Classifications are determined by the SORB.

\*SORB and Police Departments are prohibited from disseminating any information on Level I offenders (M.G.L. C.6, §178)

C. Sex Offenses:

1. Indecent assault & battery on a child under 14.
2. Indecent assault & battery on a mentally retarded person.
3. Rape (including aggravated rape and carnal abuse).
4. Rape of a child under 16 with force.
5. Rape and abuse of a child (statutory rape).
6. Assault with intent to commit rape.
7. Assault of a child under 16 with intent to commit rape.
8. Kidnapping of a child.
9. Unnatural and lascivious acts with a child under 16.
10. Enticing away a person for prostitution or sexual intercourse.
11. Drugging persons for sexual intercourse.
12. Inducing a minor into prostitution.
13. Living off or sharing earnings of a minor prostitute.
14. Incestuous marriage or intercourse.
15. Disseminating to a minor matter harmful to a minor.
16. Posing or exhibiting a child in a state of nudity.
17. Dissemination of visual material of a child in a state of nudity or sexual conduct.
18. Possession of child pornography.
19. Open & gross lewdness & lascivious behavior.\*
20. Indecent assault & battery on a person who is 14 years or older.\*
21. Any attempt to commit a violation of any of the aforementioned pursuant to M.G.L. c. 274, § 6 or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority.

\* Individuals with a single conviction for these charges cannot be made to register as a sex offender pursuant to the statute until a hearing is held and a determination is made that the individual poses a threat to children or other vulnerable members of the community.

### III. Registration Requirements

#### A. Initial Registration:

The Department is required to complete registration of every Level II or Level III sex offender residing, working, or attending an institute of higher learning within the city. The following shall be obtained from every sex offender registering;

1. A completed Registration Form.
2. Completed "Notice to Offender" form.
3. Current photograph.
4. Fingerprints
  - a. Northampton Police Department Sex Offender Registration applicants will be fingerprinted utilizing the Safran TouchPrint Enterprise Live Scan System station.
  - b. Sex Offenders will be fingerprinted on the live scan system using a Sex Offender Registrant (SOR) with Palm Capture 1000.
  - c. Complete all applicable fields. Mandatory fields will be highlighted in blue.
  - d. The nine digit OBTN number for a Sex Offender Registration should be the current year (ex. 2016) followed by the IMC card number generated by dispatch for the SOR. If the IMC card number is not yet a five digit number then zeros will be used before the card number to make the OBTN number nine digits long.
  - e. Sex Offender ID # is the Sex Offender number listed in IMC or the SORB printout.
  - f. Once acceptable prints are obtained the record should be saved and submitted. The records are electronically sent to the state and SORB.
  - g. Print one hard copy for internal records and place the print card on the line desk for supervisor review.

#### B. Annual Registration:

Every sex offender is notified by the Sex Offender Registry Board on the first business day of the month of their date of birth advising them that it is their duty to register within five (5) calendar days of receipt of notice.

#### C. Registration of Homeless Sex Offenders:

Any Level II or Level III sex offender who lists their residence as a homeless shelter in Northampton or indicates homelessness in Northampton shall appear in person to register every thirty (30) days. All homeless sex offenders living on the streets in Northampton must provide a location so that they may be contacted (e.g., underpass on New South St.).

Note: Secondary addresses are those addresses where an offender resides 4 or more days within a month, or 14 or more (aggregate) days during the calendar year.

D. “Sexually Violent Predator” Registration:

Any Level III sex offender with the additional classification of “Sexually Violent Predator” shall, in addition to annual verification, appear in person every ninety (90) calendar days at this Department to verify the registration data on file.

- E. Registration information shall be forwarded to the Detective Bureau Commander, or their designee, who will be responsible for entering the registration information in the SORIS (Sex Offender Registration and Inquiry System) database and transmit the information to the SORB. The Sex Offender registration information shall also be entered into the police departments computer system (IMC) and maintained by the Detective Bureau Commander or their designee.

