04-008 Sex Offender Registration and Tracking

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services, (323) 890-5411

SEX OFFENDER REGISTRATION AND TRACKING

Purpose

This Directive updates procedures regarding the registration and tracking of sex offender registrants by station sex offender registration detectives

Background

California's sex offender registration law, first enacted in 1947, is tailored to facilitate the tracking of sex offenders, assist law enforcement investigations, and to promote protection for the public with minimal intrusion upon the registrants.

Persons convicted of sex crimes listed in Penal Code Section 290 are required to register with the local law enforcement agency having jurisdiction over their residence. Juveniles convicted of certain offenses are also required to register as sex offenders upon release from the California Youth Authority. (Penal Code 290.008) However, registrants whose offenses were adjudicated in juvenile court cannot be publicly disclosed, either on the Internet web site or by public notification by a law enforcement agency.

On January 1, 1995, Penal Code Section 290 was amended to include *annual* registration renewal for life. All registrants must register annually within five working days of their birthday. In addition:

- Registrants who have no residential address are considered *transient* and are required to update their registration once every 30 days.
- Registrants who have been designated by a court as *sexually violent predators (SVP)* are required to update their registration once every 90 days.
- A person may be ordered by a court to register if their offense was sexually motivated, even if they are convicted of an offense which is not enumerated in section 290 PC.
- Registrants who are enrolled, employed, located or reside on the campus of a university, college, community college or any other institute of higher learning must register with the campus police or law enforcement agency having responsibility over that campus *in addition* to registering with the local law enforcement agency having jurisdiction over their residence or housing location.
- Registrants who change the location of their residence are required to provide written notice to the law enforcement agency with whom they have been registered within five working days of the change.
- Registrants who have more than one residential address, or location at which they regularly reside, must

register all addresses/locations with the appropriate agency for each address.
- Registrants who have changed their name must re-register within five working days.
- Parolees who are required to register as a sex offender must provide proof of registration to their parole officer within six working days of their release on parole.

Policy and Procedures

Each station commander shall assign the responsibility of managing the sex offender registration function for that station to a specific station detective.

Station Sex Offender Registration Detective

The sex offender registration detective shall be responsible for:

- Scheduling sex registration appointments to be conducted at the station.
- Registering all sex offenders within their jurisdiction who are required to register.
- Management of sex registrant files.
- Maintaining a registration folder for each registrant.
- Ensuring registrants have provided a DNA sample.
- Updating the Violent Crime Information Network (VCIN).
- Being the station liaison for registration matters.
- Verifying the residence provided by each registrant.
- Conducting 290 sweeps.
- Arresting 290 violators.
- Filing 290 cases.
- Obtaining arrest warrants for sex offenders who are in violation.
- Monthly identification of all sex offenders who are within the station's jurisdiction as reported on the DOJ Megan's Law web site.
- Make, or cause to be made, an "in the field" residence check during each registration period to confirm the offender still resides at the reported location.
- Documentation of these efforts shall be archived in the registrant's file.

NOTE: When appropriate, station detective lieutenants shall authorize additional personnel to assist registration detectives with VCIN data entry, registrant monitoring and tracking, obtaining court orders, follow-up duties related to completed registrations, completing forms, or creating correspondence.

Registration Procedures

All law enforcement agencies are required to enter sex offender registrations, annual updates, changes of address, and name changes directly into VCIN via CLETS within three days of completing the forms and/or receiving the information.

New Registrants

Detectives registering a person for the first time in their station area shall:

- Interview the registrant and complete the 290 Interview form (SH-R-443-A)
- Complete the Registration Change of Address form (SS-8102S)
- Give the registrant a Registration Receipt (SS-8072).

The Interview form and the Registration form shall be placed into the registrant's file

Once the interview form is completed and placed in the file, it is not necessary to complete this form again during updates and/or reported changes in information. Two green DOJ Registration fingerprint cards (BCII-5) and two photographs shall be taken when registering sex offenders. One fingerprint card and photograph shall be placed into the registrant's file at the station. The remaining fingerprint card and photograph shall be sent to the Department of Justice. Only first time registrants or those persons whose identity is in question require fingerprinting.

A DNA sample shall also be taken from registrants who do not currently have a sample on file.

