

DISSEMINATION 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, provided by the Department of Justice, available for public viewing. The Department shall also disseminate appropriate information about High Risk sex offenders as the Department deems appropriate and information about Serious sex offenders to members of the public who are reasonably 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 shall advise citizens that the information is provided only so that they might protect themselves and their children from becoming a victim of a convicted sex offender.

Members assigned to the Airport Bureau shall comply with the guideline policy 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.

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 personal information is authorized only as to High Risk and Serious offenders.

A. Categories of Registered Sex Offenders (as defined 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 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)

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. The San Francisco Police 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.
 3. The public may view the CD-ROM, Monday through Friday, 0800-1600 hours, on a walk-in basis.
 4. Members may only use the information obtained from the "law enforcement only" portion of the CD-ROM while performing their duties as San Francisco Police Officers or police employees. While acting as private citizens within their home communities, members shall coordinate any disclosure of sex offender information with the 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. Police Dissemination of Information on High Risk 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 disclosure of information to an individual or group of individuals is warranted, the officer shall:
 - a. contact a supervisor to request permission to disseminate information about a 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 sex offender. The information shall be limited 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 to protect the public.

3. After making notification to an individual or group of individuals, the officer shall complete a Sex Offender Disclosure report and a Police Incident report as detailed in Section E.
 4. Direct Police Dissemination of Information on High Risk Sex Offenders to the Public.
 - a. The San Francisco Police Department shall notify the citizens of San Francisco about High Risk sex offenders through any appropriate means after verification of the 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 shall be done only on approval of the Deputy Chief of the Investigations Bureau.
 - 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 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 to protect the public, 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.
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." 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#, CII#, 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.
 - 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:

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- 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.
 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 who uses information from this notice to commit a crime against a sex offender can be punished by up to five (5) years in state prison. This notice is not to be duplicated without the express permission of the Chief of Police or authorized representative."
 6. Members shall not give legal advice to the public or the media regarding "Megan's Law."
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