SAN DIEGO POLICE DEPARTMENT

SEX OFFENDER REGISTRATION UNIT OPERATIONS MANUAL

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MISSION STATEMENT

The mission of the San Diego Police Department's Sex Offender Registration Unit is to accurately register all sex offenders who reside within the City of San Diego.

To support mission objectives, personnel will:

- Obtain and enter registrant's information into appropriate databases, including tier status under SB384;
- Conduct investigations and seek prosecution when warranted;
- Monitor offenders who demonstrate predatory behavior;
- Warn the public of offenders who may pose potential threats (Megan's Law);
- Collaborate with area stations, outside law enforcement, and other Department personnel to ensure the highest rate of registration compliance.

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JOB DESCRIPTIONS

2.1 LIEUTENANT DUTIES

A. Supervision

The lieutenant is responsible for the following supervisory functions;

1. Overall operation of the Sex Offender Registration Unit.

2. Budget preparation for the Sex Offender Registration Unit.

3. Communication and coordination between the Sex Offender Registration Unit, the Sex Crimes Unit, Child Abuse, and the San Diego Internet Crimes Against Children Task Force

4. Review of follow-up reports.

5. Review all proposed Megan's Law notifications and surveillances.

6. Ensure compliance with required inspections.

7. Review of weekly statistics.

B. General Duties

The lieutenant is responsible for the following general duties;

1. Ensure that Departmental Instructions pertaining to the Sex Offender Registration Unit are updated as needed.

2. Maintain liaison with District Attorney's Office and other allied police and criminal justice agencies.

3. Coordinate Media, Press Releases and Conferences.

4. Exchange information with other Investigations Section commanders, i.e., current cases, wanted suspects, interagency problems, personnel, etc.

2.2 SERGEANT DUTIES

A. Supervision

The unit sergeant(s) shall be responsible for the following supervisory functions;

1. Keeping the Sex Crimes Lieutenant informed on important matters pertaining to the unit.

2. Supervising the daily work of detectives and administrative staff.

3. Reading and approving all reports including, but not limited to, follow-ups, D.A. packages and cases initiated by the detectives.

4. The distribution of Megan's Law notifications.

5. Holding meetings with unit staff to include status reports, team problem solving, training and housekeeping items.

6. Reviewing overtime requests and returning the request form to the originating staff member within three (3) days.

7. Completing reports as directed by the unit Lieutenant.

8. Attending Sexual Assault Felony Enforcement (SAFE) Task Force or other related meetings as necessary.

B. Proactive

When approved, the Sex Offender Registration Unit sergeant is responsible for the following:;

1. Mailings
   Initiate and supervise the mailing of informational letters to those registrants who are out of compliance.

2. Megan's Law
   Prepare documentation for a Megan's Law notification.

3. Surveillance
   Arrange for the surveillance of sex offenders where there is reasonable suspicion that the registrant has resumed predatory behavior.

C. Confidential or Highly sensitive cases

1. Cases involving members of the Department or other high-profile figures (i.e. law enforcement, politicians, sports figure, actors, and other public figures) shall be kept confidential.

2. The sharing of information within confidential cases will remain within the department; specifically, within the assigned detective's chain of command. Detectives will prepare daily case updates to forward to their chain of command, using the "Case update log" located on the G drive under sex crimes/forms/admin.

3. Crime cases, arrest reports and investigator follow up reports will not be placed in CRMS. Instead, Detectives will provide records division with a "Confidential Report" cover sheet.

4. Once the investigation is complete, and approved, the investigation will be retained and locked in the 290 Unit Sergeant's desk.

D. General

The Sex Offender Registration Unit sergeant shall also perform the following general duties;

1. Serve part time as member of the SAFE task force and assume duties as SAFE task force commander in their absence.

2. Media inquiries;
   a. Route all media inquiries to the lieutenant.

   b. If requested, handle the release or assist the lieutenant in preparing for interviews and press releases.

3. Staff Work;
   a. Prepare reportable statistics.

   b. Answer letters of inquiry from the public.

   c. Prepare responses to Route Slips.

   d. Prepare weekly and monthly inspections.

4. Organizations and Meetings;
   Maintain liaison and membership with expectations of active involvement with the following organizations:

a. Department of Justice
b. District Attorney
c. City Prosecutor
d. Sex Crimes Unit (SCU)
e. Child Abuse Unit
f. Crime Analysis Unit
g. Area Commands
h. Other county law enforcement 290 units
i. County Probation
j. State Parole
k. California Sexual Assault Investigators Association
l. USMC Brig officials
m. Federal Probation
n. ICE

2.3 DETECTIVE DUTIES

A. RESPONSIBILITIES

Detectives shall stay adept at handling both reactive and proactive assignments, monitor databases for registrations, and track offenders in San Diego who are non-compliant with registration requirements.

B. REACTIVE DUTIES

1. Conduct the proper follow-up on "notices of arrests" received from the State of California Department of Justice.

2. Follow up, investigate and prepare criminal cases on offenders who are arrested for a violation of the registration laws and submit the cases for prosecution.

