

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

CALIFORNIA SEX AND ARSON REGISTRY / 290 REGISTRANTS
SUBJECT

DATE: July 24, 2013

NO: D-9

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

INDEX: **California Sex and Arson Registry (CSAR)**
290 Registrants
Release of Sex Registrants Records
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I. POLICY

The Stockton Police Department participates with the California State Department of Justice by submitting information via the **California Sex and Arson Registry (CSAR)**, the Department of Justice then updates the Megan's Law public access web site and the Law Enforcement Only web site. The Megan's Law public web site can be accessed through the Stockton Police Department's Home Page. Local sex registrants are tracked by the Investigations Division, Family Crimes Unit, using CSAR and an internal database called Offender Watch.

II. DEFINITIONS

- A. Sex offenders are no longer categorized by the State of California as "high risk", "serious" and "other" offenders. It is now the responsibility of the Stockton Police Department to determine when it is appropriate to release information regarding any sex offender to a community or an individual.
1. The legal standard of reasonable suspicion, probable cause, and/or exigent circumstances needs to be developed by the Officer in order for information to be released to the community regarding a sex offender.
 2. The types of investigations involving a sex offender are varied. Generally, if a sex registrant is showing a sexual or an unusual interest in a victim or potential victim, the minimum standard of reasonable suspicion has been met. If questions exist as to whether the legal standard has been met, the case should be documented and forwarded to the Family Crimes Unit for further consideration.
 3. There will be times when some of these offenders may not meet the above criteria. In these circumstances, a decision that a neighborhood, or an individual, needs to be notified may be reached based on the nature of the commitment offense(s), criminal history, prison terms, and/or civil commitments, per Penal Code 290.045.

III. LAW

- A. 290 PC Sex Offender Registration Statute, in summary states:
1. Every convicted sex offender that falls under this statute shall for the rest of his or her life while residing in California, or while attending school or working in California shall be required to register with the chief of police of the city in which he or she is residing, or the sheriff of the county if he or she is residing in an unincorporated area, within five working

days of coming into, or changing his or her residence within, any city, county, or city and county, or campus in which he or she temporarily resides, and shall be required to register thereafter in accordance with the Act. (For complete statute, refer to the California Penal Code.)

B. 9.44.010SMC, PURPOSE:

1. Sex offenders pose a clear threat to the children residing or visiting in the community. Because convicted sex offenders are more likely than any other type of offender to re-offend for another sexual assault, the City Council of the City of Stockton desires to impose safety precautions in furtherance of the goal of protecting the children. The purpose of this regulation is to reduce the potential risk of harm to children of the community by impacting the ability for sex offenders to be in contact with unsuspecting children in locations that are primarily designed for use by, or are primarily used by children; namely, the grounds of public or private schools for children, centers or facilities that provide day care or children's services, video arcades, playgrounds and play facilities, parks, youth sports facilities, skate parks, libraries, public swimming pools or amusement centers. The City of Stockton desires to add location restrictions to such offenders where the State law is silent.

C. 9.44.020SMC, DEFINITIONS:

1. "Sex offender" means an individual who is currently required by law to register with a governmental entity as a sex offender under California Penal Code Section 290.
2. "Loitering" means remaining or wandering in a public or private place for the apparent purpose of observing any minor or minors, or with the apparent purpose or intent of engaging or soliciting any person to engage in any sexual act of any kind, or after having been told to leave by the owner or any authorized official of such place or facility.
3. "Child", "children" or "minor" means any person under the age of eighteen (18) years of age.
4. "Child care and development facility" shall have the meaning ascribed by California Education Code Section 8208.

D. 9.44.030SMC, PROHIBITIONS:

1. Sex offenders are prohibited from loitering around or within three hundred (300) feet of a public or private school for children, a child care and development facility, a park or recreation facility, library, public and private playgrounds and play facilities, youth sports facilities, skate parks, public swimming pools, video arcade, amusement center, or bus stops in the immediate vicinity of parks and schools. For purposes of this section, distances shall be measured from the edge of the parcel or contiguous parcels where the identified use is located.

E. 9.44.040SMC, EXCEPTIONS:

1. Notwithstanding Section 9.44.030, this Part shall not apply to restrict incidental or employment-related proximity not amounting to loitering as defined by Section 9.44.030(B).
2. This Part does not restrict access to public parks for the purpose of exercising the constitutional rights of free expression and assembly, so long as such activity does not amount to loitering as defined in Section 9.44.020.
3. This Part does not apply to a sex offender's place of residence when otherwise regulated by State law.
4. This Part does not apply to single trips while traveling past a location specified in Section 9.44.030 while en route to another destination.

