

**MONITORING OF OFFENDERS REQUIRED TO
COMPLY WITH THE SEX OFFENDER REGISTRY
REQUIREMENTS**

**A Report to the Governor, House Appropriations Committee,
And Senate Finance Committee**



January 2022

**Colonel Gary T. Settle
Superintendent**



COMMONWEALTH OF VIRGINIA

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January 1, 2022

TO: The Honorable Ralph Northam, Governor of Virginia

The Honorable Janet D. Howell
Chair of the Senate Finance and Appropriations Committee

The Honorable Luke E. Torian
Chair of the House Appropriations Committee

Pursuant to the 2009 Appropriation Act, I am respectfully submitting herewith, a *Report on Monitoring of Offenders Required to Comply with the Sex Offender Registry Requirements*. The report is a compilation of the Department's efforts from September 1, 2020, through August 31, 2021.

Respectfully,

A handwritten signature in cursive script that reads "Gary T. Settle".

Superintendent

GTS/ajp

Enclosure

**Report on Monitoring of Offenders Required to Comply with
the Sex Offender Registry Requirements**

Preface

Pursuant to the Appropriation Act, the Department of State Police is pleased to provide this report on the monitoring of offenders required to comply with the Sex Offender Registry (SOR) requirements.

Creation and Staffing

The 2006 Session of the Virginia General Assembly allocated the Virginia State Police 45 sworn FTEs (full time equivalents) as an enforcement component of the Sex Offender and Crimes Against Minors Registry.

In July 2006, the Sex Offender Investigative Unit (SOIU) was established, consisting of one (1) first sergeant position, four (4) sergeant positions, and forty (40) trooper positions. This unit was placed within the Criminal Justice Information Services Division, which is housed in the Bureau of Administrative and Support Services. The positions of the unit were constructed to provide an enforcement of the sex offender registry laws pursuant to Title 9.1 of the *Code of Virginia*. To ensure proper distribution of these established positions, an in-depth analysis of the existing sex offender population was conducted, resulting in the creation of four (4) regions, with one (1) sergeant and ten (10) troopers assigned to each region. Each region was further divided into smaller geographical areas to ensure the sex offender population is properly served.

In 2006, when the SOIU was originally conceived, the offender to trooper ratio was 120:1. In the fifteen years since the implementation of the SOIU, legislative changes requiring additional types of offenders to register, coupled with the growth of the sex offender population, has pushed the ratio of sex offenders to troopers to 308:1. To further ensure efficiency, each region was divided into areas or small geographical work units to ensure that manpower was distributed evenly within each region.

Currently, the FSOIU (renamed Firearms and Sex Offender Investigative Unit in early 2021) monitors, registers, re-registers, and verifies employment and residency of 12,326 sex offenders. This is an increase of 562 (4.8% increase) offenders in one year. The *2017 Manpower Augmentation Plan* staffing model recommends the Department assign one trooper per 100 sex offenders living in Virginia communities. Implementation of this staffing model would require 84 additional troopers.

Effective July 1, 2012, forty-three (43) civilian compliance officer positions within the SOIU were authorized. The positions were advertised in March, 2012 in anticipation of the newly created positions. The Department received 2,616 applications. The applicants were screened, interviewed and underwent a thorough background investigation. Twenty-four (24) compliance officers were hired on July 9, 2012. The compliance officers completed two (2) weeks of training at the Virginia State Police Academy, receiving training in eighteen (18) different topics, to include sex offender laws, methods of effective information gathering, database utilization, report writing, civil liability, ethics and leadership, and defensive tactics. Upon graduating, the compliance officers were assigned to SOIU troopers for completion of field training. An additional fifteen (15) compliance officers were hired October 15, 2012, and also completed their academy and field training.

Recently, there has been a high level of turnover in both the compliance officer and trooper ranks. During the past twelve months there have been a total of twenty-four (24) compliance officer vacancies. The Department filled sixteen (16) of those vacancies.

