

7.03

GENERAL ORDER

DISCRIMINATION OF INFORMATION REGARDING REGISTERED SEX OFFENDERS

~~The purpose of this order is to establish a uniform policy and procedure for the public dissemination of information regarding certain registered sex offenders. Lawful disclosure of this information is described in Penal Code Section 290 and 290.4, California's "Megan's Law," which contain two major provisions. Law enforcement agencies serving a population of more than 200,000 must provide public access to a CD-ROM that contains information on all Serious and High Risk sex offenders in the State. Additionally, agencies may make disclosures of specified information regarding High Risk and Serious (as defined in Penal Code Section 290 and Cal DOJ Bulletin 96-19-BCIA [09/12/96]) sex offenders to the public in certain situations.~~

I. POLICY

~~It is the policy of the San Francisco Police Department to make information on High Risk and Serious sex offenders,~~

Information Dissemination Regarding Registered Sex Offenders Megan's Law

7.03.01 PURPOSE

~~The San Francisco Police Department stands for Safety with Respect for all. We will ensure residents, visitors, and members are safe and feel safe. Informing and protecting our community, and doing so with dignity and fairness, is paramount in maintaining and building trust as the guardian of Constitutional and human rights.~~

~~This General Order establishes Department policy and procedures for public information dissemination regarding registered sex offenders. The policy outlines when, how, and to what extent we can provide information about convicted sex offenders to community members so they can protect themselves and their children.~~

7.03.02 POLICY

A. General

~~Information on sex offenders is provided by the California Department of Justice, through the internet and available for public viewing. The at www.meganslaw.ca.gov. Members are encouraged to refer the public to the Department ~~shall also disseminate~~ of Justice website. When deemed appropriate information about High Risk sex offenders as the Department~~

~~deems appropriate and, information about Serious sex offenders can be furnished to members of the public who are may reasonably be suspected to be at risk as potential victims, uniformly, on a case by case basis. These policies shall be applied consistently throughout the City and County of San Francisco.~~

~~Whenever disseminating information under this order, members. Members shall advise citizens community members that the information is being provided only so that they might protect themselves and their children from becoming a victim of a convicted sex offenderoffenders.~~

Members assigned to the Airport Bureau shall comply with the ~~guideline policy~~guidelines and procedures adopted by the Sheriff of San Mateo County for the implementation of ~~Megan's~~"Megan's Law" within San Mateo County. The Deputy Chief of the Airport Bureau shall develop and maintain a bureau policy that conforms to this order and the San Mateo guidelines.

II. DEFINITIONS

~~The California Department of Justice (DOJ) has categorized each registered sex offender as either High Risk, Serious, or Other. Disclosure under California's "Megan's Law" of sex offender personalLawful disclosure of this information is authorized only as to High Risk and Serious offenders.~~

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~~A. Categories of Registered Sex Offenders (as defined described in Penal Code Section 290 and Cal DOJ Bulletin 96-19-BCIA [9/12/96])~~

~~1. High Risk Sex Offenders~~

~~**High Risk** offenders are serious sex offenders who have been identified by the Department of Justice as having a higher risk of re-offending and who may pose a greater danger to the public. These offenders have multiple arrests and convictions for violent crimes including at least one conviction for a violent sex offense.~~

~~2. Serious Sex Offenders~~

~~**Serious** sex offenders are registrants convicted of felony sex offense (except those listed in the "other" category) or of misdemeanor child molestation.~~

~~3. Other Registered Sex Offenders~~

~~**Other** registered sex offenders are misdemeanants, except those convicted of misdemeanor child molestation per California Penal Code Sections 647.6 and 288(C), and those felons convicted of repeated indecent exposure, pornography and related offenses, and spousal rape. Information concerning these individuals may not be released to the public.~~

~~B. Definitions relating to disclosure on Serious sex offenders (Penal Code Section 290.290, 45, and 290.46.)~~

~~1. "**Reasonably suspects**" means that it is objectively reasonable for a peace officer to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect that a child or other person is at risk.~~

~~2. "**Likely to encounter**" means that the agency, organization, or other community members are in a location close to where the offender lives or is employed, or that the offender visits or is likely to visit on a regular basis, and contact with the offender is reasonably probable.~~

III. PROCEDURES

~~A. Public Access to the CD-ROM~~

~~1. B. Law Enforcement Only Megan's Law Database~~

The San Francisco Police Department's Sex Offender Unit has full access to the California Department shall make the CD-ROM available for viewing by the public.