3. Assist officers in registering the offenders at the Registration Center.

4. Assist the public and field officers over the telephone with general questions and concerns regarding the registration process and laws that apply.

5. Assist in maintaining and updating the Unit's sex offender database

6. Process SB 384 petitions to be removed from the registry. Detectives will determine the registrant's eligibility requirements for termination and respond to the courts.

7. Complete DOJ validation lists.

8. Assume "On-Call" responsibilities on a rotational basis

C. PROACTIVE DUTIES

1. Represent the Department at the SAFE Task Force .

2. Locate missing and out-of-compliance offenders.

3. Investigate and prepare criminal cases on offenders who are not in custody and discovered to be in violation of the registration laws. Forward the cases to the appropriate City or District Attorney for prosecution.

4. Assist area stations by planning their annual, division wide compliance audit of sex registrants within their respective commands.

5. Prepare and evaluate the need for public notifications.

6. Conduct public notifications on SVP's and High-Risk Sex Offenders. Follow unit procedures when preparing documentation and submit through the chain of command.

2.4 POLICE OFFICER II

The POII's main duty is registering sex offenders. This includes registering and photographing all registrants, interviewing new registrants, and collecting fingerprints and DNA samples via buccal swab as needed.

A. Obtain reports, court records, etc. for registrant's files; obtain profiling info for data entry.

B. Process all paperwork for annual registrations, changes of address and new registrants (Offender Watch, ONS, and CSAR.).

C. Initiate follow-up telephone calls and letters to probation/parole regarding sex offenders under their supervision who have failed to register. Duplicate files for

law enforcement agencies requesting background on registrants moving from San Diego to their jurisdiction.

D. Appear in court as a witness on 290 PC cases.

E. Conduct computer research to find out of compliance registrants and prepare packages for detectives, SAFE and patrol officers to contact/arrest/audit sex offenders.

F. Assist detectives and officers in the field with "Sweeps" and audits.

G. Do computer research on "notices of arrest" and route them to detectives for follow-up. Research "SRF/teletypes" from CA Dept. of Justice and update databases and files with current information on registrants who moved to other jurisdictions, are in custody, are deceased, are out of compliance, or are no longer required to register and route to detectives or patrol officers as appropriate for follow-up.

H. Prepare stats for weekly and quarterly 290 Unit Reports and route them to unit sergeant.

I. Represent the Department at meetings regarding the management of sex offenders.

J. Attend DOJ, FBI and other law enforcement agency trainings in Sex Offender Management, Profiling, and Laws, GPS Tracking and other computer resources for investigations.

K. Conduct training for patrol officers in using sex offender registrant databases. Train and supervise volunteers who assist with registration in the unit.

L. Assist the public and field officers and other law enforcement agencies over the telephone with general questions & concerns regarding the registration process and laws that apply.

3.0 COMMON RESPONSIBILITIES

Unit detectives and registration officers share responsibilities, including registering offenders, field registrations for those with health limitations, notifying offenders of registration requirements in court or while in custody, registration follow-ups, data entry, interagency cooperation, court appearances, follow-up investigations, records maintenance, assisting outside agencies with registration audits, and representing the Department at meetings.

3.1 REGISTRATIONS

A. The registration officers will have the primary responsibility of registering the offenders. Detectives may be called on to assist or take over the registration duties if needed. The registration process should follow the guidelines put forth by the Department of Justice (DOJ) and in accordance with state law. See section 5 for a description of the registration process.

3.2 INVESTIGATIONS

A. The Unit detectives will have primary responsibility for preparing the prosecution packages for the "in-custody" offenders who are out of compliance with their registration responsibilities. The registration officers may be called upon to prepare the prosecution packages or assist the detectives with follow-up investigations.

1. 290 prosecution packages for in-custodies;
   In-custodies – Felony and Misdemeanor
   The Sex Offender Registration Unit will process (follow-up investigation, DA package and CA package) all registrants who are arrested for a 290 PC violation. (Note: In-custody procedures are discussed in 5.1).

2. 290 Warrants;
   290 Unit detectives are highly encouraged to seek arrest warrants for registrants who are out of compliance. By obtaining a warrant, the case will have been reviewed and accepted for prosecution.

3. Referrals / Transfers of Records from other Jurisdictions;
   The Sex Offender Registration Unit frequently receives files on registrants from other agencies who claim that the subject is either en route or now resides within our jurisdiction. The 290 detectives who receive such information will attempt to verify the information or determine the registrant's true location if the referral was incorrect.

B. Follow-up on CDC Release Notifications;
The California Department of Corrections (CDC) is required to notify the law enforcement agency into whose jurisdiction a parolee will be released, at least fifteen days prior to his / her release from prison. If the 290 fails to register after release from prison, 290 detectives will;

1. Attempt to determine where the registrant is currently residing.

2. Notify DOJ and State Parole of the new information or if unable to locate.

3.3 FIELD ROUTINES

A. Prisoners will be handcuffed while in transport and in the Sally Port.

B. Detectives must carry their Department issued cell phones during working hours. Voice-mail messages should be checked at least twice a day.

3.4 RECORDS MAINTENANCE

A. Respond to telephone inquiries from other agencies;
Receive and process numerous phone inquiries from outside agencies regarding 290 registrants.

