04-008 Sex Offender Registration and Tracking

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services

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/designees.

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.

Sex offenders were originally tracked using the Violent Crime Information Network (VCIN). VCIN has since been replaced with the California Sex and Arson Registry (CSAR).

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 (CYA) per Penal Code 290.008. However, registrants whose offenses were adjudicated in juvenile court cannot be publicly disclosed, either on the internet website or by public notification by a law enforcement agency.

1. On January 1, 2021, all new and current registered sex offenders were placed into tiers pursuant to SB384. There are three tiers: Tier 1, 10 years; Tier 2, 20 years; and Tier 3, lifetime. All registrants will be assigned a tier by the California Department of Justice. Once a registrant in either Tier 1 or Tier 2 has completed their registration requirements, they can petition to be removed from CSAR. Removal from CSAR is not automatic. Registrants must serve the law enforcement agency and district attorney in the county where the petition is filed and on the law enforcement agency and district attorney in the county of conviction, if different.

The court may deny the registrant's petition and the District Attorney can request a hearing to oppose the petition. If they fail to petition the court, the registrant will remain on the CSAR list.

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;
    - This is 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; and
- 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. In addition, station detective lieutenants shall authorize additional personnel (law enforcement technicians, reserve deputy sheriffs, etc.) to assist registration detectives with CSAR data entry, registrant monitoring and tracking, obtaining court orders, follow-up duties related to completed registrations, completing forms, or creating correspondence. These additional authorized personnel are referred to as designees. Non-sworn designees shall not conduct law enforcement field activities.

Station Sex Offender Registration Detective/Designee

The sex offender registration detective or designee 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 CSAR;
- Updating the Sheriff's Department 290 Tracker;
- Being the station liaison for registration-related matters;
- Verifying the residence provided by each registrant;
- Conducting 290 home verification checks;
- 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 Department of Justice (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; and
- Documentation of these efforts shall be archived in the registrant's file.

Registration Procedures

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

New Registrants

Detectives/designees 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); and
- Complete the registration checklist.

Personnel conducting registrations should review each requirement with the sex offender and ask if they

understand it. If the sex offender is of limited English proficiency, an interpreter may be required. Spanish language forms can be downloaded from the California Law Enforcement Web (CLEW) or CSAR Web Site. If the sex offender is illiterate, make a notation in the comments section. If the registrant's preferred first language is Spanish, use a Spanish interpreter and the Spanish forms. 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.

Livescan registration and one photograph shall be taken when registering sex offenders. A copy of each shall be placed in the registrant's file. 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 entering them into CalPhoto. Each photograph must contain the registrant's identifying information specified below for acceptance into CSAR. 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; and
- Type of registration (sex).

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 Registrations

The registration detective/designee shall complete the Annual Update Registration form (SS-8102S), give the registrant a Registration Receipt (SS-8072), take one photograph (photographs shall be handled as previously described), and attach the photograph to the SS-8102. 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/designee shall complete the Registration Change of Address form, give the registrant a Registration Receipt, and take two photographs. The detective/designee 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 their 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/designee shall update the new address in CSAR and the 290 Tracker. DOJ will advise the law enforcement agency the registrant is intending to relocate within their jurisdiction and give them the new address.

Proof of Residence

The registration detective/designee shall ensure that each registrant provides proof of residency as required by law. As stated in 290.015(a)(7) 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. If the person claims that they have a residence but do not have proof of that residence at the time of the initial registration, they shall furnish that information within 30 days. Failure to furnish proof of residency is a misdemeanor violation per section 290.018(h) of the Penal Code.

Registration detectives/designees shall verify residences via "in-person" checks at least once per calendar year 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 sworn law enforcement 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), as well as in the Department's 290 tracker system.

Name Change

A registrant who changes their 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/designees shall attempt to determine if a registrant representing themselves as being transient is, in fact, living at a stable or permanent address. This may be accomplished by using various databases such as, 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.

Sexually Violent Predators (SVP)

When any Sheriff's Department station receives notice that a Sexually Violent Predator (SVP) is expected to be placed by the California Department of State Hospitals on a "Conditional Release Program" into any LASD jurisdiction, the 290 detective or station operations shall immediately notify the Special Victims Bureau – Sexual Assault Felony Enforcement (SAFE) Team and the Sheriff's Information Bureau.

Sex Offender Registry Termination

Registrants who meet the mandated minimum requirements established by SB384 (Tiered Sex Offender Registry) may petition the superior court in the county in which they reside and the court of conviction, if different for registry termination. First, they must obtain a verification of proof of registration and tier notification letter from their registering station. Second, they bring this verification of registration to the

superior court in the county in which they reside and court of conviction, if different. The superior court will then send a notice to CSAR requesting law enforcement and district attorney verification whether the person meets the requirements for termination from the registry. Each station detective responsible for overseeing their station's registered sex offender population shall log into CSAR at least once per week to check for any petitions filed with the court.

Verification process

LASD jurisdiction registrant:

- Verify registration is current;
- Complete SS-8102;
- Issue proof of registry verification and Tier Notification Letter to registrant (available on CSAR);
- Check databases (CCHRS, JDIC, etc.) for disqualifying convictions;
    - Failure to register;
    - New sex offenses requiring registration; and
- Complete CSAR Petition Checklist on CSAR website within 60 days.

  Note: CSAR will send out verification requests to both registering and convicting agency via CSAR web site.