2. The computer containing the sex offender CD-ROM will be maintained in the Identification Section, fourth floor of the Hall of Justice.

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1. ~~3. The public may view the CD-ROM, Monday Justice's Law Enforcement Only Sex Offender Database through Friday, 0800-1600 hours, on a walk-in basis the intranet. This database provides more information than the public website.~~
2. ~~4. Members may only use the information obtained from the "law enforcement only" portion database for the purposes of the CD-ROM while performing their duties as a San Francisco Police Officers Officer or police employees. employee.~~
3. While acting as private citizens within their home communities persons, members shall may access the public internet website and coordinate any disclosure of sex offender information in accordance with the law and through their local law enforcement agency.

~~B. Officers can identify the category of an offender by running a computer check and accessing the Department of Justice Violent Crime Information Network (VCIN) via CLETS, the CD-ROM provided by DOJ or by telephone to DOJ directly. The current 900 telephone number listing for the DOJ shall be obtained from the Sexual Assault Section.~~

~~C.~~

C. Examples Warranting Potential Disclosure

Disclosures may be provided, as described below, in situations similar to these examples:

1. A convicted child molester is observed photographing children at a local park or school and asking them to accompany the subject back to their home, or,
2. Officers respond to a disturbance call at a residence. An officer conducts a warrant check at the location, and the person is identified as a sex offender convicted of child molestation. There are numerous children at the residence,

including the children of the sex offender's partner. Officers could make a notification of the offender's sex registrant status to the parent/guardian(s) of the minor children, or,

3. Officers conduct a traffic stop, and through a warrant check, discover that the driver is a registered sex offender, previously convicted of forcible rape. Officers determine that the offender's passenger and offender are not well known to each other. Officers may make a disclosure to the passenger.

7.03.03 PROCEDURES

A. Police Dissemination of Information on High Risk Registered Sex Offenders

- ~~1. As to High Risk Sex Offenders under "Megan's Law," there are fewer restrictions on dissemination of information than for Serious Sex Offenders. There is no requirement that a peace officer have a reasonable suspicion that anyone would be a potential victim of a High Risk sex offender in order for there to be public disclosure.~~

2. If an officer believes that a California Penal Code 290.45 allows a law enforcement agency to provide information to the public about a person required to register as a sex offender pursuant to Section 290. The agency may use any method deemed appropriate, after assessing the offender's risk to the community to ensure the public safety, based upon information available to the agency concerning that specific sex offender's current risk of sexual or violent re-offense.

The release of sex offender information shall be decided upon after an assessment by a lieutenant who reasonably determines that notification is necessary to protect the public. The assessment should include an examination of the current behavior of the offender as well as the severity of past crimes and the likelihood of the offender committing another crime.

Special attention should be paid to repeat offenders and those who have been categorized as Sexual Violent Predators (SVP), as defined in 6600 WIC. If an offender is classified as a Sexual Violent Predator, it will be indicated on the "CLETS" return with the individual's sex offender registration information.