B. Acquiring Reports;
Detectives will use all resources available to obtain copies of any relevant report pertaining to the registrant (crime and arrest reports, investigator follow-ups, death reports, etc.) If the documentation sought is not available through SDPD Records, detectives should consider the following resources.

1. Death Certificates;
County Recorder's Office (Medical Examiner/Coroner's Office).

2. Old Crime and Arrest Reports;

a. Court Records.

b. California Department of Corrections.

c. California Department of Justice.

d. Sex Crimes/Child Abuse Units.

3.5 PROACTIVE

A. Resource to Other Investigative Units;
Provide computer support for investigators by identifying suspects from profiles in the CSAR and SDPD databases.

B. Conduct 290 Sweeps;

Conduct searches and sweeps for registrants who are out of compliance. Assist the SAFE Task Force personnel with probation, parole, audits, and out of compliance searches.

C. Provide 290 Training to Area Commands;
Provide training for patrol and area station detectives on the laws, resources and procedures to be used in dealing with sex registrants. Examples might include;

1. Legal update on 290 laws.

2. Use of the contact /comment feature in the Supervisory Release File (SRF).

3. Use of CSAR, Megan's Law, Offender Watch, ONS, and other relational databases to assist in identifying possible suspects.

4. Preparation of D.A. and C.A. packages.

3.6 MEGAN'S LAW/PUBLIC NOTIFICATIONS

A. Recommendations;
Refer cases to the unit sergeant that may qualify for a Megan's Law notification.

B. Computer Research;
Conduct computer research on the registrant to determine the following:

1. The registrant's propensity to recidivate (recent suspicious activity, FI's, etc.).

2. Who would be "at risk" (likely target).

3. Who "would be likely to encounter" the registrant.

C. Survey the neighborhood for public disclosure information:
A survey of the neighborhood should be done prior to the public disclosure distribution to;

1. Determine how many flyers would be needed;

2. Determine what language(s) are represented in the community.

D. Distribution;
Work with and help coordinate the area station personnel in distributing the flyers to the public on "disclosures / notifications" under Megan's Law.

E. Public Notifications/Disclosure;

1. Requested on a case by case basis: Disclosures may be requested for offenders who are/are not High Risk, or SVP's.

2. To complete a package for public notification, refer to the unit's "290 Notifications" manual. There are several packages from previous notifications to follow. This manual can be easily found by looking on top of the sex offender filling cabinets.

3.7 ORGANIZATIONS & MEETINGS

As time permits, members of the 290 unit are authorized to attend meetings of the following organizations;

A. SAFE Task Force;
(Deleted – records of security)

B. Sex Offender Management Team Liaison Meeting;
(Deleted – records of security)

C. Sex Crimes Unit;
(Deleted – records of security)

D. 290 Unit;
(Deleted – records of security)

E. Community Meetings;
The Sex Offender Registration Unit will make every effort to form partnerships with community organizations, schools and other law enforcement agencies when there is concern, and an interest in better protecting the public from sexual predators.

F. Child Abuse Unit;
(Deleted – records of security)

3.8 TAKE-HOME VEHICLES

The Sex Offender Unit can take three vehicles home at any time. SAFE Task Force members are always on call. One detective from the 290 unit will be on call to assist patrol and other investigative units with tracking monitored sex offenders via Veritracks/GPS and respond to scenes as directed by the on-call 290, Sex Crimes, or Child Abuse Detective Sergeant.

Detectives can also take vehicles home after late-hour operations or for early morning events like probation and parole searches, and sex offender audits.

The Department has a "Zero Tolerance" policy with regards to alcohol and operation of Department vehicles **(See Department Policy 1.16).**

4.0 REGISTRATION REQUIREMENTS AND CLASSIFICATIONS

4.1 OFFENDER'S REQUIREMENT TO REGISTER

A. General;

Effective July 1, 1944, any person who has been convicted in any court in California, or in any federal or military court, of any of the 163 variations of sex crimes that applies to 290 of the Penal Code, is **required to register for the rest of his or her life,** with the agency in whose jurisdiction the offender lives. This also applies to offenders who have been given a lifetime registration requirement by any judge, in any of the 50 U.S. states.

Beginning January 1, 2021, per Senate Bill 384, California transitioned to a tier-based registration system. SB384 established three tiers of registration for adult sex offender registrants for periods of 10 years (Tier 1), 20 years (Tier 2), and Lifetime (Tier 3). For Juvenile convictions requiring registration, the periods of registration are 5 years (Tier 1 – Juvenile) and 10 years (Tier 2 – Juvenile). This new law requires the registrant to petition the superior court for termination at the expiration of his or her mandated, minimum registration period. Based on specific criteria, the court will either grant or deny the petition.

B. Requirements;

1. Registrants must, **within 5 working days,** register with the law enforcement agency having jurisdiction in the city or county of any state to which he or she moves.