DOJ accepts photographs by any of the following methods: e-mail, floppy disk, standard hard copy, or online through the Open Image Management System (OIMS). Each photograph must contain the registrant's identifying information specified below for acceptance into VCIN. Identifying information may be written on the back side of the hard copy photograph.

- California Information Index (CII) Number
- Last Name, First Name, Middle Initial
- Date of Birth (DOB)
- Date of Photograph
- Agency Name and ORI Number
- VCIN File Control Number (FCN)
- Type of registration (sex)

Fingerprint cards and hard copy photographs or photographs on floppy disk should be mailed to: California Department of Justice, P.O. Box 903387, Sacramento, CA 94203- 3870, (for photos, add: Attention: VCIN Photos, Room H-216). E-mail photographs should be sent to: VCIN.Photo@doj.ca.gov. For further information, contact Investigative Services Program at 916-227-4972 (for electronic transmissions) or 916-227-4618 (for hard copy photos or photos on floppy disk).

Detectives should contact the Special Victims Bureau for the criminal history background and any other relevant information on a new registrant who was convicted for a sex offense involving a child when the case was handled by the Special Victims Bureau.

Annual and Updated Registration

The registration detective shall complete the Annual Update Registration form (SS-8102S), give the registrant a Registration Receipt (SS-8072), and take two photographs (photographs shall be handled as previously described). The Annual Update Registration form shall be kept in the registrant's file (to document their knowledge of their duty to register).

Change of Address Registration

Registrants are required to re-register anytime they change their residential address (either within the station area or outside of the station area). The registration detective shall complete the Registration Change of Address form, give the registrant a Registration Receipt, and take two photographs. The detective shall complete an Interview form if the registrant is new to the station area and/or one is not in the file.

A registrant who changes his residential address or location is required to notify the last registering law enforcement agency in writing within five working days of the change. If the new address is out of the station's jurisdiction, the detective shall update the new address in VCIN. This transaction will generate a message to the law enforcement agency having jurisdiction over the new address. It will advise the law enforcement agency and give them the new address that the registrant is intending to relocate to within their jurisdiction.

NOTE: In February 2002, law enforcement agencies began receiving automated CLETS messages when the DMV receives new address information on registrants in connection with driver's license applications or renewals. Both the original and new jurisdictions affected by such address changes are notified.

Proof of Residence

The registration detective shall ensure that each registrant provides proof of residency within thirty days of registration, as required by law. As stated in 290.015(a)(5) PC, written proof is limited to a California driver's license or identification card, a recent rent or utility receipt, printed personalized checks or other recent banking documents showing the registrant's name and address, or any other information that the registering official believes is reliable. Failure to furnish proof of residency is a misdemeanor violation per section 290.018(h) of the Penal Code.

Registration detectives shall verify residences via "in-person" checks to confirm that registrants live at the address they have provided. These "in-person" residency checks may be done by the detective, patrol deputies, reserve deputies, or any other available resource. The residency checks shall be documented in the registrant's file (date/time, whether or not residency was verified, and the name of the person who conducted the check).

Name Change

A registrant who changes his name is required to appear in person to inform the registering law enforcement agency of the change within five working days.

Transient Registrants

Registration detectives shall attempt to determine if a registrant representing him or herself as being transient is, in fact, living at some stable or permanent address. This may be accomplished by using various databases such as VCIN, CDC, CCHRS, CAL DMV, US DMV, PAROLE LEADS, LEXIS/NEXIS, etc. Any effort to establish this fact shall be documented in the registrant's file.

Sex Registrant Files

Sex Registrant files should consist of the:

- Sex Registration/Change of Address/Annual or other Update form (SS-8102S)
- 290 Interview form (SH-R-443-A)
- Fingerprint card (DOJ BCII-5)
- Photograph
- VCIN printout
- Sex Registrant's criminal history: Consolidated Criminal History Reporting System (CCHRS), Personal History Index (PHI), and DOJ RAP sheet.
- Copy of the Sex Registrant's California Driver's License or Identification. (CDL or CA ID)
- All vehicle information (any vehicle the registrant has access to)
- Any documentation provided by the registrant involving conviction or court finding.
- Probation or Parole information
- Copy of the registrant's proof of residence.
- Notice of Sex Offender Registration Requirement form (SS-8047), if available.