B. Approval and Content of Dissemination

Officers must first have conducted an initial investigation. If an officer then believes that disclosure of information to an individual or group of individuals is warranted, the officer shall:

1. Notify a ~~contact a supervisor sergeant~~ to request permission to disseminate information about a sex offender to a specific person. ~~The supervisor(s).~~

2. If a sergeant believes a disclosure should be made, the sergeant shall ~~review~~ confer with a lieutenant to assess the situation ~~with the officer~~ and determine what information, if any, should be disclosed to the ~~citizen~~ person(s).
3. The lieutenant shall determine the scope of information disseminated and set the guidelines by which person(s) receiving the information may disclose it. The lieutenant determines whether a disclosure to additional persons will enhance public safety and identifies the appropriate scope of further disclosure. The method(s) employed in the release of information must be reasonable, relating to both the threat posed by the sex offender and the likely proximity to potential victims. The disclosure may only be as broad as is necessary for the protection of the public.
4. ~~b. after~~ After receiving approval, the officer ~~or sergeant~~ may ~~then~~ give the person(s) information about the sex offender. The information ~~shall provided~~ may include, but not be limited to, the offender's name, known aliases, address, gender, race, physical description, photograph, date of birth, description, and license plate number of the offender's vehicles or vehicles the offender is known to drive, type of victim targeted by the offender, relevant parole or probation conditions, crimes resulting in classification under this section, and date of release from confinement. It shall not include contact information for the sex offender, such as an email address or any other internet identifier.
5. Upon approval of a lieutenant, officers or sergeants may authorize persons and entities who receive the information to disclose information to additional persons. Members should advise the person(s) who receives the information that ~~which is~~ authorized by Penal Code Section 290, and they may disclose that information only in the manner and to the extent approved by the SFPD lieutenant for that case.
 - a. ~~e. when~~ When disseminating information, the officer must ~~state that~~ tell the ~~information is~~ person being ~~provided~~ notified that the purpose of releasing this information is to allow members of the public to protect ~~the public~~ themselves and their children from sex offenders.
 - b. ~~3.~~ Members shall not release any information that would identify the victim(s).
 - c. Members shall not give legal advice to the public or media regarding "Megan's Law."
6. A sex offender's address shall be verified prior to disclosing it. An officer should respond to the offender's residence or business address to verify that the offender still lives or works there. The address will not be disclosed until it is verified. If the address cannot be verified, the address should not be disclosed.

7. After making a notification to an individual or group of individuals, the officer shall complete ~~a Sex Offender Disclosure report and a Policean SFPD Incident report~~Report as detailed in Section ED.

~~4. Direct Police Dissemination of Information on High Risk Sex Offenders to the Public.~~

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C. a-~~Neighborhood/Community Notifications:~~

1. The San Francisco Police Department ~~shall~~can notify ~~the citizens~~neighborhoods or communities of San Francisco about ~~High Risk~~ sex offenders through any appropriate means after verification of the ~~offender's~~offender's status as a San Francisco registrant. ~~Since the information may only be disclosed within the "community," members shall use caution when utilizing media resources whose circulation or audience regularly extends beyond the City and County of San Francisco. Public notification~~ Neighborhood/Community notifications shall be done only on approval of with the approval of the officer in charge of the Investigations Bureau or their designee. The Sex Offender Unit will generally make the neighborhood/community notifications.

2. When a neighborhood or community public disclosure is to be disseminated through the use of a department flyer, it shall first be authorized by the Deputy Chief of the Investigations Bureau or their designee and contain the following statement:

~~b. The Juvenile Division, regarding convicted child molesters, and the Sexual Assault Section regarding other sex offenders, shall be responsible for disseminating information to the public. The Investigations Bureau shall coordinate the notification through the commanding officer of the district in which the offender is registered.~~

~~D. Police Dissemination of Information on Serious Sex Offenders to Members~~
"The purpose of the release of this information is to allow members of the Public at Risk.