2. Registrants must, **within 5 working days**, update his or her registration;

a. Annually on his or her birthday (must provide proof of residency within 30 days of registering).

b. When coming into any city or county in which he or she intends to reside.

c. When changing residence addresses, even within the same jurisdiction.

d. Upon release from prison (if on parole, must show proof of registration to the parole agent within **6 days** of release).

e. Upon changing his or her name.

f. With the campus Chief of Police upon enrolling at any California State University or University of California school.

3. Registrants must disclose that he or she is a registered sex offender;

   a. To the licensee of a community care facility **before** becoming a client.

   b. If applying or accepting any position with a person, group or organization where the work would involve direct contact with children. Registrants are not allowed to apply if the children are under 16 years of age.

4. Registrants must, **every 30 days,** update his or her registration if;

   a. Transient (no legal residence address).

5. Registrants must, **every 90 days,** update his or her registration if;

   a. Classified as a sexually violent predator.

6. When requested by the DOJ, all registrants who have not provided DNA samples or fingerprints are required to submit a buccal swab and complete a Livescan to update the database.

4.2 REGISTRANT CLASSIFICATIONS

A. SEXUALLY VIOLENT PREDATOR (SVP);

Sexual violent predators who have been convicted of: a sexually violent offense, against one or more victims, and who have a diagnosed mental disorder that makes the person a danger to the health and safety of others, in that she/he is likely to repeat sexually violent criminal behavior.

B. OTHER (Non-Disclosure/No Post);

OTHER sex offenders are those who have been convicted of a sexual offense not included in the SERIOUS category, or as ordered by the court. Examples would include such crimes as pornography and exhibitionism. An offender might also be ordered by a judge to register if the court finds, at the time of conviction, the person committed the offense as a result of sexual compulsion or for sexual gratification.

5.0 REGISTRATIONS

5.1 PROCEDURE FOR REGISTERING SEX OFFENDERS

A. REGISTRATION LOCATION, DAYS AND TIMES;

1. LOCATION: Police Headquarters building, 1400 E Street, San Diego.

2. DAYS: Monday through Thursday.

3. HOURS: Between 0800 and 1500 hours.

B. NEW (FIRST TIME) REGISTRANTS: UPDATES;

1. Definition;
   Those registering for the first time who have just been released from state prison, county jail, completed court proceedings, and those moving into our jurisdiction who have previously registered elsewhere.

2. Initial processing;
   New registrants are required to come to the Police Department in person and fill out the paperwork required by the State of California (SS8047/SS8102).

3. Log entry;
   A log is kept in the Sex Offender Registration Unit listing the date, time of arrival, and name of the registrant to be processed.

4. Computer check;
Prior to meeting with the registrant, the registration officer or detective conducts a computer search on the subject minimally consisting of ARJIS, Warrant, CII Rap, County, and Megan's Law (to determine if a new photo is required).

5. Pick- up file;
The detective then retrieves the registrant's file. This file should contain the following:

   a. Rap sheet;

   b. Department of Justice (DOJ) form SS-8102 (Registration Change of Address/ Annual Update);

   c. Department of Justice (DOJ) form SS-8047 (Notice of Registration Requirements).

6. Interview room;
A room located on the **(Deleted – records of security)** is reserved for interviewing the new Sex Offender Registrants if a detective is available. A proactive audit and interview of new offenders shall be conducted by the registration officer, detective, or a member of the SAFE Task Force as soon as possible after the offender has registered.

7. Forms to complete;
The registration officer or detective will ensure the following forms are completed and information verified;

   a. DOJ form SS-8102;
   Complete the front and have the registrant initial each registration condition, sign and date the form. Then roll his/her right thumbprint in the space provided.

   b. DOJ form SS-8047;

   c. For all new registrants;
   Fill out the top section, then have him/her sign and date the form where indicated. Again, roll his/her right thumbprint in the space provided. If the registrant is willing and cooperative, conduct an in-depth interview as to the nature of the offense(s), registrant's motivation, current fantasies, etc. This behavioral profiling will be

captured in a computer format for retrieval in investigating future cases.

8. Photographs;
Upon completion of the registration forms, the offender must be photographed:

The current photographic process is conducted through the use of the CalPhoto system. The machine will take a digital photograph, which can be uploaded to the Department of Justice. If the machine is not available, a digital photograph must be taken of the offender. The photographs will be uploaded to the Department's offender database and CalPhoto.

9. Concluding the interview;
Remind the registrant to return for an annual update within five (5) days of his or her birthday, or within five (5) days of an address change.

10. Entry of information into computer databases;
Office Personnel will enter the registration information into the following databases;

a. California Sex and Arson Registration (CSAR's);

b. Offender Watch (290 Unit's database);

c. ONS (Officer Notification System) in ARJIS.

11. Completing the file (arrest & crime Reports);
Upon reviewing the registrant's criminal history, the 290 detective will obtain copies of the Crime/Arrest reports from Records Division and place them in the registrant's file. If the crime and arrest of the registrant occurred outside the City of San Diego, the 290 detective will contact the agency responsible for the investigation and obtain the necessary copies from them.

C. ANNUAL UPDATES;

Offenders who have registered at least once are fulfilling their annual registration requirements and are labeled "updates." These registrants check in at the Registration Center in the same manner as the new offenders. Record "New" Offenders and "Updates" on a separate log.