**If at any time during registration, the sex offender’s appearance has changed significantly, an updated photograph shall be taken and entered into the department’s computer system. The Detective Bureau designee will print two copies of the updated photograph and attach one to the Registration Form and the other to department’s copy of that form.**

## IV. Information /Notification Requirements

A. Information Requests:

The Department must provide Level II and Level III Sex Offender Registry Information (SORI) to any person who appears in person and states that they request SORI for:

1. Their own protection.
2. The protection of a child under the age of eighteen, or
3. Protection of another person for who said inquirer has responsibility, care, or custody.

B. Requirements From Members Of The Public Requesting SORI Information:

1. The requesting person must be eighteen (18) years of age or older and provide proper identification.

Proper identification may include, but is not limited to, a valid driver’s license or identification card, a REAL ID, a valid United States Passport, or any form of picture identification deemed sufficient by the local police chief or designee.

2. The requesting person shall be required to fill out a [SORB Record of Inquiry](#) form located in the Records Office, requesting information regarding the following:
  - a. A specific individual.
  - b. An offender who lives or works within the same city or town.
  - c. Whether any sex offenders live or work on a specific street within the city or town and/or

- d. All of the above.
3. The Department shall then disseminate to the requesting person the following information;
    - a. The name of the sex offender.
    - b. The home address of the sex offender.
    - c. The work address of the sex offender.
    - d. The offense for which the sex offender was convicted or adjudicated, and the dates of the conviction or adjudication.
    - e. The sex offender's age, sex, race, height, weight, eye and hair color; and photograph of the offender, if available.

*Note: All notices to the community shall include a warning regarding the criminal penalties for use of Sex Offender Registry information to commit a crime or to engage in illegal discrimination for harassment of an offender and the punishment for threatening to commit a crime under M.G.L. C. 275, § 4.*

**C. Means Of Notification to Organizations & Members of the Public:**

For Level III sex offenders the Department shall annually notify all schools within the community. Additionally, at the discretion of the Chief of Police, organizations in the city and those individual members of the public likely to encounter the offender will also be notified. Notification shall occur within two business days of receipt of the SORB transmission through one of the following means;

1. Local cable television station.
2. Local newspaper.
3. Mailings or
4. Posting of information in a public area in the neighborhood where the offender resides or works (i.e. city hall, local public library, or local post office).

For any Level III sex offender with the additional classification of "Sexually Violent Predator", this notification shall occur every 90 calendar days. Community notification shall also occur each time a Level III offender changes their home or work address.

**D. Information To Be Disseminated to Organizations & Individuals:**

At the discretion of the Chief of Police, the following sex offender information will be provided to organizations and individuals within the community:

1. The name of the sex offender.
2. The sex offender's home address.
3. The sex offender's work address.
4. The offense for which the sex offender was convicted or adjudicated, and the dates of the conviction or adjudication.
5. The sex offender's age, sex, race, height, weight, eye and hair color; and a photograph of the offender, if available.

The organizations may include but are not limited to the following:

1. Day care facilities.
2. Child/Teen sports leagues.
3. Boys and Girls Clubs.
4. Boy and Girl Scouts of America.
5. Volunteer and community organizations which come into contact with children.
6. Churches/Religious Organizations.
7. Local merchant associations, malls and department stores.
8. Sports and recreational facilities, public or private (i.e. bowling alleys, recreational centers, gymnasiums, etc.).
9. Entertainment facilities (i.e. movie theaters, etc.).
10. Neighborhood organizations and Public meeting facilities

## V. Limitations of Liability for Police Officials

Police Officials and other public employees acting in good faith shall not be liable in any civil or criminal proceeding for providing or failing to provide Sex Offender Registry Information pursuant to the provisions of M.G.L. C.6, §178C and 178O – 178P.

## VI. Post-Classification Address Audit

- A. The SORB recommends that all police departments participate in a program of self-auditing recorded addresses related to registered sex offenders.
- B. The addressees of **all** Level III offenders are audited one time during a period of not less than four months nor more than eight months after the offender has been registered.
- C. A random audit of 50% of the Level II offenders residing, working or going to school within this jurisdiction. This audit is conducted a minimum of one time during a period of not less than four months nor more than eight months after the offender has been properly registered.
- D. An audit is a process of verifying an offender's information already provided, including their residence, workplace, or school.
- E. SORB form 200 shall be used to record the result of the audit. A signed copy of the form should be provided to the Sex Offender Registry Board.