~~1. When an officer reasonably suspects, based on information which has come to his or her attention, that a specific person(s) might become a victim(s) of a Serious sex offender, and that the offender is in the company of or is likely to encounter that person, the officer shall:~~

~~a. contact a supervisor to request permission to disseminate information about a Serious sex offender to a specific person. The supervisor shall review the situation with the~~

~~officer and determine what information, if any, should be disclosed to the citizen, and~~

~~b. after receiving approval, the officer may then give the person information about the Serious sex offender. The officer shall limit the information to that which is authorized by Penal Code Section 290, and~~

~~c. when disseminating information, the officer must state that the information is being provided public to protect the public, themselves and~~

~~d. after making notification to an individual or group of individuals, the officer shall complete a Sex Offender Disclosure Report and Police Incident Report as detailed in Section III., E.~~

~~2. Whenever an officer receives information that causes the officer to reasonably suspect that a Serious sex offender may be involved in activity that may warrant disclosure to an organization, the officer shall complete a memorandum to his or her commanding officer requesting such notification.~~

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~~3. If the notification is made, it shall include those organizations and/or community members who are at risk and are in close proximity (within at least one city block) to the Serious sex offender's residence, business, or other area where the offender is likely to visit on a regular basis. Any decision to alert an organization and/or community members about a serious sex offender based on a given set of circumstances shall be applied consistently throughout the City and County of San Francisco.~~

~~4. The Juvenile Division, regarding convicted child molesters, and the Sexual Assault Section, regarding other sex offenders, shall be responsible for disseminating information to an organization and/or community member(s) at risk. Once such dissemination is to be made, the Investigations Bureau shall coordinate the notification through the commanding officer of the district in which the organization or community members are located.~~

~~E. Reporting Requirements for Serious and High Risk Sex Offenders~~

1. After making a notification to an individual or several individuals, the officer shall complete a "Sex Offender Disclosure Report." The informed party(s) shall sign the disclosure form and shall be provided with a copy if requested. If an officer notifies more than one individual about the same sex offender at the same time, the officer may use a single disclosure report listing the persons notified.

2. After every notification, the officer shall complete an incident report entitled "~~Megan's Law Notification.~~" ~~their~~ ~~The report shall include the following information:~~

a. ~~Name and address of the person(s) notified about the sex offender.~~

b. ~~Name, including aliases, of the offender.~~

c. ~~Identifying numbers of the offender: SF#, CH#, SSN, CDL, etc.~~

d. ~~Race, sex, date of birth and physical description of the offender.~~

e. ~~Home and work addresses of the offender, and whether (including when and how) such addresses have been verified.~~

f. ~~Other specific locations known to be frequented by the offender.~~

g. ~~Other locations where a person at risk is likely to come into contact with the offender.~~

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h. ~~Vehicles (by description and license number) owned and/or used by the offender.~~

i. ~~Circumstances under which the offender was contacted by the field officer.~~

j. ~~Reasons for believing the person to whom the officer disclosed the information was at risk and any information about other person(s) who may be at risk. This applies to~~

~~notification regarding serious rather than High Risk offenders~~

- ~~3. The officer shall forward the Sex Offender Disclosure Report to the Sexual Assault Section for use in updating its files on registered sex offenders and to determine if any additional notifications should be made. If the notification was made about a child molester, the Sexual Assault Section shall forward the information to the Juvenile Division, who shall determine if further notifications are to be made. The Sexual Assault Section shall also forward the information to the Identification Section, which shall use the information to update DOJ's Violent Crime Information Network.~~
- ~~4. The Sexual Assault Section shall be responsible for maintaining the records of public notifications for five years.~~

~~F. Release of Information~~

- ~~1. Before disclosing information about a High Risk or Serious sex offender to an organization or to the general public, the unit responsible for making the disclosure shall:
 - ~~a. send an officer to the offender's residence or business address to verify or attempt to verify that the offender lives or works there. Offender address information must be verified prior to disclosure of an address.~~
 - ~~b. attempt to notify the offender of pending release of the information.~~~~
- ~~2. Members shall not enter information about sex offenders on the Internet. This does not apply to wanted subjects whose information is entered into a computer network in the course of a member's duties.~~
- ~~3. Members shall not release information identifying victims.~~
- ~~4. Refer to Penal Code Section 290 for information that may be disclosed regarding sex offenders.~~