NOTE: All records and files maintained at stations pertaining to sex registrants are classified as "confidential" by Civil Code 1798.40(a) and Penal Code Section 290.021, Sex Offender Registration Information. These files are exempt from public disclosure by Government Code Section 6254. Only representatives of agencies who demonstrate a right to know and need to know status may obtain information from these files.

Identifying, Monitoring, and Tracking of Sex Registrants

Identifying Registrants

Each station's registration detective is responsible for identifying, monitoring and tracking sex registrants who are assigned to their station ORI (Originating Agency Identification Number) or to the generic ORI, if the zip code and/or city/unincorporated area of their residence falls within the station's jurisdiction, until such time that the registrant is removed from the station ORI or generic ORI.

In order to identify all registrants within the station's jurisdiction, each month the detective shall run the DOJ (Department of Justice) Megan's Law database three separate ways:

- The station's ORI
- All zip codes within the station's jurisdiction.
- All cities and unincorporated areas within the station's jurisdiction.

The "Parole Leads" database should also be reviewed for parolees in the station's jurisdiction in order to identify anyone else who is required to register.

The registration detective shall create a spreadsheet listing all registrants within the station's jurisdiction, including any previously unidentified registrant(s). This spreadsheet database shall be updated on a monthly basis in order to identify those registrants who are out of compliance. At a minimum, the spreadsheet shall include:

- Registration date
- Last name
- First name
- Address
- DOB (month and day)
- Year of birth
- FCN (File Control Number)
- Classification (Full Address, ZIP Code Only, Non-disclosure, Excluded/Exempt, Sexually Violent Predator)
- CII number

The registration detective shall notify DOJ of those registrants who are deceased, deported, incarcerated with a sentence that exceeds 90 days, who have moved out of state, or whose whereabouts are unknown. The detective shall complete the necessary fields on form 8102S, and either fax or mail a copy to the DOJ Sex Offender Registration Unit. The original form shall be kept in the sex registrant's file along with the supporting documentation.

A copy of the 8102S shall be either faxed to the DOJ Sex/Arson Offender Registration Unit at (916) 227-4345 or mailed to:

California Department of Justice Sex/Arson Offender Registration Unit

P.O. Box 903387 Sacramento, CA 94203-3870

Attn: Sex Offender Tracking Program

NOTE: For those registrants who are incarcerated in state prison or CYA (California Youth Authority), DOJ conducts monthly file comparisons between VCIN and the CDCR (California Department of Corrections and Rehabilitation) and CYA databases, and it updates VCIN to indicate the status of an incarcerated registrant.

When a detective has valid information that a registrant is deceased, the detective shall complete an 8102S form, check the "Deceased" box including the source, and either fax or mail a copy of the form to DOJ. The original 8102S shall be kept in the sex registrant's file along with the supporting documentation.

NOTE: DOJ has been conducting monthly file comparisons between VCIN and the state Department of Health Services Death File Index, and it updates VCIN. It will also notify the registering agency via CLETS. When this occurs, the detective is not required to submit an 8102S form.

Monitoring Registrant Files

The registration detective shall review their files and make a determination or not each registrant is in compliance with his/her registration requirements on a monthly basis.

The detective shall pay particular attention to those who must also register every 30 days (transients) and every 90 days (sexually violent predators)

Tracking “Out of Compliance” Registrants

The registration detective shall check the following leads/information:

- Phone the last known telephone number of the registrant
- Go to the registrant’s last known address
- Contact residents surrounding the registrant’s last known address
- Contact the registrant’s last known employer
- Check computer databases (VCIN, CDC, CCHRS, CAL DMV, US DMV, PAROLE LEADS, LEXIS/NEXIS, etc.)
- Request assistance from the Detective Information Resource Center (DIRC)

The registration detective may utilize patrol deputies, special assignment officers, and reserve deputies to assist in tracking and locating “out of compliance” registrants. The Registrant Information Form shall be used to document their efforts.