1. Log entry;

When notified a registrant is waiting for an update, the Sex Offender Registration Unit staff will place the registrant's name on the log in the order received. Staff will access the registrant's file and check to see if a DNA data base sample or fingerprints are needed.

2. Computer check;
Prior to meeting with the registrant, the detective (or officer) conducts a computer search on the subject minimally consisting of ARJIS, warrant check, CSAR, and Megan's Law (to determine if a new photo is required).

3. Interview;
The Sex Offender Registration Unit Detective reviews the unit file and collects the completed DOJ form SS-8102 from the registrant. During the interview, the detective ensures all required sections are completed, information is accurate and legible, and the form is signed and dated. Any changes in address, phone, vehicle, or employment information since the last interview should be updated and noted. Annual update registrants only need to be profiled if they haven't been interviewed with the latest form or if there have been additional crimes since the last interview.

4. Photographs;
If the file does not contain a current photograph or if the registrant has appreciably changed his or her appearance since the last photo, take one photograph with the CalPhoto system.

5. Computer database entries;
290 staff will enter the registration information into the following databases;

   a. California Sex and Arson Registry (CSAR);

   b. Offender Watch (290 Unit's database);

   c. ONS (Officer Notification System).

6. Routing of forms;
Copy the "Registration Change of Address / Annual Update" form, front and back, and place the copy in the registrant's file. Complete CSAR's, ONS, and the unit's database entries first, before sending ORIGINAL 8102 to RECORDS.

7. Completing the file (arrest & crime reports);
Upon reviewing the registrant's criminal history, the 290 detective will obtain copies of the Crime/Arrest reports from Records Division and place them in the registrant's file. If the crime and arrest of the registrant occurred outside the City of San Diego, the 290 detective will contact the agency responsible for the investigation and obtain the appropriate copies from them.

5.2 REGISTRANTS FILING A CHANGE OF ADDRESS

A. REQUIREMENTS, FORMS AND HOURS;

1. Requirement;
Sex Offender Registrants who change addresses within the City's jurisdiction, and those moving OUT of San Diego's jurisdiction are required to notify the San Diego Police Department in writing within 5 days of the move.

2. Form;
Registrants must complete the "Change of Address", DOJ form SS-8102 by appearing in person at the Registration Center during the operating hours of Monday through Thursday, 8:00 a.m. and 3:00 p.m. They must also submit proof of the address within 30 days.

3. Location & hours;
The registrant can complete the Change of Address form at the Registration Center during the operating hours. (*Periodic closures of the Counter may occur due to staffing*)

   a. Location:
   Registration Center
   1400 E Street
   San Diego, CA 92101

   b. Days:
   Monday through Thursday

   c. Hours:
   8:00 a.m. to 3:00 p.m.

d. In cases where staffing issues arise and the closure of the Counter is necessary, officers will post a sign indicating the closure period at the earliest known date.

B. PROCEDURE;

1. The registrant must come in person;

   a. The registrant requests the Change of Address form from the front counter officer.

   b. Once the registrant has completed the form, he/she returns it to the front counter officer with proof of the address.

2. DOJ requests for those appearing in person;
   Although not mandated, DOJ has requested the following;

   a. The registrant affixes his or her right thumb print in the space provided.

   b. The registrant should be photographed when submitting address changes.

3. No Changes of Address by mail will be accepted.

4. Routing of forms;
   Make a copy for the unit file, and then update CSAR's, ONS, and OFFENDER WATCH. Send the <u>original</u> to RECORDS DIVISION.

5.3 PAROLEES RELEASED BY THE CALIFORNIA DEPARTMENT OF CORRECTIONS (CDC)

A. BACKGROUND;

1. CDC Policy;
   Prior to release on parole, inmates who have been convicted of a sexual assault are required to sign the "Notice of Registration" (DOJ form SS-8047) and provide a DNA sample for the DNA database. The California Department of Corrections (CDC) is required to notify the law enforcement agency into whose jurisdiction a parolee will be released at least fifteen days prior to his / her release from prison.

Frequently, the notices received from CDC are mailed to the law enforcement agencies months in advance and often do not accurately reflect where the parolee will reside. Since DOJ determines residency from information provided by CDC, parolees are frequently erroneously listed in CSAR with a San Diego (City) address.

B. PROCEDURE;

1. Receipt of Advance Notices;

The Sex Offender Registration Unit will be sent copies of "Notice of Registration Requirements" (DOJ form 8047) from the Department of Corrections, County Probation and / or the County Courts. These forms serve as notices that a registered sex offender is due to be released and that the offender plans to reside within the jurisdiction of the SDPD.

a. Filing;
The notice of Registration Requirement form will be filed in the twelve-month file, under the month the registrant is due to be released.

b. Follow-up on no shows;
If a registrant fails to register after being released from prison, a 290 detective will;

1) Conduct the necessary computer research to determine if the registrant has registered with another agency;

2) Attempt to locate the offender;

3) Notify parole.

