

CITY OF BARSTOW

CALIFORNIA

POLICIES and PROCEDURES MANUAL:

Subject: Release of Sex Offender Information

INTENT

The purpose of this policy is to explain the procedure for the disseminating information regarding registered sex offenders. This policy conforms to the county-wide "Megan's Law" protocol, as approved by the San Bernardino County Chiefs of Police and Sheriff. This law allows the public to protect themselves and their children from sex offenders.

I. DEFINITIONS

Serious Sex Offender--offender is a person who has been convicted of a felony sex offense for which registration is required (except those listed in the *other* category), or misdemeanor child molestation per Penal Code Sections 647.6 and 288, subsection (c). Certain information regarding *serious* sex offenders may be released to persons at *risk* of being victimized.

High-Risk Sex Offender--offender is a *serious* sex offender who has been identified by DOJ as having a higher risk of re-offending, and who poses a greater danger to the public. Certain information regarding *high-risk* sex offenders may be released to the *community*.

Other Sex Offender--offender is a misdemeanor, or felon convicted of repeated indecent exposure, pornography related offenses, or spousal rape. Information regarding sex offenders in this category is not subject to public dissemination.

Reasonably Suspects-- means an officer has a suspicion, based on information provided by a peace officer or citizen, that a child or other person may be *at risk* of being victimized.

Likely To Encounter--means the individual is in a location close to where the offender lives, is employed, or visits on a regular basis, and contact with the offender is probable.

At Risk--means a person that is exposed to, or at risk of becoming a victim of a sex offense committed by a *serious* or *high-risk* sex offender.

II. POLICY

1. Public Inquiries

Information on *serious* and *high-risk* sex offenders is available to the public on a computer equipped with a CD-ROM provided by the California Department of Justice. The San Bernardino County Sheriff's Department makes this CDROM available to the public by law.

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Persons who inquire as to the sex offender status of any individual will be advised the information is available to them on the CD-ROM, or directly from the Department of Justice via a 900 hotline phone number (for which there is a fee). The Barstow Police Department will not research the sex offender status of an individual for the public. Officers will not give legal advice regarding Megan's Law.

2. Public Dissemination of Information

The Department of Justice categorizes registered sex offenders as *serious, high-risk or other*. Public disclosure is permitted only on individuals categorized as *serious or high-risk*. The category of a sex offender is determined by DOJ, based on Penal Code criteria. Questions regarding the category of an individual offender should be directed to DOJ.

The status and category of an individual may be determined by inquiry into the CLETS Supervised Release File (SRF). SRF has the most current information available on individuals who are required to register as sex offenders. If the SRF is unavailable, the DOJ Registration Unit may be contacted by phone. When a SRF hit is made, and sex offender information is disseminated to the public, a printout of the SRF teletype showing the category should be attached to the disclosure form.

3. Uniformity and Consistency of Dissemination

The method(s) utilized to notify institutions, community members, or other persons at risk, should be the same in all cases. The person who receives the sex registration information shall sign the disclosure form. Each public disclosure of information regarding a sex offender, whether written or spoken must include the following statement:

The purpose of this information is to allow members of the public to protect themselves and others from sex offenders. A member of the public may not use information obtained in accordance with Penal Code Section 290 (Megan's Law) to commit any crime. Criminal misuse of the information subjects the person who misuses it to a sentence enhancement in addition to the punishment mandated for the crime committed.

4. Documentation

When information is disseminated on *serious and/or high-risk* sex offenders, it shall be documented on a Barstow Police Department Disclosure Form. A copy of the SRF teletype, which shows the category of the offender, should be attached. If a poster or other written information was released, a

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copy should be attached also. The CLETS SRF file shall be updated with a notation regarding the incident. The documentation shall be retained by the department for five years.

III. DISSEMINATION OF INFORMATION—SERIOUS OFFENDERS

When an officer reasonably suspects a person may be *at risk* from a *serious* offender, the officer may provide certain information to persons, agencies, or organizations the offender is *likely to encounter*. This includes educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized. If the potential victim is a minor, an attempt shall be made to advise a parent or guardian.

1. Authority to Disseminate Information

The decision to disseminate information to persons *at risk* shall be made by the Detective Sergeant or Administrative Lieutenant. When exigent circumstances exist, the on-duty watch commander may make the decision to disseminate information to persons *at risk*. The decision should be based on the totality of the circumstances, including the offender's criminal history, status, and circumstances of the contact.

2. Information Which May Be Released:

- a) Offender's name, aliases, gender, race, description, date of birth and photograph.
- b) The *type* of victim targeted (i.e. children, elderly women, etc.).
- c) The type(s) and date(s) of crime(s) which resulted in classification per PC 290.
- d) The date of release from confinement.
- e) Relevant parole or probation conditions (e.g. "No contact with children")

3. Information Which May Not Be Released:

- a) Information which would identify the victim.
- b) Criminal record other than convictions requiring sex registration under PC 290.

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- c) The home and/or business address of the subject will not normally be released. However, that information may be released in rare situations, only after verification that the subject still lives or works at that address and approval of the Administrative Lieutenant. Such a situation might include a sexual predator whose modus operandi has been to lure children into his/her garage, workshop, or home.
- d) The license numbers of vehicles owned or driven by the subject will not normally be released. However, that information may be released in rare situations when approved.

IV. DISSEMINATION OF INFORMATION--HIGH RISK SEX OFFENDERS

High-risk offenders are categorized as such because they pose a greater danger to the public; information on these offenders may be released to the *community at large*. There is no requirement that an officer have a "reasonable suspicion" individuals are *at risk* of being victimized by a *high-risk* offender prior to dissemination of this information.

1. Authority to Disseminate Information

The decision to disseminate information to the *community* regarding a *high-risk* offender who lives, works, or frequents locations within this jurisdiction shall be made by the Detective Sergeant and/or Administrative Lieutenant. A *high risk* offender poses a greater danger to the public than those classified in the *serious* category. The procedure for notification of persons *at risk* by *high risk* sex offenders is the same as for *serious* offenders.

2. Method of Notification

The Chief of Police, public information officer, Detective Sergeant, or Administrative Lieutenant may release information to the *community*. Information may be disseminated to the *community* through any means available. This may include: billboards, newspaper ads, posters, radio announcements, TV spots, and/or personal contacts. The Internet will not be used.

3. When Information May Be Disseminated To The Community:

Information may be disseminated to the community when the department becomes aware that a high-risk sex offender lives, works, or frequents locations in a community; when the offender registers; when a sex registrant audit is done; or when deemed necessary.

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4. Information Which May Be Released:

- a) Offender's name, aliases, gender, race, description, date of birth, and photograph.
- b) The type of victim targeted (i.e. children, elderly women, etc.)
- c) The type(s) and date(s) of crime(s) resulting in classification per PC 290.
- d) The date of release from confinement.
- e) Relevant parole or probation conditions (i.e. No contact with children).

5. Information Which May Not Be Released:

- a) Information which would identify the victim.
- b) Criminal record other than convictions requiring sex registration under PC 290.
- c) The home and/or business address of the subject will not normally be released. However, that information may be released in rare situations, only after verification that the subject still lives or works at that address and approval of the Administrative Lieutenant. Such a situation might include a sexual predator whose modus operandi has been to lure children into his/her garage, workshop, or home.
- d) The license numbers of vehicles owned or driven by the subject will not normally be released. However, that information may be released in rare situations when approved.

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