Some sex offenders were convicted years ago and may not be aware that their responsibility to register is an annual lifetime requirement. If these individuals are contacted, they shall be informed of their duty to register by providing them with the Notice of Sex Offender Registration Requirement form (SS-8047). They may be allowed to report to the station to register, if appropriate. The detective shall send the form to DOJ. If they are not contacted, but their address is known, on a case-by-case basis, the registration detective may send a letter informing the person of his responsibility to register.

NOTE: In February 2003, VCIN was enhanced to generate an automated notice to the concerned law enforcement agency when registrants are deemed to have violated their annual and/or transient registration requirements. The messages are automatically generated by VCIN and transmitted via CLETS.

290 Sweeps

Registration detectives shall conduct periodic sweeps of their registrants to confirm residency, locate registrants who have failed to register, and/or arrest them for violations. Detectives may utilize all available resources, such as patrol deputies, COPS deputies, special assignment officers, and reserve deputies to assist them in performing these duties. Detectives may also utilize the Los Angeles County Regional S.A.F.E. (Sexual Assault Felony Enforcement) Team for assistance. They may be contacted at (562) 946-8531.

Arresting Sex Registrants

Registrants who fail to register according to the statute are out of compliance and may be subject to arrest. The registrant should be charged with the specific subdivision of 290 PC which has been violated. Sex registrants may be arrested with or without a warrant. In 2001, the California Supreme Court, ruled that the term “willful” in Section 290 PC requires a showing of actual knowledge of the registration requirement (People vs. Garcia, 25 Cal.4th 744).

Filing of 290 PC Violation Case

Registration detectives shall follow up on “out of compliance” registrants by filing cases and obtaining

warrants, when appropriate.

The following documents are required in order to file a 290 PC violation:

- Prior conviction: DOJ RAP sheet and certified court document
- Evidence of notification to the convicted sex offender: the Registration Notification Statement, which is part of both the Notice of Sex Offender Registration Requirement (form SS-8047) and the Registration Change of Address/Annual Update (form SS-8102S) (shows knowledge of the duty to register)
- Evidence of the sex offender's residence (if available)
- Evidence that the sex offender failed to register in accordance with the specific subdivision for which he is being charged

NOTE: The registration detective is the "keeper of records" and will be required to testify in court that he/she, during a specific time period, was the only detective who managed the sex registrant files at the station. This testimony is, in many cases, necessary for the successful prosecution of sex registrant violators.

California Law Enforcement Web (CLEW)

Registration detectives shall obtain access to CLEW which contains registration information, including, but not limited to, VCIN Information Bulletins and the VCIN Terminal Operator's Guide. The website address is: http://clew.doj.ca.gov/ .

Sex Offender Tracking Program (SOTP)

SOTP assists the law enforcement community with VCIN transactions. It is also responsible for the development and integrity of the Megan's Law Web Application. The SOTP unit is located within the Sex/Arson Offender Registration Unit and can be contacted at 916-227-3288. The Megan's Law Unit's phone number is 916-227-4974.

Forms

The following forms are available in Outlook under All Forms (Detective):

- Sex Registration/Change of Address/Annual or other Update (SS-8102S)
- Registration Receipt (SS-8072)
- 290 Interview form (SH-R-443-A)
- Notice of Sex Offender Registration Requirement form (SS-8047)
- Registrant Information Form

The green DOJ Registration fingerprint card (BCII-5) is available from the California Department of Justice, Bureau of Criminal Identification and Information, Sex/Arson Registration Unit, P.O. Box 903387, Sacramento, CA, 94203-3870, 916-227-3288, fax 916-227-4345.

Centralized Oversight by Special Victims Bureau

The Special Victims Bureau is responsible for providing centralized oversight of the 290 sex offender

registration function. Its responsibilities include ensuring that all protocols and changes in relevant laws are updated, disseminated, and implemented in a timely fashion; creating, disseminating, and routinely updating a directory of names and telephone numbers of all relevant parties, coordinating training for the station registration detectives; and monitoring the number of registrants who are out of compliance on a Department-wide basis. The Special Victims Bureau staff may be reached at (562) 946-8531.

Affected Directives/Publications

Field Operations Directive 04-12, “High Risk” Sex Offender Confirmation (Rescinded)

Cites/References

Penal Code, Sections 290 - 290.85