97-006 Megan's Law - Sex Offender Notification

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services

MEGAN'S LAW - SEX OFFENDER NOTIFICATION

Purpose

This directive updates procedures concerning Megan's Law statutes and the dissemination of information on California's registered sex offenders.

Background

California's Megan's Law allows local law enforcement agencies (LEAs) to notify the public about registered sex offenders who may pose a risk to the public. The Megan's Law website is the primary means of disseminating information to the public about registered sex offenders.

Sex offender categories within Megan's Law are:

- Full Address - These are the most severe offenders, includes repeat offenders.
- Zip Code Only - Generally less severe offenders that do not have repeated offenses.
- No Post/Undisclosed - Offenders that have not violated the specific penal code sections that allow disclosure in the other categories.
- Excluded - Certain misdemeanor offenses and other violations that have only relatives as victims. The offenders must apply for this exclusion.

LEAs may notify the public as well as college communities about an offender in any category when it is necessary to ensure public safety (290.45 PC).

Specified sex offenders entering California from another state who are enrolled in a California school, work part-time, or visit for more than 14 days must register per

290.002 PC. Those who become residents must also register, and their information can be disclosed on the Megan's Law Website [290.005 and 290.46(d)(2)(L) PC].

Policy and Procedures

Megan's Law Website

The Megan's Law Website, maintained by DOJ, is accessible to the general public and provides information concerning registered sex offenders. The website is located at: http://www.meganslaw.ca.gov. Members of the

public who ask for information concerning registered sex offenders shall be referred to this website. If they need access to a computer, they may be referred to their local public library.

Release of Information and Public Notifications

Information concerning registered sex offenders in any category may be released to the public when it is necessary to ensure public safety. Factors which may be considered when assessing risk to the community by the offender are:

- Type(s) of Crime(s) committed
- The target victim(s) (based upon past experience)
- Modus Operandi (MO)
- Work and/or Residence Location [as related to potential victim location(s)]
- Information/Observations developed by Department personnel
- Information/Observations Reported by the public

Dissemination of information to the general public is not contingent upon identification of possible future victimization; however, an individualized assessment must be made. Personnel may authorize persons who receive this information to disclose the information to additional persons only when it is determined that such release(s) will enhance public safety.

Whenever it is determined that a sex offender notification is necessary, station personnel shall complete a Sex Offender Posting Record form. The form shall include:

- The name of the offender
- The name of the deputy or investigator who verified with the Department of Justice that the offender is listed on the DOJ website
- The name of the deputy or investigator who verified that the offender does, in fact, currently reside in the station area
- The date(s) the verifications were made

The form shall be submitted to the unit commander for approval and signature. Special Victims Bureau and Sheriff's Headquarters Bureau should be notified of all notifications prior to their release.

Information may be disseminated to the public using a variety of options such as “Neighborhood Watch” meetings, “door-knocks,” poster notifications, public access cable television, local newspapers, and any other medium approved by the unit commander. Stations shall compile a comprehensive list of entities and organizations in their station area that they believe would benefit from this notification such as schools, scout troops, children's sports teams, etc. Each of these entities and organizations shall be sent a letter from the station commander (one time only) explaining the provisions of Megan's Law and encouraging them to access DOJ’s Megan’s Law Website if they have a concern about an individual. The letter should also contain a list of the specific locations where the station will make poster notifications.

Unit commanders **shall** ensure notification posters are posted in their station lobby, sub- station lobby(ies), public service center(s), city hall(s), and any library(ies) within their station area. Unit commanders **may** authorize the posting of notification posters at other sites such as district school offices, school front offices, public parks offices, (based on the sex offender's target victim type), etc., within their station area. All posters

not located on Sheriff's Department facilities shall be posted in a secure public posting site (e.g., glass case bulletin board).

The list of these entities and organizations who are notified of the Megan's Law information availability and the offender notification posting locations should be maintained at the station and a copy sent to Records and Identification Bureau.

Whenever the station makes a poster notification, copies of the notification information/poster shall be hand-delivered to each of the identified posting sites. Those personnel posting notification posters shall record the posting location, their name and employee number, and the posting date on the Sex Offender Posting Record form.

Stations shall forward a copy of all sex offender notifications to Special Victims Bureau and Sheriff's Information Bureau.

Stations shall forward a copy of the Sex Offender Posting Record form and the notification poster to Records and Identification Bureau quarterly where they will be maintained for five years. Stations shall also maintain a copy in the sex offender's file.

Information for posters or bulletins that will be posted or used for meeting presentations, cable shows, etc., may include the offender's:

- Full name
- Known aliases
- Gender
- Race
- Physical description
- Photograph
- Date of birth
- Crime(s) resulting in registration
- *Zip code only or verified home address (depending upon the sex offender's classification)
- Usual type of victim targeted
- Relevant parole or probation conditions
- Date of release from confinement

(* This information can be placed in the "COMMENTS" section of the notification poster)

> **NOTE**: The following information shall not be provided: any information that might identify the former victim(s) or the offender's home or work address. However, the offender's home address may be revealed in the notification information if it is posted by DOJ on the Megan's Law Website.

Removal of notification posters

Prior to removing any sex offender notification poster, (Department personnel) the Station Sex Registrant Detective shall confirm that the offender no longer resides in the station area. Department personnel shall then document the sex offender's change of location on the original Sex Offender Posting Record form.