Thirty-five (35) compliance officers are currently employed, with the following locations without compliance officer coverage: The Counties of Albemarle, Arlington, Bedford, Campbell, Caroline, Fluvanna, Franklin, Goochland, Greene, Hanover, King George, Loudoun, Nelson, Pittsylvania, Prince George, and the Cities of Alexandria, Charlottesville, Colonial Heights, Danville, Hopewell, Lynchburg, Petersburg, Roanoke, Salem and Suffolk. The Department is in the process of filling these positions, which play a vital role in the registry process. The compliance officers handle thousands of in-person home, school, and work verifications yearly. Without the compliance officers, these duties would fall to the troopers, who are tasked with investigating thousands of violations yearly. Over the past five years, the FSOIU has never been fully staffed, with a minimum of five vacancies at all times. These vacancies leave counties without coverage, causing an additional strain on already taxed resources.

In addition to the assigned in-person verifications, the compliance officers also complete the necessary reports, assist Bureau of Field Operations' offices with walk in registrations, track down missing or incomplete information submitted to the registry, and perform other administrative/clerical duties. Compliance officers are often required to appear in court and provide testimony. The Department use them to complement troopers in the FSOIU, with the goal of easing the verification workload of the troopers so they can focus on the criminal investigations.

By way of the 2020 General Assembly, the SOIU was tasked with investigating firearms violations stemming from private sale transactions, for which eight (8) positions were allocated. The SOIU absorbed nine (9) additional positions from field operations to assign to high-volume firearm transaction areas. Three (3) of these positions became supervision and the remaining six (6) positions are for investigators across the state within those high-volume areas. In January of 2021, the Sex Offender Investigative Unit (SOIU) became the Firearms and Sex Offender Investigative Unit (FSOIU) and began incorporating the newly established positions. To date, the FSOIU has filled all three supervisor positions and 12 of the 14 trooper positions to support firearm violation enforcement. January 2021 also marked the implementation of additional regions in the FSOIU. The FSOIU completed its reorganization from four regions into six regions (see page 8). Dividing into six regions has more evenly distributed sex offenders and firearms cases to the appropriate personnel (assigned troopers or compliance officers), and has lessened the supervisory requirements of each sergeant. With the addition of three supervisors, each region of the FSOIU went from an employee to supervisor ratio of 22:1, to a more manageable 13:1. Although the number of employees supervised by each sergeant has been significantly reduced, the number of investigations has heavily increased based on the high number of firearm violation cases.

In 2008, there were 15,297 registered sex offenders in Virginia and the SOIU was responsible for monitoring 5,606 of those offenders with 40 troopers. Today, there are 25,131 registered sex offenders and the FSOIU monitors 12,326 of them. Offenders have increased by 64% and the number monitored by VSP has increased by 120%. The number of troopers designated for sex offender investigations remains at forty (40), the same as the unit's inception in 2006. While the compliance officers do play a vital role in the unit, they are unable to assist the trooper with criminal investigations.

Goals and Objectives

The overall objective of the sex offender element of the FSOIU is to enhance public safety by investigating and successfully closing criminal cases involving sex offenders who fail to comply with Title 9.1 of the *Code of Virginia*. The FSOIU is committed to monitoring and prosecuting sex offenders who fail to comply with Title 9.1 of the *Code of Virginia*. The following information provides an overview of the production and progress of the FSOIU.

Sex Offender and Crimes Against Minors Registry (SOR) Verifications

As of October 26, 2021, there were 25,131 sex offenders listed on the Virginia State Police Sex Offender and Crimes Against Minors Registry. They are divided into three groups: (1) 3,860 registrants under the purview of the Department of Corrections Probation and Parole Services, (2) 12,326 sex offenders whose registration and verifications are the responsibility of the Department of State Police, and (3) the remaining 8,945 registrants are civilly committed or incarcerated in jails or prisons across the state. The Department also tracks another 8,762 offenders living in other states who work, go to school, or live part-time in Virginia.

The Department maintains a web-based system for recording and monitoring residential and employment address verifications. This database is utilized by troopers and compliance officers, as well as Department of Corrections (DOC) probation and parole officers tasked with completing the verification process. Additionally, changes to Virginia's sex offender registration laws that became effective on July 1, 2020 have streamlined the re-registration process for Tier I and II offenders, by allowing their re-registration to be completed during the semi-annual verifications.