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- ~~5. When the Sexual Assault Section or Juvenile Division authorizes an organization, community or general public notification and a~~

~~bulletin is used for this purpose, the following information shall be printed on the bulletin:~~

~~"The San Francisco Police Department is providing this information to protect you and your children. Any person from sex offenders. Any member of the public who uses the disclosed information from this notice to commit a crime against a sex offender can shall be punished by upsubject to five (5) years a sentence enhancement, pursuant to Penal Code 290.45 (e)(1) and (e)(2), in state prison addition to the punishment mandated for that crime. This notice is not to be duplicated without the express permission of the Chief of Police or authorized representative."~~

- ~~3. Whenever an officer receives information that causes the officer to suspect that a sex offender may be involved in activity that may warrant disclosure to a neighborhood, community, or organization, the officer shall complete a memorandum to their commanding officer requesting such notification.~~
- ~~4. Community notification by way of websites and social media shall be governed by Penal Code 290.46. A designated law enforcement agency may not post on these platforms any information identifying an individual as a person required to register as a sex offender, except as provided in PC 290.46, unless there is a warrant outstanding for the person's arrest.~~

D. Reporting Requirements for Sex Offenders Disclosure

Upon completion of a sex offender disclosure, whether to an individual, group, or neighborhood, the officer shall complete an incident report entitled "Megan's Law Notification." The report shall include the following information:

~~6. Members shall not give legal advice to the public or the media regarding "Megan's Law."~~

- ~~1. If known, the name/address of the person(s) being notified about the sex offender.~~
- ~~2. Name of the offender and known aliases.~~
- ~~3. Identifying numbers of the offender: SF #, CII #, etc.~~
- ~~4. Gender, race, date of birth, and physical description of the offender.~~
- ~~5. Home and/or work address of the offender and how such address was verified.~~
- ~~6. If known, locations where a person at risk is likely to encounter the offender.~~
- ~~7. If known, vehicles owned and/or used by the offender.~~
- ~~8. If applicable, document any significant actions taken by other officers.~~
- ~~9. The reason for making the disclosure and state what information was released to the person(s) being notified.~~

10. Document advisement by the officer to the person(s) who receives information that they may disclose that information only in the manner and to the extent approved by the SFPD lieutenant for that case, and not to harass or commit a crime against the registered sex offender.

Documentation of this advisement shall be made:

- a. Using the *Sex Offender Disclosure Advisement Form*, SFPD XX. This form shall be signed by the individual receiving the information, attached to the incident report, and booked as evidence. The form shall be signed by the approving Sergeant and Lieutenant as an acknowledgment of approval and disclosure of Sex Offender information as described in section 7.03.03, A, 1-7, "Procedures."
- b. On BWC.

The officer shall forward a copy of the incident report to the Sex Offender Unit. The officer shall also contact the Sex Offender Unit at (415) 553-9203 to provide the incident report number for possible additional follow-up procedures.

E. Community Notifications on a College Campus

Public disclosures on a college campus should be conducted by that particular campus police department. If the college, university, or other institution of higher learning does not have a police department, the Sex Offender Unit should be contacted regarding how to proceed with the disclosure.

F. Detained or In - Custody Registrants

When officers are booking subjects or encounter suspected registered sex offenders through consensual contacts or detentions based upon reasonable suspicion or probable cause, the officer shall make every effort to properly identify the subject and ascertain their sex offender registration status to determine if the offender is in compliance with their registration requirements. The Sex Offender Unit should be contacted when there is a question regarding the status of a registered sex offender, at (415) 553-9203 during business hours or through the DOC on weekends and non-business hours.

G. Megan's Law Website

The California Department of Justice (DOJ) has indicated that not all registered sex offenders are published on the public Megan's Law Website. Pursuant to California Penal Code section 290.46, only some registrants can be published online. Only some registrants can have their home addresses listed; others are published by ZIP Code only. There is an additional category of offender not published on the public website.