Department personnel shall then write "MOVED" in bold print across the sex offender's notification poster at all locations along with the date and the employee's initials. A copy of the Notification Form and the altered poster will be kept in the registrant's file.

Release of sex offender information in the field

Deputy personnel in the field who receive information that a child or member of the public may be at risk of becoming the victim of a sex offender and the individual is in a location close to where the offender lives, works, visits, or is likely to visit on a regular basis and contact is probable may disseminate information to the public about a registered sex offender. In these instances, prior approval of the unit commander and prior notification to the Special Victims Bureau and Sheriff's Information Bureau are not required.

The disclosed information may include the following: The offender's name, description, photograph, relevant parole information, and zip code or their address (depending upon the sex offender's classification). Information to be disclosed shall be verified prior to release. Personnel may disclose the offender's full address if it is available on the Megan's Law Website. Any release of information shall be documented on a Sex Offender Posting Record form describing in detail the circumstances under which the release of information was made. After providing the person with the sex offender information, deputy personnel shall advise the person of the following:

"The purpose of the release of the following information is to allow members of the public to protect themselves and their children from sex offenders. A member of the public may not use information obtained by any means, in accordance with 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".

The above advisement is located on the front of the Sex Offender Posting Record form.

After advisement, deputy personnel shall have the person provide their signature on the Sex Offender Posting Record form acknowledging they received and understood the information provided to them. If a person refuses to sign the Sex Offender Posting Record form after receiving the information, deputy personnel shall write "REFUSED TO SIGN" in the space provided for the person's signature and document in the narrative the reason for the signature refusal.

After completing the Sex Offender Posting Record form, deputy personnel shall forward the form to their supervisor. The supervisor shall review the form for content and completeness. The form shall then be forwarded to the unit commander through the chain of command.

All sex offender field notifications shall be documented in the Mobile Digital Terminal (MDT) log, Supervised Release File (SRF) contact message. Copies of all Sex Offender Posting Record forms shall be forwarded to Records and Identification Bureau, Special Victims Bureau, and the Station Sex Registration Detective for inclusion into the registration file (FOD 04-08).

All Station Sex Registration Detectives have access to the Department's web-based "290 Tracker" Computer Database System, which is an internal (LASD) database used to track and monitor registered sex offenders within each of the Sheriff's stations. The 290 Tracker is **NOT** for public view. The public shall be referred to the DOJ Megan's Law Website.

Uniform Report Number

Deputy personnel completing the Sex Offender Posting Record form shall use a statistical code of "777" when retrieving a Uniform Report Number (URN).

Neighborhood Notification Operations Plan

The Neighborhood Notification Operations Plan shall be consistent with that of the standard search warrant operations plan as described in the Department Emergency Operations Plan beginning at section 2-5/060.00 of the Emergency Operating Procedure Manual.

Door-to-Door Sex Offender Notifications

A "door-to-door" notification may be conducted with the concurrence of the unit commander and, when applicable, authorization from municipal officials when the effort is located within Contract City areas. This effort shall be developed and implemented whenever it has been determined that a person is at risk and is likely to encounter the offender. The goal is to **personally** notify all persons residing within the immediate area of the sex offender's residence. The immediate area adjacent to the sex offender's residence is defined as an area no less than an immediate residential one block area in all directions. In certain cases the immediate area of potential risk may be determined to be greater in size after the completion of a risk assessment process. See risk assessment factors delineated in the "Release of Information and Public Notifications" section above. Residents may also be shown a Sex Offender Poster generated by the Department at the time of their in-person notification.

After making a residential notification, the resident shall be asked to sign a Door-to-Door Notification Log. The purpose of the Notification Log is to confirm which residents were successfully contacted within the designated area. After completion, the Door-to-Door Notification Log shall be maintained in the sex offender's station file.

Notification by Mail

During the door-to-door notification process, some residents will not be at home. For those residents that could not be notified during the regular notification process, the Station Sex Registrant Detective shall ensure a Sex Offender Notification Letter is mailed within 24 hours. A list of the residences to which the Sex Offender Notification Letter was subsequently mailed in this manner shall also be compiled and maintained in the sex offender's station file.

A Sex Offender Notification Letter may also be used as a notification device when alerting residents to the existence of any risk(s) associated with sex offenders who reside in their neighborhood. The letter shall be provided in English and/or Spanish. Additionally, the letter shall inform residents where they may view sex offender notification posters and how they may access the Megan's Law Website.

Specific questions regarding the contents of this Field Operation Directive should be directed to Field Operations Support Services Unit at [REDACTED TEXT] Special Victims Bureau [REDACTED TEXT], or the Director of the Records and Identification Bureau, [REDACTED TEXT]

Attachment

Sex Offender Posting Record form

Affected Directives/Publications

None

Cites/References

MPP Section 4-01/020.60 - Confidential Reports

MPP Section 5-09/350.00 - Policy and Procedures for Sex Related Crimes

Field Operations Directive 04-08, Sex Offender Registration

Newsletter 02-20, Confidentiality for Sex Crime Victims

Newsletter 04-07, 2004 Legislative Update Regarding Sex Offenders Newsletter 05-01, 2005 Legislative Update

Newsletter 06-03, 2006 Legislative Update

Penal Code Sections: 290.002, 290.005, 290.008, 290.45, 290.46