Out of county registrant no action required per CA DOJ

- If the station detective determines the person should not be granted termination;
    - Verify registrant has conviction from Los Angeles County;
    - Check databases (CCHRS, JDIC, etc.) for disqualifying convictions;
        - Failure to register;
        - New sex offenses requiring registration;
    - Complete check within 60 days of receipt; and
    - Advise the requesting, registering county's DA of results.

For technical assistance, contact the California Department of Justice CSAR Help Desk at [REDACTED TEXT] or the Special Victims Bureau – SAFE Team at [REDACTED TEXT]

Sex Registrant Files

Sex Registrant files should consist of:

- Sex Registration/Change of Address/Annual or other Update form (SS-8102S);
- 290 Interview form (SH-R-443-A);
- Livescan;
- Photograph;
- 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 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; and
- 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 pursuant to Government Code section 6254. Only representatives of agencies who demonstrate a right to know and a need to know status may obtain information from these files.

Identifying, Monitoring, and Tracking of Sex Registrants

Identifying Registrants

Each station's registration detective/designee is responsible for identifying, monitoring and tracking sex registrants who are assigned to their station. Sex registrants are assigned to a station through the Originating Agency Identifier (ORI) or to the generic ORI, if the zip code and/or city/unincorporated area of their residence falls within the station's jurisdiction. The registrant will remain assigned to the station 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, the detective shall run the DOJ CSAR database using the investigative search function each month.

The registration detective/designee shall create a spreadsheet listing all registrants within the station's

jurisdiction, including any previously unidentified registrant(s). This spreadsheet database shall be updated monthly 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); and
- CII number.

The registration detective/designee shall notify DOJ, through CSAR, of those registrants who are deported, incarcerated with a sentence that exceeds 90 days, who have moved out of state, or whose whereabouts are unknown. The original form shall be kept in the sex registrant's file along with the supporting documentation.

> NOTE: For those registrants who are incarcerated in state prison or CYA, DOJ conducts monthly file comparisons between CSAR and the California Department of Corrections and Rehabilitation (CDCR) and CYA databases. Following the comparison CSAR is updated to indicate the status of an incarcerated registrant.

When a detective/designee has valid information that a registrant is deceased, the detective shall complete an 8086A or 8086B Request for Death Verification. The detective shall then email a copy of the form to DOJ. The original 8086A or 8086B shall be kept in the sex registrant's file along with the supporting documentation.

Monitoring Registrant Files

The registration detective/designee shall review their files and make a determination and note each registrant is in compliance with their registration requirements at least once a month. The detective/designee 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/designee shall check the following leads/information:

- Call 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 (CDC, CCHRS, CAL DMV, US DMV, PAROLE LEADS, LEXIS/NEXIS, etc.); and
- Request assistance from the Los Angeles County Regional SAFE (Sexual Assault Felony Enforcement) Team through Special Victim's Bureau.

The registration detective/designee may utilize patrol deputies, special assignment officers, Special Victim's Bureau SAFE Team, or reserve deputies to assist in tracking and locating "out of compliance" registrants. The Registrant Information Form shall be used to document their efforts. The registration detective/designee should seek an arrest warrant for those individuals who are "out of compliance" over fourteen (14) days. After a warrant has been obtained for a registrant, that registrant's status in CSAR should be updated to "ABSCONDED".

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/designee 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/designee may send a letter informing the person of their responsibility to register.

> Note: CSAR generates 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 transmitted via CLETS in the form of a JDIC message.

290 Sweeps

Registration detectives/designees shall conduct periodic sweeps of their registrants to confirm residency, locate registrants who have failed to register, and/or arrest them for violations. Detectives/designees may utilize all available resources, such as patrol deputies, Community Oriented Policing Services (COPS) deputies, special assignment officers, and reserve deputies to assist them in performing these duties. Detectives/designees may also utilize the Los Angeles County Regional SAFE Team for assistance. They may be contacted at [REDACTED TEXT] In addition to the station 290 sweeps, the SAFE Team will conduct periodic home verification sweeps within various station locations. The 290 home verification sweeps are conducted in addition to the annual residence verification checks required for each registrant.

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 v. Garcia, 25 Cal.4th 744).

Filing of 290 PC Violation Cases

Registration detectives/designees 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 (SS-8047) and the Registration Change of Address/Annual Update (SS-8102S) shows knowledge of the duty to register;
- Evidence of the sex offender's residence (if available); and
- Evidence that the sex offender failed to register in accordance with the specific subdivision for which they are being charged.

  NOTE: The registration detective/designee is the "keeper of records" and will be required to testify in court that, during a specific time period, they were the only detective/designee 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/designees shall obtain access to CLEW which contains registration information, including, but not limited to, CSAR Information Bulletins and the CSAR Terminal Operator's Guide. The website address is: http://clew.doj.ca.gov/.

The Megan's Law Unit's phone number is [REDACTED TEXT]

Forms

The following forms are available in CSAR:

- Sex Registration/Change of Address/Annual or other Update (SS-8102S);
- Notice of Sex Offender Registration Requirement form (SS-8047); and
- Request for Death Verification (SS-8086).

The following forms are available in the eForms Library of the Department's Intranet site:

- 290 Interview form (SH-R-443-A); and
- Registrant Information Form.

The Special Victims Bureau – SAFE Team is responsible for providing centralized oversight of the Department 290 sex offender registration program. The SAFE Team responsibilities include:

- Ensuring 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/designees; and
- Monitoring the number of registrants who are out of compliance on a Department-wide basis.

The Special Victims Bureau – SAFE Team staff may be reached at [REDACTED TEXT]

References

Penal Code, Sections 290 - 290.85