F. 9.44.050SMC, VIOLATIONS:

1. Any person violating this Section is guilty of a misdemeanor. A misdemeanor is punishable by a fine of up to One Thousand Dollars (\$1,000) or by imprisonment for up to one year (1), or both.
 - a. The City Attorney may reduce the violation to an infraction.

IV. PROCEDURE

A. 290 PC Registrants Public Notification

1. The State maintains the public access to Megan's Law database
 - a. To access the public access website go to the Police Department's home page and click on "Sex Offender Information" under the "Online Services" section, or type, www.meganslaw.ca.gov
 - 1) When viewing the public access web site, citizens can click on the "report information to DOJ" button to forward information about a sex offender to the California State Department of Justice.
 - 2) General inquiries regarding sex offenders from the public should be referred to the California State Department of Justice's Megan's Law web site. Citizens who do not have Internet access in their home should be referred to a public library or they can check with a neighbor who may have Internet access. Citizens being referred to the Megan's Law website, should be reminded that it is available in thirteen different languages.
2. It is the responsibility of all sworn officers to investigate the existence of reasonable suspicion, probable cause, or exigent circumstances in order to perform a notification, or to conduct a compliance investigation. You shall determine registration status for compliance. When conducting a compliance investigation, an Officer's duties are as follows:
 - a. He/She shall document the contact in one of the following manners:
 - 1) A Field Interview Card - if in compliance with registration requirements
 - 2) A Significant Incident Report - if in compliance and with noteworthy registrant information
 - 3) A Crime/Arrest Report - if out of compliance and attach CSAR printout (from HQ)
3. Fliers are the most conventional way of notifying a neighborhood regarding a sex offender. However, verbal notifications are also appropriate. Flyers are published and distributed by the Family Crimes Unit/Sex Registration Detective. Should the need exist, Officers can publish and distribute flyers. Community Service Officers can be used in assisting Officers and/or Detectives in distributing flyers in a community.
 - a. There are significant privacy concerns when distributing fliers regarding registered sex offenders. A Family Crimes Unit/Sex Registration Detective or Family Crimes Sergeant shall be consulted prior to distributing fliers to the public regarding registered sex offenders.
 - b. Flyers are created on the TRAX machine. Generally, the flyer will include the same information that is included on the public access Internet web site. Minimally, information on a flyer will include the registration offense, a photo of the registrant, and basic identifying information such as date of birth, sex, height, weight, hair color, and eye color.
4. A Child is Missing Alert Program (ACIM) can also be used to notify a neighborhood that a sex registrant is living in their area. (Refer to General Order D-10 for usage.)

B. Violent Criminal Information Network (VCIN) California Sex and Arson Registry (CSAR)

1. CSAR is a database containing the most current information regarding registered sex offenders. It contains:
 - a. Identifiers such as description and date of birth
 - b. Convictions
 - c. Current address
 - d. Registration history
 - e. Employment
 - f. Vehicles
 - g. Related addresses
 2. The CSAR database should be accessed by Headquarters personnel when determining the compliance status of the registered sex offender
 - a. Inquiries can be made by offender's name and date of birth or CII number.
- C. Offender Watch Program
1. The Family Crimes Unit has subscribed to and is currently using a 290 PC Registrant tracking system called "Offender Watch."
 - a. The "Offender Watch" Program allows for tracking/intelligence gathering of all 290 PC registrants.
 - b. The program can be accessed by contacting the Family Crimes Unit if an Officer needs information about a particular registrant, or is investigating a crime in which they believe the perpetrator could be a registrant.
 - c. The program allows for maps to be created or inquiries to be run to help identify the whereabouts of 290 PC registrants.
 2. Patrol Officers also have the ability to access the "Offender Watch" Program via the Headquarters computers at the Main police facility. Log on user name and password can be obtained in info cad file titled "passwords".
 3. Listed below are the types of information available from the "Offender Watch" Program. It covers all registrants that report to the Stockton Police Department and San Joaquin County Sheriffs Office registrants who move between jurisdictions and many other LEA's in California.
 - a. List 290 Current Status (Example: Active, Expired, Transient)
 - b. Search by District
 - c. Description
 - d. Recent photograph
 - e. Vehicle information
 - f. Tattoos and scars
 - g. Work & School information
 - h. Parole & Probation information