In the past twelve months, from October 1, 2020, to September 30, 2021, the FSOIU conducted 36,243 verifications of home, work, and school addresses. Our agency also conducts the training for the probation and parole officers, as well as for the troopers and compliance officers assigned to the FSOIU. A new system is currently under development and is scheduled to replace the aging sex offender verification system by March 2022.

Registry Violations

From October 1, 2020 to September 30, 2021, the Virginia State Police received 6,827 potential SOR violations and conducted 2,277 criminal investigations for failing to register pursuant to §9.1-902 and providing false information pursuant to §18.2-472.1. During this same period, there were 593 convictions from arrests made across the Commonwealth by the F/SOIU for violations of the aforementioned offenses. Many cases are still pending trial. These investigations were initiated from troopers' observations, tips from citizens, information from other law enforcement agencies, information from the Department of Corrections, and other states' sex offender registries. The FSOIU received 440 tips regarding potential registry violations through

the Department's Sex Offender and Crimes Against Minors Registry website. Virtually all of them required follow-up investigation.

Coordination with Other State and Local Law Enforcement Organizations

Interagency coordination during this reporting period includes the following:

- VSP and DOC - VSP operates the Sex Offender Verification (SOV) System, which is also used by DOC. VSP continues to conduct training for both agencies.
- VSP and DOC – VSP area offices register or re-register each incoming sex offender and work to process offenders who are under the supervision of Probation and Parole.
- To protect individuals and offenders during the registration process, new SOR forms were created for all law enforcement to use during the COVID-19 pandemic. These forms were used until August 1, 2021.
- VSP and DOC - Offenders are monitored through joint initiatives, such as the Halloween meetings that take place at many Probation and Parole District Offices. These meetings are designed to monitor offender movement during this children's celebration of the fall season, and also educate the offenders on their registration requirements.
- VSP and the United States Marshals Service (USMS) – VSP FSOIU Regions I, II, and IV each have a trooper assigned to the USMS Task Force, which is mutually beneficial to both organizations.
- VSP and the United States Marshals Service (USMS) – VSP collaborates with the USMS to apprehend violent sex offenders at-large across the country. Once located, VSP FSOIU personnel team with the local VSP BCI Fugitive Apprehension Unit to transport the fugitive back to Virginia.
- The USMS notifies the Virginia Sex Offender and Crimes Against Minors Registry whenever a Virginia registered sex offender makes reservations to travel outside the country.
- VSP also conducted four (4) joint operations with the USMS during this time period. The "Operation Rundown" and "Operation River City Sweep" targeted a total of 95 wanted offenders, and ended with 32 arrests of those targeted, and more than 50 warrants were cleared. Two compliance checks were also conducted and more than 70 offenders were placed into compliance during the three weeks of joint operation.
- VSP and other states - VSP worked with numerous out-of-state registries to locate and apprehend absconders who crossed state lines to escape compliance

with sex offender registration requirements. This enables the FSOIU troopers and compliance officers to extend their network of contacts.

- VSP and local agencies - VSP continues to develop small task force initiatives with local agencies across the state, with the goal of enhancing investigations surrounding SOR violations and to improve the lines of communication throughout Virginia's criminal justice system.
- VSP also collaborated with regional jails to flag offenders in order to ensure a new SP-236 is completed prior to release.
- VSP and the U.S. Postal Service (USPS) – Regions IV and V continued collaboration with the USPS to address postal issues and to aid with leads during criminal investigations.
- In July 2020, legislation went into effect that provides a schedule for offenders to follow for reregistration. This new schedule has been gradually reducing offender violations each month.
- In-service training was completed for FSOIU compliance officers in October 2021. The compliance officers' training consisted of: personal safety tactics / use of force, recertification of OC spray, and certification in the Red Cross CPR and First Aid Course.