5.4 OFFENDERS WHO FAIL TO REGISTER

The Sex Offender Registration Unit aims to encourage voluntary compliance, recognizing that some individuals may be unaware of the registration requirements due to numerous law changes, while others may refuse to comply. To address non-compliance, the following procedure will be implemented to determine whether the offender is misinformed or defiant and to gain their compliance.

1. Unit detectives will attempt to contact the sex offender at his or her residence. The officer or detective will bring an "AUDIT" form and

complete it thoroughly if physical contact is made. If the offender is NOT home, indicate that on the AUDIT form.

2. Leave your business card at the sex offender's residence so the offender can try to contact you when s/he returns.

3. A phone call to the offender is appropriate if you are having difficulty making contact.

4. If after 30 days the offender has failed to contact you, or you have not been able to find the offender, a warrant for his or her arrest is applicable. ENTER THE OFFENDER INTO ONS so patrol officers know s/he is wanted for out of compliance status and can make a field arrest.

6.0 PROCEDURE FOR PROCESSING IN-CUSTODY SEX OFFENDERS

6.1 CHARGES FOR FAILING TO REGISTER

Individuals who are required to register as sex offenders can be arrested for failure to register. The sex offender will be charged with a felony or misdemeanor depending on the following circumstances.

A. Felony;
Sex offenders who have been arrested and convicted of a felony sex crime, will be arrested and charged with the felony "booking" section of failing to register, 290.018 (b) PC.

B. Misdemeanor;
Sex offenders who have been arrested and convicted of a misdemeanor sex crime, will be arrested and charged with the misdemeanor "booking" section failing to register, 290.018 (a) PC.

1. Transient with felony sex offense conviction
Sex offenders who have been arrested and convicted of a felony sex crime, will be arrested and charged with the misdemeanor "booking" section failing to register, 290.018 (g) PC for the first two violations. After two misdemeanor 290.018(g) PC convictions, the third and subsequent transient violations should be charged as felony 290.08(b) PC.

2. Transient with misdemeanor sex offense conviction.
Sex offenders who have been arrested and convicted of a misdemeanor sex crime, will be arrested and charged with the misdemeanor "booking" section failing to register, 290.018 (g) PC for the first two violations. After two misdemeanor 290.018(g) PC convictions, the third transient violation

should be charged as a misdemeanor 290.018(a) PC. The fourth and subsequent transient violations should be charged as felony 290.08(b) PC.

6.2 PROCEDURE

DETECTIVE FOLLOW-UP:

Sex Offenders most commonly are in violation of the 290 PC regulations for never having registered, failing to complete an annual update or changing residences within the same jurisdiction without filing a Change of Address.

When a detective is assigned an arrest report for follow-up investigation, the following steps must be completed;

1. Review report;
   Review the report to determine the correct charges have been requested and all elements are present to support the charges.

2. Computer research;
   Conduct computer research to determine the underlying offense (misdemeanor or felony) for which he must register.

   The computer research should show where the registrant has been registered. If he / she are registered with the San Diego Police Department have Records copy and certify the registrant's file and attach it to the DA packet. **Do not solely rely on the sex offender's files in the 290 unit or in the "FS" files in records.**

3. DOJ support;
   Call the Department of Justice, Sex Offender Tracking Program Unit (SOTP) at **(Redacted – record exempt)**, and request the following (if prior to July, 1999). This information should be included in the follow-up investigation, *along with the name of the individual who gave you this information from the Department of Justice*.

   a. A certified copy of the registrant's Notice of Registration Requirement (this form is needed for the DA package).

   b. The registrant's last registered address and date of registration.

4. Determine the registrant's place of residency;
During the follow-up investigation, the detective assigned must determine if the registrant is living in a place other than his registered address and if so, be able to prove the registrant has been there for more than 5 days.

The best method of establishing the registrant is out of compliance is to interview possible witnesses at both his registered and current addresses.

Frequently, patrol officers have already done the required follow-up at the two addresses; however, the detective should contact the witnesses to confirm statements given to patrol officers.

5. Submitting the DA Package;
After the follow-up investigation is completed, forward the DA package to the Issuing Department of the District Attorney's Office, 8th Floor, Hall of Justice. This can be accomplished by submitting the package via NetRMS.

6. Change of Charge;
If, during the investigation, the detective determines the registrant was arrested for the felony charge and should have been arrested for the misdemeanor charge, the detective should fill out a "Drop Charge" form indicating the correct charges to be added. Fax copies to;

   a. The jail **(Redacted – record exempt)**

   b. The DA Court Liaison **(Redacted – record exempt)**

6.3 RESTRICTIONS: WHEN PROSECUTION MAY NOT BE SOUGHT

If the registrant signed his/her "Notice of Registration Requirements" (DOJ form SS-8047) prior to 1985, the District Attorney's and City Attorney's policies are to not issue on the charges since the notices did not state "**Lifetime"** on the forms.

The detective assigned the follow-up will;

1. Request the Department of Justice fax a signed copy of the registrant's "Notice of Registration Requirements" (DOJ form SS-8047) for the 290 files.

