

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 at www.meganslaw.ca.gov. Members are encouraged to refer the public to the Department of Justice website. When deemed appropriate, information about sex offenders can be furnished to members of the public who may reasonably be suspected to be at risk as potential victims. Members shall advise community members that the information is being provided so that they might protect themselves and their children from convicted sex offenders.

Members assigned to the Airport Bureau shall comply with the guidelines and procedures adopted by the Sheriff of San Mateo County for the implementation of “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.

Lawful disclosure of this information is described in California Penal Code Sections 290, 290.45, and 290.46.

B. Law Enforcement Only Megan’s Law Database

1. The San Francisco Police Department’s Sex Offender Unit has full access to the California Department of Justice’s Law Enforcement Only Sex Offender Database through the intranet. This database provides more information than the public website.
2. Members may only use the information obtained from the “law enforcement only” database for the purposes of performing their duties as a San Francisco Police Officer or police employee.

3. While acting as private persons, members 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.

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. If 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 Registered Sex Offenders

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 sergeant to request permission to disseminate information about a sex offender to a specific person(s).
2. If a sergeant believes a disclosure should be made, the sergeant shall confer with a lieutenant to assess the situation and determine what information, if any, should be disclosed to the 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. After receiving approval, the officer or sergeant may give the person(s) information about the sex offender. The information 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 they may disclose that information only in the manner and to the extent approved by the SFPD lieutenant for that case.
 - a. When disseminating information, the officer must tell the person being notified that the purpose of releasing this information is to allow members of the public to protect themselves and their children from sex offenders.
 - b. 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 an SFPD Incident Report as detailed in Section D.

C. Neighborhood/Community Notifications:

1. The San Francisco Police Department shall notify neighborhoods or communities of San Francisco about sex offenders through any appropriate means after verification of the offender's status as a San Francisco registrant. Neighborhood/Community notifications shall be done only 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:

“The purpose of the release of this information is to allow members of the public to protect themselves and their children from sex offenders. Any member of the public who uses the disclosed information to commit a crime shall be subject to a sentence enhancement, pursuant to Penal Code 290.45 (e)(1) and (e)(2), in 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:

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, B, 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.