Future Endeavors

- The Virginia State Police is continuing the process of replacing the current web-based Sex Offender and Crimes Against Minors Registry system. Expected completion date is March 2022. The new system, also web-based, will streamline the process of registering and processing offenders assigned to the registry. The new system will better serve the citizens of the Commonwealth by providing more accurate and timely information.
- VSP has filled twelve (12) of the fourteen (14) new trooper positions in the firearms portion of the FSOIU. Once hiring is complete, these positions will fulfill the obligation to conduct firearm violation investigations across the Commonwealth.

Sex Offender Investigative Unit

The data below represents the period of October 1, 2020 to September 30, 2021, and is provided to illustrate the quantity of work performed by the FSOIU.

Address Verifications per Region

Region	Offenders Verified
Region One (Richmond)	9,483
Region Two (Northern VA)	8,128
Region Three (Chesapeake)	9,901
Region Four (Roanoke)	8,731
Total	36,243

Address Verifications per Region

Region	Home Address Change	Home Initial Verification	Home Semi-Annual Verification	Work Address Change	School Address Change
Region One	1,930	44	6,612	890	7
Region Two	1,364	49	5,991	705	19
Region Three	1,869	68	7,236	717	11
Region Four	1,620	58	6,235	808	10
Totals	6,783	219	26,074	3,120	47

Criminal Investigations per Region From October 1, 2020 to September 30, 2021

Location	# Cases
Region One	803
Region Two	484
Region Three	643
Region Four	347
Total	2,277

* Information derived from Virginia State Police Criminal Investigative Report File and LEAMS System.

Fail to Register Convictions by Jurisdiction 10/1/2020 - 9/30/2021

Jurisdiction	Count		
ACCOMACK CO	2	LOUDOUN CO	1
ALBEMARLE CO	5	LOUISA CO	1
ALEXANDRIA CITY	2	LYNCHBURG	8
AMHERST CO	1	MANASSAS CITY	11
APPOMATTOX	1	MANASSAS PARK	1
ARLINGTON CO	4	MECKLENBURG CO	1
AUGUSTA CO	1	MONTGOMERY CO	2
BEDFORD CO	3	NELSON CO	3
BRISTOL	1	NEWPORT NEWS	33
BUCHANAN CO	1	NORFOLK CITY	21
BUCKINGHAM CO	5	NORTHAMPTON	2
CAMPBELL CO	4	NORTHUMBERLAND CO	2
CAROLINE CO	3	ORANGE CO	7
CHARLES CITY CO	2	PETERSBURG	12
CHARLOTTE CO	1	PITTSYLVANIA CO	1
CHARLOTTESVILLE	6	PORTSMOUTH	14
CHESAPEAKE	24	PRINCE EDWARD CO	1
CHESTERFIELD CO	37	PRINCE GEORGE CO	1
COLONIAL HEIGHTS	3	PRINCE WILLIAM CO	16
CULPEPER CO	4	PULASKI CO	3
CUMBERLAND	1	RADFORD CITY	1
DANVILLE CO	2	RICHMOND CITY	51
ESSEX	3	RICHMOND CO	2
FAIRFAX CITY	9	ROANOKE CITY	17
FAIRFAX CO	59	RUSSELL CO	1
FAUQUIER CO	18	SALEM CITY	1
FLUVANNA CO	1	SCOTT CO	1
FREDERICK CO	6	SPOTSYLVANIA CO	12
FREDERICKSBURG CITY	12	STAFFORD CO	11
GALAX CITY	2	STAUNTON	1
GLOUCESTER CO	2	SUFFOLK	13
GOOCHLAND	3	VIRGINIA BEACH	23
GREENE	2	WARREN CO	2
HALIFAX CO	5	WAYNESBORO	1
HAMPTON	10	WESTMORELAND CO	7
HANOVER CO	4	WILLIAMSBURG CITY	1
HARRISONBURG CITY	1	WINCHESTER CITY	3
HENRICO CO	26	WYTHE CO	1
HENRY CO	2	YORK CO	12
HOPEWELL	5		
JAMES CITY CO	1	Total	593
KING GEORGE CO	3		
KING WILLIAM CO	2		
LEE CO	2		

VIRGINIA DEPARTMENT OF STATE POLICE

FSOIU