2. Have the registrant complete and sign a new "Notice of Registration Requirements" **prior** to his / her release from custody. After the registrant has signed the form;

a. Advise registrant to register w/in 5 working days of release.

b. Advise the registrant of the annual registration procedures.

c. Complete the Drop Charges form and fax it to the County Jail **(Redacted – record exempt)**

7.0 JUVENILES

7.1 REGISTRATION REQUIREMENTS

JUVENILE SEX OFFENSES REQUIRING REGISTRATION;
Pursuant to section 290(d) (1) of the Penal Code, juveniles are required to register effective January 1, 1986.

Persons discharged or paroled from California Youth Authority, adjudicated a ward of the court pursuant to Section 602 of the Welfare and Institutions Code, shall be subject to registration because of the commission or attempted commission of any of the offenses listed in 290 PC.

7.2 LEGAL PRECEDENCE

A. Prior to January 1, 1995;
Juveniles convicted in Superior Court were required to register for life. If convicted in a Juvenile Court however, a juvenile was only required to register until his or her 25th birthday.

B. Effective January 1, 1995;
Regardless of which court a juvenile was convicted, he or she must register for life or until record is sealed under 781 Welfare & Institutions Code (if sentenced to CYA).

C. Effective January 1, 2021;
Per SB 384, the mandatory, minimum registration periods for juveniles are as follows:
Tier One: 5 year registration
Tier Two: 10 year registration

8.0 MEGAN'S LAW

8.1 BACKGROUND

In July 1994, seven-year-old Megan Kanka was raped and murdered in New Jersey by a twice-convicted sex offender living across the street. Although the suspect was quickly arrested and convicted, Megan's parents wanted to prevent similar tragedies. They advocated for a law allowing police to inform the public about potentially dangerous sex offenders who may still pose a threat after serving their prison time.

A. Overview;

The California version of "Megan's Law" which amended sections 290 and 290.4 of the Penal Code pursuant to Assembly Bill 1562 became effective in September 26, 1996. The purpose of the legislation was to allow law enforcement to provide the community with information about registered sex offenders who may continue to pose a threat to the community. While the intent of the legislation is designed to notify residents of potentially dangerous sexual predatory offenders, it must also take into consideration an offender's legitimate right to certain constitutional guarantees.

B. 13885 Penal Code- Sexual Habitual Offender Program (SHOP) Renamed SOMET, for the SDPD;

The SHOP program was developed by the legislature to support efforts by law enforcement to identify, locate, apprehend and prosecute sexual habitual offenders. The Attorney General established a statewide SHOP Special Task Force which assists and retains documentation regarding local law enforcement efforts to apprehend and prosecute those sexual habitual offenders who are required to register under 290 PC but are in violation of the law or conditions of their probation or parole.

The San Diego Police Department has a **SOMET Coordinator** (the supervisor for the 290 Unit) who is responsible for the Department's efforts to comply with the goals of this legislation.

8.2 DEFINITION OF TERMS

A. Sexual Violent Predators (SVP);

A "sexual violent predator" has been convicted of a sexually violent offense against two or more victims and has a diagnosed mental disorder that makes the person a danger and is likely to engage in sexually violent criminal behavior.

B. High Risk Sex Offenders ("Full Disclosure" in Megan's Website);

A "High Risk" sex offender has been identified by DOJ as having a higher risk of re-offending and who may pose a greater danger to the public.

C. Serious Sex Offenders (posted by zip code only);
A "Serious" sex offender is one who has been convicted of a felony sex offense (except those listed in the "Other" category) or of a misdemeanor child molestation.

D. Other sex offenders ("No Post" in Megan's Website);
"Other" registered sex offenders are usually misdemeanants (except misdemeanor child molest sections 647.6 and 288(c) of the Penal Code), and felons who are convicted of spousal rape, pornography and related offenses as determined by DOJ.

E. Reasonably suspects;
"Reasonably suspects" means a suspicion based on information provided by another peace officer or a member of the public that a child or other person may be at risk of becoming a victim of a sex offense by a serious or high-risk sex offender.

F. Likely to Encounter;
"Likely to encounter" means an individual/ possible victim is in a location close to where the offender lives or is employed, or the offender visits or is likely to visit on a regular basis and contact with the offender is reasonably probable.

8.3 PROTOCOL FOR DISCLOSURE OF INFORMATION ON SEX OFFENDER REGISTRANTS

A. General;
It is the responsibility of the Sex Offender Registration Unit to track each of the violators who are listed as "High Risk" on a quarterly basis. Tracking means either ensuring the person is registered properly or attempting to locate the violator and get them registered or to arrest if appropriate.

B. Megan's Law Disclosure Classifications;
Effective September 24, 2004, Penal Code 290.46 required the Department of Justice to create this Web site on or before July 1, 2005. There are four categories of registered sex offenders for purposes of disclosure on the Megan's Law Internet web site.

1. Full Disclosure.

2. Home Address Category. The conviction of certain sex offenses requires that the home address of the offender be posted along with other information about the registrant. 290.46, subd. (d).

3. Limited Disclosure.

4. Zip Code Category. Commission of certain other sex offenses required that information, but not including the home address, be posted on the web site. 290.46 sub. (d).

5. No Disclosure.

6. Undisclosed Category. Finally, there is a category of registered sex offenders that may not be displayed on the internet web site. These are registrants who have been convicted of sex offenses not listed in the above three categories. Offenders in the undisclosed category must still register as sex offenders with local law enforcement agencies, and are known to law enforcement.

C. Requirements for the release of information;
Prior to ***any*** notification being made, the following will be done;

1. Verify the person's identity;

2. Verify the person's status as a 290 registrant (not in the No Disclosure category) and the offenses he/she has been convicted of;

3. If any immediate notification of the "at risk" person must be done, approval will be given by a supervisor.

D. Notification responsibilities;

1. If a minor is found in the company of an offender who has been convicted of a sexual offense involving a minor, the minor will be notified and the officer will make a reasonable attempt to also notify the minor's parent(s). If appropriate, the officer should remove the minor from the "at risk" situation (per 305a WIC).

2. If a notification is done in the field to an "at risk" person, this information must be immediately entered into the Supervised Release File (SRF) in CLETS by the officer making the release.

3. In order to maintain consistency, all notifications beyond the At Risk person will be done with the approval of the Lieutenant of the Sex Crimes Unit. Generally, notifications will be made to "at risk" people within the

immediate area of where the predatory behavior was observed. Examples;

a. If contact is at the offender's residence, notification will be made in the hundred blocks where the offender lives.

b. If contact is at a public park, police will post a flyer containing the offender's picture and releasable information in a conspicuous place. This posting will be reevaluated after 30 days.

E. Releasable information;

1. Information can be released as follows;

a. the offender's full name;

b. the offender's known aliases;

c. the offender's gender;

d. the offender's race;

e. the offender's physical description;

f. the offender's photograph;

g. the offender's date of birth;

h. crime(s) for which the offender is registering under this section;

i. description of offender's vehicles including license numbers;

j. type(s) of victim targeted by the offender.

2. Notification flyer preparation
If the decision is made to release information on a sex offender, the flyer will be produced by the 290 Unit.

The flyer will consist of two parts;

a. The information on the registrant who is considered to pose a threat to the community, and;

b. General information about Megan's Law and the duty of each citizen to act responsibly. (See Appendix I)

8.4 PUBLIC ACCESS TO THE MEGAN'S LAW WEBSITE

A. PUBLIC'S RIGHT TO KNOW;

Megan's Law is available to the public for their viewing. Anyone, except a registered sex offender may view the internet site (meganslaw.ca.gov) for public safety reasons. However, no one may use the information to harass, harm, or create a vigilante reaction. Employers may not discriminate against a potential employee due to their sex offender status, but they can use the information to determine placement.

1. Penalties for misuse of information;

   a. Felony - Any person who uses information disclosed pursuant to 290.4 PC to commit a felony shall be punished, in addition and consecutive to any other punishment, by a five year term of imprisonment in the state prison.

   b. Misdemeanor - Any person who, without authorization, uses information disclosed pursuant to 290.4PC to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than five hundred dollars ($500) and not more than one thousand dollars ($1000).

   c. Unauthorized Distribution - Any person who copies, distributes, discloses or receives this record, or information from it, except as authorized by law, is guilty of a misdemeanor, punishable by imprisonment in the county jail not to exceed six months or by a fine not exceeding one thousand dollars ($1000) or by both fine and imprisonment.

   d. Information used to deny any of the following is prohibited:

      Health insurance
      1) Insurance
      2) Loans
      3) Credit
      4) Employment
      5) Education, scholarships or fellowships
      6) Housing or accommodations

7) Benefits, privileges or services provided by any business establishment.

Any misuse of the information listed above is subject to civil damages.

9.0 SENATE BILL 384

Senate Bill 384, effective January 1, 2021 changed the requirements for sex offenders' registration status. SB384 will transition California's lifetime sex offender registration schema to a tier-based schema. SB384 will establish three tiers of registration for adult registrants for periods of 10 years, 20 years or lifetime. Additionally, there will be two tiers for juvenile registrants for periods of 5 years and 10 years.

This new law allows the registrant to petition the superior court or juvenile court for termination of their sex offender registration requirement on or after their birthday after July 1, 2021 following the expiration of their mandated minimum registration period. Based on criteria listed in SB3845, the court will either grant or deny the petition.

9.1 PROCEDURE

Upon receiving a valid petition to terminate sex offender registration (CR-415), the 290 Unit will do the following:

1. The Sergeant will create an entry into the SB384 log and assign the petition to a detective.

2. The detective will conduct a full background check to confirm whether the petitioner is on active probation or parole.

3. The detective will check to determine if the petitioner was convicted of failing to register their sex offender status

4. The detective will tally total amount of time the petitioner spent in custody time

5. The detective will submit the competed check electronically via "Fresh Start" program or physically submit it at the courthouse.

6. The Sergeant will receive the notice on whether the petition was granted.

7. If granted, the detective will scan and upload the DOJ form to the unit's database, designate the petitioner as "No Longer Required to Register" in the database, and remove the petitioner's ONS entry. The detective write the petitioner's FS number on the letter and forward it to Records Division.

8. The detective will denote the petitioner's 290 Unit working file as "Terminated" and update the SB384 log.